

# Labour Migration Governance

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Gaps and Challenges in  
Selected Member States in  
ECOWAS, EAC and SADC



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# ABBREVIATIONS AND ACRONYMS

AEB	Association of Employers of Burundi
AUC	African Union Commission
BFTU	Botswana Federation of Trade Unions
BLA	bilateral labour agreement
BoLAMA	Botswana Labour Migrants Association
BMM	Better Migration Management
COMMIST	Comprehensive Migration Management Strategy
COSYBU	Confédération Syndicale des Employeurs du Burundi (Confederation of Trade Unions of Burundi)
CSO	civil society organization
DCIC	Directorate of Citizenship and Immigration Control (Uganda)
DERMS	Diaspora Engagement and Remittance Mobilization Strategy
DWCP	Decent Work Country Programme
EAC	East African Community
EAC CMP	East African Community Protocol on the Establishment of the East African Community Common Market
EAC LMP	East African Community Labour Migration Policy
EAC RCP	East African Community regional consultative process on migration
EATUC	East African Trade Union Confederation
ECOWAS	Economic Community of West African States
EEMIS	External Employment Management Information System
EEU	External Employment Unit
FMLE	Federal Ministry of Labour and Employment (Nigeria)
FMM West Africa	Support to Free Movement of Persons and Migration in West Africa
GCC	Gulf Cooperation Council
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HCSD	High Council of Social Dialogue
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
ILS	international labour standards
ISTEEBU	Institut de Statistiques et d'Études Économiques du Burundi (Institute of Statistics and Economic Studies of Burundi)
JLMP	Joint Programme on Labour Migration Governance for Development and Integration

KII	key informant interview
LMAP	Labour Migration Action Plan
LMIS	labour market information system
LMP	labour migration policy
LMWG	Labour Migration Working Group
MDA	ministry, department and agency
MGLSD	Ministry of Gender, Labour and Social Development (Uganda)
MIDAS	Migration Information and Data Analysis System
MiREG	Migrants Registration
MoFAIT	Ministry of Foreign Affairs and International Trade (Zimbabwe)
MoU	memorandum of understanding
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NAC	National Aliens Committee
NCM	National Coordination Mechanism on Migration
NECA	Nigerian Employers Consultative Association
NELEX	National Electronic Labour Exchange
NLC	Nigerian Labour Congress
NLMP	National Labour Migration Policy
NMP	National Migration Policy
NPLM	National Policy on Labour Migration
PIC	Policy Implementation Cell
PONAM	Politique Nationale de Migration du Mali (National Migration Policy of Mali)
REC	regional economic community
RMG	Regional Monitoring Group
SADC	Southern African Development Community
SAMM	Southern African Migration Management
SDF	social dialogue forum
SOP	standard operating procedure
SPAC	Social Partner Advisory Committee
UNECA	United Nations Economic Commission for Africa
ZCTU	Zimbabwe Congress of Trade Unions
ZIMSTAT	Zimbabwe National Statistics Agency



# DEFINITIONS OF KEY TERMS

<b>Bilateral labour agreements</b>	All forms of bilateral arrangements between States, regions and public institutions that provide for the recruitment and employment of foreign short- or long-term labour (IOM, 2019a:16).
<b>Borders (international)</b>	Politically defined boundaries separating territory or maritime zones between political entities and the areas where political entities exercise border governance measures on their territory or extraterritorially (ibid.:21).
<b>Country of destination</b>	In the migration context, a country that is the destination for a person or a group of persons, irrespective of whether they migrate regularly or irregularly (ibid.:39).
<b>Country of origin (home country)</b>	In the migration context, a country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly (ibid.:39).
<b>Decent work</b>	Defined as productive work for women and men in conditions of freedom, equity, security and human dignity. Decent work involves opportunities for work that is productive and delivers a fair income, provides security in the workplace and social protection for workers and their families, offers prospects for personal development and encourages social interaction, gives people the freedom to express their concerns and organize and participate in decisions affecting their lives and guarantees equal opportunities and equal treatment for all (ILO, n.d.d).
<b>Economic migration</b>	The movement of a person or a group of persons, either across an international border, or within a State motivated solely or primarily by economic opportunities (IOM, 2019a:62).
<b>Integration</b>	The two-way process of mutual adaptation between migrants and the societies in which they live, whereby migrants are incorporated into the social, economic, cultural and political life of the receiving community (ibid.:106).
<b>Labour market information system (LMIS)</b>	A group or combination of dynamically interrelated, interdependent and interacting elements forming a structure with a common purpose... [T]hey are institutions, private sector and civil society actors,... and that are linked by information flows and coordination mechanisms (Martín, 2011:19).

<b>Labour migration</b>	Movement of persons from one State to another, or within their own country of residence, for the purpose of employment (IOM, 2019a:123).
<b>Migration governance</b>	The combined frameworks of legal norms, laws and regulations, policies and traditions as well as organizational structures (subnational, national, regional and international) and the relevant processes that shape and regulate States' approaches with regard to migration in all its forms, addressing rights and responsibilities and promoting international cooperation (ibid.:138).
<b>Migration management</b>	The management and implementation of the whole set of activities primarily by States within national systems or through bilateral and multilateral cooperation, concerning all aspects of migration and the mainstreaming of migration considerations into public policies (ibid.:139).
<b>Migrant worker</b>	A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national (ibid.:136).
<b>Ratification</b>	"Acceptance" or "approval" of a treaty. In an international context, ratification is the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty (ibid.:168).
<b>Reintegration</b>	A process which enables individuals to re-establish the economic, social and psychosocial relationships needed to maintain life, livelihood and dignity and inclusion in civic life (ibid.:176).
<b>Remittances</b>	Personal monetary transfer, cross border or within the same country, made by migrants to individuals or communities with whom the migrant has links (ibid.:180).
<b>Social dialogue</b>	This includes all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy (ILO, n.d.e).
<b>Social remittances</b>	The transfer of ideas, behaviours, identities and social capital from migrants to their communities of origin (IOM, 2019a:203).





# BACKGROUND OF THE STUDY

The AUC, the ILO, IOM and the UNECA formed the JLMP in Africa. It is a long-term joint undertaking among the four organizations in coordination with other relevant partners operating in Africa, development cooperation actors, private sector organizations and civil society representatives. The JLMP was dedicated to the implementation of the 5th Key Priority Area of the Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development, which was adopted by the Assembly of Heads of States and Government in January 2015 (African Union, n.d.a).

The JLMP has developed the JLMP Priority, a three-year (2018–2021) priority project with the overall objective to improve labour migration governance to achieve safe, orderly and regular migration in Africa as committed in relevant frameworks of the African Union and the RECs, as well as relevant international human rights and labour standards and other cooperation processes. The JLMP has two priority areas, namely **governance** and **operational implementation**. The *governance* domain aims to understand the four cardinal pillars of labour migration governance:

- a. Laws and regulatory frameworks based on the ILS;
- b. Viable and comprehensive policies developed in coherence across various sectors such as overall development, migration, employment and education;
- c. Strengthening core institutions responsible for labour migration governance such as relevant government ministries (e.g. ministries of migration, labour, education, justice and foreign affairs);
- d. Engaging stakeholders in a whole-of-society approach, including social or world-of-work actors (ministries of labour, and employers and workers organizations), migration organizations and associations, cooperation among the main employment and labour market institutions, diaspora associations, academia, media and others. In addition, coherent actions should be pursued at all levels of governance – national, regional and international.

The *operational implementation* component covers key interdependent technical operational areas that include decent work and social protection for migrant workers and their families. This considers the effective application of labour standards and ethical recruitment, addressing the key constraints of skills shortages and increasing recognition of qualifications, and obtaining relevant and comparable labour migration and labour market data and knowledge about governance of labour migration and protection of migrants. Each of these reflects a specific area of standards, policies and technical competencies; addresses distinct institutions and constellations of stakeholders; and intersects with different international actors and distinct migration, employment, and labour market structures.

## 1.1. RATIONALE AND OBJECTIVES FOR THE STUDY

IOM, within the framework of the JLMP implementation, commissioned this baseline assessment with the objective of strengthening the capacity of the ECOWAS, the SADC, the EAC and selected Member States in the management of labour migration within their respective regions and countries and in building on existing information.<sup>1</sup> The baseline assessment aimed to identify the existing needs and priorities of the three selected RECs on labour migration management and selected Member States. Based on its findings, the assessment will outline concrete, practical and specific recommendations towards improving labour migration management in these regions and the conditions of African migrant workers abroad. This baseline

<sup>1</sup> Several assessments have been done under the Support to Free Movement of Persons and Migration in West Africa project, launched by ECOWAS and implemented by IOM, the ILO, the International Centre for Migration Policy Development and the IGAD.



assessment will ascertain and analyse the status of labour migration management in the selected RECs (i.e. ECOWAS, EAC and SADC) and Member States, including the state of social dialogue, understanding the capacity of labour market institutions to carry out work in labour migration governance as well as the existing LMISs in place. The objectives of the assessment are as follows:

- Identify existing needs and priorities of the selected RECs and Member States in labour migration management including how interministerial dialogue and social dialogue take place or should take place; ways of improving the protection of migrant workers abroad (e.g. access to justice systems and presence of labour attachés); and ways of improving labour market needs assessments. The mapping helps to visualize the needs and priorities of the key stakeholders at the regional and Member State levels.
- Assess the labour migration policy development and implementation processes at the regional and Member State levels to understand how labour migration-related priorities are identified (e.g. negotiation and signing of BLAs and eventual implementation and monitoring modalities).
- Identify if social dialogue is involved in the formulation and implementation of labour migration policies as well as best practices and challenges in the three RECs. This includes identifying barriers to social dialogue at the policy, legal and practical levels.
- Identify how national legislation acts as a tool for policy implementation in the selected Member State (and vice versa).
- Examine or assess the capacity of the region and Member State in collaborating with social partners to implement and manage labour migration policies and frameworks including an analysis of capacity-building needs and barriers encountered in practice.
- Identify and assess the capacity of labour market institutions to contribute to improved labour migration governance as well as other emerging labour migration dynamics within each REC and their cooperation/collaboration with other RECs, as well as their ability to address them.
- Analyse the extent to which gender considerations are incorporated into existing labour migration policy frameworks, structures and practices at the regional and Member State levels.
- Ascertain the methodology used within each REC and Member State to capture labour migration data management system (collection, treatment, analysis, dissemination, utilization and funding) and the current gaps, and to carry out labour market needs assessments that can permit the identification of the supply and demand for migrant workers for evidence-based labour migration policies.
- Identify and assess challenges, opportunities and recommendations for effective labour migration governance (particularly through the support of social partners) at the regional and Member State levels in ensuring migrant workers' protection and the identification of labour market needs for fair and effective labour migration governance.
- Provide concrete recommendations and a road map towards strengthening the capacity in the selected RECs and Member States in labour migration governance.



## 1.2. METHODOLOGY AND LIMITATIONS

### 1.2.1. Methodology

The baseline study adopted both qualitative and quantitative methods to collect the data at regional and member and Partner States levels. The research sites include:

- SADC: Botswana, Lesotho, South Africa<sup>2</sup> and Zimbabwe;
- EAC: Burundi, South Sudan, Uganda and the United Republic of Tanzania;
- ECOWAS: Côte d'Ivoire, Mali, Nigeria and Senegal.

The study collected quantitative data through an online survey designed and administered via Open Data Kit (ODK) using KoBoToolbox. A selected sample was used, focusing on key personnel operating at the regional and national levels on labour migration issues.

Qualitative methods for the study employed an exploratory approach with three focused points of data collection and analysis. The consultant undertook **desk review** and **document analysis** on existing reports related to labour migration governance including project and project monitoring reports, policy documents and compilation of information from government structures (e.g. roles and responsibilities of labour market institutions involved in labour governance generated by IOM, the ILO, the UNECA and the AUC, and other relevant stakeholders). Furthermore, **KIIs**<sup>3</sup> using semi-structured questionnaires where specific key informants in government, civil society, trade unions and other social partners were identified in consultation with key focal persons in ECOWAS, the EAC, the SADC and selected Member States (see Table 1).

**Table 1. List of key informant interviews conducted and survey responses**

Regional economic community/ Member State	Key informant interview		Survey
	Male	Female	
ECOWAS	4	1	1
Nigeria	5	1	4
Mali	6	-	-
Senegal	6	3	-
Côte d'Ivoire	8	4	-
Subtotal	29	9	5
EAC	1	-	-
South Sudan	1	-	1
United Republic of Tanzania	1	1	1
Burundi	7	7	-
Uganda	3	2	2
Subtotal	13	10	4
SADC	1	-	1
Lesotho	3	5	-
Zimbabwe	9	1	3
Botswana	2	1	4
Subtotal	15	7	7
<b>Total</b>	<b>57</b>	<b>26</b>	<b>16</b>

<sup>2</sup> South Africa was selected as one of the countries under assessment, but no interviews had been conducted.

<sup>3</sup> See Table 1 for the list of KIIs and survey responses.

The responses have been analysed and compiled to (a) assess legislation, regulations and practices (through remote (telecommunications) consultations with social partners and civil society); (b) identify gaps and bottlenecks in the implementation of ILS, legislation and regulations; and (c) summarize findings and provide recommendations, including the identification of potential technical assistance needs of selected Member States. Finally, a verification webinar was held to solicit feedback, comments and opinions based on the fieldwork results due to the COVID-19 regulations in place.

### 1.2.2. Limitations of the study

There were several limitations experienced during the assessment. First, the COVID-19 pandemic did not allow for in-country visits and interviews; thus, all interviews were conducted using virtual platforms, such as Zoom and, on occasions, WhatsApp, in selected countries such as Côte d'Ivoire and Senegal, where Internet connectivity was a challenge. The research associate based in Burundi was able to conduct face-to-face consultations. Second, the survey experienced a very low response rate among respondents with only 19 responses from selected countries (Botswana, Nigeria, South Sudan, the United Republic of Tanzania and Zimbabwe). The low response rate is linked to issues of Internet connectivity and unfamiliarity with digital tools. Hence, most of the responses in this study derived heavily on the KII responses. Third, respondents preferred not to be voice-recorded – meaning that the interview transcripts were based on the notes taken by the interviewer. Fourth, there was a lack of accessible complete labour migration management information in selected countries as the data concerning migration and labour related issues were limited and dispatched through different government entities. Finally, the report does not include comprehensive responses from South Sudan, South Africa, Uganda, the United Republic of Tanzania and the EAC, as it was difficult to secure interviews with the respondents. Hence, this report is based on the findings of the KIIs and surveys with respondents reflected in Table 1.







## LABOUR MIGRATION GOVERNANCE: INSTRUMENTS AND STRUCTURES

The JLMP governance component focuses on four cardinal pillars: (a) laws and regulatory frameworks based on international standards; (b) viable and coherent policies; (c) strengthened core institutions responsible for labour migration governance; and (d) the tripartite participation of and cooperation among the main economic actors in a whole-of-society approach at the national, regional and international levels. This section focuses on understanding how the international instruments on labour migration have been mainstreamed into regional and national frameworks, policies, and programmes, as well as how they shape their labour migration governance structures.

### 2.1. INTERNATIONAL AND CONTINENTAL INSTRUMENTS ON LABOUR MIGRATION

There are several international and continental instruments that relate to labour migration. The ILO ILS intend to guide RECs and Member States on protecting migrant labour and inform the development of regional frameworks and national policies and laws related to work and social policy (ILO, 2021b). Member States are expected to sign and ratify the ILO ILS instruments to ensure that they adhere to the principles outlined in the conventions and work towards harmonizing their national laws and policies with these measures to protect the needs and rights of labour migrants.

As shown in Annex 1, Member States are at different stages of the ratification process of the ILO ILS and conventions. During interviews, informants from Member States acknowledged that their respective countries had signed and ratified quite a few labour standards. However, according to a key informant from Zimbabwe, some countries have yet to ratify the key conventions, which may affect any bilateral agreements and arrangements they may have with neighbouring States within their RECs. It also makes it difficult to develop comprehensive national laws and policies that protect labour migrants. Countries also need to do more aside from signing conventions and incorporating them into their national laws<sup>4</sup> – for instance, identifying bottlenecks at the Member State level that prevent the ILO ILS and conventions from being signed and ratified, and identifying solutions that will lead to the signing and ratification of the guiding principles. Given that not all the conventions have yet to be ratified by the selected Member States, some of the national laws in these countries are less likely to have sufficient impact on protecting the rights of labour migrants resident in these countries as well as their own nationals working abroad.

The Global Compact for Safe, Orderly and Regular Migration (hereinafter the Global Compact for Migration), adopted in 2018, is a non-binding agreement recommending approaches that create a safe, orderly and regular environment for migration to take place. The Global Compact for Migration has 23 objectives that directly and indirectly impact labour migration.

<sup>4</sup> This is from an interview with a government official of Zimbabwe.



Figure 1. Global Compact for Migration objectives

	1 DATA	2 MINIMIZE DRIVERS	3 INFORMATION PROVISION	4 LEGAL IDENTITY AND DOCUMENTATION	5 REGULAR PATHWAYS	6 RECRUITMENT AND DECENT WORK	7 REDUCE VULNERABILITIES
8 SAVE LIVES	9 COUNTER SMUGGLING	10 ERADICATE TRAFFICKING	11 MANAGE BORDERS	12 SCREENING AND REFERRAL	13 ALTERNATIVES TO DETENTION	14 CONSULAR PROTECTION	15 ACCESS TO BASIC SERVICES
16 INCLUSION AND SOCIAL COHESION	17 ELIMINATE DISCRIMINATION	18 SKILLS DEVELOPMENT AND RECOGNITION	19 MIGRANT AND DIASPORA CONTRIBUTIONS	20 REMITTANCES	21 DIGNIFIED RETURN AND REINTEGRATION	22 SOCIAL PROTECTION	23 INTERNATIONAL COOPERATION

Source: United Nations Network on Migration website, n.d.

The UNECA (2021) reviewed the implementation of the Global Compact for Migration in Africa in four thematic areas that cover the 23 objectives of the Global Compact for Migration. These are:

- Ensuring that migration is voluntary, orderly and regular;<sup>5</sup>
- Protecting migrants through rights-based border governance measures abroad;<sup>6</sup>
- Supporting the integration of migrants and acknowledging their contributions to development;<sup>7</sup>
- Improving value and evidence-based policymaking and public debate, and enhancing cooperation on migration.<sup>8</sup>

The UNECA report also outlines the steps taken by Member States to address the 23 objectives. During the interviews, some key messages regarding the review that related to labour migration were shared. Member States are encouraged to develop and implement bilateral and multilateral agreements that facilitate student exchange, business development and employment opportunities. At the same time, Member States are expected to promote labour circulation within Africa as well as strengthen protection of migrant workers and their family members through social security mechanisms (UNECA, 2021:6). In addition, Member States are urged to provide effective protection to migrants by reviewing labour recruitment procedures for employment in the GCC countries (ibid.:12). The report provides some important insights into the steps that Member States can adopt within their action plans. Côte d'Ivoire (August 2021) and Nigeria (February 2021), so far, have released voluntary reports that outline their approaches to mainstreaming the Global Compact for Migration into their national activities.

The AUC has binding and non-binding frameworks, conventions and programmes in place related to labour migration (see Table 2).

<sup>5</sup> See Global Compact for Migration objectives 2, 5, 6, 12 and 18.

<sup>6</sup> See Global Compact for Migration objectives 4, 8, 9, 10, 11, 13 and 21.

<sup>7</sup> See Global Compact for Migration objectives 14, 15, 16, 19, 20 and 22.

<sup>8</sup> See Global Compact for Migration objectives 1, 3, 7, 17 and 23.

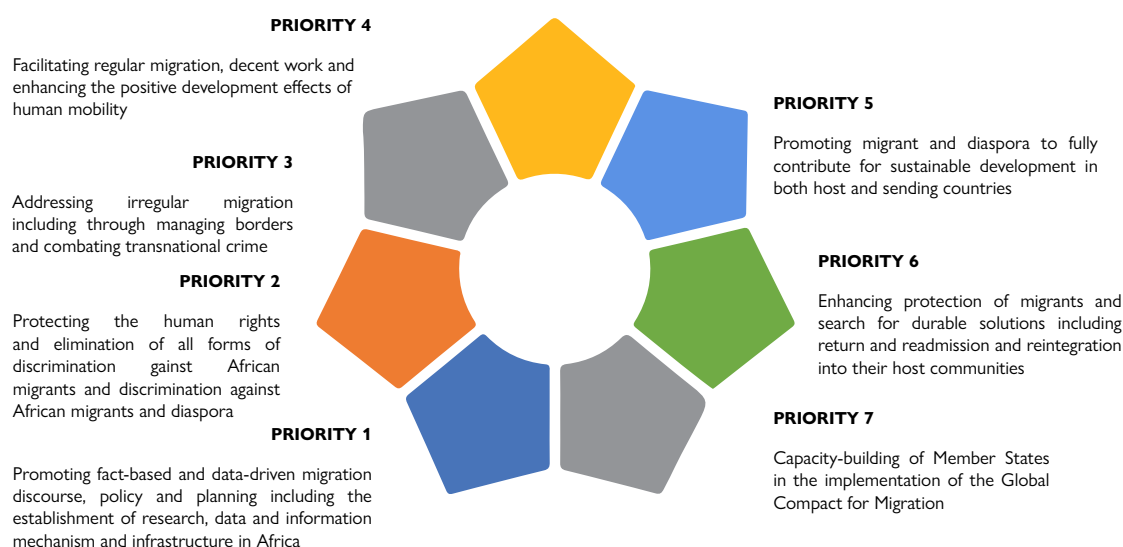


**Table 2. African Union labour migration-related instruments**

Framework, convention and programme	Year of adoption	Thematic area	Legal obligation
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	2003	Rights of people and women	Binding
Plan of Action on Employment, Poverty Eradication and Inclusive Development in Africa	2004	Social protection and productivity for sustainable and inclusive growth, youth and women employment, labour migration and regional economic integration	Non-binding
African Common Position on Migration and Development	2006	Migration (general)	Non-binding
Social Policy Framework	2008	Social security schemes for migrants	Non-binding
Minimum Integration Programme	2009	Labour migration	Non-binding
Convention on Cross-Border Cooperation (Niamey Convention)	2014	Cross-border cooperation at the local, regional and subregional levels	Binding
Joint Labour Migration Governance for Development and Integration in Africa Programme	2015	Labour migration	Non-binding
African Union Agenda 2063	2015	Free movement within RECs and Member States, a continental visa waiver programme for intra-African travel	Non-binding
Agreement Establishing the African Continental Free Trade Area (AfCFTA)	2018	African free trade area	Non-binding
Migration Policy Framework for Africa (MPFA)	2018	Migration (general)	Non-binding
Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment	2018	Migration and employment	Non-binding

Sources: Compiled by Breinscope Consultants Limited, 2022: African Union, 2003, 2004, 2006, 2008, 2009, 2014, 2015, 2018a, 2018b, 2018c and n.d.b.

The 2018 MPFA guides RECs and Member States to develop regional and national migration policies to respond to their priority areas including labour migration. The MPFA and the Global Compact for Migration complement each other on key issues related to labour migration. These instruments recognize the ILO ILS as well as complement the recommendations of the Global Compact for Migration. The AUC developed a three-year priority implementation plan (2019–2021) linked to the Compact for Migration prioritized seven areas of interest:



Source: UNECA, 2021.

The AUC has established the **African Migration Observatory** in Morocco, the **African Centre for the Study and Research on Migration** in Mali and the **Centre for Migration, Development and Population Studies** in the Sudan. They will support Member States to respond to a range of migration issues including labour migration (e.g. promoting the ratification and implementation of international instruments under priority). Selected countries have developed and submitted national action plans that outline how they plan to mainstream the Global Compact for Migration into their national strategies, such as national development plans. The next section presents a few details of the implementation plans at the Member State level.

## 2.2. REGIONAL AND NATIONAL LABOUR MIGRATION GOVERNANCE: POLICIES AND STRUCTURES

At the regional and Member State levels, there are specific frameworks/policies and laws related to labour migration or migration in general that are in place. The results of the assessment reveal that all three RECs have drafted either a comprehensive framework on migration in general (ECOWAS) or a specific framework on labour migration (EAC and SADC). While at the Member State level, selected countries are at different stages of policy development related to labour migration or migration in general, as shown in Table 3.

**Table 3. Labour migration instruments at regional and Member State levels**

Regional economic community/ Member State	Regional/National migration policy framework	Regional/National labour migration policy framework
ECOWAS	Draft (2021)	
Nigeria	2015	2014
Mali	2014	
Côte d'Ivoire	Draft (2022)	
Senegal	2018	Draft
EAC		Draft (2021)
South Sudan	2019	
United Republic of Tanzania		
Uganda	Draft	
Burundi		2015
SADC		Draft (2014)
Zimbabwe	Draft (2022)	2020
Lesotho	Draft (2022)	2020
Botswana	Draft	

Source: Compiled by the author based on interviews with respondents, 2021; SADC, 2020b; EAC Secretariat, 2021; IOM, 2019b; Nigeria, Federal Republic of, 2015a; Nigeria Federal Ministry of Labour and Productivity, 2015a; Mali Ministère des Maliens de l'Exterieur, 2014; Senegal, Government of, 2018; South Sudan Ministry of Interior, 2019; Burundi, Government of, 2021a; Zimbabwe Steering Committee on Labour Migration, 2020; Lesotho Ministry of Labour and Employment, 2017 and 2018a.

Note: Not started In progress Completed

According to interview respondents in selected Member States, the national labour migration governance structure is guided by regional and continental frameworks. The next section provides insights into the existing regional instruments in place that relate to labour migration and how the selected Member States under assessment have mainstreamed and harmonized their laws and policies guided by the international, continental and regional instruments.



### 2.2.1. Economic Community of West African States

ECOWAS has several operational regional instruments related to labour migration, as it was one of the first RECs to develop and put measures in place for free movement within the region. The 1979 **Protocol Relating to Free Movement of Persons, Residence and Establishment** was developed to facilitate free mobility of citizens of ECOWAS Member States within the region. The Protocol has been implemented in three phases:

- **Phase 1:** right of entry and abolition of visas (1980–1985)
- **Phase 2:** right of residence (1985–1990)
- **Phase 3:** right of establishment (1990–1995)

Although phases 2 and 3 are originally scheduled for implementation in the mid-1980s and the 1990s, respectively, there have been delays in the implementation due to unexpected challenges along the way, which include the challenges associated with cross-border migration of ECOWAS nationals, wherein the Protocol and the supplementary protocols and regulations formulated thereafter are not being practised on the ground. Phase 3 has been delayed due to the lack of coherence between the Member States' national laws and the ECOWAS Protocol, such as restricting the flow of low-skilled migrant workers (Yeboah et al., 2021).

ECOWAS also has in place the **Common Approach on Migration (2008)**, which is a non-binding framework assisting Member States to identify and respond to their migration-related priorities through action plans focused on effective migration management (ILO, 2020e:20). The approach also takes into consideration the gender dimension of migration policies. Respondents in the study also confirmed that at the time of the assessment the **Regional Migration Policy Framework** was being developed and was at the final stage of completion. The framework has a chapter dedicated to labour migration.

In terms of gender, there is the **ECOWAS Gender and Migration Framework and Plan of Action (2015)**, a five-year strategy to make migration safe, legal, and empowering for both men and women to ensure they can effectively contribute to the socioeconomic development of the ECOWAS region. It outlines strategic steps to be undertaken by Member States as priority areas for the first five years. The strategy's nine objectives (ECOWAS Commission, 2015) are as follows:

- Make available relevant data on gender and migration in the ECOWAS region;
- Enlighten, sensitize and communicate with the citizens of West Africa on issues concerning gender and migration;
- Train and enhance the capacity of State and non-State actors and the ECOWAS Commission to address the challenges related to gender, migration and development;
- Put mechanisms in place to discourage irregular migration of young women and men from the ECOWAS region to other parts of the world;
- Provide protection for women and children from human trafficking;
- Put mechanisms in place to eliminate absolute poverty in the region, thereby creating an enabling environment for youth to develop their full potential;
- Put mechanisms in place to address corruptive practices, harassment and other constraints to cross-border trading;
- Put mechanisms in place to address the needs of women migrants in conflict situations (internally displaced persons and refugees);
- Put a monitoring and evaluation system in place to ensure the effective and efficient management and implementation of the plan of action.

According to one of the respondents, gender is effectively mainstreamed into the legal frameworks and structures that have been put in place to respond to gender needs. Respondents stated that women occupy senior positions of leadership within ECOWAS and there is an established

*full-fledged Gender Development Centre that mainstreams and is concerned with gender and development. As far as the discourse on gender and migration and defining policy priorities is concerned, ECOWAS has its act right, but I don't know the extent the policy framework has been implemented.<sup>9</sup>*

The former **Directorate of Gender, Youth, Sports, Civil Society, Employment and Drug Control**, now known as the **Directorate of Humanitarian and Social Affairs**, at ECOWAS has two divisions handling labour migration: the Gender Division, which is responsible for drafting the Gender and Migration Framework as well as carrying out gender mainstreaming activities; and the **Youth, Sports and Employment Division**, which implements activities related to the Youth Employment Action Plan (Dimechike, 2019:19). There are still some gaps that exist in terms of gender mainstreaming activities, such as capacity-building of key personnel and the recruitment of a focal point handling gender and migration issues. Although the plan of action outlines its monitoring and evaluation approach, at the time of the study, a review of the framework had yet to take place. ECOWAS has other legal instruments of equal importance to labour migration, as listed in Table 4.

**Table 4. Economic Community of West African States regional instruments**

Framework/Action plan/Instrument/Protocol	Year of adoption
Protocol Relating to Free Movement of Persons, Residence and Establishment	1979
Supplementary Protocol on the Implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment	1990
ECOWAS Common Approach on Migration	2008
Labour and Employment Policy	2009
Supplementary Act on the Establishment of a Tripartite Social Dialogue Forum	2012
ECOWAS Youth Employment Action Plan	2012
ECOWAS Gender and Migration Framework and Plan of Action (2015–2020)	2015
Social Protection Migrant Workers and Their Families in ECOWAS States	2019
Regional Migration Policy Framework	Draft

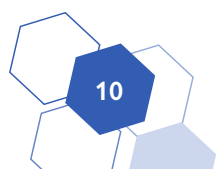
Sources: ECOWAS, 1979, 1990, 2015, 2018 and 2019; ECOWAS Commission, 2008; ILO, 2019.

The **Directorate of Humanitarian and Social Affairs** coordinates and manages labour migration issues with selected officials that handle labour migration issues along with other issues covered within the directorate (e.g. human trafficking). During the implementation of the **Free Movement of Persons** project in ECOWAS between 2013 and 2020, there was a dedicated labour migration focal point. Since the project ended, the position has been vacant, suggesting a personnel gap. However, there are some regional officers with a clear understanding of labour migration-related activities and processes.

ECOWAS has also recently nominated individuals to be focal points in the 15 Member States acting as focal points at the national level, interacting with the coordinating officer at ECOWAS on labour migration-related issues. They also interact within SDFs and, at the time of the study, they were in the process of establishing their offices at the national level to strengthen regional dialogue between Member States.<sup>10</sup> Based on interview responses, there is awareness of an existing labour migration structure that operates in principle, but this has not been documented yet.

<sup>9</sup> This is from an interview with an official of the Directorate of Humanitarian and Social Affairs of ECOWAS.

<sup>10</sup> For further elaboration, refer to the section on existing SDFs.



The Member States in the region under this assessment are at different stages of developing their labour migration governance structures. The subsequent sections discuss how these Member States have mainstreamed and implemented the regional instruments in their national laws/policies and how they engage with social partners.

## Nigeria

Nigeria is an important destination country for migrants from the region, as it hosted 1.3 million international migrants in 2020, majority of whom were from ECOWAS (Benin, Ghana, Mali, the Niger and Togo) (Teye, 2022:6). About 67.5 per cent of the employed migrant workers were male, while 32.5 per cent were female (African Union, 2019a:42). Nigeria attracts low-skilled migrant labour and also relies on highly skilled labour to fill shortages, especially in the technical professions that contribute to the country's economic growth. Emigration also takes place from Nigeria, which has been ongoing since the 1970s.

In Nigeria, the laws related to labour migration are “not stand-alone documents” but they complement one another.<sup>11</sup> The **Immigration Act (2015)** provides guidance on residence permits for immigrants and regulates labour migration to and from the country, while the **Trade Union Act (2005)** outlines guidelines to resolve any disputes and requirements for registering a trade union among others. In 2014, the Government developed the **NMP** and the **NPLM**,<sup>12</sup> guided by existing laws in place that affect labour migrants and regional frameworks at the ECOWAS level; in the same year, the Government also recognized the ILO conventions and labour standards. The NPLM benefited from benchmarking activities including a study tour to the Philippines, aimed at understanding the design and operations of labour migration governance in the Philippines. The NPLM specifically aims to promote good labour migration governance, provide protection and social welfare to migrant workers and their families left behind, and promote the employment and development benefits of migration.

The NMP and the NPLM have been operational since 2015, adopting an inclusive approach that involves other social partners in the design and implementation of selected action points identified in the policies.<sup>13</sup> Trade unions, employer organizations and private recruitment agencies are more involved in the design of the policies, highlighting protection gaps and needs where possible; while CSOs have limited consultation, as trade union representatives provided them with a space to raise pertinent issues related to labour migration during the SDFs. In terms of implementation, selected social partners have engaged in some activities but only at the early stages of the implementation process.<sup>14</sup> However, there is a need for more engagement with social partners, especially in the implementation process, to ensure sustainability of the initiative beyond the funding period. At the time of the study, the NPLM was being reviewed, and a revised draft was validated in July 2021 by the Technical Working Committee under the NPLM, which included social partners, such as the NECA and the NLC, among others (ILO, 2021a). The NPLM and the NMP are complemented by other laws, as outlined in Table 5.

**Table 5. Nigeria legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Immigration Act	1963
Child's Rights Act	2003
Labour Act	2004
Factories Act	2004
Trade Union (Amendment) Act 2005	2005
Employees Compensation Act	2010
National Policy on Labour Migration (revised in 2021)	2014

<sup>11</sup> This information was given by an official of the Nigeria Labour Congress during an interview.

<sup>12</sup> The NPLM is under revision currently.

<sup>13</sup> This information was given by a Nigerian government official in an interview.

<sup>14</sup> This is from an interview with an NLC official.

Legal instrument	Year of enactment/ adoption
National Migration Policy	2015
Trafficking in Persons (Prohibition) Enforcement and Administration Act	2015
Nigeria Visa Policy	2020
National Skills Qualification Framework	2021
National Diaspora Policy	2021

Sources: Nigeria, Federal Republic of, 1963, 2015b and 2021; ILO, NATLEX, n.d.; UNHCR, Refworld, n.d.; PLAC, n.d.a and n.d.b; Nigeria Federal Ministry of Labour and Productivity, 2015a; Nigeria Interministerial Committee on the Development of a National Policy on Migration, 2015; Nigeria Immigration Service, 2020; Nigeria NBTE, 2021.

The NPLM promotes the right to decent work as well as access to social protection for both female and male migrant workers, ensuring there is equal treatment for all workers, migrants, and nationals abroad and at home. The policy also aims to strengthen policies and programmes focused on the welfare of migrants, return migrants and their families left behind (Nigeria Federal Ministry of Labour and Productivity, 2015:7, 8). The review and revisions to the NPLM will be able to determine if this target was met. Nigeria is also part of the FAIRWAY<sup>15</sup> multi-country and intraregional programmes focusing on source and destination countries for labour migration in selected countries in Africa<sup>16</sup> and the Gulf States.<sup>17</sup>

Nigeria's first decent work programme called DWCP I, developed and implemented between 2005 and 2009, is aligned with the national development plans, transformative agenda and the United Nations Development Framework of Assistance (UNDAF), but it does not cover migrant workers. However, the second phase, the DWCP II (2015–2018), already incorporates the needs of migrant workers with regard to social security and adopts a gender-sensitive approach. It aims to improve labour migration management<sup>18</sup> in order to increase protection of migrant workers and reduce human trafficking from the perspectives of both women and men. The DWCP II is built on the lessons learned from the first phase, addressing deficits in employment and labour market, labour standards, social protection, labour administration, social dialogue and gender (Nigeria Federal Ministry of Labour and Productivity, 2015b). The DWCP II also focuses on strengthening social protection of all workers, including migrant workers and vulnerable populations, in the informal sector by developing a national social security strategy for workers in need of social protection including migrants.

The NPLM is led and coordinated by the FMLE, which interacts with other MDAs involved in labour migration matters (see Annex 2). Government MDAs work in collaboration with umbrella bodies such as the NECA (an employer organization) and the Human Capital Providers Association of Nigeria, which represents labour market institutions. A government representative acknowledges that there is a collaborative working relationship with labour market institutions, in which he argues the

*discussions on how to articulate the NPLM on issues related to employment policies which are not done in isolation, but in collaboration with labour market institutions. It's about protection of workers where the trade unions [play a role].<sup>19</sup>*

Law enforcement institutions – being members of the National Security Advisory Board – have also been involved in the process, as the Government recognizes migration as a cross-cutting issue. The Nigerians in Diaspora Organization (NIDO), which represents Nigerian diaspora, has been invited to participate in some policymaking, but because NIDO is not physically present in the country, its engagement has been minimal. Recognizing the important contributions made by Nigerians in the diaspora, the Government set up the Nigerians in Diaspora Commission (NiDCOM), whose mandate is to ensure that Nigerians in the

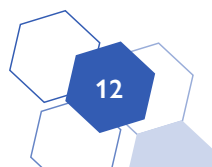
<sup>15</sup> The programme focuses on the policies and regulations in place, the recruitment and employment agencies involved, the voices and perspectives of labour migrants working in the Gulf States, the bargaining process in BLAs, and the role and impact of discrimination and xenophobia (ILO, 2020c).

<sup>16</sup> The selected African countries are Ethiopia, Kenya, Morocco, Nigeria and Uganda.

<sup>17</sup> The selected Gulf States are Bahrain, Jordan, Kuwait and Lebanon.

<sup>18</sup> DWCP II mainstreamed the needs of labour migrants into the programme.

<sup>19</sup> This statement was given by a Nigerian government official in an interview.





diaspora are able to participate in the development of their home country. Consequently, the Government successfully put in place the **National Diaspora Policy (2021)** to guide NiDCOM in carrying out its mandate and respond to the needs of the diaspora, NiDCOM also has the capacity to design policies in a collaborative manner with social partners.

Respondents in the study have acknowledged that the NPLM is gender responsive and sensitive in terms of implementation and engagement with social partners. The NPLM highlights the need to have sex-disaggregated data to ensure an effective implementation of the policy using relevant data. This includes conducting a gender audit that will help to identify gaps and challenges in the policy, administration, and institutional practices and that will strengthen the labour migration governance structure to be more gender responsive. Although gender and migration are incorporated into the NPLM, Bisong (2019) argued that there was no mechanism in place to respond to or support female labour migrants. Nigeria also has the **National Gender Policy (2006)**, which addresses discrimination and harnesses the potential of all social groups regardless of sex to achieve “equitable rapid economic growth” (Nigeria Federal Ministry of Women’s Affairs and Social Development, 2006). The National Gender Policy, however, does not refer to the State’s responsibility to respond to issues related to gender and labour migration but outlines labour- and employment-related issues affecting women and men that need to be addressed.

## Mali

Mali is a source, transit and destination country within the Maghreb and the Sahel territory for migrants moving from West and Central African countries to North Africa and Europe. The existing porous borders stretching for thousands of kilometres are among the main factors that have facilitated irregular transit migration. Consequently, Mali has been increasingly characterized as a favourable environment for human smuggling and trafficking. There are selected national legal instruments that respond to labour migration (directly and indirectly), outlined in Table 6.

**Table 6. Mali legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Investment Code	1991
National Population Policy	1991
Law No. 92-02 ANRM of 23/0/92 Establishing the Labour Code of the Republic of Mali	1992
• Regulation No. 1566/MEFPT-SG on the Application of Certain Provisions of the Labour Code	1996
• Decree No. 96-178 P-RM Conditions of Employment and Remuneration of Domestic Workers	
Law No. 99-041 on the Social Security Code	1999
Law No. 04-058 Relating to the Conditions of Entry, Stay and Establishment of Foreigners in the Republic of Mali	2004
• Decree No. 05-322/P-RM	2005
Law No. 09-015 on Compulsory Health Insurance Scheme	2009
National Migration Policy	2014

Source: Devillard et al., 2015.

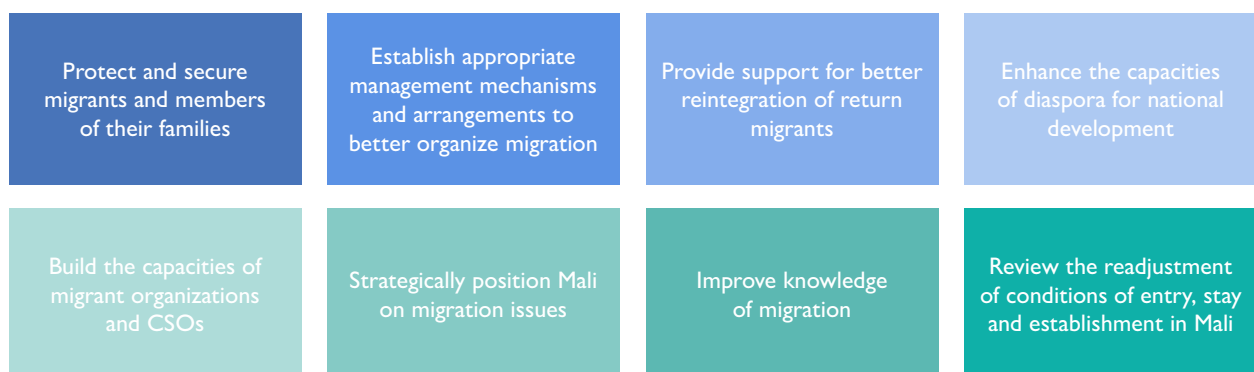
The **Labour Code** outlines the right within employment to ensure equal treatment of all workers including foreigners and does not distinguish between citizens and migrants. Article L95 highlights the need for equal working conditions including in terms of gender, age and qualifications, among others. The Labour Code was revised to include the following:

- The obligation to accompany the foreign employment contract with a work permit, the details of which will be specified by a decree.
- During the first two years of residence in Mali, the migrant worker can only have a fixed-term contract, except in the case of reciprocity.
- A migrant worker recruited locally is not considered a foreigner in Mali, suggesting equal rights between migrants and nationals.

**Law No. 04-058** determines the rules for foreigners seeking employment in the country including the processing of the work permit. It makes no distinction between migrant workers and national workers. The law does not oblige local employers to prove that there is no local expertise available when hiring a migrant worker. However, respondents in the study have stated that employers can only employ a migrant worker if there is a skills shortage in a particular sector.

On Malian diaspora, some have migrated abroad regularly and safely, facilitated by bilateral agreements with different destination countries in the region and in Europe. Mali has bilateral social security agreements and bilateral agreements with France, Senegal, Togo and Burkina Faso. However, there is no comprehensive labour emigration policy in place at the time of the study.

In 2014, the Government adopted the **PONAM** focusing on eight principal axes:



Source: Mali Ministère des Maliens de l'Exterieur, 2014.

Some aspects of the PONAM focus on attracting foreign migrants to Mali, but it is not the main objective. It focuses on contributions of Malians in the diaspora to reduce poverty and support national development as outlined in Mali's Strategic Framework for Economic Recovery and **Sustainable Development (Cadre stratégique pour la relance économique et le développement durable, CREDD)**. Under the PONAM, a plan of action for 2015–2019 was developed, which has been revised and updated to cover 2020–2024.

The Government of Mali enforces the ECOWAS Protocol on Free Movement, allowing citizens of ECOWAS Member States to move freely to and from the country since 2004. It has modified its legal framework for the entry and stay of foreign nationals in its territory, enabling the country to ratify international treaties and ECOWAS conventions (Dimechike, 2019). ECOWAS citizens are subject to the same treatment as Malians, with an exception regarding public positions reserved for Malian citizens only. Citizens of non-ECOWAS countries wishing to settle in Mali must obtain a resident's card (renewable every five years) and a work permit from the National Labour Directorate.

According to respondents, female migrant workers face higher risks, as the majority are in low-skilled jobs in urban areas, are underpaid, and usually experience sexual, physical and verbal abuse in their lines of work. Female migrants also face the risk of “social sanctioning” in their communities, as they are stigmatized especially when they spend a long period of time away from their families or husbands. Hence, the existing policy does not factor in the return and reintegration of female migrant workers, considering the sociocultural perceptions about their role in the home and the community. Respondents stated that stakeholders had received training in gender and labour migration management.

The PONAM is implemented and supervised by the **Ministry of Foreign Affairs and Malian Diaspora**. The Ministry also hosts the General Delegation for Malians Abroad, which assists returnees and identifies placement opportunities for workers in international destinations with BLAs. Ministries play varied roles that are directly or indirectly linked to labour migration. The National Directorate of Labour under the **Ministry of Labour** ensures that labour laws are implemented, while the **Ministry of Domestic Security Services and Civil Protection** handles immigration and border management matters. The **Ministry of Employment and Vocational Training** hosts the National Employment Agency, which identifies labour opportunities for Malians abroad and facilitates the pre-departure training as well as the reintegration of returnees. In practice, a coordination mechanism is in place according to the respondents, where government officials and their social partners meet in an SDF regularly to share and update information. The discussion, however, focuses more on the displaced population (e.g. internally displaced persons and refugees) and not on migrant workers.

## Côte d’Ivoire

Côte d’Ivoire has historically been characterized as a destination country within the ECOWAS region, primarily due to the potential economic and agricultural opportunities. The country has been experiencing informal and uncontrolled flows of young men migrants seeking employment in the agriculture sector (specifically to work in cocoa and coffee plantations) since the 1960s. However, there is evidence of child trafficking in the country. As of 2019, approximately 2.5 million international migrants were found to be present in Côte d’Ivoire, constituting nearly 10 per cent of the country’s total population (Devillard et al., 2015). The 2014 population census additionally states that 24.2 per cent of the total population in the country represents foreigners<sup>20</sup> (INS, 2014). To foster the integration of labour migrants, the Government has been implementing major incentives since the mid-1970s, such as land ownership opportunities for migrants and access to basic services (Devillard et al., 2015:139), which aligns with the 1979 ECOWAS Protocol Relating to Free Movement of Persons, Residence and Establishment.

Respondents in the study argued that migration is a very sensitive topic in the country despite the positive contributions of non-Ivorian labour migrants in the country and Ivorian nationals abroad to the development of Côte d’Ivoire. There are certain legal instruments in place to respond to labour migration directly or indirectly as outlined in Table 7.

**Table 7. Côte d’Ivoire legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Regulations and Circulars of 1993 and 1995 Regarding Conditions of Entry of Foreigners for a Stay of Less than 90 Days	1998
Social Security Code	1999
Law No. 2002-03 Regarding Identification of Persons and Stay of Foreigners in Côte d’Ivoire	2002
Law No. 2004-303 Regarding Entry and Stay of Foreigners (Revision of Law No. 90-437 of 13 May 1990)	2004
Regulation No. 64-21 of 15 June 2004, Modification to Regulation No. 1437 of 19 February 2004 Relating to the Regulation of Recruitment and Visa Fees for Work Contracts of Non-Nationals	2004

<sup>20</sup> The main countries of origin include Burkina Faso (53.7%), Mali (20.5%), Guinea (6.5%) and Ghana (4.4%) (DESA, 2019).

Legal instrument	Year of enactment/ adoption
Ordinance No. 2007-604 of 8 November 2007 Regarding the Suppression of the Stay Permit	2007
Law No. 2015-1111 on Counter-Trafficking in Persons	2012
Law No. 2014-131 of 24 March 2014 on Universal Health Coverage (Couverture maladie universelle)	2014
Labour Code	2015
National Migration Policy	Draft (2022)

Sources: Bruni et al., 2017; IOM, 2019b.

The existing laws in place provide labour migrants access to health and education (**Law No. 2014-131**) and social security (**Social Security Code, 1999**); in some countries, portability of social security benefits have been negotiated with neighbouring States in the region<sup>21</sup> (IOM, 2019:12). **Law No. 2004-303** outlines the rules with regard to the entry and stay of foreigners, adhering to regional and international conventions. **Ordinance No. 2007-604** removes the requirement for ECOWAS citizens to get a work permit to work in the country (Bruni et al., 2017). Respondents acknowledged Côte d'Ivoire's draft NMP, but due to the civil unrest in the early 2000s and political reasons, such as the general elections in 2020, amendments to the policy have been deferred; these are expected to take place instead later in 2021.

Côte d'Ivoire's recent **DWCP (2017–2020)** aims to address four main challenges:

- Creating productive and decent jobs in sufficient numbers to stem unemployment and underemployment;
- Strengthening the legal, normative and institutional labour framework covering all the components of the national labour market;
- Strengthening and extending social protection to all workers;
- Consolidating social dialogue to achieve social democracy and social justice.

The programme targets creating decent and sustainable jobs for the youth, women and people with disabilities while at the same time strengthening protection of all workers. The DWCP, however, makes minor reference to migrant workers, revealing a gap.

Responses to gender issues in Côte d'Ivoire often focus on addressing cases of human trafficking where the victims are mostly female. Existing programming focuses on reducing the risks associated with human trafficking, providing legal assistance to victims and reintegration schemes for returnee victims of trafficking. As a response, the Government has put in place gender focal points in every ministry, and gender issues are often addressed within the **Inter-Ministerial Counter-Trafficking Committee**.

There are different ministries that handle labour migration from varied angles. The **Ministry of Foreign Affairs** is leading the drafting process of the NMP, which will include how the Government engages in bilateral and multilateral relations with different States. The NMP was close to validation but was postponed in 2020. The **Ministry of Interior and Security** handles immigrants resident in the country and the **Ministry of Justice** handles integration of foreigners who have acquired citizenship in the country (IOM, 2016). Respondents flagged that the **Ministry for the Promotion of Youth and Youth Employment** has been gaining influence with managing labour management-related matters, as labour migration policies are intertwined with youth employability and youth entrepreneurship laws and programmes.<sup>22</sup> Mandated by **Ordinance No. 215-228 of 8 April 2015**, the youth ministry is responsible for handling labour placement of Ivorian citizens abroad (ILO, 2020e:60). The Directorate of Ivorians Abroad, under the **Ministry of African**

<sup>21</sup> Côte d'Ivoire has social security benefit agreements with Burkina Faso, France, Mali, Senegal and Togo.

<sup>22</sup> This assessment is based on responses from interviews.

**Integration and Ivoirians**, handles all aspects related to diaspora issues in the countries where they reside as labour migrants (IOM, 2016:113). Other MDAs identified by respondents and existing literature involved in labour migration coordination are outlined in Annex 2.

## Senegal

Senegal has become less of a migrant-receiving country, as it hosts 275,000 international migrants as of 2019 from Guinea (19.4%), Mauritania (16.9%) and Guinea-Bissau (11.1%) (IOM, 2020d:65). Its geographical location makes it a crossroad for migrants from various locations. There are highly skilled migrants seeking opportunities in multinational organizations as well as low-skilled workers seeking employment in factories and agriculture. Over the years, Senegal has become more of a country of emigration with nationals moving to mostly countries in the region (Côte d'Ivoire, Gambia, Mali and Mauritania) and also to South America (Argentina, Brazil and Chile). Most migrants are seeking work in blue-collar jobs in the manufacturing and industrial sectors (ibid.:66). In recent years, labour migrants have been bound for the Gulf region especially Qatar, Saudi Arabia and the United Arab Emirates, working in construction, medical field, domestic work and security services, among others (IOM, 2020d). Gender and migration are viewed from the perspective of gendered sociocultural norms associated with women and men within the community. Senegalese women are often viewed as the trailing spouse, following their spouses or relatives to destination countries, suggesting they are not the primary migrants.

Prior to the development of its NMP, Senegal had different laws in place that responded to labour migrants (see Table 8).

**Table 8. Senegal legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Law 71-10 of 25 January 1971 on the Conditions of Entry, Stay and Establishment of Foreign Nationals	1971
Law 73-37 of 31 July 1973 on the Social Security Code	1973
Social Security Law, Law 75-50 of 3 April 1975 relating to social security institutions	1975
Labour Code	1997
Constitution of Senegal (amended in 2016)	2001
Law to Combat Trafficking in Persons and Related Practices and to Protect Victims	2005
National Migration Policy (awaiting political validation)	Draft (2018)
Diaspora Policy	Draft (2022)

Sources: Bruni et al., 2017; ILO, NATLEX, n.d.; IOM, 2020d; EUDI, n.d.; UNHCR, Refworld, 1971; Senegal, Government of, 1971.

**Law 71-10**, and its implementing **Decree No. 71-860 of June 28, 1971**, outlines the conditions of admission, stay, establishment and exit in Senegal (Jegen, 2020). Article 7 states that foreigners residing or settling in Senegal enjoy the freedom of movement and the freedom to elect the residence of their choice. Like nationals, they benefit from social protection and their property and can – by means of freedom of association, opinion and expression – exercise their cultural freedom. The **Constitution of Senegal** protects the migrant worker from imprisonment, denial of a residence or work permit, and deportation for not performing a contractual obligation. Non-performance of a contractual obligation cannot lead to criminal proceedings against a migrant worker because the law of contractual obligations does not fall under criminal law. A contractual obligation is a civil obligation, and the sanctions applied are not criminal. The Government has also given migrant workers the right to transfer their earnings, savings and personal effects to their countries of origin. However, this portability is subject to tax payments and the transfer of funds must comply with the customs declaration procedure in force, particularly regarding currencies (Ndione, 2018).

When Senegal developed its NMP in 2018, it was designed to respond to the increase in irregular migration through the country bound for Europe via North Africa. The NMP has four strategic focus areas where labour migration is cross cutting:

#### Migration data management, economy and employment

- Establish a system to collect and produce data to inform decision-making;
- Develop potential contribution of Senegalese diaspora to national development;
- Provide support for the return and reintegration of migrants;
- Improve organization of migration to ensure social protection of migrants.

#### Migration, human rights and gender

- Promote respect for the rights of Senegalese emigrants and immigrants in Senegal;
- Integrate gender issues into migration management policies.

#### Migration, health and the environment

- Improve health care for migrants and mobile populations;
- Establish an effective system for the prevention and management of natural disasters and human resources and care for internally displaced persons, refugees and asylum-seekers;
- Reverse the flow of international migration by developing source areas.

#### Migration and integrated border management

- Develop appropriate border management systems and update the conditions of entry, stay and establishment in Senegal;
- Fight irregular migration, smuggling of migrants and trafficking in persons, and provide support to victims of trafficking and vulnerable migrants.

Source: Ndione, 2018:97.

Senegal's DWCP between 2018 and 2022 is designed to promote the creation of decent work for men and women as well as strengthen and extend social protection through the National Social Protection Strategy. The DWCP is facilitated by the **National Youth Employment Agency (Agence Nationale pour la Promotion de l'Emploi des Jeunes, ANPEJ)**, intended to create new employment possibilities and opportunities especially for the youth. The DWCP is meant to subsidize employment and training programmes by promoting youth entrepreneurship and providing young entrepreneurs access to financing instruments for their business projects.<sup>23</sup>

To respond to gender issues, Senegal developed a gender-focused migration unit under the **Ministry of Gender and Social Affairs** that spearheads the implementation activities related to gender and migration and strengthen migration gender based legal and policy framework. Respondents in the study stated that the Government of Senegal is actively exploring ways of adopting a gender-sensitive approach to migration. They stated that gender is being mainstreamed into labour migration management, but the existing programmes focus on irregular migration of women.

<sup>23</sup> This is based on interview responses.

The Department for Legal and Consular Affairs, under the **Ministry of Foreign Affairs and Senegalese Abroad** and the **Ministry of Interior**, is on the forefront of leading and coordinating migration-related issues.<sup>24</sup> All instruments related to labour migration in place ensure the protection of Senegalese and foreign workers with the right to live and work in Senegal. Respondents in the study stated that there are 14 labour and social security inspectorates managed and supervised by trade unions and workers' organizations, and controlled and arbitrated by the Senegalese courts with the assistance of partners, such as IOM and the ILO. Respondents expressed the Government's desire to implement labour migration policies to encourage their foreign nationals (migrants in selected European Union States and North America) to consider coming back and benefit from their knowledge and experiences abroad.

### 2.2.2. East African Community<sup>25</sup>

The **EAC CMP**, established in 2010, is the principal document guiding labour migration governance within the EAC. The protocol provides freedoms and rights along with free movement of goods, capital, services, labour and persons. This has shifted the emphasis from solely liberalizing goods and tariffs with a focus on establishing the rights of workers migrating within the community. The EAC CMP promotes mobility within the regional labour markets, encourages free movement of persons and promotes the abolition of work permits by some EAC partner States (EAC, 2010). The protocol aims to deepen economic cooperation among Partner States through the following:

- Institute the right of establishment and residence;
- Seek to open national borders, allowing for intraregional migration and movement;
- Protect investments of regional citizens outside their home countries;
- Provide a limitless socioeconomic operational space for East Africans.

The EAC CMP, under Article 10, allows the citizens of Partner States to apply for/accept employment, move freely/stay within the EAC region, enjoy freedom of association and collective bargaining for better employment conditions and enjoy social security benefits in a Partner State, among others. To eliminate obstacles to free movement, selected Partner States (e.g. Kenya, Rwanda and Uganda) have permitted the use of a machine-readable national identity card to be used when travelling to their respective countries. The EAC Secretariat also adopted the Common Market Scorecard in Burundi, Kenya, Rwanda and the United Republic of Tanzania as a monitoring tool for the implementation of the CMP. There are several regional-level instruments developed that relate to labour migration.

The **EAC Gender Policy (2018)** includes migration as a priority area focused on facilitating the management of intraregional migration by gender. Partner States are expected to develop mechanisms to respond to irregular migration, develop a response system for victims of trafficking and smuggling, and develop gender-sensitive approaches to migrant rights before and after migration. The EAC Secretariat's role is to mainstream gender throughout migration management policies and strategies as well as develop common guidelines for the externalization of labour (EAC, 2018:39). The EAC Gender Policy is focused on other priority areas related to labour migration, namely **trade, business and economic empowerment**, where the EAC Secretariat aims to "facilitate the review of regional trade, economic and customs, immigration policies, laws, procedures, regulations and rules to make them gender equity compliant" (ibid.:35).

Labour and migration are incorporated into the Gender Policy. For **gender equality in employment and labour force**, Partner States are expected to "engender national migration and related policies to accord equal treatment of men and women within the region" (ibid.:38), while the EAC Secretariat is expected to "foster regular policy dialogue on gender employment and migration [as well as] establish and strengthen partnerships with stakeholders engaged in migration in East Africa to ensure gender responsive programming" (ibid.).

<sup>24</sup> Annex 2 outlines the list of ECOWAS Member States' MDAs supporting labour migration governance.

<sup>25</sup> Additional interviews with the EAC Secretariat members need to be conducted to gain varied perspectives on labour migration. This section is based on literature review and an interview with a representative from the EAC.

The Gender and Community Development Department (GCDD), under the EAC Secretariat, coordinates and guides the implementation of the Gender Policy at the regional level, while Partner States create institutions and mechanisms to implement the policy at the national level. The GCDD is responsible for reviewing the implementation of activities by Partner States using the regional tool Gender Policy to track the implementation progress of the policy using disaggregated data. The GCDD will also help to identify the capacity needs of statistical institutions that capture and manage all gender-related data in the region. As one of the strategies of the policy, the Secretariat shall also develop “an information exchange system including quarterly meetings of gender focal points at national level, semi-annual regional gender experts’ committee meetings, and biennial regional gender conferences” (EAC, 2018:48). Other relevant legal instruments related to labour migration are outlined in Table 9.

**Table 9. East African Community regional instruments**

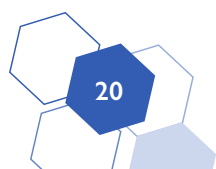
Legal instrument	Year of enactment/ adoption
Treaty for the Establishment of the East African Community	1999
Protocol on the Establishment of the East African Community Common Market (entered into force in 2010)	2009
Regional Strategic Framework for e-Immigration	2014
EAC e-Immigration Policy	Draft (2022)
The East African Community One Stop Border Posts Act	2016
The East African Community One Stop Border Posts Regulations	2017
EAC Gender Policy	2018
EAC Labour Migration Policy	Draft (2022)
EAC Youth Policy	2013
EAC Child Policy	2016
EAC Refugee Management Policy	Draft (2022)
EAC Council Directive on the Coordination of Social Security Benefits	Draft (2022)
EAC Climate Change Policy	2011
EAC Protocol on Environment and Natural Resource Management	2020

Sources: EAC Secretariat, n.d.; IOM, 2018b; interview responses including with an EAC official, 2022.

During the time of the study, there were two critical policies being drafted and reviewed. One was the **EAC Council Directive on the Coordination of Social Security Benefits**, which rationalizes the concept of social security benefits and provides rules and procedures for the coordination of social security benefits falling within the framework of the free movement of workers and self-employed persons to contribute towards improving their standard of living and conditions of employment;<sup>26</sup> and the other one was the **EAC LMP**, which engaged all the key regional social partners during its development. The draft EAC LMP considers the realities of mixed migration in the region while in the process of creating safe and regular pathways for labour migration to take place to avoid instances of migrant smuggling, as well as labour opportunities for refugees resident in host countries. It further outlines strategies to protect migrants from and within the EAC region working in other countries such as those in the Gulf States. Given that the EAC LMP is still in draft form, it is subject to changes based on the guidance from key stakeholders. Therefore, at present, there is no specific policy governing labour migration but there are ongoing initiatives taking place at the Secretariat level where labour migration is one of the key issues being discussed and addressed.

In terms of capacity, responses from Partner States representatives reveal that each Partner State has a focal point handling migration-related issues stationed at the Ministry of East African Affairs in their respective countries. They interact at the national and regional levels on migration-related issues in general where labour migration is part of the discussion where they provide country context on the legal policies and laws

<sup>26</sup> Specifically, the EAC Council Directive will implement the provisions of Article 10(3) (f), Article 10(4), Article 13(3) (b) and Article 52 of the Protocol by coordinating the social security benefits of a worker or self-employed person.





in place and in practice. The EAC Secretariat convenes the **Secretary General Forum**, coordinated by the Gender Department, twice a year where the EAC engages with the EATUC, the East African Employers Organisation, CSOs and trade unions, among other relevant social partners. The following sections outline the labour migration governance structures in selected Partner States at the time of the study.

## South Sudan

South Sudan is the youngest nation in Africa whose migration policy space is very new. Despite this, South Sudan continues to be a source, destination and transit country for mixed migration including labour migrants. Labour migration into the territory accelerated after its independence in 2011. A perceived oil-driven economic boom, combined with a near-absence of State regulation, attracted entrepreneurs and labour migrants from neighbouring Ethiopia, Kenya and Uganda, as well as migrants and asylum-seekers from the Democratic Republic of the Congo, Eritrea, Somalia and the Sudan.

The movement of skilled labour to the country brought comparatively higher levels of education and skills to an economy seeking to meet an increasing demand for goods and services (Frouws, 2016). In the period between independence and the outbreak of civil war in December 2013, between 500,000 and 1.2 million labour migrants were estimated to be living in South Sudan (ILO, 2020c). This migration, which is often irregular, places these migrants in a vulnerable position by increasing the risk of experiencing economic exploitation and physical abuse.

South Sudan acceded to the EAC in 2016 where it became a Partner State that is set to benefit from labour migration and education opportunities within the REC, which could build the capacities of its citizens as well as improve the development of the emerging sectors in the country. South Sudan, however, has yet to sign most of the international conventions and protocols and agreements, but it has signed most of the provisions of the eight fundamental conventions that apply to all migrants irrespective of migration status as presented in Annex 1. Further still, most of the United Nations, African Union and EAC protocols and treaties that have been signed are yet to be domesticated.

South Sudan has developed its **National Comprehensive Migration Policy** (South Sudan Ministry of Interior, 2019) that aligns with international guiding principles, such as the Global Compact for Safe, Orderly and Regular Migration; the Global Compact on Refugees; the 2030 Agenda for Sustainable Development; the AUC frameworks; the EAC regional instruments; the IGAD; and the Common Market for Eastern and Southern Africa. The policy addresses migration-related challenges, including labour migration issues such as irregular migration and labour market gaps. It also promotes regular labour migration, which contributes to the socioeconomic development of the country, as well as regular immigration and emigration to and from the country (ibid.:6). The policy is guided by the legal instruments listed in Table 10.

**Table 10. South Sudan legal instruments relevant to labour migration**

Legal instrument	Year of enactment/ adoption
Penal Code Act	2008
Investment Promotion Act	2009
Nationality Regulations	2011
Nationality Act	2011
Passports and Immigration Act	2011
Refugees Act	2012
National Aliens Committee Procedures and Regulations (amended in 2016)	2013
Refugee Status Eligibility Regulations	2017
Labour Act	2017
National Comprehensive Migration Policy	2019
South Sudan Diaspora Engagement Strategy	2014

Sources: South Sudan Ministry of Interior, 2019; South Sudan, Government of, 2009a, 2009b, 2011a, 2011b, 2012, 2017a and 2017b.

Gender is a cross-cutting issue within the National Comprehensive Migration Policy, as it is a key gap that needs to be addressed in terms of putting in place the right policies and legislation. The National Comprehensive Migration Policy aims to adopt a gender-sensitive approach in aspects such as institutional recruitment practices and workflow operations, and protection for displaced population including addressing gender-based violence.

The policy also recognizes the challenges and gaps it faces in terms of creating a safe environment for regular and orderly labour migration. There was a concern that South Sudanese migrant workers would be unable to compete equally with the other nationals of the EAC due to their limited capacities and low educational levels. Hence, the need to provide ample time for the country to catch up in terms of building the capacity of its human resources so that they can be competitive in the region.

Social partners engage bilaterally with the relevant ministry in charge of labour migration issues, that is the **Ministry of Labour**. The policymaking process has also been disrupted by the civil unrest in the country. The peace accord must be upheld for certain structures to be put in place, including having the right personnel to begin developing the relevant policies that will govern labour migration in the country.<sup>27</sup> There are currently discussions taking place to develop South Sudan's labour migration policy through workshops and committee discussions with ministries and departments that align with other Partner States. It is unclear whether this differs from the existing National Comprehensive Migration Policy.

## United Republic of Tanzania

The United Republic of Tanzania continues to experience political stability relative to its neighbours that has always exposed it to a variety of migration flows, making it a country of origin, transit and destination. It hosts a significant refugee population from the Great Lakes region while at the same time receiving labour migrants from neighbouring EAC Partner States. Border movement is significant, with eight neighbouring countries to the north, west and south, and a long coastline to the east with several natural harbours. Migration to, within and from the country produces a complex and ever-changing picture and having a migration policy specific to labour or in general could help the Government address labour migration conditions.

The Government has in place certain legal instruments to address labour migration to and from the country. The **Non-Citizens (Employment) Regulations (2016)** provides guidelines for employing foreign workers, from work permit requirements to termination of contract. The autonomous territory of Zanzibar, United Republic of Tanzania (hereinafter Zanzibar), also legislated the **Diaspora Affairs Act (2020)** for engaging Zanzibari diaspora in different activities including contributing to national development. The Diaspora Affairs Act appears to prioritize Zanzibaris and indirectly exclude nationals residing in mainland United Republic of Tanzania. Other relevant legal instruments related to migration management including migrant labour are outlined in Table 11.

**Table 11. United Republic of Tanzania legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Constitution of the United Republic of Tanzania	1977
National Employment Promotion Service Act (amended in 2014)	1999
Employment and Labour Relations Act (No. 6)	2004
Labour Institutions Act (No. 7)	2004
Labour Relations Act	2005
Zanzibar's Employment Act (No. 11)	2005
Employment and Labour Relations (Code of Good Practice) Rules (GN No. 42)	2007
National Employment Policy	2008
Pension Benefits Harmonisation Rule	2014

<sup>27</sup> This was according to a trade union representative during an interview.

Legal instrument	Year of enactment/ adoption
Zanzibar Nurses and Midwives Council Act (Act. No 5)	2014
Comprehensive Migration Management Strategy	2014
Non-Citizens (Employment Regulation) Act	2015
Employment and Labour Laws (Miscellaneous Amendments) Act	2015
Immigration (Amendment) Act	2015
Immigration Act (Revised Edition)	2016
Immigration (Amendment) Regulations	2016
Non-Citizens (Employment Regulation) Regulations	2016
National Social Security Fund Act	2018
Zanzibar Diaspora Affairs Act	2020

Sources: IOM, 2018b:92; United Republic of Tanzania, Government of, 1977, 2004a, 2004b, 2005, 2015, 2016a, 2016b and 2018; United Republic of Tanzania Ministry of Labour, Employment and Youth Development, 2008; ILO, NATLEX, n.d.

At the time of the study, there was no specific policy on labour migration or migration in general. However, the **COMMIST**, developed in 2014, focuses on population mapping and assisted voluntary return of irregular migrants in the United Republic of Tanzania. In 2019, a workshop was held in Dar es Salaam to review and revise the **COMMIST**, during which social partners discussed the development of SOP to guide the Tanzanian Immigration Services Department on e-registration of long-term irregular migrants. The **COMMIST** will also promote a protection-sensitive migration management approach for irregular migrants. It should be noted that the **COMMIST** was implemented in mainland United Republic of Tanzania only.

The United Republic of Tanzania's **National Strategy for Gender and Development (2015)** addresses issues related to gender equality and equity for the country in different areas where there are challenges, such as education, economic empowerment and social security. The strategy, however, does not include any aspect of migration, revealing a gap. The **National Employment Policy (2008)** created the Tanzania Standard Classification of Occupations that is used for skills matching and management for employment-related internal migration. Its aim is to reduce rural–urban migration due to the rise in unemployment in urban areas. Coordinated by the Government and its social partners, the National Employment Policy highlights the need for disaggregated data by gender, age, sector, region, district and other identified categories that feed into the Central Employment Database. Further, it aims to promote gender equity and equality in the world of work in partnership with social partners. Labour migration is only incorporated in the development of the LMIS.

The United Republic of Tanzania has initiated three DWCPs: DWCP I (2006–2010), DWCP II (2013–2016) and DWCP III (2017–2021). The DWCP II focuses on **extending social protection coverage for all, promoting the creation of productive employment, improving compliance with labour standards and rights at work, and strengthening social dialogue mechanisms at the national and sectoral levels** (United Republic of Tanzania Ministry of Labour and Employment, 2013:15). The programme states that labour migration management is a priority to achieve free movement, and one of the targeted outcomes is to increase the availability and usage of labour market information by developing legal instruments, guidelines/manuals for data collection and an integrated labour force survey (ibid:20–21). It, however, does not explicitly mention migrant workers; thus, it is unclear how migrant workers' needs will be addressed within the programme.

Based on selected interviews with government officials in both mainland United Republic of Tanzania and the autonomous region of Zanzibar, there is no formal labour migration governance structure in place, as the two locations remain disconnected in terms of having a mechanism on labour migration for the entire country. The Government of the United Republic of Tanzania is aware of the gap, and in 2020 a migration office was established to bring together government MDAs handling all migration aspects but within the context of migration data only in Zanzibar and mainland United Republic of Tanzania.<sup>28</sup> At the time of the

<sup>28</sup> This information was given by a statistics official of Zanzibar during an interview.

study, government MDAs worked in silos and the government officials were aware of their counterparts dealing with labour migration directly or indirectly, but there was limited evidence of a structure in place to coordinate their labour migration-related activities. This makes it difficult to respond to the range of issues affecting national and foreign labour migrants.

## Uganda

Uganda is a major destination country for migrants within the EAC region, especially from Kenya. It hosts a large population of asylum-seekers and refugees from the Democratic Republic of the Congo, Somalia and South Sudan. Ugandans also migrate to neighbouring countries in the EAC, as cross-border trading occurs between Kenya, Rwanda and Uganda, among others, and seek employment opportunities in both the formal and informal sectors. Recently, Ugandan nationals have been seeking labour migration opportunities in the Gulf States (Iraq, Saudi Arabia, the United Arab Emirates and Qatar). Most of the migrants are young with an average age of 30 and mostly male seeking employment in low-skilled labour (e.g. construction), but female migrants move to take up domestic work, too.

The Government is guided by several laws and regulations dealing with labour migration. The **Constitution of the Republic of Uganda (1995)** operates as the supreme law outlining some of the migration issues and citizenship in the country,<sup>29</sup> while the **Labour Externalisation Policy (2005)**, coordinated by the Committee on Gender, Labour and Social Development, facilitates labour migration opportunities for Ugandan nationals seeking jobs in the Gulf States. The Ugandan Parliamentary assessment (2019) found limitations in the policy in terms of human resources and capacities within the unit managing the policy. In addition, the unit is not referenced under the Employment Act nor is there any mention of the externalization of labour. There is no operational steering committee on labour externalization and there is limited coordination with other government agencies.

The **National Employment Policy (2011)** is also an important policy that impacts labour, but at the time of the study, respondents stated that labour migration was not explicitly outlined in the policy. It is currently undergoing review to mainstream labour migration into the policy. Respondents argued that the perception of migration in Uganda needs to be reviewed nationally and locally, as there is currently a negative perception of labour migration to the Middle East and a focus on refugees. There are currently three critical legal instruments being developed – the NMP, the National Diaspora Policy and the Externalisation of Labour Bill. Respondents also mentioned plans to develop a specific policy for labour migration, but that process has yet to begin.<sup>30</sup> A list of other legal instruments in place that affect labour migration is outlined in Table 12.

**Table 12. Uganda legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Uganda Vocational Qualifications Framework, under which the following qualifications can be obtained: <ul style="list-style-type: none"> <li>• Modular Transcript – awarded to refugees and migrants after undergoing training from local technical and vocational education and training institutions</li> <li>• Worker’s Practically Acquired Skills (PAS) – a partial qualification awarded to migrants working in the informal sector for developing practical skills</li> </ul>	2008
Uganda Citizenship and Immigration Control Act	2000
Employment (Recruitment of Ugandan Workers Abroad) Regulations	2005
Recruitment of Ugandan Migrant Workers Abroad Resolutions	2005
Employment Act	2006
Labour Unions Act	2006

<sup>29</sup> The Sixth Schedule of Article 189 of the Constitution of the Republic of Uganda outlines the functions and services for which the Government is responsible such as citizenship, immigration, emigration, refugees, deportation, extradition, passports and national identity cards. To implement the Constitution, several laws and regulations have also been adopted including the Immigration Act, Chapter 63, which establishes the Immigration Board and empowers the Immigration Department to execute its decisions, including registering and issuing identity cards to nationals and non-nationals.

<sup>30</sup> One of the respondents was an official from Uganda’s Ministry of Gender, Labour and Social Development.

Legal instrument	Year of enactment/ adoption
Labour Disputes (Arbitration and Settlement (Amendment)) Act	2006
Occupational Safety and Health Act	2006
National Employment Policy	2011
National Development Plan and Vision 2040	2013
Uganda National Social Protection Policy	2015
National Diaspora Policy	Draft
National Migration Policy	Draft
Externalisation of Labour Bill	Draft

Sources: ILO, 2020a; Uganda, Government of, 2011, 2012a, 2013 and 2015; Uganda, Parliament of, 2000 and 2020; ILO, NATLEX, n.d.

Gender issues in Uganda focuses on the exploitation of female migrants working in the Gulf States. The challenges women face are the same whether they are in the home or destination country; unfortunately, there is no strategy in place to address these challenges.<sup>31</sup> Furthermore, if a strategy were in place, implementation would be a challenge especially if inequalities still existed in other aspects of their lives (e.g. education, employment, health).<sup>32</sup> Protection issues related to female migrants in the Gulf States have come up in the discussions for the SDFs, as social partners argue that sensitization and training of women going to another country should be undertaken to prepare them to respond to any discrimination or violations they may experience abroad.<sup>33</sup> The literature review reveals little evidence of migration mainstreamed into the gender policy and vice versa. However, responses from the study reveal varied opinions on the extent gender has been mainstreamed into migration policy and response. The experiences of female labour migrants should be a concern, as the cultural perspectives and views concerning women in the home follow them to the workplace. A CSO official stated:

*...translating into realities gender mainstreaming for as long as there are inequalities in other levels of education, income, gender gaps will still remain [challenging]. In terms of policies, there is mainstreaming across almost all, but gaps still remain at many levels.*

On decent work, Uganda has implemented two DWCPs: DWCP I was implemented in 2006–2012, while DWCP II covered 2013–2017. The second programme outlines the need to improve social protection services for vulnerable people. One of the outputs under this outcome is to strengthen the “institutional capacity of government to develop and implement gender-sensitive policy for labour migration” (Uganda, Government of, 2012b:26). Uganda is also part of the FAIRWAY multi-country programme (2016–2019) focused on migrant workers in the Middle East. Its action plans for 2021–2023 aims to:

- Engage the private sector, employers and workers organizations in decent work for migrant workers;
- Develop or strengthen gender-responsive policy frameworks for fair recruitment and decent work and regulatory compliance;
- Diminish discriminatory attitudes towards women and men migrant workers;
- Provide access to information for migrant workers and support services throughout the migration cycles (ILO, 2020d).

<sup>31</sup> An official from a CSO in Uganda mentioned this during an interview.

<sup>32</sup> See previous footnote.

<sup>33</sup> Protection of female migrants in the Gulf region was brought up, for instance, during an interview with a trade union official in Uganda.

The **MGLSD** is the lead ministry for labour migration matters in general and hosts the Directorate of Labour, Employment, and Occupational Safety and Health, which is responsible for increasing employment and productivity for the labour force. The MGLSD ensures enforcement of labour laws, facilitates the externalization of the labour programme and coordinates labour migration-related issues with other MDAs listed in [Annex 2](#).

Respondents highlighted that ministries and departments are handling labour migration issues from different angles, but it is an inclusive process. The **Ministry of Internal Affairs** leads the implementation of activities related to immigration and collaborates with other ministries and departments on gender, foreign affairs, labour and refugee affairs, among others. It also works with international agencies, such as IOM and the ILO, as well as local social partners handling labour and/or migration issues at the national and local levels, including the National Organisation of Trade Unions.

The **NCM** was created to engage State and non-State actors in migration issues in general. In terms of capacity to design and implement policies on labour migration, responses reveal that the Government of Uganda and its social partners have the capacity to develop and implement the policies, but the respondents raised the lack of financial support to facilitate the processes, which are currently not being prioritized.<sup>34</sup>

## Burundi

Burundi is the second smallest country in the EAC, sharing common borders with Rwanda, the United Republic of Tanzania and the Democratic Republic of the Congo. It is more of a migrant-sending country rather than a destination or transit country, as nationals of Burundi have become refugees and asylum-seekers fleeing to neighbouring countries in varying periods between 1960 and 2000 due to civil unrest in the country. A significant population of Burundi refugees fled to the United Republic of Tanzania (Fransen and Ong'ayo, 2010). Furthermore, the economic situation in the country drove people to seek opportunities in other countries, as poverty increased and the country recorded low economic performance due to conflict (ibid.:22).

Migrating for the purposes of seeking employment in neighbouring countries and beyond is known but not well documented. Reports acknowledge the existence and role of the Burundi nationals in the diaspora in East Africa and other European countries. The Government of Burundi developed its **National Migration Policy (NMP)** in 2015 to guide migration in general and other cross-cutting issues, including labour migration components.<sup>35</sup> The NMP draws from regional and international conventions that protect the human rights of migrants. Burundi also has existing laws that already respond to the needs of labour migrants (see Table 13).

**Table 13. Burundi legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Law No. 71-10 on the Conditions of Entry, Stay and Establishment of Foreign Nationals	1971
Decree-Law No. 1/007 of 20 March 1989 Governing the Entry, Residence and Establishment of Foreigners on the Territory of Burundi and Their Expulsion	1989
Institute of Statistics and Economic Studies of Burundi Decree 100/033	1990
Ministerial Ordinance No. 66/086/92 Regulating Foreigners' Employment in Burundi	1992
Labour Code (Act No. 1/037) (revised in 2020)	1993
Law No. 1/010 of 18 March 2005 Concerning Enactment of the Constitution of the Republic of Burundi	2005
Law No. 1/24 of 10 September 2008 Establishing the Investment Code of Burundi	2008

<sup>34</sup> This was reported by a CSO official in Uganda during an interview.

<sup>35</sup> Labour migration components covered include monitoring irregular and regular migration, border management and labour migrants, among others.

Legal instrument	Year of enactment/ adoption
Ordinance No. 215/224 of 2 March 2011 (Entry and Mobility Authorisation)	2011
Law No. 1/28 of 29 October 2014, on the Prevention and Repression of Human Trafficking and Protection of Trafficking Victims	2014
Law No. 1/14 of 27 April 2015 Governing Public and Private Partnership	2015
National Migration Policy	2015
National Diaspora Policy	2016
Law No. 1/12 of 12 May 2020 on the Code of Social Protection in Burundi	2020
Law Regulating Migration in Burundi	2021

Sources: IOM, 2018b:89; ILO, NATLEX, n.d.; Burundi, Government of, 1993, 2005, 2008, 2014, 2020 and 2021.

At present, Burundi authorizes the entry and stay of foreigners in its territory, especially the nationals of the EAC Partner States that do not require a visa to enter Burundi and receive a laissez-passer valid for up to six months. The NMP further provides for preferential treatment of migrants likely to improve the standard of living of Burundi nationals by creating jobs or who have the skills needed in the country. The new **Labour Code** adopted in 2020 aims to balance the interests of the companies and workers' fundamental rights, as well as introduce adaptations to align with international standards, such as the ILO ILS and the EAC CMP (Danish Trade Union Development Agency, 2021a:4). **Law No. 1/12 on the Code of Social Protection**, enacted in 1999 and revised in 2020, does not distinguish between a formal and an informal worker with regard to labour rights and social protection and targets vulnerable groups in need of social protection. The law regulates social protection programmes and systems, including a non-contributory system within the Social Protection Support Fund (ibid.:5).

The NMP also adopts a gender-responsive approach, outlining provisions on gender issues in Strategy 10.2, where government migration programmes need to be gender sensitive, understanding the roles that women and men play in migration especially with regard to exploitation and discrimination (IOM, 2018b:22). The NMP acknowledges the contribution of women in the **National Development Plan (2018-2027)**, advocating better integration of women into the national and regional labour markets. The NMP also aims to create a safe environment where employment is decent and safe for women and supports the need for a regional LMIS that is gender sensitive, assisting Partner States to share labour market information. The Government established the **Gender Unit** under the **Ministry of Labour and Employment** with a gender focal point responsible for safeguarding the implementation of gender-related policies and interventions in labour management including labour migration. Issues affecting female workers in general are often discussed but not specific to female migrants. Gender is also a key indicator in the implementation of the NMP. Gender discrimination is identified at the various stages of the process (recruitment, preparation, migratory movement, work, return and reintegration); on the other hand; it is transversal, linked to the key areas of migration management, namely the diaspora, labour mobility and refugees. This appears in the various treaties and regional and international conventions to which the country has adhered.

In 2016, the **National Diaspora Policy and Strategic Plan** was approved. It aims to improve engagement with the Burundi diaspora with regard to economic and social contributions that affect the development in the country. It is unclear whether baseline and midline assessments have been undertaken to gather best practices and lessons learned from the strategy as well as the impact of the policy. In 2019, with support from IOM, the Government embarked on developing the **National Labour Migration Policy** that would regulate labour migration to and from the country. It would complement existing legal frameworks on labour including the **National Labour Policy (2018-2022)**<sup>36</sup> and the EAC Labour Migration Policy Framework.

<sup>36</sup> The National Labour Policy considers an approach to implement the draft EAC Labour Migration Policy Framework once finalized.

The **Ministry of Home Affairs and Patriotic Education** is the leading authority for migration management, but the **Ministry of Labour and Employment** manages labour migration policy (including monitoring labour migration). In 2011, social partners lobbied the Government to establish a tripartite consultative and mediation national organ called the **National Social Dialogue Commission**, whose chairmanship is rotational among trade unions, employers and the Government at five-year intervals.

### 2.2.3. Southern African Development Community

The SADC region experiences intraregional migration between Member States. Article 19 of the **SADC Protocol on Employment and Labour (2014)** focuses on labour migration and migrant workers (SADC, 2014). The protocol was a result of the targeted outcomes actioned in the first phase of the **LMAP (2013–2015)**, with an overall goal of developing a harmonized regional labour migration policy that ensures protection of migrant workers in a decent work environment. These outcomes included:

- Availability of data and statistics on migration among Member States;
- Access to social benefits and health services and continuum of care for migrant workers;
- Improvements in mechanisms for remittance transfers across the SADC;
- Harmonization of labour migration policy and legal framework in the SADC;
- Harmonization of fundamental rights of migrant workers in the SADC Member States;
- Harmonization of pension and social security in private and public schemes in the SADC region;
- Establishment of institutional mechanisms that ensure management and coordination and partnerships on labour migration (SADC, 2013a).

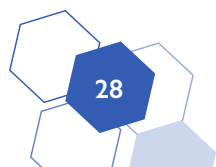
The Protocol on Employment and Labour was good in principle, as it identified key areas of focus for Member States to focus on, but some of its provisions were ambiguous and did not specify the real commitments of the Member States, and, therefore, it did not come into force.<sup>37</sup> The process, however, is being revisited to be negotiated with Member States to explore a way forward on the protocol.

A draft of the **Regional Labour Migration Policy Framework** was developed in 2014, with the aim of strengthening labour migration governance, providing protection to migrant workers, and supporting the mainstreaming of national and regional development plans. The framework, however, has not been effective. In December 2020, the SADC announced that it was developing a **regional migration policy framework**, with regional strategies and actions responding to immigration, labour and education, among others. The framework will help to align with the international, continental and regional migration frameworks already in place (Tax, 2020).

The LMAPs have been used as a guide to respond to labour migration in the region. The second phase of the **LMAP (2016–2019)** focused more on promoting labour migration for regional integration in the development of the SADC region (SADC, 2016). The third phase of the **LMAP (2020–2025)** focuses on promoting skills transfer and matching labour supply and demand for regional development and integration. The action plans have been complemented by the SADC guidelines on portability of social security benefits (SADC, 2020a) where five Member States<sup>38</sup> have committed to adopting the guidelines in their respective laws. As the process is still new, it is too early to determine the challenges and successes of the process. Labour migration issues are guided by different frameworks and protocols as listed in Table 14.

<sup>37</sup> An SADC representative revealed this in an interview.

<sup>38</sup> The five Member States are Eswatini, Lesotho, Malawi, South Africa and Zimbabwe.





**Table 14. Southern African Development Community legal frameworks, protocols and action plans**

Legal framework/protocol/action plan	Year of enactment/ adoption
SADC Gender Policy	1996
Protocol on the Facilitation of Movement of Persons	2005
Code on Social Security in the SADC	2008
10 Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially women and children (2009–2019)	2009
Declaration on Tuberculosis in the Mining Sector	2012
2013–2015 SADC Labour Migration Action Plan	2013
Draft Regional Labour Migration Policy Framework	2013
Protocol on Employment and Labour	2014
Draft Labour Migration Action Plan 2016–2019	2016
SADC Labour Migration Action Plan (2020–2025)	2020
Guidelines on the Portability of Social Security Benefits in SADC	2020

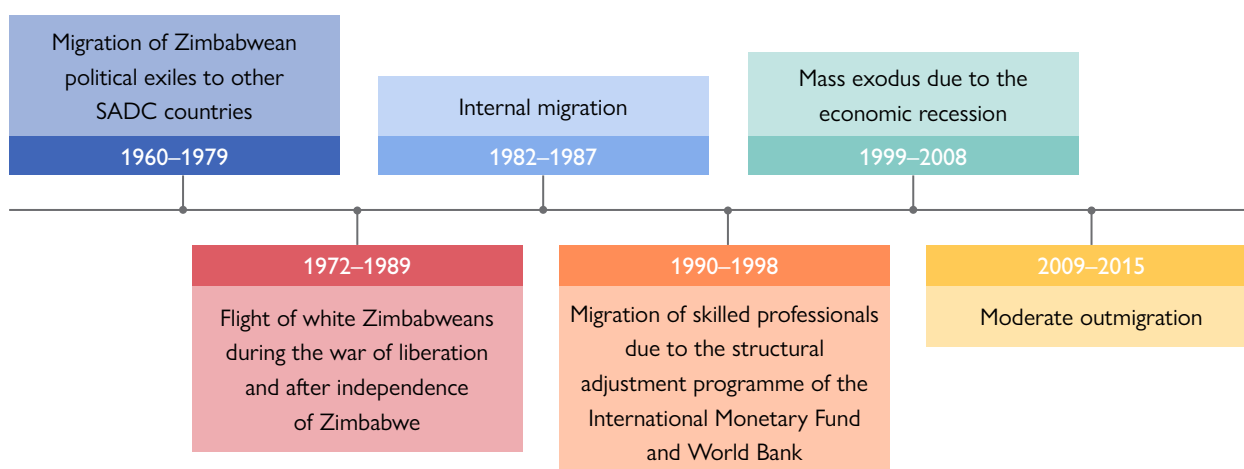
Sources: SADC, 1996; 2005, 2008; SADC Secretariat, 2009, 2012, 2013a, 2013b, 2014, 2016 and 2020.

The SADC developed a general policy on gender in 1996 where labour migration is briefly outlined under the gender, trade and economic empowerment priority area. The policy states that the SADC Member States are to review the immigration policies, laws and procedures related to trade and economic customs to ensure they are gender responsive. The policy does not have a specific section on labour migration, but it recognizes the need to respond to female human trafficking cases (SADC, 1996). Developed in 2008 and revised in 2016, the **Protocol on Gender and Development** provides a detailed approach to some of the issues related to employment by gender.

Labour migration issues in the SADC region are handled by the **Directorate on Social and Human Development**, specifically the **Employment and Labour Sector**, which is responsible for the facilitation of labour migration for development and promotion of social dialogue, among other activities. The regional approaches and responses to labour migration are guided by the international, continental and regional frameworks; conventions; and guiding principles.<sup>39</sup>

## Zimbabwe

Zimbabwe has a long history of regional migration in the SADC and has experienced five migration waves since the 1960s as outlined below.



Source: Zimbabwe Steering Committee on Labour Migration, 2020:1.

<sup>39</sup> This was reported by an SADC representative in an interview.

As Zimbabwe is a transit country, migrants from the Horn of Africa move through the country bound for South Africa. A mix of highly skilled and low-skilled migrants have gained access to the labour markets in the SADC States especially in agriculture, mining and construction, among others (UNCTAD, 2018:85). The unstable economic conditions have not attracted migrants to the country, making Zimbabwe more of a source country than a destination country for labour migrants. Labour migration was coordinated and regulated through laws and policies that were in place prior to the development of its NLMP as listed in Table 15.

**Table 15. Zimbabwe legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Citizenship of Zimbabwe Act (Chapter 4:01)	1984
Social Welfare Assistance Act (Chapter 17:06)	1988
Immigration Regulations	1998
Immigration Act (as amended up to Act 22/2001)	2001
Labour Act (Chapter 28:01) (amended in 2015)	2001
Education Act (Chapter 25:04)	2004
National Employment Policy Framework	2009
Constitution of Zimbabwe (amended in 2021)	2013
Trafficking in Persons Act	2014
National Diaspora Policy	2016
National Labour Migration Policy	2020
Human Capital Export Policy	Draft (2022)
National Migration Policy	Draft (2022)

Sources: Zimbabwe, Government of, 1984, 1988, 1998, 2001a, 2001b, 2004, 2009, 2014; Zimbabwe Ministry of Macro-Economic Planning and Investment Promotion, 2016; Zimbabwe Steering Committee on Labour Migration, 2020.

Diaspora-related issues were considered within Zimbabwe's **DWCP (2012–2018)** through diaspora outreach activities alongside migration management, social security benefits for migrants and a review of BLAs as a priority area to be considered under the country programme. The **National Diaspora Policy** developed in 2016 responds to the contributions of Zimbabweans living in Africa, Europe, the Gulf States, Australia and North America, among others. The policy was developed to engage with Zimbabweans in the diaspora on investments in the country, assisting them to contribute to national development, strengthen mechanisms of dialogue and partnerships, explore formal remittance channels and establish an institutional mechanism to coordinate diaspora-related activities in partnership with the Government of Zimbabwe (Zimbabwe Ministry of Macro-Economic Planning and Investment Promotion, 2016). The MoFAIT is in the process of developing the **DERMS**, which will be a diaspora cooperation and engagement framework.

The **NLMP** was finalized in 2020 and officially launched in 2021. It acknowledges the historical significance of the labour migration patterns. The demarcation of borders in the Southern African region have created the mobility challenges that exist today where labour migrants with Zimbabwean heritage are citizens of other neighbouring States with a long history of circular labour migration. As a guiding framework, the NLMP aims to respond to the labour migration needs related to protection of all labour migrants, including foreign workers in Zimbabwe, facilitating return and reintegration of Zimbabwean citizens in a safe and orderly manner, as well as portability of social security benefits of labour migrants. The NLMP, according to the respondents and upon review of the policy, is guided by several international ILO conventions presented in Annex 1 as well as continental and regional instruments. The policy focuses on four key areas as shown in the graphics on the next page.

### Governance of labour migration

- Domesticating international, legislative, institutional and regulatory frameworks as well as coordinating with key social partners on labour migration governance

### Protection and empowerment of migrant workers

- Adopting better governance frameworks aligned with international standards that ensure protection and empowerment of migrant workers (national, foreign and the diaspora)

### Harnessing labour migration for development

- Addressing high costs of remitting, better engagement with the diaspora, and mainstreaming labour migration issues into existing national policies and development plans (e.g. National Employment Policy), considering that labour migration contributes to growth and poverty reduction through remittances and investments

### Labour migration data

- Developing a labour market information system that will capture gender-disaggregated data on labour migration that can be used to inform policy response

Source: Zimbabwe Steering Committee on Labour Migration, 2020.

The NLMP benefited from the consultations between government officials and their social partners including CSOs and trade unions that are considered an important component of the design and implementation of policies, as one respondent stated that not much can be done without the inclusion of social partners.<sup>40</sup> Hence, a whole-of-government approach is adopted in the design and implementation of labour migration-related policies. At the time of the study, respondents revealed that there were two draft policies being developed that relate to labour migration: the NMP, which aims to be an apex policy that covers all aspects of migration including labour migration; and the Human Capital Export Policy, which will facilitate labour migration for Zimbabwean nationals abroad.

The leading ministry for labour migration is the Ministry of Public Service, Labour and Social Welfare that works in partnership with other ministries and departments through the tripartite labour migration dialogue, ensuring better coordination on labour migration matters. Social partners include the ZCTU, private sector organizations, employer associations and CSOs.

Responding to gender needs related to labour migration is important, as respondents stated that there has been an increase in the feminization of migration in the country and the region. The NLMP recognizes the varied labour migration experiences and impact of women and men. It acknowledges that women face more risks and are vulnerable to unfair working conditions in unregulated sectors and may lack access to the right information regarding job opportunities (Zimbabwe Steering Committee on Labour Migration, 2020:7). The NLMP aims to adopt a gender-sensitive approach to labour migration by ensuring there is a gender-balanced participation in the tripartite dialogues. Respondents stated that the Government of Zimbabwe has a separate National Gender Policy (2018) that covers gender issues cutting across different sectors with an emphasis on gender equality and equity. A review of the National Gender Policy reveals no reference to labour migration specifically in the existing policy. Nonetheless, the NLMP recognizes that gender impacts women and men differently as well as the vulnerabilities they experience in employment. Hence, the NLMP aims to adopt a gender-sensitive approach to respond to labour migration, which will be outlined in the action plan being developed.

<sup>40</sup> The respondent was an official of the Ministry of Finance.

The CSOs operating in the region stated that “women became very vocal that the borders are not designed for women traders who come in with their minors and end up staying at the border for three days depending on how busy the day [is] and whether the infrastructure of the border posts caters to the unique needs of women”.<sup>41</sup> The NLMP aims to respond to the state of labour migration in, to and from the country including addressing challenges faced in unregulated sectors, such as agriculture and domestic work, among others (Zimbabwe Steering Committee on Labour Migration, 2020). Based on the responses in the study, some gender issues have been addressed, as gender directorates have been set up in every ministry,<sup>42</sup> while some infrastructures at border points take into consideration the needs of women and men. However, some strengthening may be required on gender mainstreaming as MDAs sometimes work in silos,<sup>43</sup> and gender-related activities on labour migration or migration in general are not monitored regularly. It is important to address the issues identified and, upon review, assess whether they have been addressed and identify emerging issues that were not considered initially.

## Lesotho

Lesotho is a landlocked country and is likely to remain a reservoir of low-skilled manpower to South African mining and tertiary sectors. It experiences more labour outmigration than in-migration with 179,000 Basotho migrants residing outside of the country according to the 2016 Household Census. Over the last decade, Lesotho has begun to host migrant workers, from the Democratic Republic of the Congo, Zimbabwe and China. The 2016 Census also reported that there were 12,300 foreign workers in the country residing in Maseru, Leribe and Berea, and a third of this population were children. Most of these migrants were skilled and either had investments in retail, textile or construction, for instance, or were refugees with a professional background, such as medical doctors from the Democratic Republic of the Congo (Lesotho Ministry of Labour and Employment, 2018a:13).

Labour migrants from Lesotho went mostly to South Africa. More men than women migrated to work in the mines in the 1970s. However, between 1990 and 2006, the number of male Basotho migrants began to decline from 100,000 to 46,000 due to the stagnation of gold prices that led to the closure of mines and retrenchments. Female migration slowly increased especially those taking up employment in domestic work or in the textile industry in South Africa (Crush et al., 2010; Melde, 2010). The Government of Lesotho has developed some laws that focus on labour migrants (see Table 16).

**Table 16. Lesotho legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Aliens Control Act	1966
Labour Code Order (Order No. 24 of 1992)	1992
Old Age Pensions Regulations	2005
Teachers' Pensions Act (Act No. 9 of 1994)	1994
National Labour Migration Policy	2018
Lesotho National Migration and Development Policy	2021
National Diaspora Policy	2021

Sources: Lesotho, Government of, 1966, 1992, 1994, 2021a, 2021b; Lesotho Ministry of Finance and Development Planning, 2005; Lesotho Ministry of Labour and Employment, 2018a.

Lesotho is mostly a source country for labour migrants where majority of labour migrants are male. Female migrants are often not catered for in policy interventions in terms of protection, dispute settlement and abuse in the workplace.<sup>44</sup> To respond to the labour migration situation in the country, the Government developed the NLMP in 2018, but it was officially launched only in 2021. The policy mainstreams Vision 2020,

<sup>41</sup> This was the statement of a trade union official in Zimbabwe during an interview.

<sup>42</sup> A Ministry of Finance official shared this information during an interview.

<sup>43</sup> This was according to an official of the Lesotho Ministry of Women's Affairs, Community, Small and Medium Enterprise Development during an interview.

<sup>44</sup> This was reported by a government official in Lesotho during an interview.



the National Strategic Development Plan II, the draft Migration and Development Policy, and the DWCP. In addition, the National Plan of Action (2018–2020) was developed with the aim of key activities being implemented by the end of 2019. The NLMP aims to ensure that governance of labour migration aligns with the ILO ILS, regional provisions and good practices on labour migration; safeguard the human rights of migrant workers and their families within and outside Lesotho; promote decent work and employment through labour migration; guarantee that migrant workers and their families have access to social security; and ensure that labour migration contributes to the social and economic development of the country (Lesotho Ministry of Labour and Employment, 2018a:25). To achieve these, the NLMP aims to focus on the following:

#### Governance and data management

- Restructuring the institutional, legislative and policy as well as regulatory frameworks and meeting the international and regional obligations;
- Strengthening labour migration data collection, compilation, harmonization and analysis;
- Building capacity of government officials and their social partners in labour migration-related issues.

#### Emigration for employment of Basotho migrant workers

- Promoting ethical recruitment practices for Basotho migrants seeking employment opportunities abroad;
- Developing a new BLA strategy for future negotiations;
- Establishing an effective support and complaint mechanism;
- Strengthening social protection and social welfare of migrant workers;
- Engaging the Basotho diaspora.

#### Immigration for employment

- Reforming the work permit system by digitizing the processes and procedures;
- Building capacity of law enforcement agencies including labour inspectorate and police;
- Strengthening engagement between migrant and local workers in the private sector;
- Ensuring social protection and welfare for migrant workers in Lesotho.

Source: Lesotho Ministry of Labour and Employment, 2018a.

Gender equality is recognized in the existing NLMP (2018), as it uses a rights-based, gender-sensitive, and employment- and development-focused approach in addressing labour migration matters. Incorporated into the policy is the development of gender-sensitive modules on education on labour rights, among other issues (Lesotho Ministry of Labour and Employment, 2018a).

Lesotho's DWCP focuses on advancing the decent work agenda aimed at improving the standard of living for all. The Government has initiated three DWCPs: DWCP I (2006–2009); DWCP II (2012–2018); and DWCP III (2018/2019–2022/2023). The DWCP III (2018/2019–2022/2023) highlights the important role labour migration plays in development as well as the strategies to address irregular migration. The DWCP III prioritizes access to social protection for migrant workers, stating the need to:

- Improve management, coverage and portability of social security benefits for all including migrant workers and those workers in precarious employment;
- Improve occupational safety and health and secure a work environment for all workers in all economic sectors including migrant workers and those in precarious employment;
- Strengthen labour migration management and governance by implementing the priority activities in the National Plan of Action (2018–2020) for labour migration (Lesotho Ministry of Labour and Employment, 2018b).

## Botswana

Botswana is new to the labour migration governance discourse according to a government respondent. At present, there is no formal labour migration governance structure in place, but there are engagements between relevant ministries, departments and other social partners on issues affecting labour migrants resident in the country and the needs of Botswana citizens abroad. Botswana laws related to labour and/or migration, which are in place already, consider the needs of labour migration but does not explicitly state it in these legal instruments (see Table 17).

**Table 17. Botswana legal instruments related to labour migration**

Legal instrument	Year of enactment/ adoption
Employment Act (Chapter 47:01) (amended in 2010)	1982
Botswana National Productivity Centre Act (Act No. 19)	1993
National Industrial Relations: Code of Good Practice	2002
Non-Citizens (Exemption) (Amendment) Act (Act No. 11)	2003
Immigration Act (Act No. 3)	2011

Sources: Botswana, Government of, n.d.; ILO, NATLEX, n.d.

Botswana developed two DWCPs focused on improving the quality of life by addressing socioeconomic dimensions that affect work. The DWCP I (2011–2015) prioritized four areas – **employment creation, social protection, tripartism and social dialogue, and workers’ rights** – *adopting a gender-sensitive approach* (Botswana Ministry of Labour and Home Affairs, 2011). The programme recognized the increased flow of migrant workers from Zimbabwe in the informal sector but did not provide its approach to addressing labour migrant needs. The programme focused on strengthening interactions with social partners, identifying priority areas, and promoting gender equality and empowerment of women, among others. The DWCP II (2020–2024), on the other hand, focuses on **creating sustainable employment, improving the quality of social protection and conditions of work, and enhancing the labour market governance institutions** (Botswana Ministry of Employment, Labour Productivity and Skills Development, 2020).

The DWCP II recognizes the need to respond to the change in migration patterns to and from the country, especially providing solutions for former miners working in South Africa. The Government has yet to ratify the ILO conventions related to migrant workers (Conventions 97 and 143) as well as the Private Employment Agencies Convention (No. 181). The DWCP II, therefore, aims to promote a safe and secure work environment for all including migrant workers guided by the SADC LMAP and Labour Migration Policy Framework (ibid.:14). This includes providing protection of rights of vulnerable workers including migrants.

The Government of Botswana recognizes the need to address labour migrants, as Botswana is a source and destination country, but it does not have a policy specifically on labour migration or migration in general. Once the policy is complete and passed in the Parliament, the concern may be its implementation. There is capacity to design the policy within government, but there is a need for an independent mind to develop the process with an open mind.<sup>45</sup>

On gender, respondents stated that the existing laws (listed in Table 17) do not discriminate based on gender but focus on women empowerment.<sup>46</sup> However, concerns were raised as to whether gender has been sufficiently considered within the laws especially in situations where same-sex couples are migrating and the current law does not recognize and therefore may not protect them if they encountered a challenge.<sup>47</sup> Further discussions are taking place at the regional level to explore how to handle these situations.

<sup>45</sup> This was shared by a trade union official in Botswana during an interview.

<sup>46</sup> One of the informants was a trade union official in Botswana.

<sup>47</sup> In an interview, an official of Botswana’s labour department raised this concern.

## 2.3. GAPS AND CHALLENGES

### 2.3.1. Regional

#### Resource gaps

All three RECs have identified gaps in terms of human, infrastructure, technology and financial resources. Within the ECOWAS, there are still some vacant positions in the Directorate of Humanitarian and Social Affairs. The directorate has limited personnel to support the activities of the senior manager including a lead person handling labour migration issues. Although the position is being supported by a JLMP seconded officer present in the REC, consideration for a permanent expert at the REC to coordinate and facilitate activities is necessary. Financial, infrastructure, hardware and software are limited to support activities as although the personnel have received training on labour migration, they do not have the resources to undertake their activities.

The EAC also has insufficient capacity to handle labour migration issues specifically. Even though there is a representative at the Partner State level under the Ministry of East African Affairs, the personnel handle several other issues including migration. Labour migration may not be a priority when other regional issues emerge. Financial, infrastructural and technological resources are also insufficient to respond to and support activities related to labour migration at the regional level.

In the SADC, there is currently no labour migration desk/unit, as the existing employment and labour department is meant to handle labour disputes. More personnel need to be considered to handle labour migration and the development of a department or division within the SADC that handles labour migration issues. Financial resources for activities linked to labour migration, including capacity and resources (i.e. technology, infrastructure), are also a challenge, as there is no clear structure that drives migration issues in a holistic manner.

#### Labour migration governance challenges

Within ECOWAS, the labour migration governance structure has not been formally outlined and documented in SOP. Discussions regarding the regional response to labour migration under development will help to formalize the shape and operations of the labour migration component. The labour migration governance structure risks losing knowledge and capacity once the lead person is no longer in position to facilitate the process. Documenting it and outlining the approach in the Regional Migration Policy Framework will allow the institutions to operate with guidelines that are agreed on by the Member States. In addition, the strategic location of labour migration within the REC creates a challenge, as labour migration is a cross-cutting issue that is handled by divisions operating within ECOWAS. A recent regional resource audit took place with the purpose of restructuring the organigram of ECOWAS for it to function efficiently. However, one respondent stated that labour migration issues need to be strategically placed in a division that handles most of the migration-related matters to reduce confusion or duplication of activities.<sup>48</sup>

The EAC LMP is not yet operational but is still under discussion with Partner States. Although labour migration issues are handled by the Secretariat, the issues risk falling under the radar given that the Secretariat discusses a few issues related to other forms of migration.

In the case of the SADC, the LMP that was developed in 2014 has yet to be agreed upon by Member States. The primary framework, the Regional Labour Migration Policy Framework, needs to be revisited to address some of the initial issues raised by Member States to finalize it for countries to sign and ratify. The lack of a framework makes it difficult for Member States to adopt the LMP and respond to labour migration issues, as the policy is not binding. Furthermore, response to labour migration is not handled holistically and comprehensively within the region, giving rise to some of the challenges experienced in handling labour migration issues at the regional level. Although diaspora issues have been recognized at the regional level, the challenge is agreeing on a regional approach given that diaspora issues are handled at the Member States level.

<sup>48</sup> This respondent was an ECOWAS representative.

## Gender considerations

Although there are regional frameworks on gender in ECOWAS and the SADC, it is unclear whether these frameworks have been mainstreamed at the Member States level or not, and the extent to which they have been implemented is not known. Studies on the specific situation and profile of skilled female migrants are scarce. The role and potential of skilled migrant women has been overlooked in the effort to put the emphasis on the unskilled and less skilled women and the problems they face during their migration experience (such as exploitation and abuse). This has resulted in shaping a general stereotype – that these migrant women are mainly uneducated and from rural backgrounds. In the SADC, the LMAP has not mainstreamed gender adequately, as the issues experienced by women in certain sectors need to be reviewed and a strategy has to be developed to respond to them sufficiently.<sup>49</sup>

### 2.3.2. National

#### Low ratification of international instruments

Most of the selected Member States in this study have yet to ratify certain ILO conventions that are key to promoting ethical recruitment and protecting the rights of migrant workers (see [Annex 1](#)). In particular, according to interviews with respondents and desk research, the instruments with low ratification among most of the RECs include, but are not limited to, the following:

C097	Migration for Employment Convention (Revised), 1949
C102	Social Security (Minimum Standards) Convention, 1952
C118	Equality of Treatment (Social Security) Convention, 1962
C121	Employment Injury Benefits Convention, 1964
C143	Migrant Workers (Supplementary Provisions) Convention, 1975
C154	Collective Bargaining Convention, 1981
C157	Maintenance of Social Security Rights Convention, 1982
C181	Private Employment Agencies Convention, 1997
C189	Domestic Workers Convention, 2011

South Sudan's ratification of ILO conventions is still slow, as the Government has yet to sign several key ILO conventions that will protect labour migrants and strengthen the Government's response to labour migration issues.

#### Labour migration governance challenges

There are labour migration governance gaps when Member States lack a policy on labour migration and/or a mechanism or strategy to respond to labour migration issues.

In **Zimbabwe**, respondents said that some of their social partners do not have sufficient technical capacities especially those operating at a decentralized level. These include knowledge about labour migration, laws and policies, as well as international frameworks and conventions.

While in **South Sudan, Mali, Burundi, Senegal and Côte d'Ivoire**, there are varied gaps that affect the labour migration governance structure within the Member States. Respondents stated that their respective policies

<sup>49</sup> This was shared by an SADC representative during an interview.



have yet to be implemented since they were completed. South Sudan has yet to implement the National Comprehensive Migration Policy until the peace accord is upheld. In addition, there are budget constraints that limit the functioning of the governance structure. However, the policy suggests that raising funds for migration-related activities will be led and implemented by the Ministry of Interior and the NCM (ILO, 2020c).

In Côte d'Ivoire, the labour migration policy has been developed but the process has been stalled due to the elections as well as the amendments to the draft policy. Therefore, Côte d'Ivoire lacks an operational policy responding to labour migration including an action plan. In addition, its labour migration governance structure does not seem to be in place for coordinating labour migration-related activities. Selected respondents revealed that awareness concerning the developing NMP was limited among key stakeholders, suggesting that the policy may not have been widely disseminated among the key stakeholders.

While in Mali and Burundi, respondents identified challenges in implementing legal instruments. Both countries adhere to the regional frameworks, international conventions, and treaties that they have signed and ratified. However, the challenge remains in the implementation of the rules. In addition, many constraints exist in the implementation of regional protocols, including the dispersion of legislative and regulatory texts and the lack of coordination.

In Mali, the labour market policies and institutions need to be strengthened due to the lack of financial and human resources. In Burundi and Senegal, employer organizations said that a large part of their economies are in the informal sector, hence making it hard to reach out to workers who are not registered and therefore not guaranteed protection at the national and international levels. Both countries have NMPs that have been endorsed at the technical level but have not yet been politically endorsed, raising questions as to whether the policies would require additional revisions to respond to the labour migration conditions at present. In Burundi, IOM (2018b:24) reported that the NMP was unclear on issues concerning social security benefits for migrant workers and that there was a need for the process to be consultative with all relevant social partners involved.

In Senegal, despite having developed a structured approach to migration governance in its NMP, the political validation of policy has not taken place, as the Prime Minister was tasked with this duty, but the post was abolished in 2019 as a constitutional reform. The governance structure in terms of the ministries handling labour migration issues is still fragmented and dispersed, which poses a challenge given that it is looking at migration as a whole and not specifically labour migration (Jegen, 2020:15). There are also coordination concerns related to the labour migration governance structure. Competition for financial resources between State actors and CSOs, thereby creating a “migration business”, suggests that funding is driving responses to policy activities (Jegen, 2020). The presence of donors creates competition between ministries, which makes it difficult to determine who is leading the migration governance structure (ibid.:17). The leading agency in charge of coordinating activities on migration has no clear mandate in general due to the lack of a labour migration governance structure. Another concern raised is the fact that the national agenda is set by external actors (donors), raising concerns about the power and role of external actors on national migration activities (ibid.).

Botswana is still at the initial stages of developing its national migration policy and in the process of understanding its labour migration profile including developing its national policy that will respond to labour migration issues. Although labour migration is of interest, it appears not high on the government agenda. In the case of the United Republic of Tanzania, there appears to be no formal structure in place, and it is unclear whether there are discussions on developing the structure and a specific NMP/NLMP to respond to the labour migration of the country. MDAs and social partners seem to work in silos and/or engage bilaterally on specific issues on labour migration. Furthermore, mainland United Republic of Tanzania and Zanzibar appear to operate independently on migration issues in general. While Uganda is in the process of developing its policy and using existing mechanisms such as the NCM to coordinate on migration-related activities.

## Resource gaps

Most countries flagged resources limitations to support labour migration activities. These include limited human, financial and technological resources that specifically handle labour migration.

In Nigeria, respondents flagged insufficient resources for policy implementation (usually financial, human and technology).<sup>50</sup> All Member States have experienced the same implementation challenges due to lack of resources. Arhin-Sam and Zanker (2019:6) argue that “the political will that led to the current, impressive migration policies and governance framework in Nigeria does not correspond to the political will for carrying them out”. This statement is applicable to other Member States that experience budget constraints, which has implications for policy implementation due to the economic conditions of the country.<sup>51</sup> Often, funding is provided by “international agencies such as ILO and EU that support activities by funding projects... In terms of implementation, the capacity is there but [limited] funding from government, leaving little to be achieved”,<sup>52</sup> suggesting that the Government does not allocate budget sufficiently for migration-related activities. Responses in the study suggest that the structure is in place, but the resources needed for the labour migration governance structure to be effective, efficient and sustainable need to be strengthened.

## Gender considerations

Gender policies and/or strategies exist, but migration is not sufficiently mainstreamed in either gender or employment policies, especially in Burundi, Botswana, Lesotho, Mali, Nigeria and Uganda. In Burundi, there is limited evidence of strategies focused on gender and migration. While in Uganda, the first National Gender Policy (1997) and the revised one (2007) highlight inequalities of the time and refocused the attention to some of the areas that were missed out in the first policy or have become emerging issues in the country.<sup>53</sup> However, migration has not been factored into the policy. Gender is a cross-cutting issue that needs to be addressed in all segments of society, and, even in terms of labour migration, understanding the issues experienced by labour emigrants and immigrants in line with their social status in their communities is important. In Nigeria, there are inadequate gender considerations: the migration patterns have changed and become more feminized and the existing NLMP does not include an elaborate section on female migrants especially those considered vulnerable.<sup>54</sup>

## 2.4. RECOMMENDATIONS

Based on the gaps identified at the regional and Member State levels, the following recommendations can be considered.

### 2.4.1. Regional

#### Economic Community of West African States

- The regional structure of labour migration governance needs to be clearly defined and documented to illustrate how it should operate, the divisions and stakeholders that should be involved, and the activities they should undertake complementing each other.
- A review of the resource audit should assess the strategic position of labour migration issues so that many of the concerns related to labour migration are hosted in the same area for better coordination, management and engagement.
- Clear SOP can be developed to ensure that key social partners are involved in the governance structure.

<sup>50</sup> One of the respondents was a government official (Nigeria).

<sup>51</sup> This analysis is based on interview responses.

<sup>52</sup> This was the statement of a research centre representative in Nigeria during an interview.

<sup>53</sup> The Gender Policy was designed with planning, resource allocation and implementation programmes at the time where priority areas include promotion and protection of rights, participation in decision-making and governance, livelihoods, as well as recognizing and promoting gender in macroeconomic management.

<sup>54</sup> This was shared by an official of Nigeria's Federal Ministry of Labour in an interview.



- A review of the regional resource development plan can be undertaken to develop solutions targeted at the human resource gaps and budget constraints. Ensuring there is a permanent labour migration specialist and a support team that will operate as a focal point on all regional labour migration matters can ensure that they can continue to implement and scale up some of the best practices and lessons learned on labour migration governance in the region. The Member State focal points on labour migrants currently lack resources. A clear outline of resource mobilization will help to clarify the resources needed for their offices to function effectively.
- A budgeting system for labour migration at the regional level should be developed to guide Member States on developing a similar approach at the national level so that they can set up and manage their labour migration governance structures.

### East African Community

- The EAC LMP needs to be finalized and adopted to help Partner States harmonize their national laws and policies to respond to labour migration needs.
- Greater awareness about labour migration is needed among key actors involved in labour migration to ensure the right instruments are in place at the regional level to respond to labour migration issues within the region.
- A regional labour migration expert position with a team should be created to coordinate and facilitate interactions on labour migration issues with Member State representatives. This will assist with the harmonization and implementation of the EAC LMP once it is complete.
- A budgeting system should be developed for labour migration issues that can guide Member States to adopt a similar approach at the national level.

### Southern African Development Community

- The Protocol on Employment and Labour has to be revisited to address the issues and gaps related to labour migration, capturing recommended approaches from the Member State representatives. The revisions to the protocol can lead to the creation of a regional framework to respond to labour migration in the region.
- A team of labour migration experts should be put together to facilitate all engagement on labour migration at the regional level.
- The formation of a labour migration committee, which can include guiding principles on how its establishment should be coordinated, has to be fast-tracked.
- An assessment of the state of gender mainstreaming and labour migration at the regional level needs to be undertaken to identify not only bottlenecks but also best practices to be scaled up at a regional level. The assessment can help the SADC identify entry points where gender issues need to be addressed. Gender aspects would need to be reviewed and revised within the Protocol on Employment and Labour.

#### 2.4.2. Member States

At the Member State level, gender is a cross-cutting issue that should be considered in all recommendations that follow. Regular monitoring and evaluation of gender and labour migration activities needs to be undertaken by Member States. In addition, all Member States should establish a strategy to allocate budget for labour migration-related activities to improve planning and sustainability on a long-term basis.

- Member States need to explore solutions around the bottlenecks that have prevented them from signing and ratifying the relevant international labour migration instruments (see [Annex 1](#)) to ensure the protection of labour migrants. A review of the frameworks in place and why they do not align with the national standards will help to identify the limitations and get the

Member States to sign and ratify the frameworks. Member States can adopt lobbying strategies to push for ratification of the international instruments.

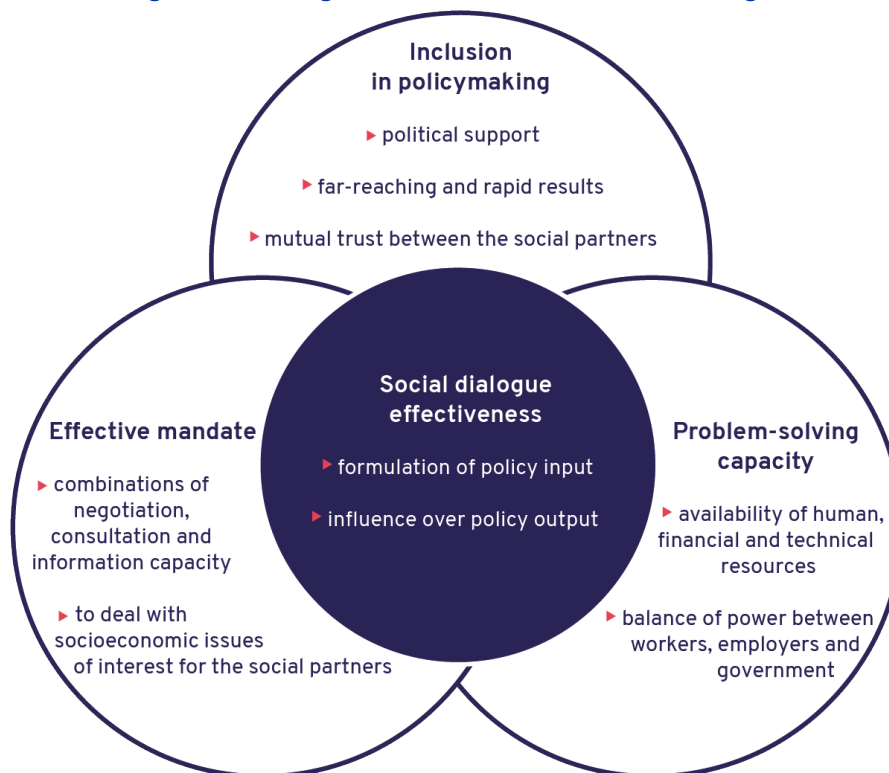
- **The labour migration policies in Burundi, Côte d'Ivoire and Senegal need to be reviewed, revised to respond to the current state of labour migration and then adopted.** Leading agencies will need support throughout the process including the development of the action plans. There is also a need to identify the resource needs to implement the policies (technology, infrastructure, personnel and finances). In the case of **Uganda**, the development of the NLMP needs to be prioritized and fast-tracked. In the case of **Botswana** and the **United Republic of Tanzania**, a joint discussion with social partners on labour migration needs to be held to explore the development of an NMP and/or an NLMP. Benchmarking with other Member States with the support of the JLMP can help the social partners identify best practices and lessons learned from the policies on migration.
- **Regular assessments of the institutional frameworks that are operational need to be undertaken to identify any limitations that are not compliant with the regional and international instruments.** The aspects that should be looked into include issuance and requirements of working permits and respective national employment services; implementation of similar and common labour migration coordination mechanisms and ensure safe and regular mobility of labour migrants across countries. The assessments can identify additional gaps in Member States' laws and policies that should be reviewed and revised to respond to the existing labour migration needs. In **Zimbabwe**, a resource audit should be done at key border points to ensure the right resources are in place to implement any migration- or labour migration-related policy.
- **A review of national instruments, such as labour laws, codes and policies, within the lens of migration should be carried out by Member States.** This will help to monitor the gaps and challenges identified during implementation. Furthermore, a resource audit should be undertaken to determine the needs and inform the revisions of the policy. There are ongoing reviews taking place in Nigeria and Mali of their respective NPLMs/NLMPs/NMPs – Mali has produced a revised action plan for the PONAM, while in Nigeria, lessons learned and best practices are extracted from the NPLM and the NMP, and gaps that should be addressed in the revised version of the policies are identified.
- **Selected Member States, such as South Sudan and Zimbabwe, need to either develop or launch a road map of the activities to implement the labour migration policy.** In the case of South Sudan, the National Comprehensive Migration Policy is in place, but the implementation of the policy is dependent on the peace accord. Alternative ways of operating should be considered, including virtual consultations with social partners on potential activities to undertake on labour migration and on developing the policymaking process once the peace accord is upheld. The process should include social partners especially in the implementation. In **Zimbabwe**, the action plan for the NLMP should be officially launched, highlighting the planned activities on labour migration including social partner engagement.
- **Advocacy on existing NLMP and/or NMP needs to increase at the national and decentralized levels, guided by a communication plan designed in consultation with social partners.** Awareness-raising material and activities on labour migration should be prepared and made available at the national and decentralized levels using varied platforms that are cost effective (i.e. print, social media, radio, television) to ensure that knowledge and information is transferred to the decentralized level. Member States lacking migrant resource centres should identify key locations within the country to support advocacy activities related to migration.
- **Finally, capacity-building for social partners should be an ongoing process in all Member States to ensure greater awareness of labour migration policies.** In Lesotho, there are capacity-building programmes for government staff and social partners to raise the general knowledge and understanding of international labour migration standards and the national Labour Code regulations regarding labour migration and strengthen capacity through the acquisition of robust standard, analytical and operational labour migration management skills.

## SOCIAL DIALOGUE STRUCTURES ON LABOUR MIGRATION

Social dialogue among key stakeholders is critical for the development and implementation of national policies as well as regional frameworks. They allow for negotiation and consultation to take place where exchange of ideas and information between and among relevant stakeholders is critical for moving forward on a specific agenda. ILO opines that social dialogue is meant “to promote consensus building and democratic involvement among the main stakeholders” (ILO, n.d.f).

For social dialogue to be effective, it relies on the organizational performance of the forum. This is where an enabling environment (Figure 2), where there are strong and effective leadership and a well-structured engagement platform with sufficient resources for its social partners, among others, is key. The motivation of the members of the social dialogue is dependent on the historical role the dialogue plays and the vision it has put in place. Finally, the political, administrative and sociocultural environments, among others, have an impact on the motivation of the social partners on the decisions or strategies adopted with regard to labour migration (Guardiancich and Molina, 2020:8).

**Figure 2. Enabling conditions for effective social dialogue**



Source: Guardiancich and Molina, 2020:9.

With the bureaucratic process in addressing labour migration concerns, the multiple social partners involved, including CSOs and NGOs, as well as perspectives from citizens (Finotelli and Echeverria, 2017), are key, and based on the responses in this study, labour migration is a cross-cutting issue involving many stakeholders. The interviews within this baseline identified different types of social dialogue that took place among and between stakeholders in countries at different stages of establishing or managing their labour migration governance structures. At the regional level, ECOWAS and the SADC have developed a platform of engagement on labour migration between social partners that operate differently. Social dialogue at the

regional level in all three RECs includes government representatives that handle labour migration matters, usually from the ministry handling labour issues or from a nominated technical working group or committee engaging with REC officials. This section analyses the SDFs operational in the labour migration governance structure at the regional and national levels. It identifies best practices and lessons learned and at the same time examines the gaps of the dialogue forums.

### 3.1. REGIONAL SOCIAL DIALOGUE ON LABOUR MIGRATION

#### 3.1.1. Economic Community of West African States

ECOWAS, the EAC and the SADC have structures in place that guide social dialogue activities. In ECOWAS, the SDFs are at three levels where stakeholders and delegates “regulate labour migration within the region working with other social partners using the tripartite approach.”<sup>55</sup> These are the:

- **Labour and employment ministers forum** at the top where government labour representatives interact with each other on labour migration matters informed by the other two dialogue forums (i.e. SDF and LMWG);
- **SDF**,<sup>56</sup> which is a large forum that includes all social partners in the region and is held once a year;
- **LMWG forum**, which is held twice a year; the LMWG, which was established in 2017, is a small group that operates within the larger body of the SDF.

The SDF and the LMWG forum are attended by representatives from Member States and ECOWAS through the Directorate of Humanitarian and Social Affairs, which supervises the two forums. The information discussed and generated in the SDF and LMWG forums feed into the meetings of labour and employment ministers. Social partners attending the SDF include the Organization of Trade Unions of West Africa and associations of employers. Selected issues are discussed including the perspectives of social partners to ensure that all labour migration issues are captured. There is also the **Migration Dialogue for West African States**, where general migration issues are discussed including the creation of a technical working group on labour migration. Based on the responses at the regional level, the social dialogue process is inclusive as perspectives and views from trade unions and CSOs ensure that they have a localized perspective.

#### 3.1.2. East African Community

It is important to recognize that some EAC countries are members of multiple RECs where discussions on labour migration take place.<sup>57</sup> Within the context of the EAC, respondents at the national and regional levels indicated that labour migration-related issues are discussed within the EAC Secretariat through the representatives from the Ministry of East African Affairs in each Partner State.

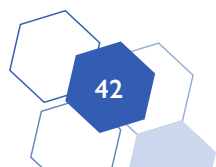
There are two levels where social dialogue takes place on labour migration within the EAC:

- The **RMG** at the top meets every three to six months. Established under Article 50 of the EAC CMP, the RMG investigates the freedoms set out in the CMP. Labour migration issues are reported in this meeting along with other issues related to the CMP. The RMG includes the National Implementation Committee, which reviews monitoring reports that are not publicly made available until they are signed by the members. This group is exclusively for ministers in charge of East African affairs only.

<sup>55</sup> This was shared by an ECOWAS representative in an interview.

<sup>56</sup> The SDF is in the process of restructuring at the time of the study.

<sup>57</sup> Other social dialogue platforms where selected countries within the EAC are members include the **Migration Dialogue for Intergovernmental Authority on Development Region** that includes Kenya, South Sudan and Uganda as members from East Africa; and the **Migration Dialogue from the Common Market for Eastern and Southern Africa**, whose members include Burundi, Kenya, Rwanda, the Sudan and Uganda.



- The **Secretary General Forum** is held twice a year. The forum is attended by regional social partners, the EATUC, the East African Employers Association, the East African Civil Society Organizations' Forum and trade unions.

The EAC and the IGAD established the **Regional Ministerial Forum on Migration** in 2020 for East Africa and the Horn of Africa. Focused on strengthening labour migration governance among the 11 Member States, the initiative is still at its inception phase until 2023, with targeted objectives agreed upon by the Member States. There are plans to put in place a **regional labour migration coordination mechanism** under the EAC LMP for the EAC, which will help facilitate the implementation of the EAC LMP. Furthermore, the Secretariat is planning to establish the EAC RCP where all migration-related issues shall be discussed and resolved. The EAC RCP shall be composed of all stakeholders relevant to migration in the region for collective action.

### 3.1.3. Southern African Development Community

The SADC has SDFs on labour migration that operate at three levels. These are the:

- **Ministerial Committee of the Organ on Politics, Defence and Security Cooperation meeting**, the first level, brings together annually stakeholders in migration and from other sectors, such as security, politics and defence;<sup>58</sup>
- **Committee of Ministers of Employment and Labour and Social Partners (within the SADC) forum**, the second level, brings together ministers of labour in the region as well as social partners from trade unions and associations of employers periodically;
- **Migration Dialogue for Southern Africa** is the third level where Member States discuss various strategies on migration in general, exploring ways of harmonizing and mainstreaming it into national policies.

As of 10 March 2021, the SADC Member States had agreed to create the **Labour Migration Committee** under the SADC Employment and Labour Sector to respond specifically to labour migration issues including strengthening the means of access to labour migration.

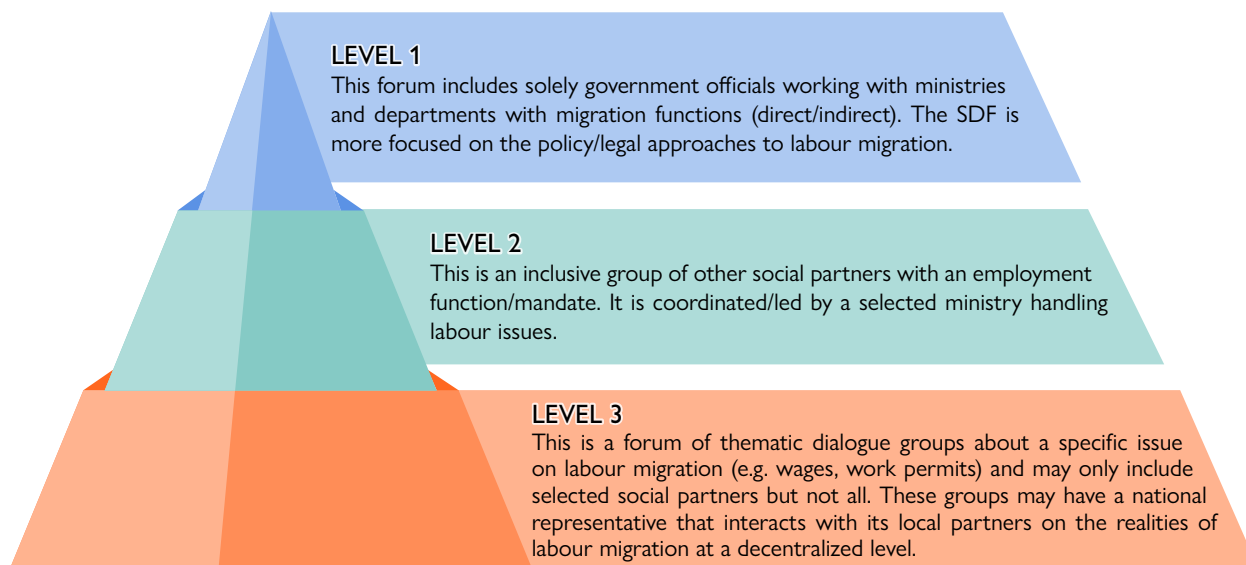
The tripartite social dialogue on labour migration is fully operational and effective at the regional level with no distinction between government officials and other social partners, as the views and perspectives of all are considered. Trade unions across the region are represented by the Southern African Trade Union Coordination Council, which is an umbrella body affiliated with the SADC, as well as the SADC employment agencies that represent the 15 Member States at the technical and ministerial committee meetings. The meetings have been affected by the pandemic, but they try to continue holding dialogue virtually.

The SADC values the contributions of trade unions and employer organizations that help monitor the implementation of activities at the Member State level, upholding their respective governments' commitments especially with regard to the ratification of international instruments. For instance, partnerships and collaboration between social partners and the SADC Employment and Labour Sector assisted in the development of the guidelines on portability of social security benefits in December 2020. The guidelines would ensure equal treatment of nationals and migrant workers under the social security legislation as well as the portability of cross-border payments on social security benefits (SADC, 2020a). Trade unions also assist to disseminate information on the regional commitments by providing a grassroots perspective on the impact of government strategies related to labour migration. At the local level, trade unions work with CSOs, which provide a voice for the communities and raise issues regarding any violations that occur, holding Member States accountable.

<sup>58</sup> This information was obtained from an interview with a representative of the SADC.

## 3.2. NATIONAL SOCIAL DIALOGUE ON LABOUR MIGRATION

At the national level, respondents revealed the different platforms where labour migration is discussed more specifically and where it is part of a larger discussion on migration across countries.



Source: Created by the author based on interview responses, 2021.

The countries with functional SDFs include Burundi, Mali, Nigeria, Senegal, Uganda and Zimbabwe. Social partners include representatives from the following:

- **Government ministries and departments** lead on the legal landscape and provide guidance on the international, regional, and continental frameworks in place and the position of the government in terms of laws and policies (existing and to be considered for development).
- **International agencies/organizations**, such as the ILO, IOM, the GIZ and the European Union,<sup>59</sup> provide technical and financial support in the labour migration governance structure in the form of programmes or initiatives focused on building the capacity of social partners. In addition, they support the SDFs to ensure that a whole-of-government approach is adopted together with all the social partners, thereby upholding the tripartite agreement.
- **Trade unions** provide guidance on issues concerning workplace conditions, wages, protection of workers and social security, among others. They hold the government accountable to its obligations by monitoring the realities of the policy in practice.
- **Employment and private recruitment agencies** provide perspectives on the state of recruitment practices of registered agencies. They also collect their own data about labour migrants applying for jobs in selected destinations with which their respective countries have existing BLAs.
- **CSOs** participate in selected situations when trade unions provide them with a space to raise emerging issues related to labour migration from the grassroots. This allows the government to understand the challenges and experiences of different types of labour migrants. CSOs represent different migrant groups – from seasonal migrant workers to domestic workers, among others.

<sup>59</sup> The European Union operated as a donor in most cases, supporting programmes and initiatives, but, in some situations, it was present in some of the SDFs on projects it was funding.



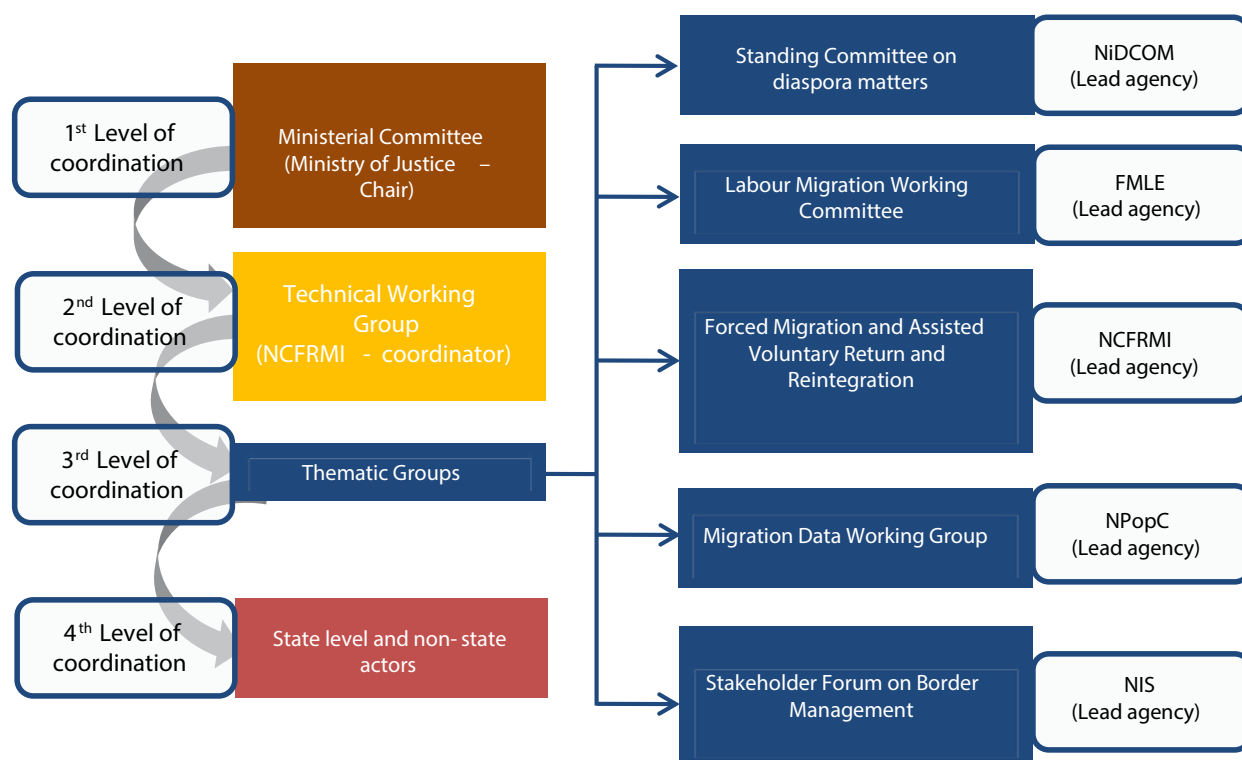
- **Diaspora associations** are represented in selected countries through associations or organizations but remain underrepresented in the SDFs in most of the Member States. The associations are often composed of nationals working in varied sectors with different demographic profiles. Their issues are, however, highlighted by the Ministry of Foreign Affairs department that handles diaspora issues with an operational working group that provides information on the diaspora issues raised in consultation with the associations.

### 3.2.1. Existing social dialogue forums

#### Nigeria

Nigeria's SDFs on migration governance, including labour migration, have four levels of coordination, as illustrated in Figure 3.<sup>60</sup>

Figure 3. Coordination on migration governance in Nigeria



Source: Arhin-Sam and Zanker, 2019:5.

The **Technical Working Group**, led by the Permanent Secretary of the Federal Ministry of Labour and Employment, includes trade unions, representatives of CSOs, employer associations and private recruitment agencies. Another group is the **SPAC**, composed of representatives from the employment sector and led by the Director of Employment and Wages Department; the SPAC members are from the Nigeria Labour Congress, the Trade Union Congress of Nigeria, the Nigeria Employers Consultative Association and the Association of Private Employment Agencies. Through these thematic working groups, social partners can propose strategies to address different aspects of labour migration. For example, the NAPTIP under the Ministry of Justice and the Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development is the secretariat of the Stakeholders Forum on Border Management, but the **NAPTIP** also has representatives sitting in each thematic working group to ensure that issues related to trafficked persons are considered in all aspects of migration.<sup>61</sup>

<sup>60</sup> Each MDA has their own consultative forums or thematic working groups that guide their work. In this assessment, the focus is on the primary SDFs that feed into labour migration.

<sup>61</sup> This was shared by a NAPTIP official during an interview.

Trade unions raise issues concerning all labourers, including the protective measures that need to be in place for Nigerian labour migrants in the Gulf States. From the interview responses, CSOs were seen as critical actors at the community level<sup>62</sup> and representatives from the NAPTIP stated that they work closely with CSOs to identify and curb potential human trafficking and child labour cases. The NAPTIP has been providing CSOs with support in as far as training and capacity in fighting human trafficking, and CSOs have raised concerns about the need for ethical recruitment practices of labour migrants bound for the Gulf States. CSOs' engagement with trade unions reveals that:

*A major concern is about flow of migration, how we ensure people who migrate in an orderly and safe environment, how to work towards immediate barriers leading to irregular migration, securitization on entry and exit points where migrants are being penalized, how to deal with statelessness.<sup>63</sup>*

Information is shared in emails and during forum discussions in the form of publications, reports, memos and slide presentations. However, some social partners in the study revealed that information was not shared early enough for them to review the documents before the meeting. Some stated that the information they received was usually on the day of the meeting and in the form of presentation. Another limitation revealed was the insufficient resources to host the dialogue meetings, especially funding, and if funds were available to hold the SDFs, restrictions on in-person gatherings and meetings during the height of the pandemic further affected these forums. Although holding virtual SDFs was an option, the requirements of this format, such as reliable Internet connectivity, infrastructure development related to telecommunications and access to electricity, and funding, could not meet the need. There is also political will and interest in addressing labour migration issues in Nigeria through the SDF, but certain aspects of the forum need to be strengthened; this issue is elaborated at the end of this section. Overall, responses in this study reveal that SDFs are effective in terms of identifying key labour migration issues from the perspective of social partners as well as in terms of bringing together relevant actors on this topic.

## Zimbabwe

Zimbabwe has established four SDFs on labour migration or migration in general. Respondents in the study collectively identified the following as operational levels of coordination:

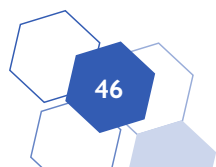
- The **PIC on Labour Migration** was established under the NLMP as a mechanism for coordination with different ministries handling labour migration issues, including the Ministry of Foreign Affairs. The PIC consists of technical people who monitor and evaluate the effective implementation of the NLMP as well as mobilize resources for implementation.
- The **Sub-Committee on Labour Migration** is a component of the interministerial committee that looks at the coherence of policies that focus on labour migration. It responds to the inputs of the PIC, working in partnership with other organizations.
- The **Working Group on Labour Migration**, created under the NLMP, is made up of social partners including trade unions, employer organizations, private recruitment agencies and CSOs. It outlines strategies or responses to effectively manage labour migration.<sup>64</sup>

Figure 4 illustrates the levels of coordination on labour migration governance in Zimbabwe.

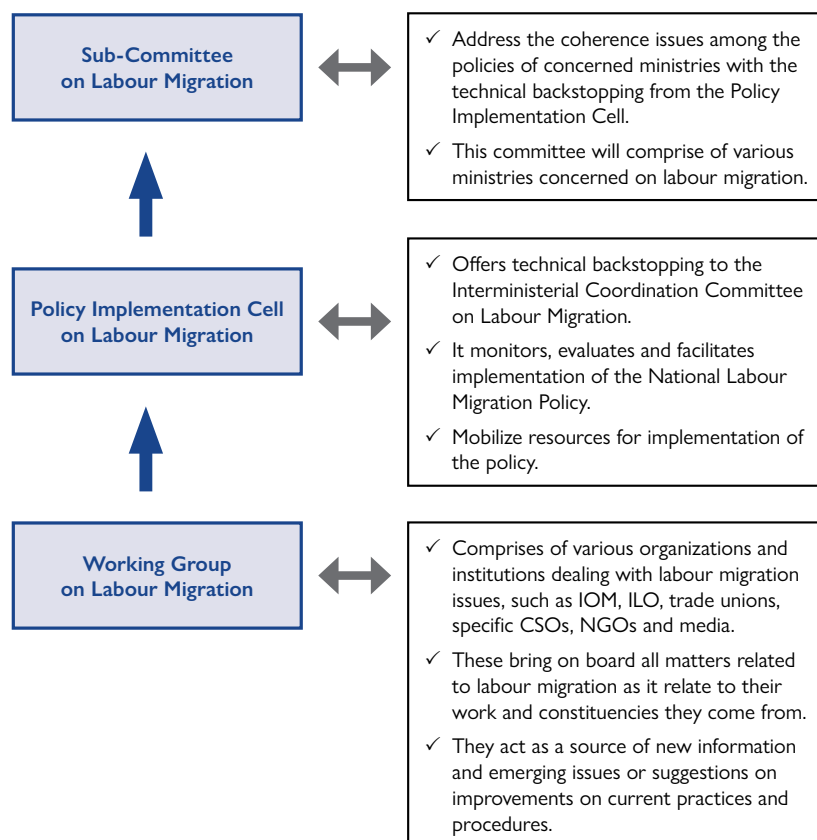
<sup>62</sup> One of the respondents about trade issues was a trade union official.

<sup>63</sup> This was the statement of a trade union official during an interview.

<sup>64</sup> This information was shared by an official of Zimbabwe's Ministry of Public Service, Labour and Social Welfare during an interview.



**Figure 4. Coordination on labour migration governance in Zimbabwe**



Source: Zimbabwe Steering Committee on Labour Migration, 2020:28.

Respondents in the study also identified the following:

- The **Foreign Recruitment Committee**, an interministerial committee<sup>65</sup> under the Ministry of Home Affairs and Cultural Heritage, housed under the Department of Immigration, provides advice concerning skills assessment of expatriates to determine the local demand. The committee approves visas for foreign migrants seeking employment opportunities in the country.
- The **Tripartite Negotiating Forum** allows government MDAs to interact with labour organizations, CSOs and employer organizations. This forum assists government to identify issues and propose solutions for policy response towards production and labour productivity.<sup>66</sup>

There are also border-level SDFs between the Government of Zimbabwe and neighbouring Member States that receive and send labour migrants. They discuss the development of BLAs, responding to the concerns of their labour migrants informally, such as in the case of Zimbabwe and South Africa and Namibia. Diaspora issues are handled by the MoFAIT, which recognizes that Zimbabweans in the diaspora are “not a homogenous group as they live in different countries of destination, and they are set up differently”<sup>67</sup> and that they represent different sectors in their destination countries or in regions where they reside (e.g. medical professionals in the United Kingdom and Canada). Having knowledge and data about nationals living overseas helps the Government to develop strategic approaches to engaging with the diaspora, especially on national development programmes. Zimbabwe’s cooperation and engagement framework, the DERMS, which is being developed by MoFAIT, will be incorporated in the National Diaspora Policy, which will work efficiently to engage with the diaspora. The **DERMS** will respond to the different pillars of diaspora engagement including building trust,<sup>68</sup> which is identified as a critical foundation of diaspora engagement.

<sup>65</sup> The committee includes government offices in charge of internal security and immigration, among others.

<sup>66</sup> This information was from an official of Zimbabwe’s Ministry of Finance during an interview.

<sup>67</sup> This was the statement of a Zimbabwean government official handling diaspora affairs during an interview.

<sup>68</sup> This information was given by a Zimbabwean government official handling diaspora affairs during an interview.

The responses in the study reveal that social dialogue in Zimbabwe is well established and functional, adopting a tripartite approach. The challenges faced have been linked to the recent pandemic, which has limited coordination activities that have to adhere to COVID-19 protocol. Furthermore, a whole-of-government approach is adopted in policy development, as relevant stakeholders have been involved in the process in terms of sharing their perspective about the need for consultations with the ZCTU, which was mentioned as a critical actor. CSOs provide grassroots information on challenges experienced by migrants in their communities. They interact often with the ZCTU, which gives them a seat at the table during the SDFs, as they do not always have direct access to some of the platforms for engagement.<sup>69</sup>

## Uganda

Uganda has three levels of social dialogue on labour migration:

- The **Joint Technical Committee on Labour Migration**, led by the MGLSD, currently engages all social partners except trade unions, which is an oversight.<sup>70</sup>
- The **Labour Advisory Board**, whose secretariat is the MGLSD, engages with labour unions and employer organizations.
- The **NCM**, which was created in 2016, engages both State and non-State actors on all migration issues in general including labour migration.

Members of these advisory bodies are nominated by the respective organizations handling labour and/or migration issues in general. The groups have used different platforms to engage, such as face-to-face meetings, website information and virtual meetings more recently. Social actors attest that through the working committees they can review policies or laws being developed but are unsure whether their perspectives are considered. They also share with the Government position papers on many issues but have not done so on labour migration. Although they appreciate the inclusion in the SDFs, they often feel that they are consulted at the last minute without ample time to review the documents for a comprehensive engagement.<sup>71</sup>

## Burundi

In **Burundi**, the primary social dialogue is facilitated by the **National Social Dialogue Commission**, which is a result of the National Social Dialogue Charter.<sup>72</sup> The commission meets monthly to discuss all labour-related issues as well as handles dispute resolution on a national or sectoral level, contributes to policymaking on health and safety of workers, and participates in consultations for formulating relevant regulations and legislation (Danish Trade Union Development Agency, 2021a:12–13). Hosted at the Office of the President, the National Social Dialogue Commission interacts with its social partners on labour migration issues, ensuring there is gender parity. Chairmanship of the commission is rotated every five years between government, trade unions and employer organizations. The National Social Dialogue Commission's evaluation report on the impact of social dialogue on labour issues was underway earlier in 2021. The results of that evaluation could lead to amendments to the National Social Dialogue Charter (ibid.:11–12).

Burundi also has SDFs operating at the provincial level through the social dialogue committees with representatives from workers, employers and government. Tripartite institutions, such as social partners from government, employer organizations and trade unions, meet regularly on all labour-related issues and provide relevant information to the National Social Dialogue Commission. Other bipartite and tripartite organs (ibid.:13) include the following:

- National Labour Commission
- National Recruitment Commission
- National Social Security Institute

<sup>69</sup> This was shared by a Zimbabwean trade union official during an interview.

<sup>70</sup> This information was given by an official of Uganda's labour department during an interview.

<sup>71</sup> This was shared by a Ugandan trade union official in an interview.

<sup>72</sup> Adopted by social partners in 2011, the National Social Dialogue Charter aims to promote social dialogue using the tripartite consultative approach focused on labour issues in general.



- National Medical Insurance Board (for civil servants)
- National Risks and Work Accidents Board
- National Arbitration Board

The above organs address various issues related to health, social security and occupational safety, among others. The extent to which migrant worker issues are discussed was not determined at the time of the study.

The NMP aims to create an **interministerial committee on migration** that allows ministries to engage on all migration issues including labour migration. Issues will include portability of social security benefits of migrant workers (ibid.:20). The committee collaborates with other social partners, such as the ISTEERU, the AEB and the COSYBU, among others. Social partners interviewed in this assessment, such as trade unions, felt that their perspectives were considered during the implementation and monitoring of labour migration policies. There is a process taking place to develop a labour migration policy that may lead to the development of an SDF specific to labour migration (ibid.).

## Mali

Mali has a vested interest in diaspora engagement and has two platforms under the Ministry of Malians Abroad and African Integration, which coordinates and monitors activities related to Malian diaspora. These diaspora engagement platforms are the **General Delegation of Malians Abroad** and the **High Council of Malians Abroad**; the latter is a private structure comprising of government officials and elected representatives of national councils in 63 countries. They bring Malian diaspora together; promote unity, solidarity, peace and integration; and encourage economic, environmental, social, cultural and athletic contributions. The General Delegation for Malians Abroad is a technical department under the Ministry of Malians Abroad and African Integration that has been mandated to protect and promote the interests of Malians working in other countries (Keita, 2016:7).

The **Centre for Migration Information and Management** was established in cooperation with the European Union, ECOWAS, the Government of Spain and the Government of France in 2008. It is not an SDF but a public engagement platform assisting potential migrant workers and conducting research on migration and development. The IOM Migration Governance Indicators assessment for Mali (IOM, 2018a) indicates that the Government interacts with trade unions and CSOs especially when developing the NMP. The NMP aims to build the capacities of social partners so they can engage effectively in labour migration issues in the country. Efforts to engage, however, have been constrained due to the lack of financial and human resources of these stakeholders to execute their expected activities.

## Lesotho

**Lesotho** had been lacking a functional SDF specific for labour migration for several years that led to scattered responses to labour migration issues, according to respondents, which is supported by a recent assessment of labour migration in the country (Lesotho Ministry of Labour and Employment, 2017). Coordination on social dialogue on labour migration is led by the Permanent Secretary of the Ministry of Labour, who has played an important part for the past 20 years during the negotiation between mining companies and their workers.<sup>73</sup> Currently, activities are linked to the specific government ministry/department handling varied aspects of labour migration. The NLMP (2018) proposes the development of an overarching **Advisory Committee on Labour Migration** that will strengthen governance and interministerial coordination. It will closely liaise with the **National Consultative Committee on Migration** on the development of the draft Migration and Development Policy. The advisory body also proposes the creation of the **National Advisory Committee on Labour**, which will be responsible for monitoring the impact of national policies, in partnership with social partners.

<sup>73</sup> Lesotho has had a long history of supplying labour to the mining sector in South Africa, which has resulted in continuous negotiations between mining companies regarding the rights of migrant workers in the mining sector.

## Senegal

In Senegal, the National Charter on Social Dialogue was developed in November 2004. It aims to strengthen social cohesion and collective bargaining power in the public and private sectors. Furthermore, this charter seeks to consolidate the social dialogue mechanisms (i.e. collective bargaining, conciliation, and consultations in a bipartite or tripartite context) as well as create a permanent National Social Dialogue Committee to promote economic growth, job creation, social protection and solidarity.

In 2014, the HCSD replaced the former the National Social Dialogue Committee. It is composed of these five specialized tripartite commissions:

- Social Mediation Commission
- Training and Awareness Commission
- Communication and Press Commission
- Social Protection Commission
- Gender and Professional Relations Commission

The HCSD is currently coordinated by the State of Senegal, represented by the ministries of labour, employment and the sectors concerned. As stated in the NMP, the Government aims to develop a **national migration council** that is meant to meet every two years to discuss migration and development matters. It will also coordinate the implementation of the NMP through a national consultative structure called the **National Steering Committee**, which will be chaired by the Prime Minister or a nominated official. The National Employers' Council of Senegal (Conseil National du Patronat du Sénégal), together with social partners from other MDAs, trade unions, CSOs, international organizations and diaspora organizations, will guide and validate activities under the NMP. Although the NMP is not fully operational, Jegen's study (2020:16) reveals that a functional localized coordination platform on migration has been existing since 2018 headed by the governor of Tambacounda, who works with a range of social partners including CSOs, diaspora returnees, international organizations and national actors.<sup>74</sup>

### 3.2.2. Developing social dialogue forums

Countries that lacked a functional SDF on labour migration and/or other migration-related issues include Botswana, Côte d'Ivoire and South Sudan. For some countries, they had SDFs that discussed labour issues only, but they all acknowledge the importance of organizing an SDF dedicated to labour migration issues.

In the case of the **United Republic of Tanzania**, there were limited interviews conducted for this study. The existing literature revealed there were existing SDFs on labour issues only, but it was unclear whether labour migration issues were part of the discussions. The SDFs in mainland United Republic of Tanzania were focused on specific aspects related to work and included the following advisory bodies and committees (Danish Trade Union Development Agency, 2021b):

- **Labour, Economic and Social Council**, which guides the Prime Minister's Office – Labour, Youth, Employment and Persons with Disabilities on national labour market policy issues;
- **Essential Services Committee**, with members from government, employer associations and worker agencies addressing matters concerning dispute resolution and minimum services agreements, among others;
- **Sectoral Wage Board**, led by the Ministry of Labour, investigates minimum remuneration and collective bargaining between trade unions, employers and employer associations, among other activities.

<sup>74</sup> The coordination platform was set up to foster engagement on migration governance and to ensure that all migration-related projects were launched with the knowledge of the governor (Jegen, 2020:16).

While the SDFs in Zanzibar (ibid.) include the:

- **Labour Advisory Board**, whose nine members from government, employer associations and workers agencies appointed by the labour minister discuss labour-related issues in meetings four times in a year;
- **Wage Advisory Board**, with 13 members from government, employer associations and workers agencies;
- **National Occupational Safety and Health Committee**, which discusses labour-related issues guided by the Labour Relations Act.

Social partners engaged in some or all these SDFs include government officials; trade unions, such as the Zanzibar Trade Union Congress and the Trade Union Congress of Tanzania; employer organisations, such as the Association of Tanzania Employers and the Employers Association of Zanzibar. Although the Government has a legal framework guiding social dialogue in mainland United Republic of Tanzania and Zanzibar, its implementation has been limited and ineffective due to issues related to enforcement and the meetings have not been regular (ibid.).

In **Côte d'Ivoire**, the Ministry of Employment and Social Protection issues the Employment Card, with social partners facilitating the implementation of the National Employment Policy. Although private employment agencies participate, they are only limited to activities related to the labour market (ILO, 2020e). Migration management remains fragmented across six different ministries, and there is limited evidence of a functional inter-institutional coordination mechanism in place (IOM, 2019b:15).

In the case of South Sudan, the NAC and the NCM have been tasked with the role of coordinating all activities related to the National Comprehensive Migration Policy including labour migration activities through the High-level Steering Committee. As stated in the National Comprehensive Migration Policy, there will be thematic groups that take care of the different needs related to labour migration. The Labour Market Information System Task Force will also be developed and led by the Ministry of Labour, collaborating with social partners to develop and implement the LMIS. The National Comprehensive Migration Policy also aims to establish an umbrella body to unite South Sudanese diaspora organizations globally. The Migration Partners Forum will be linked to the task force and will coordinate diaspora activities across the different ministries and departments. At the time of the study, these SDFs, which rely on the peace accord to function, were not operational due to the political conditions in the country. The NCM, therefore, has not been formally set up, as currently key government and non-State social partners are not physically present in the country. Nonetheless, bilateral discussions between relevant ministries/departments and social partners take place, including the South Sudanese Workers Trade Union and the Ministry of Labour, hoping to address the cross-border mobility of South Sudanese citizens and other nationals within the region for employment purposes. However, social partners may not be aware of the policy nor the existence of an SDF led by the NAC and the NCM.

**Botswana's** SDF structure is very informal, as there are engagements between the Government and its social partners, but the dialogue is very siloed. Government MDAs have working groups, such as the following, addressing labour-specific issues:

- **Wage Board**, where the relevant government ministry and trade unions engage;
- **Labour Advisory Board** under the Ministry of Employment, Labour Productivity and Skills Development handles issues related to dispute and resolution;
- **Public Service Bargaining Council**, which deals with issues concerning public officers;
- **Human Resources Development Council**, which handles skills development and advises government on human capital development.

Although they meet annually, the groups do not discuss labour migration issues, and the information shared through these platforms is normally recorded in the minutes of the meetings only.<sup>75</sup> Respondents in the study mentioned that discussions on the development of the NMP had been held previously; however, the dialogues were not regular and it is unclear whether these were formally established SDFs.

Social partners, such as the BFTU, engage with government by scheduling appointments with the right ministry to discuss a specific issue. The BFTU works closely with migrant associations across the country, encouraging them to register with the federation to make it easier to seek support as and where necessary. The registration process has been ongoing since 2018 in partnership with BoLAMA, an independent CSO that accommodates migrant associations and can solicit information concerning issues experienced by labour migrants across the country, helping the Government in responding to labour migration issues. The pandemic complicated the dialogue between social partners whose focus changed to sustain their businesses.<sup>76</sup> Botswana, therefore, has more of an informal SDF that is based on bilateral engagements between social partners on issues concerning labour migration.

### 3.3. GAPS AND CHALLENGES

At the regional and Member State levels, it was noticeable that funding was limited to support the SDFs on a regular basis. ECOWAS officials, in a benchmarking mission to the SADC, noted that the financial structure was different as Member States in the SADC contributed financially to SDFs, while the ECOWAS member countries solely financed activities, which was a very heavy burden. Even with the pandemic, virtual communication was a challenge, as some Member States' infrastructure projects, such as Internet services and electricity, were constrained by the impact of the pandemic.

Information-sharing was a challenge at the regional and Member State levels, as respondents argued that information was only shared on the day of the forums in soft copy and sometimes only on slide presentations. This gave social partners less time to review the information presented for effective feedback. Information-sharing was bottom-up and not top-down in the sense that trade unions, CSOs and employment agencies shared information on their concerns and issues with the evidence they had gathered, but selected policy and legal information was brought to the attention of social partners once it was approved by the ministerial committee, in the case of the EAC. Specific challenges and gaps at the regional and Member State levels are discussed in the next subsection.

#### 3.3.1. Regional level

##### Economic Community of West African States

There is no SOP in place to explain how SDFs should operate; however, there are informal undocumented guidelines that define how they operate.<sup>77</sup> The structure needs to ensure that the right representatives attending the meetings are well versed in the topic, as one respondent indicated that each year there was a different representative for some social partners, and it appeared as if information was not shared among them to ensure that the representative was updated on the information being discussed. There are resource limitations especially in terms of funding the hosting of these forums, which is also linked to political will. Although social partners are passionate about the need to strengthen labour migration governance at the regional level, they need the resources to motivate them more and be able to continue the dialogue.

<sup>75</sup> This was shared by an official of Botswana's labour department in an interview.

<sup>76</sup> This was shared by a trade union representative in Botswana during an interview.

<sup>77</sup> An ECOWAS representative shared this information in an interview.





## Southern African Development Community

Although labour migration issues are discussed using the existing SDFs, the proposed Labour Migration Committee needs to be formally established to handle dialogue specific to labour migration for greater impact and a more detailed discussion on labour migration issues among Member States. Regional diaspora engagement needs to be strengthened, too. Diaspora issues are handled at the Member State level and there are several diaspora-related issues, making it challenging to determine a strategic approach. However, the SADC is working towards supporting Member States using the LMAP 2020–2025. Although these instruments are in place, a regional programme can be considered also to enhance regional engagement on diaspora issues.

## East African Community

At the time of the study, the EAC had no specific SDF on labour migration at the regional level, as all discussions, including about labour migration, were facilitated and coordinated by the EAC Secretariat. The RMG holds a ministerial forum, where at the time of the study, there was limited information concerning the RMG reports. Nevertheless, the impression gathered is that the RMG does not include other social partners but reviews discussions raised in the Secretariat on all issues in general. The EAC Secretary General interacts with social partners but on general issues related to regional integration, which includes labour migration; labour migration is not the primary focus. The establishment of the **regional labour migration coordination mechanism** would help regional social partners to respond to specific matters related to regional labour migration.

### 3.3.2. Member State level

#### Developing social dialogue forums in selected countries

In selected countries, such as Botswana, Côte d'Ivoire and South Sudan, there is no specific SDF that handles labour migration; the engagements are more bilateral between social partners and selected government MDAs. In the case of Côte d'Ivoire, there is a need to establish an SDF on labour migration, as the NMP has yet to be finalized and adopted. While in the case of South Sudan, the blueprint of the SDF has been outlined in the National Comprehensive Migration Policy, but the SDF activities have not been operational, as some social partners are not physically present in the country and therefore have been unable to engage more regularly. Meanwhile, in Botswana, labour migration dialogue is segmented and dependent on bilateral engagements on labour-related issues between social partners where labour migration issues are raised by CSOs that interact with labour migrants. The United Republic of Tanzania lacks an SDF platform for labour migration; the existing SDFs are more focused on labour issues in general.

#### Labour migration coordination and thematic social dialogue forums

Coordination on labour migration issues is a challenge across all Member States. In Mali, social dialogue was an issue between trade unions and the Government, as the last strike of trade unions' conflict with the Government of Mali gave rise to the need for an effective and efficient social dialogue. In Zimbabwe, the blueprint for dialogue exists, but coordination needs to be strengthened between social partners.

There were thematic SDFs identified in most countries handling some aspects of labour migration within their primary areas (e.g. human trafficking). For those in a general migration group, it is unclear whether all labour migration issues can be addressed in a general group that considers all aspects of migration. This makes prioritization very difficult, as the most pressing issue would be addressed first and is dependent on the resources available to respond to that issue.

## Impact of social dialogue forums

The impact and effectiveness of SDFs was subjective, and although the respondents indicated that the platform was useful and could see evidence of tripartism, there was a gap in terms of whether these forums had achieved their targets. Impact can only be measured through monitoring and evaluation of the systems in place, which is addressed in section 5 of this report. In the case of Mali and Burundi, respondents pointed out that they were unable to meaningfully engage in labour migration policy discussions, as one respondent said that they were unable to conduct social facilitations and mediations between key stakeholders and migrant workers due to the unfair soft power of the private sector to influence labour migration laws and policies related to cross-border migration and protection needs of migrant workers. They argued that the process was tedious especially when resolving conflict between labour migrants and the private sector. In Burundi, Côte d'Ivoire and Mali, respondents pointed out that labour migration was not well advocated to the tripartite members, therefore making it difficult to engage in training, prevention, management, and resolution of social conflicts at the workplace and at the national level.

### 3.4. RECOMMENDATIONS

The following recommendations can be considered regarding the SDFs at the regional and Member State levels:

- **Develop SOP that outlines the activities of SDF social partners including the requirements to be met to be considered a social partner in an SDF.** The SOP should be reviewed every two years to respond to the changing environment.
- **Support more engagements with CSO representatives, allowing them to contribute to and participate in the dialogue process.** Encouraging CSOs to organize under an umbrella body that is recognized by the government ensures their legitimacy and allows them to share experiences and knowledge about labour migration issues taking place across the country.
- **Allocate budget for convening forums.** Migration budgeting as a key activity under the governance structure should include a budget line to ensure SDFs take place, including supporting countries to improve their resources to effectively participate virtually in SDFs during emergency situations.
- **Develop an information-sharing system to ensure that social partners have ample time to review the policy documents, programmes or other relevant material with regard to labour migration.** Establishing a virtual repository that is only accessible to members of the SDF will allow social partners to be up to speed on discussions regarding labour migration. Each Member State can assign an administrator who will receive all the relevant material on labour migration to be shared on the platform and will be responsible for maintaining the contents.
- **Conduct a resource audit at the regional and Member State levels to identify the resources needed to ensure dialogue continues, especially with the challenges brought about by the pandemic.** This can include technological and infrastructure needs to ensure that social partners have the right resources in place.
- **Improve coordination between social partners by building the capacities of institutions dealing with labour migration to ensure they have the resources to respond to emerging issues.** This could ensure implementation of government policies if all social partners' capacities are built to respond at the national and decentralized levels.
- **Support the development of the SDFs of countries lacking specific dialogue platforms on labour migration issues.** This can include reviewing and assessing the existing SDFs on labour to determine whether to create a new SDF on labour migration or ensure that labour migration issues are included in the discussions between social partners. Benchmarking experiences with countries that have functional and effective SDFs can guide the development of the SDFs.

## LABOUR MIGRATION PROGRAMMES AND BILATERAL LABOUR AGREEMENTS

Programmes and initiatives are often used to implement the policies related to labour migration, while BLAs facilitate employment opportunities for labour migrants in selected destination countries. This section of the report provides an overview of some of the labour migration programmes and an assessment of the BLAs of selected Member States.

### 4.1. REGIONAL PROGRAMMES

#### 4.1.1. Economic Community of West African States

ECOWAS has undertaken a few regional programmes on labour migration since 2004. Existing literature shows that one of the first programmes was a multiregional project focused on exploring **labour migration as an instrument on integration in East, West and North Africa (2004–2006)**, which took stock of the integration schemes in the three regions, with the aim of assisting to define the social partners in selected African countries and identify effective mechanisms for a comprehensive approach to labour migration. This was followed by the cross-regional programme focused on **improving institutional capacity in labour migration governance in North and West Africa** that was undertaken between 2008 and 2009,<sup>78</sup> responding to the increased flow of mixed migrants into Europe and focusing on maximizing the benefits of international labour migration for development in both sending and destination countries. It also revolved around promoting good governance and effective labour migration management using the ILO Multilateral Framework on Labour Migration (ILO, 2009). Another programme mentioned by a respondent was an ILO project on labour migration targeting decent work, which has added value to the work at ECOWAS.

*There was a diagnostic study on the deficit on decent work around labour migration governance that was trying to see how to change the narrative by strengthening labour migration governance within the region. It considered different perspectives such as labour standards, social protection that helps migrant workers find decent work [in neighbouring countries] in Member States.<sup>79</sup>*

In 2013, ECOWAS was part of the FMM West Africa project, where the ILO, IOM and the International Centre for Migration Policy Development provided technical assistance. FMM West Africa aimed to:

- Promote regional dialogue on labour migration;
- Improve LMISs and the coordination of the public employment services database in ECOWAS;
- Extend access to and coverage by social security for migrant workers and the portability of social security entitlements;
- Support the implementation of the ECOWAS General Convention on Social Security through the development of a road map;
- Strengthen institutional capacity to combat trafficking in person.

<sup>78</sup> The programme was extended to 2011.

<sup>79</sup> An official of the Directorate of Humanitarian and Social Affairs of ECOWAS said this in an interview.

The FMM West Africa project seconded a labour migration expert to ECOWAS to meet these targets. Based on the responses of ECOWAS representatives, the programme addressed some gaps at the Member State level as well as provided some expertise on labour migration including building the capacity of the Directorate of Humanitarian and Social Affairs in collecting labour migration data.<sup>80</sup> The programme has been winding down since 2019, and the labour migration expert's contract has ended. To fill the gap, the JIMP has provided capacity-building to ECOWAS through the FMM West Africa project, including in migration data management.

#### 4.1.2. Southern African Development Community

The SADC has initiated a few regional projects related to labour migration. To some respondents in the study, the LMAP has been considered a programme with targeted outcomes over a set period that inform labour migration-related activities the way forward. Existing literature shows that the SADC implemented a programme on decent work from 2013 to 2019, which focused on:

- Promoting decent work in the region by putting in place measures that can track decent work such as the LMIS;
- Ensuring harmonization of labour market regulatory regimes outlined by the ILS of the ILO;
- Creating employment by improving productivity in the workplace;
- Promoting social security coverage through the programme;
- Promoting safety and health in the workplace;
- Protecting migrant workers;
- Ensuring continued social dialogue with key stakeholders among others (SADC, 2013b).

The programme was a response to the negative impact the global economic crisis had in the SADC, with the aim of addressing unemployment and poverty, among others, in the process of promoting decent work environments in the SADC region. The adoption of the guidelines on social security in 2020 is a result of the engagements of the ILO programme on **strengthening capacities and policy instruments on social security, including portability of rights, in the SADC** (ILO, n.d.b).

Recently, the SADC launched the **SAMM** project,<sup>81</sup> a four-year project to be implemented between 2020 and 2023. SAMM has a component on improving policies on labour migration across the region and will adopt a rights-based and gender-sensitive approach to create safe and regular pathways for all migrant workers. It will also ensure that the right protective mechanisms are in place for migrant workers and will establish a **Southern African and Indian Ocean migration observatory** that will provide evidence-based management strategies to address mixed migratory flows within the region. The SAMM project is being undertaken in an environment where the legal frameworks may be lacking, as the protocols are not legally binding, which affects implementation. There is limited funding focused on strengthening labour migration governance structures.<sup>82</sup> The lack of a regional coordination committee may also bring a few challenges, although there are ongoing discussions on creating a platform that could improve regional programming and activities. As the project is still in its inception, going forward, it would be important to keep in mind these limitations and adopt solutions or strategies to overcome these challenges in the long term.

<sup>80</sup> An official of the Directorate of Humanitarian and Social Affairs of ECOWAS shared this information in an interview.

<sup>81</sup> The project is implemented in partnership with the ILO, IOM, the United Nations Office on Drugs and Crime and the United Nations High Commissioner for Refugees.

<sup>82</sup> An SADC official revealed this during an interview.

## 4.2. NATIONAL PROGRAMMES

Varied programmes focused on strengthening migration governance from human resource capacities to knowledge generation have been undertaken in selected Member States. These programmes are inclusive of training activities focused on building capacities of the Member States. The programmes identified at the Member State level are cross-cutting but have targeted specific areas affecting labour migrants, which include portability of social security, decent work, protection of migrant workers, diaspora engagement and strengthening labour migration governance.<sup>83</sup> The selected programmes discussed in the next subsections focus on labour migration and provide an idea of some of the thematic areas of interest at the Member State level.

### 4.2.1. Social security

Burundi, Mali, Senegal, South Africa, the United Republic of Tanzania and Uganda participated in the Extending Social Security to African Migrant Workers and Their Families project, or more commonly known as MIGSEC, between 2008 and 2011.<sup>84</sup> The programme was focused on social security where government ministries and social partners, such as employer agencies/associations, were involved in mapping national and regional social security strategies for migrant workers and their families. The priorities and outputs (ILO, 2010; African Union–EU Partnership, n.d.) of the programme are:

- **Priority 1: Promotion of regional and bilateral social security agreements**
  - **Outcome 1.1:** Negotiation of social security agreements between recipient and sending countries, including bilateral and subregional instruments to ensure maintenance of acquired social security rights or in course of acquisition of migrant workers and their families
- **Priority 2: Inclusion of social security provisions in labour migration programmes including temporary and circular migration schemes; reinforcement of regional conventions on social security**
  - **Outcome 2.1:** Developing mechanisms for extending social security coverage to migrant workers' families left behind in origin countries, through health micro-insurances initiatives financed by remittances
- **Priority 3: Proposition of voluntary insurance schemes to migrant workers abroad**
  - **Outcome 3.1:** Development of national social security strategies/policies for migrant workers from and within Africa

The initiative led to the development of the **Microinsurance Innovation Facility**, in partnership with the Bill and Melinda Gates Foundation, which examines the mechanisms in place to facilitate social security coverage of migrant workers and their families. The capacities of individuals and organizations have been strengthened using social interactions and training. In 2012, a **resource mobilization among migrant communities for health microinsurance programme** was initiated in Mali and Senegal to evaluate the feasibility of migrant contributions towards full or partial payment of health microinsurance for their families at home.

### 4.2.2. Labour migration

There were selected programmes, either multicountry or national projects, targeting protection of migrants.

Three interrelated labour migration programmes exist in **Nigeria**:

- NELEX programme;
- EU–IOM Initiative for Migrant Protection and Reintegration in Nigeria;
- Migrant resource centres.

<sup>83</sup> The programmes presented here are the ones mentioned by respondents and identified in literature review.

<sup>84</sup> The programme covered 13 countries in Africa, including Ethiopia, Ghana, Mauritania, Mauritius, Rwanda and Zambia.

The NELEX programme, established in 2009 under the FMLE, plays a key role in gathering information about the labour market and job opportunities, offering training and capacity-building of government officials on several aspects of labour migration (e.g. data collection and analysis). It has partnerships with the GIZ, the ILO and IOM.

The EU–IOM Initiative is a multicountry programme launched in 2016 in Nigeria, Mali, Senegal and other African countries.<sup>85</sup> It focused on:

- Increasing protection and access to services for vulnerable and stranded migrants, including voluntary return assistance;
- Supporting sustainable reintegration;
- Developing capacities for better migration governance;
- Giving migrants and their communities access to accurate information;
- Improving data on migration flows, routes and trends as well as migrants' needs and vulnerabilities;
- Promoting peace and stability for internally displaced persons, migrants and host communities (European Union Emergency Trust Fund for Africa, 2018).

The programme was winding up in Nigeria at the time of the assessment and a social partner argued that although the programme was quite important for addressing labour migration issues, it did not consult or involve the right stakeholders from inception to implementation. Consultation will allow the donors, facilitators and stakeholders involved in the programme to identify the priority areas and avoid duplication of activities as well as ensure the potential sustainability of the programme beyond programming.

Meanwhile, the migrant resource centre is an ongoing programme being implemented in six geopolitical zones and the federal capital territory. Migrant resource centres aim to curb irregular migration by providing migrants with information on legal procedures for safe migration as well as information on their rights as migrants, among others. The EU–IOM Initiative has funded training programmes for migrant resource centres aimed at building the capacities of the Federal Ministry of Labour and Employment officials handling return and reintegration of migrants.

In **Uganda**, the African Regional Organisation of the International Trade Union Confederation has a running programme that started in 2020 that raises the awareness among trade unions of the rights of migrant workers. There has been limited focus on the rights of Ugandans working abroad, as the Government is focused on labour migrants within Uganda. COVID-19 has impacted the activities of this programme, but they are still ongoing, as trade union representatives have gained insights into the rights of migrant workers and, as a result, registered with the national trade union in Uganda.<sup>86</sup>

In **Zimbabwe**, IOM has provided support to the Interministerial Committee on Migration's initiatives related to strengthening migration governance. This includes supporting the Ministry of Public Service, Labour and Social Welfare to establish a national referral mechanism targeting vulnerable migrants. The workshops have provided awareness at the provincial and district levels on the international, regional and national instruments related to protection of migrants (IOM, 2020c).

Other labour migration-related programmes in the United Republic of Tanzania and Senegal targeted irregular migration. The **United Republic of Tanzania** was part of a joint initiative between IOM and the European Union, facilitated through the COMMIST in 2014, that aimed to **address the needs of stranded and vulnerable migrants**. The programme provided resources, such as biometric equipment to register migrants for data gathering.

<sup>85</sup> The countries include Algeria, Burkina Faso, Cameroon, Chad, Djibouti, Egypt, Ethiopia, the Gambia, Ghana, Guinea, Libya, Mauritania, Morocco, the Niger, Somalia, the Sudan and Tunisia.

<sup>86</sup> A Ugandan trade union official reported this during an interview.

In Senegal, the assisted voluntary return and reintegration programme has been in implementation, in partnership with IOM, since 2006. It built the capacity of government officials in responding to the increasing flows of irregular migrants and improving their management capacities. Furthermore, the programme assisted stranded migrants to be repatriated to Senegal from destination countries, such as Spain, Greece, Germany, Italy and Morocco (Ndione, 2018).

### 4.2.3. Labour migration governance

Some of the Member States (Botswana, Nigeria, Senegal and Uganda) identified the JLMP as one of the ongoing programmes in which they engage to strengthen labour migration governance structures. In Nigeria, the **ILO Initiative for Labour Migration, Employment and Reintegration in Nigeria and Ghana**, more commonly known as LMER, focuses on promoting “fair and effective labour migration governance frameworks and enhance employment and income generating opportunities for potential and return migrants in a sustainable manner” (ILO, n.d.c). The programme has engaged with employer organizations through the NECA – in February 2020, a capacity-building workshop on labour migration in Nigeria was carried out, which helped them explore processes and procedures of promotion of fair labour migration. IOM is also implementing the project **Promoting Better Management of Migration in Nigeria (2011–2018)**, focusing on building the capacities of institutions in handling migration issues including CSOs. The programme targets the National Bureau of Statistics; the National Population Commission; the National Commission for Refugees, Migrants, and Internally Displaced Persons; the Nigeria National Volunteer Services; the Nigeria Immigration Service; and the Federal Ministry of Labour and Productivity.

Uganda is part of the **BMM<sup>87</sup> regional programme**, facilitated and coordinated by the GIZ in partnership with the Government. Under BMM, community-level awareness campaigns regarding safe migration have been carried out in eight regions across the country. Through this programme, the power of information has been harnessed at the local level and attention has been focused on local communities at risk of human trafficking. The DCIC has also been able to gain equipment from the programme, such as laptops, to support its outreach projects.<sup>88</sup>

The migration management programmes in Senegal were mostly focused on strengthening the response to irregular migration. The **Rapid Reaction Mechanism programme (2007–2008)** aimed to increase the capacity of the Government in responding to and managing irregular migration. Activities under the programme included an awareness campaign on the risks and dangers associated with irregular migration. This programme received technical support from IOM. Senegal also established a circular migration programme in partnership with Spain. Implemented between 2007 and 2009, the **circular migration programme** aimed at improving labour migration coordination between the two countries for the benefit of national development in the two countries. The programme was coordinated by the Ministry of Youth in Senegal. Furthermore, the Government of the United States supported the **engagement of border communities for border security and management** in Senegal between 2017 and 2019. Implemented by IOM, the programme intended to provide equipment at border posts that will be used to improve communication and interaction between border law enforcement agencies and border communities and therefore strengthen security response (Ndione, 2018).

Botswana has also received some technical support from the ILO and IOM in the ministries handling labour and immigration. The support has mostly been training in labour migration governance to help government officials better implement the SADC LMAP. IOM has assisted government officials to understand the issues related to labour migration, which has helped them better understand Botswana’s labour migration profile. However, the challenge is implementing the LMAP due to limited funding.<sup>89</sup>

<sup>87</sup> The BMM programme is implemented in Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan and the Sudan.

<sup>88</sup> This was reported by an official of Uganda’s labour department during an interview.

<sup>89</sup> A government official in Botswana revealed this during an interview.

#### 4.2.4. Diaspora engagement

Majority of the countries have interest in engaging their nationals in the diaspora especially in national development activities and have adopted different programmes to initiate engagement. In the case of Côte d'Ivoire, Mali and Senegal, they have a strong focus on facilitating diaspora engagement, ensuring social protection and the social security portability of migrants and their families, and assisting migrants with return and reintegration.

Senegal's diaspora-related programmes are handled by the General Department for the Support of Senegalese Abroad. The programmes have tried to provide incentives for Senegalese in the diaspora to contribute to national development through investment and other means. The **Programme of Support for Solidarity Initiatives for Development**, facilitated by the Directorate for Technical Cooperation, supports 70 per cent of the local development projects, engages with the diaspora on business ideas, conducts research and mobilizes highly skilled Senegalese living abroad to return on a short-term basis to contribute to some sectors. Meanwhile, the **Support Fund for Investment of Senegalese Abroad**, facilitated by the Ministry of Foreign Affairs, funds and encourages investments from Senegalese in the diaspora in the agriculture, service and crafts sectors. It also supports the business initiatives of female entrepreneurs in host countries to ease their financial burden (Jegen, 2020:21–22). Most of the programmes were externally funded by the European Union or by a European Union Member State (e.g. France) based on bilateral agreements.

Mali's diaspora-targeted programmes included the **Mobility and Migration for Development Programme**, undertaken in partnership with the ILO in 2013 over a period of three years. The programme focused on assisting Malians abroad to invest in national development in their home country through enterprise creation and local community development. This will also help build the Government's capacity in integrating mobility and migration into its development strategy. The programme supported the development of 600 individual businesses; co-financed 50 local development projects in education, agriculture, water and health; and co-financed sociocultural projects including youth exchange, which established the knowledge transfer initiatives, such as the project **Transfer of Knowledge through Expatriate Nationals (more commonly known as TOKTEN)**, under the United Nations Development Programme and coordinated by the Ministry of Foreign Affairs of Mali (ILO, 2017).

Other countries are in the process of developing programmes targeting the diaspora. **Botswana**, for instance, is planning to conduct a **diaspora mapping** activity, which aims to map the locations of Botswana nationals in various destinations. The study will help understand Botswana's diaspora profile better to respond to the needs of the citizens of Botswana abroad; however, it is still at its infancy stage.

The list of programmes mentioned showcases how they have helped governments to address certain gaps related to labour migration. Most respondents in this study suggested that there were benefits gained in terms of knowledge and resources. However, sustainability issues were raised:

*If an initiative is supported by donors, how is the government going to take it up after the donor has withdrawn?<sup>90</sup>*

Mainstreaming labour migration activities into national development plans helps the Government of Uganda ensure that there are resources in place to meet some of the needs concerning labour migration. However, countries must consider an effective budgeting strategy that is targeted towards labour migration or migration in general for sustainability purposes and ownership. Social partners, such as trade unions and CSOs, have also run smaller programmes targeting specific areas they identified through interaction with labour migrant communities. Their biggest challenge highlighted by respondents is securing the right resources to facilitate the programmes and ensure sustainability beyond the programmes.

<sup>90</sup> A Ugandan government official raised this issue during an interview.



### 4.3. BILATERAL LABOUR AGREEMENTS

BLAs are not new to most African countries. They are used to improve labour migration governance by providing protection to migrant workers based on shared responsibility. The migrant labour system relied heavily on several bilateral agreements signed in the 1960s and 1970s between newly independent African countries and their former colonies.<sup>91</sup> The challenge facing BLAs in Africa has been associated with the lack of provisions on gender, social dialogue and protection of labour migrants in terms of wages and skills recognition, among others (ILO and IOM, n.d.). The countries under assessment have BLAs with countries in their respective regions, the Gulf States and selected countries in the global north (e.g. the United Kingdom and France, among others).

In the SADC region, the BLAs are linked to the historical labour migration patterns within the region. Lesotho signed its first MoU with South Africa in 1973, which was amended in 2006, and another MoU in 2013. The 2013 MoU remains a principal agreement for collaboration between the two countries and is more specific than previously signed agreements. It covers labour administration issues in general and is therefore not specific to labour migration between the countries. In addition, it includes broad areas of cooperation, such as:

- Technical labour administration fields (e.g. social dialogue, registration of trade union and employer organizations, unemployment insurance fund, adjudication and dispute resolution, public employment services);
- Inspection;
- Creation of common positions in the SADC, the African Union's Labour and Social Affairs Commission, and the ILO.

However, all three versions are very similar in form, with the 2013 version including additional provisions regarding claiming of benefits from provident and compensation funds. The respondents did not have much knowledge about the bilateral agreements of their countries; they were informed only about the SADC bilateral agreements.

**Lesotho** framed its bilateral agreement focused on the miners working in South Africa in 1973. The agreement was amended in 2006 and a new MoU was signed in 2013. The 2006 MoU has limitations however – it specifically encourages the South African Compensation Fund and the Office of the Labour Commissioner of Lesotho to “exchange information and cooperate in processing and finalizing outstanding claims for Basotho ex-mineworkers” (Lesotho Ministry of Labour and Employment, 2017). While this measure was considered a useful basis during that time for setting up a mechanism to facilitate access to benefits for former workers (ibid.), the respondents in this study did not think that the new MoU proved to be different, as there were still issues related to social protection benefits of Basotho migrants.

**Zimbabwe** has a long history of BLAs with South Africa, which hosts a large population of Zimbabwean labour migrants. They have ongoing discussions related to reviewing their existing agreements in response to the unique labour migration patterns that take place.<sup>92</sup> Negotiation of BLAs appears to be a joint effort where, although the MoFAIT

*have the mandate of diaspora, labour issues are under the Ministry of Labour, which initiates [the process...we can identify how] many Zimbabweans are in a country, but we do not negotiate a labour agreement with them.*<sup>93</sup>

<sup>91</sup> These agreements were memorandums of understanding that provided a framework for the circular mobility of workers, but their actual management was handled by the private sector (essentially through private intermediaries) and immigration legislation.

<sup>92</sup> A government official of Zimbabwe handling diaspora affairs revealed this during an interview.

<sup>93</sup> This was the statement of a government official of Zimbabwe handling diaspora affairs during an interview.

The recent discussions have focused on how to ensure portability of social security benefits for labour migrants and protection of labour migrants working in towns near borders. However, the respondents argued that it is difficult to negotiate a BLA with countries that do not have an existing BLA or legal instrument that will protect labour migrants working in those countries.<sup>94</sup> Zimbabwe has experienced this challenge with Botswana, with which Zimbabwe has no existing BLAs yet it hosts a significant population of Zimbabwean labour migrants. Respondents in Zimbabwe confirmed that the **Regional Guidelines for the Development of Bilateral Labour Agreements in the Southern African Development Community** (IOM, 2016) is a useful tool they have used to prepare, negotiate, implement, and monitor and evaluate their BLAs with other countries. In the case of Botswana, the Government regulates economic migration through its BLAs with different countries in the SADC including South Africa (UNCTAD, 2018:72–74). However, the negotiation process is done exclusive of social partners such as trade unions.<sup>95</sup>

In West Africa, Mali sent the first African contingent of low-skilled migrants to France in 1962. It continued to adopt BLAs with France until 2001. It established agreements, focused on rights of residence of foreigners, with Spain and with West African countries, such as Burkina Faso (1969), Cameroon (1964), Ghana (1977), Guinea (1964), Mauritania (1963) and Libya (1980). In the case of Côte d'Ivoire, the Government has signed several bilateral agreements with countries, such as Angola, Benin, Burkina Faso, Cabo Verde, France, Gabon, Guinea, Morocco, the Niger, the Republic of Korea,<sup>96</sup> Sao Tome and Principe, Senegal, Togo<sup>97</sup> and Tunisia. The Ministry of Foreign Affairs is responsible for both promoting migration policy and negotiating BLAs and MoUs with other countries. It is also responsible for monitoring nationals' movements abroad through its consulates and missions. Implementation of BLAs specifically focuses on the promotion of regular migration and circulation of citizens.

There has been massive extracontinental migration of skilled and low-skilled workers from Senegal, Mali and Côte d'Ivoire to Lebanon for labour opportunities. Respondents raised concerns about the protection of their nationals working in the GCC and the state of human trafficking. In terms of protection, respondents raised the protection needs especially of migrant women who face the risk of different forms of exploitation and abuse. They were also concerned about the activities of unregistered recruitment agencies that were facilitating labour migration opportunities without government authorization, illustrating a gap.

Senegal established the National Commission of Job Offers, which facilitates bilateral agreements with key countries. It has developed several BLAs related to labour migration and social security with countries within ECOWAS and Europe. In 2007, Senegal signed with Spain an MoU that launched the circular migration scheme for 2,000 Senegalese citizens working in the agriculture sector in the European country (Jegen, 2020:23). The initiative did not last long due to challenges linked to the selection of workers and had to be revised to allow seasonal work for three months only. The scheme ran into challenges when some workers overstayed their visas in Spain, which required both parties to explore mechanisms to avoid this situation. Senegal has had BLAs with France since 1997, and the most recent (signed in 2006) was to foster labour mobility between the two countries (Jegen, 2020). Through its engagement with other countries, Senegal has been able to develop bilateral treaties (Table 18) that respond to the needs of its nationals in the diaspora.

<sup>94</sup> A government official of Zimbabwe handling diaspora affairs raised this issue during an interview.

<sup>95</sup> This was according to a trade union official in Botswana, shared in an interview.

<sup>96</sup> This result is from interview responses.

<sup>97</sup> The BLAs between Côte d'Ivoire and Togo are related to social protection of migrants (van Panhuys et al., 2017:72).

**Table 18. Senegal bilateral labour agreements and social security treaties**

Labour migration agreement	Date signed
MoU with Spain and Senegal	5 December 2006 9 November 2007
Agreement on Joint Management of Migratory Flows between Senegal and France	September 2007
Convention on the Employment of Senegalese Labour in the State of Qatar	Information not available
Bilateral social security treaty	Date or year ratified/ Status
General Agreement on Social Security between France and Senegal	29 March 1974
Social Security Agreement between Mauritania and Senegal (renegotiated on 5 December 1987)	1972
General Convention on Social Security with the Republic of Mali (renegotiated in 1993, ratified in 1998 in Senegal)	1998
Social Security Agreement with Cabo Verde	Negotiation ongoing
Social Security Convention with Cameroon	Not ratified by Cameroon
Social Security Fund Payment Agreement between Togo and Senegal	Information not available
Social Security Fund Payment Agreement between Côte d'Ivoire and Senegal	Information not available
Social Security Fund Payment Agreement between Benin and Senegal	Not operational
Social Security Fund Payment Agreement between Burkina Faso and Senegal	Information not available

Source: Jegen, 2020; Ndione, 2018.

In East Africa, **Burundi** has signed bilateral agreements with Belgium, but no labour skills have been oriented to date. It also has BLAs with the Gulf States such as Saudi Arabia; however, there have been human trafficking cases identified. The Government of Burundi has created a counter-trafficking technical committee to assess the number of its nationals working in the Gulf countries and to begin consultations to draft an MoU with GCC countries on labour migration to organize a safe, controlled mobility and ensure the welfare of migrants from Burundi. The discussions are ongoing, with support from neighbouring East African counterparts that have signed already BLAs with GCC countries. This may be linked to the lack of protective measures negotiated and included in the BLAs. The national authorities, particularly the Ministry of Labour, has received technical assistance from IOM to develop techniques for negotiating BLAs with the Gulf States and other destination countries.<sup>98</sup> This initiative will help the Ministry of Labour to have an improved understanding of the flows and dynamics of migrant workers. The policies are initiated through programmes and projects focused on labour migration.

**Uganda** developed BLAs with Trinidad and Tobago for medical personnel as well as selected BLAs with GCC countries for varied job opportunities through the externalization of labour. It also established a BLA with South Sudan, providing placements for public servants, but there has been limited information on the implementation of the BLA (IOM, 2014).

<sup>98</sup> An official of the Government of Burundi reported this during an interview.

## 4.4. GAPS AND CHALLENGES

The assessment reveals that there have been programmes developed to respond to different needs related to labour migration where gender is a cross-cutting issue within selected programmes. However, not all countries have programmes, while others with programmes have raised questions on the sustainability of the programmes, especially when they are only led by donors.

### 4.4.1. Gaps in programming

#### Sustainability

At the regional and national levels, the programmes are not sustainable as they continue to be donor led. Based on responses, although governments support the initiatives, most RECs and Member States have yet to establish a long-term budgeting system for migration-related projects. For instance, the FMM West Africa programme in ECOWAS helped Member States understand their respective labour migration profiles and gaps, but since the programme ended, there have been limited discussions on how to scale up and continue the project and how to capitalize on some of the best practices from the programme.

#### Implementation of programmes

Selected programmes at the Member State level have been difficult to set up. For instance, the migrant resource centre in Benin City (Edo State, Nigeria) is experiencing staff shortages due to limited funding, which impacts the implementation of policy activities within the set period. In the case of Côte d'Ivoire, Mali and Senegal, many of their programmes are focused on irregular migration, which some respondents felt was the agenda of donors and not their governments. There is a strong interest in tapping diaspora engagement; however, funding is often geared towards curbing irregular migration within the region, from and/or through these countries. In the case of the United Republic of Tanzania, the concern raised was around the initiation of programmes, where a respondent stated that Zanzibar was often overlooked in migration-related programmes.

#### Gender considerations

The gender consideration of some of the labour migration-related programmes is biased towards the female migrants, especially those at risk of human trafficking. This is evident more in Côte d'Ivoire, Mali and Senegal, as female migrants are considered the most vulnerable and currently lacking sufficient protection. In the case of Lesotho, most of the programmes are focused on the male migrants due to the long history of labour migration to Southern Africa. Although the initiatives are great for addressing some of the vulnerabilities experienced by male and/or female migrants, these initiatives may risk neglecting the needs of male/female migrants who are also vulnerable, denying them sufficient protection.

### 4.4.2. Gaps in bilateral labour agreements

#### Negotiation process

The BLA negotiation process is not inclusive, as key social partners, such as trade unions and private recruitment agencies that engage with labour migrants in international destinations, are excluded from the process. Social partner respondents in selected Member States said that they have not been involved in the different stages of the BLAs, especially the critical stage of negotiation. They further argued that there is not enough transparency between social partners and government officials on these BLAs. In the case of Botswana, BLAs are only known when they are announced in the media. While in Uganda, BLAs are not public, denying experts the opportunity to provide critical feedback on the agreements that would enhance protection of their migrants.

## Information-sharing

In all Member States, accessing information on existing or previous MoUs has been a challenge for social partners, as it is not publicly available, nor do Member States have access through the SDFs. Furthermore, there is a lack of consistent monitoring and reviewing labour-related bilateral agreements to amend them based on the changing sociopolitical and economic conditions. In Burundi, Côte d'Ivoire, Mali and Senegal, there is a strong interest in diaspora engagement, where the aim is to facilitate employment opportunities of their citizens in other countries. In Côte d'Ivoire, the respondents lack knowledge about the labour component of bilateral agreements, illustrating an issue of information-sharing among and between the Ministry of Foreign Affairs and other ministries. This raises a question on the availability of an SDF through which such information can be shared with key social partners.

## Migrant protection

The existing BLAs of Burundi, Nigeria, Uganda and Zimbabwe with GCC countries makes it difficult for migrant workers to join trade unions in destination countries. Trade unions in destination countries are well suited to protect their needs, and often Ugandan labour migrants, for instance, seek guidance from their trade unions in their home country on labour-related issues in the country where they reside. Monitoring and evaluation could strengthen the protection needs outlined in the agreements for citizens; however, there is little evidence of regular monitoring and evaluation activities on the BLAs nor are they accessible to key social partners.

Responses in the study reveal that the BLAs are weak, as they do not sufficiently protect the needs of their migrant workers in destination countries. Although respondents have highlighted the positive contributions of labour migrants resident in their countries, there is limited focus paid to them due to the lack of registration of foreign workers with their trade unions and the fact that many foreign workers are in the informal sector.

## 4.5. RECOMMENDATIONS

The programmes have proven to be instrumental tools to implement government policies related to labour migration. Building on lessons learned and best practices should be adopted as a strategy to scale up programming activities at the regional and Member State levels. This must go hand in hand with regional and government budgeting, which will create common practice to ensure that there are financial resources in place for the programming to take place.

### 4.5.1. Labour migration programming

#### Collective engagement in programming

The collective engagement of social partners in the design and implementation of labour migration-related programmes is essential. Trade unions and CSOs should be part of the design and implementation of programmes to ensure inclusiveness and sustainability, especially if these are activities that they are already involved in. This will indirectly build their capacities and ensure that they have the right tools and approaches to respond to different labour migration situations. This will require relevant MDAs to share information concerning the projects and in return benefit from the feedback of social partners on the realities of implementing certain programmes.

#### Sustainability of programmes

Labour migration-related programmes should be sustainable and be designed to ensure that the lessons learned and positive impacts of the programmes are not lost. It is also important to see to it that there is a budget targeted towards achieving the objectives of the programme that is led and facilitated by the government in partnership with other social partners.

National interest should drive the agenda of the programmes instead of donor interest to ensure ownership at a national level. The programmes can also take into consideration the varied interests of different stakeholders. All programmes should have a gender component, and a gender-sensitive approach must be adopted in programme design and implementation.

#### 4.5.2. Bilateral labour agreements

##### Strengthened collaboration between social partners

Collaboration with trade unions, employer organizations and private recruitment agencies especially when negotiating BLAs with destination countries should be strengthened. This can ensure that the right protective measures are included in the BLAs for labour migrants. Stronger collaboration between social partners will ensure an inclusive approach with key actors engaged in the labour migration governance structure using evidence from CSOs, trade unions, private recruitment agencies and employer agencies that interact directly with migrant workers.

Capacity strengthening of government officials and social partners should take place within a period agreed with social partners. This will ensure greater awareness in existing and emerging legal instruments at the international, continental, regional and national levels about the state of BLAs, the international labour conventions, and the new laws and policies passed that affect labour migrants to strengthen their negotiation power.

Member States should develop a BLA review strategy to assess the viability of existing BLAs at the Member State level. This will give them an opportunity to assess the extent to which they meet the international and national standards of protection for their nationals working abroad. Monitoring and evaluation activities should be incorporated into the strategy to identify gaps and capitalize on lessons learned from BLAs in other countries. Social partners should be involved in the process, as the information and experience they have with migrant workers will ensure that the right protective measures are included in the strategy.

A national BLA database should be developed to share with social partners information concerning ongoing or developing MoUs with destination countries. This can help with the review process, as social partners will be aware of the initial BLAs and identify solutions to some of the bottleneck. It will also help create a repository that will allow the government to review best practices of previous or ongoing BLAs.

Finally, resource should be made available to social partners to be involved in activities with migrant workers. Social partners, such as trade unions and private recruitment agencies, can, for example, undertake site visits to sectors that employ migrant workers in the home countries and destination countries. With stronger collaboration with government officials, social partners can be able to interact with key labour actors in destination countries to provide support for the protection of migrant workers.

## LABOUR MIGRATION DATA, MONITORING AND EVALUATION

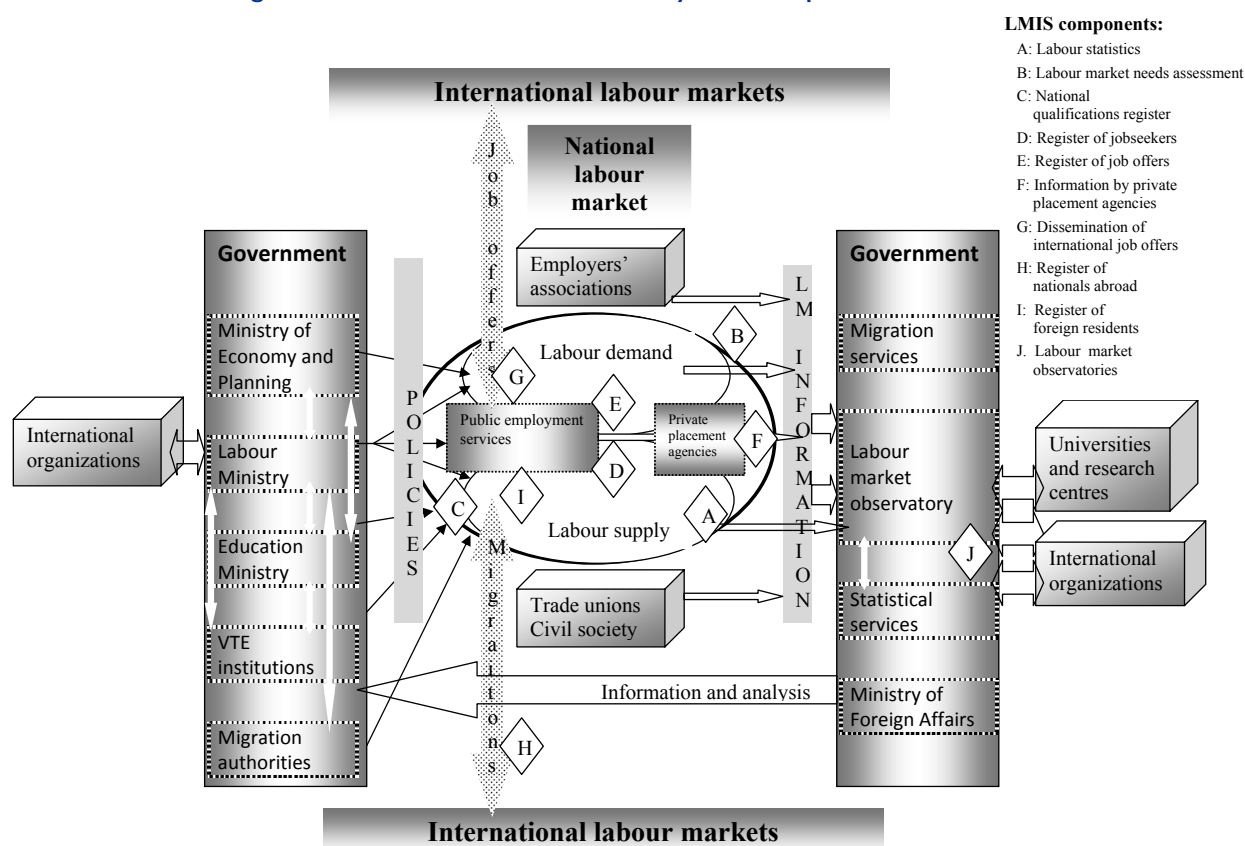
Evidence is needed to inform policy responses and revisions. Data on labour migration is essential to determine the trends on and the impact of labour migration at the national and regional levels. This assessment considered the state of data collection on labour migration at the national and regional levels. This involved taking stock of existing labour migration data, a functional LMIS and evidence of how the data informs the policymaking process through the SDFs. This section assesses the existing methodological approaches/strategies used regionally and nationally to capture labour migration data management systems (from design to collection, treatment, analysis, dissemination, utilization and funding).

### 5.1. LABOUR MIGRATION DATA AND LABOUR MARKET INFORMATION SYSTEMS

At the Member State level, the assessment finds that some data collected by the statistics bureaus also includes labour migration-related data. The statistics agencies receive data from different ministries/departments/directorates that capture their own data based on their mandate, which illustrates a siloed system of data collection operational at the national level, which may impact the regional data. The types of indicators measured seem to vary in each country, as most of the data is administrative, such as nationality, employment and skills. The different types of data collected relate to labour migration, which include labour force, national census and household, social security coverage, working conditions, stocks and flows of migration, occupations and skills, and economic sectors where labour migrants are engaged. Regional labour migration data is reliant on the available data at the national level. Hence, if there are missing data sets at the national level, there would be gaps in regional data.

An LMIS is established for facilitating labour market analysis, monitoring and reporting on employment and labour policies, and the creation of a mechanism to exchange information or to coordinate different stakeholders that produce and use labour market information for their activities including policymaking. The LMIS main components collect and compile data and information into a centralized repository where it can be analysed by skilled personnel using various methodologies and tools. Labour market information can be used as an **intervention** to help stakeholders make informed decisions based on the labour market evidence (e.g. addressing barriers to employment). It can also provide **observations** on labour market economic and social impact in a country. Furthermore, labour market information can identify **demand for and supply of** certain skills that may be lacking in a country within a specific sector (Sorenson and Mas, 2016:11). The LMIS requires an established institutional structure that allows social partners to engage in data collection processes and procedures on labour market information (ILO, n.d.a). Figure 5 shows the components and actors of the LMIS.

Figure 5. Labour market information system components and actors



Source: Martín, 2011:20.

LMISs can be data driven, as they produce information that describes the labour market situation in a country (e.g. unemployment rates, labour market demographics). They can also be service oriented, providing information about workers and employers, with the aim of improving aspects related to work (e.g. job market databases). LMISs can also be integrated, that is, a combination of both data-driven and service-oriented systems (Sorensen and Mas, 2016). As established in this study, Member States are responsible for capturing most of the labour migration-related data, which is mostly data driven and, in some instances, focused on identifying demand for and supply of labour needs by sector. RECs are dependent on data from Member States to develop a functional regional LMIS.

This baseline assessment has found no fully functional LMIS in place at the regional and Member State levels, with the exception of Uganda, which has set up a partial LMIS (this is elaborated further in the subsequent section). Discussions, however, have been held at the regional and national levels to develop LMISs that have national-level data whose quality has an impact at the regional level. The subsequent sections focus on the types of data collected in selected Member States per region and examine the usefulness/impact of the data to respond to regional policies.

### 5.1.1. Economic Community of West African States

ECOWAS encourages, supports, and coordinates data harmonization and quality during data collection, sharing and dissemination across the region (IOM, 2018c:3). ECOWAS publishes statistics on the number of foreign residents in Member States, with the last update issued in 2016 on its website. Despite limitations in data, a regional migration report was being finalized in 2021 that would include labour migration data. In most of the countries, the national census captures some data on migrants including foreigners residing in these countries. However, the details on labour migrants in each country are still limited.



Nigeria's NPLM (2014) aims to regulate and capture data on movement of Nigerian citizens in and out of the country as well as build a knowledge base informed by evidence. The **National Bureau of Statistics** and the **National Population Bureau** of Nigeria capture some data on labour migration, along with the **NELEX** and the **migrant resource centres** that capture data related to labour migration, such as jobseekers and employers, as well as inform the policymaking process. Respondents stated that although these mechanisms are in place, they are not well resourced, and the information is not comprehensive or timely. In addition, there appears to be no fully functional centralized repository, such as an LMIS, that allows all data collecting agencies to feed data into it. Nigeria is one of the emerging economies prioritizing migration in the region but

*...lacked proper structure to even assemble, analyse and disseminate data on labour migration for policy implementation. There has been institutional capacity-building, training from Turin [for example], but when they come back, the training [received] is useless, as they are met with the same structural issues.<sup>99</sup>*

In the case of **Mali**, reports show that the national authorities responsible for capturing data on emigration are the Ministry of Malians Abroad and African Integration and the National Independent Electoral Commission. The **National Institute of Statistics** captures labour migration-related data using the national population and housing censuses and the labour force survey reports; in addition, since 2016, it has been producing quarterly bulletins that capture some labour migration-related data. Other research entities mentioned by respondents that capture some labour migration-related information that can inform policymaking processes include the following:

- Centre for Migration Management Information;
- Planning and Statistics Unit (Ministry of Health);
- National Employment Agency;
- Agency for the Promotion of Youth Employment.

These agencies use varied methods to capture labour migration-related data, which includes the number of labour migrants, border control data and apprehensions. In addition, administrative and registration sources, such as the registration of ID cards, visas and permits, are used to capture labour migration-related data. With these varied methods, it is difficult to analyse data, as the data collection process in the country, according to respondents, is still weak. Law No. 2014-012 (of 26 May 2014) provides details on the structure of the LMIS, where the main actors include the National Institute of Statistics, the National Employment Agency, the National Observatory of Employment and Training, and the National Institute of Social Welfare (ILO, 2020e). At the time this assessment was undertaken, the LMIS was not yet established.

In **Côte d'Ivoire**, migration data is also collected by different agencies. The population censuses carried out by the **National Institute of Statistics** include a section on migration, while its surveys capture some labour migration-related data focused on standard of living, demographics, health and employment (IOM, 2019b:14). On the other hand, administrative data is captured by the following bodies:

- **National Identification Office**, for data on national and foreign populations in the country;
- **Directorate of Territorial Surveillance**, for data on migration, due to the nature of its mandate, which is to control cross-border movement (ibid.:21);
- **Ministry of Home Affairs and Ministry of Security and Civilian Protection**, for data on migratory flows, in-migration via national borders, police proceedings regarding foreigners, and issued passports and visas;
- **Ministry of Labour and Employment**, for investigations and interviews with migrants regarding their countries of destination and the duration of their stay abroad, among other factors.

<sup>99</sup> An official of a research centre in Nigeria said this during an interview.

Academic research institutions also contribute to data collection, in particular the Ivorian Centre for Economic and Social Research and the National Advanced School of Statistics and Applied Economics (ibid.:15). According to the respondents in Senegal and Côte d'Ivoire, the national employment agencies have made tremendous progress in setting up a permanent unit in charge of collecting labour market data.

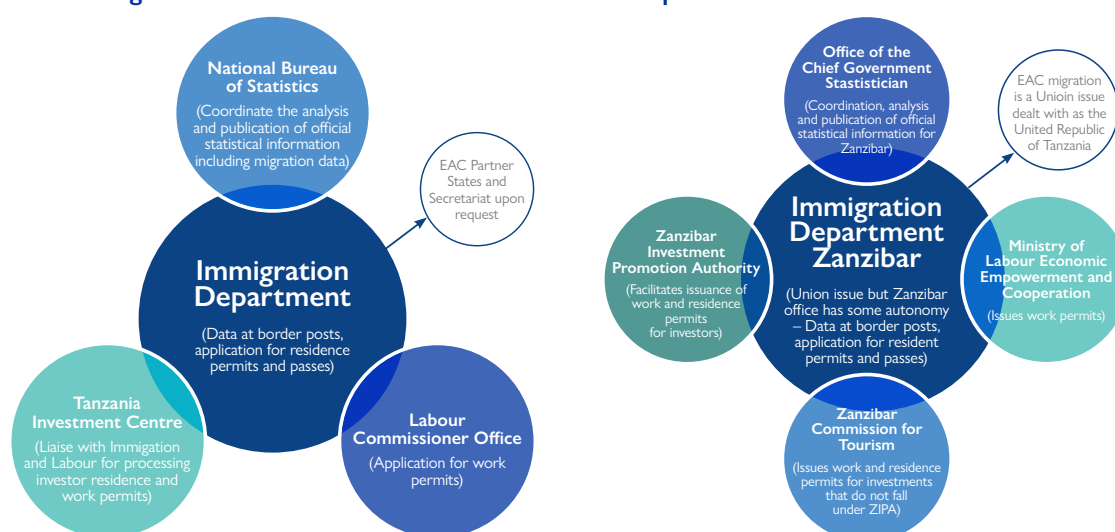
Senegal has a few platforms from which labour migration data is collected, such as labour statistics through the household census; labour market needs assessments; registers for jobseekers, job offers and foreign residents; and data from private placement agencies (Martín, 2011). The demographic statistics from destination countries with data concerning citizens from Côte d'Ivoire, Mali and Senegal are collected from mostly European countries such as Belgium, France, Italy and Spain. The data is captured from ports of entry, such airports and seaports, and from the home affairs ministries of these countries.

### 5.1.2. East African Community

The EAC has fully operationalized and trained personnel at 13 one-stop border posts aimed at facilitating trade and free movement of goods and services within the region under the Common External Tariff. This has enhanced its Customs Union Protocol, the first regional integration milestone and a critical foundation of the EAC CMP. The EAC legal system has created a team that will document the opportunities for formal workers regionally through the EAC CMP. This has provided a platform where data can easily be collected at formal entry and exit points. The RMG mentioned earlier has also been tasked with data collection and storage of data to be used by monitoring and evaluation focal points.<sup>100</sup>

At a national level, data collection on labour migration is done separately in mainland United Republic of Tanzania and Zanzibar. In the mainland, the Immigration Department, the Labour Commission Department, the NBS, the National Identification Authority, the Tanzanian Revenue Authority, the Tanzanian Investment Centre and the Tanzania Employment Services Agency capture some internal labour migration-related data. While, in Zanzibar, the Immigration Department collects and manages its data; other agencies that do the same include the Office of the Chief Government Statistician, the Zanzibar Investment Promotion Authority, the Zanzibar Commission for Tourism, and the Ministry of Labour Economic Empowerment and Cooperation. Respondents confirmed that the system in mainland United Republic of Tanzania and Zanzibar have been operating separately, but there are discussions in place to bring the two together. Data is collected daily, mostly manually, where migrant-relevant data is captured by the Immigration Department border posts during entry and exit.<sup>101</sup>

Figure 6. Data collectors in mainland United Republic of Tanzania and Zanzibar



Source: IOM, 2018b:52–53.

<sup>100</sup> An EAC official shared this information during an interview.

<sup>101</sup> Additional data collectors are presented in Annex 3.

Some data on labour migrants is captured through labour/manpower surveys, but it is insufficient. This information is transmitted and stored in the national database; however, not all data collection platforms are digital, making it difficult for analysis and policymaking based on evidence. Furthermore, there are different software and databases used to capture and store the data, making it difficult for sharing and analysis (Kweka, n.d.). The **Zanzibar Immigration Department** is autonomous in terms of data management and shares its data with the Immigration Department of the United Republic of Tanzania (IOM, 2018b:51). An ad hoc committee on national statistics validates the data on migrants prior to Zanzibar sharing the data with the United Republic of Tanzania (ibid.:54).

The Government of the United Republic of Tanzania, through the Immigration Department, has collaborated with IOM to implement the **MiREG** initiative, which is focused on migration management. Respondents from the statistics bureaus in mainland United Republic of Tanzania and Zanzibar mentioned that there were no operational LMISs in their respective agencies but discussions were taking place to develop a harmonized approach that will create a centralized hub for the data collected in Zanzibar and mainland United Republic of Tanzania.

Whereas, in **Uganda**, the **Uganda Bureau of Statistics** collects migration-related data through the national census every 10 years, the labour force survey every two years and the national household survey annually.<sup>102</sup> The Government also collects data at border posts using the IOM **MIDAS**.<sup>103</sup> While the **EEU** under the **MGLSD** also captures data on labour migrants in Uganda and Ugandans in the diaspora. Through the externalization programme, the EEU ensured a structured pattern in the recruitment of Ugandan labour migrants to work abroad following the ILS. As such, the EEU has licensed 10 recruitment agencies that assist interested citizens in securing employment in other countries. Recruitment agencies are required to follow, among others, the following procedure:

- Ensure that migrant workers are provided with orientation on recruitment and terms and conditions of work;
- Guarantee that contracts of employment align with standard employment contracts and other laws, regulations, and collective bargaining agreements;
- Ensure that migrant workers examine their contracts before they sign them and receive copies;
- Guarantee compliance with labour and social legislation of Uganda, the country of employment and international labour bodies, such as the ILO.

On LMIS, institutions have independent information systems, though not fully developed, to capture the whole picture on labour migration. The way the systems operate cannot be integrated as they are, as they operate separately from each other. Ministries have independent systems that collect labour migration-related data, but they do not coordinate with one another. The **MGLSD** has an online platform called the **EEMIS**, which monitors Ugandan labour migrants and provides a list of registered companies that offer government-approved jobs for Ugandans, while the Ministry of Internal Affairs has a system for border control; both systems though are not fully functional.<sup>104</sup> Development agencies are creating a labour migration system operating at the district level, which will address the data gaps, but there is a concern of sustainability, as the system is run and funded by international actors.<sup>105</sup>

The statistics bureau of **South Sudan** is responsible for capturing most of the labour migration data, but it is still weak. Statistical units have been established in different ministries that capture migration-related information (ILO, 2020b:23). The labour migration data is captured through the work permits issued and recorded electronically through the **MIDAS**, which has been practised since 2015, but this process currently only captures information on regular migrants, such as occupation, country of origin and qualifications. By 2018, 4,000 work permits had been issued to regular migrants, but it is estimated that the country hosts

<sup>102</sup> A Ugandan government official shared this information during an interview.

<sup>103</sup> The **MIDAS** is a border management information system developed by IOM.

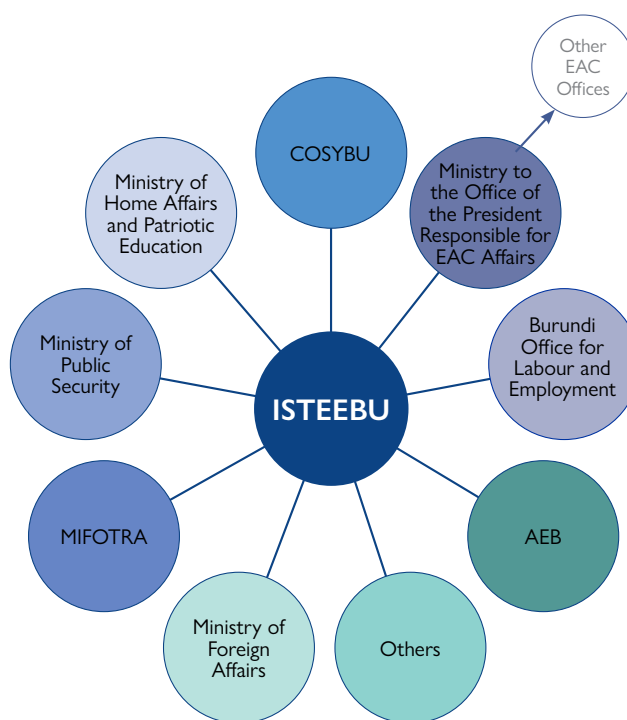
<sup>104</sup> This information was shared, during an interview, by an official of Uganda's **MGLSD**, with additional information about the **EEMIS** from Uganda **MGLSD**, **EEMIS**, n.d.

<sup>105</sup> This was raised by a Ugandan social partner during an interview.

over 800,000 irregular migrants (ibid.:24). Currently, the Government is at the stage of capacity-building and therefore does not have a formalized data collection system in place. Government actors, specifically the staff of the Directorate of Nationality, Passports and Immigration, have received training from IOM on border management information system (ibid.).

There is currently no LMIS that is operational in the country; however, the policy outlines the need to develop one to manage labour market information. In the meantime, the Ministry of Labour, Public Service and Human Resource Development’s policy framework for 2012–2016 implemented by the Directorate of Labour and Industrial Relations will be responsible for establishing the LMIS, and the first labour force survey was to be undertaken in 2019, which is a platform where labour migration data will be captured (ILO, 2020b:24).

**Figure 7. Data collection agencies in Burundi**



Source: IOM, 2018b:41.

In **Burundi**, all labour-related data, including labour migration, is collected by the Ministry of Labour, which is mandated to collect and analyse data on labour-related issues.<sup>106</sup> The Ministry to the Office of the President Responsible for EAC Affairs is mandated to monitor and assess data on migration by tracking the milestones against the targets set in the EAC Common Market Protocol (IOM, 2018b), as well as the ISTEEBU and the Ministry of Public Service and Labour, among others (ibid.). Figure 7 shows the different data collection agencies operating at the national level.

The types of data captured include unemployment rates, key sectors for youth employment and tracking work permits, which is facilitated by the Committee for Work Permits. The data collection process is still manual (through forms), captured at entry and exit points. The data is captured then transferred onto a database as well as kept in paper files. The Ministry to the Office of the President Responsible for EAC Affairs monitors and assesses the data on migration captured as well as shares it with the other relevant ministries (ibid.:40). The Government has collaborated with IOM to implement an integrated border management system that builds the capacity of officials in modern migration and border management methods and structures. However, no LMIS exists at the time of the study.

<sup>106</sup> An official of the Government of Burundi shared this information in an interview.

### 5.1.3. Southern African Development Community

In the SADC region, the infrastructure with the capability to capture the cross-border mobility of labour migrants is not yet established, as data recording is still manual at some border posts and it is unclear how data cleaning, processing and analysis take place at the national level. The LMIS was included in the Protocol on Employment and Labour (2014), but as mentioned earlier, this protocol is not operational in the region. Collecting accurate data is also a problem, which is linked to the historical migration patterns in the region, in which migrants weigh the risks of stating their nationalities at the border to access a country.

*Statistics is a problem, as there is no data, and if it's there, it's not reliable.<sup>107</sup>*

There are issues concerning

*[the] standardization of labour migration data. That is, do these words mean the same to all the governments when we say 'irregular worker'? Is there a similar definition in different countries in SADC?<sup>108</sup>*

At the Member State level, there are different data collectors. In **Lesotho**, various government agencies capture administrative data, such as immigration/emigration, tourism and labour-related data, including migration status. The varied sources make it difficult to harmonize data collection across the different MDAs and organizations capturing labour migration-relevant data. Therefore, data collection on migration is still weak in Lesotho. The MDAs capture some labour migration-relevant data, but the Ministry of Labour and Employment facilitates employment and captures data through the National Employment Services, which captures data on labour migrants in the country, among other services provided. Other agencies of equal importance include the Lesotho Institute of Public Administration and Management, which conducts research on migration; Lesotho National Development Corporation, which captures data on and is responsible for recruiting foreign investors and labour migrants; and the Bureau of Statistics, which conducts the national census that also gathers data on migrant stocks and flows<sup>109</sup> (Sefika, 2013). The Ministry of Development and Planning uses statistical data to inform policymaking.

In **Botswana**, Statistics Botswana collects all migration-related data, which is disaggregated by gender and by work permit holder. The organization captures labour migration-related data through labour force surveys but lack an inventory of labour migrants in the country. According to a representative from Statistics Botswana:

*We have the formal employment surveys we conduct every quarter, and we are doing a standard questionnaire we send to business entities for formal employment, employees, citizenship of employees, how much they earn to look at the earnings of the migrants versus the nationals. In addition, we conduct quarterly multitopic surveys, looking at economic activities, such as employment and unemployment figures, and the sectors where people are employed.*

The national census also has questions on migration in general, for example about the country of origin, the last country of residence and the purpose of stay in the country. The MDAs liaise with one another – for instance, as Statistics Botswana solicits data from the Department of Immigration and Citizenship to analyse the data captured in the entry/exit forms at ports used to produce tourism reports. The Ministry of Employment, Labour Productivity and Skills Development collects data manually. The data collected relates to residence permit holders and other immigration permits for foreigners moving into the country for employment but does not cover all occupations. Spreadsheet is used to organize and keep information,

<sup>107</sup> An SADC representative raised this concern during an interview.

<sup>108</sup> A trade union official from Zimbabwe raised these issues in an interview.

<sup>109</sup> Refer to Annex 3 for a comprehensive list of data collectors.

suggesting that there is no formalized system in place to capture data.<sup>110</sup> Although the Department of Immigration and Citizenship has a system of its own to capture data, it also acquired a software system from Israel; however, the software is only accessible to immigration personnel.

Therefore, Botswana has no harmonized system in place, although discussions on setting up a general migration information system are taking place. The Government of Botswana is sourcing different potential systems that would be fit for use in the country as suggested by one respondent. The software package that the Department of Immigration and Citizenship acquired from Israel is very expensive to maintain, given that the Government must purchase a module to filter the data. Although the software is useful, the Government has become more conscious in purchasing systems that are not all inclusive. The lessons learned from this system has helped government actors better understand the type of LMIS they would like to procure once the process starts again.<sup>111</sup>

In Zimbabwe, ZIMSTAT handles all data on migration through labour force surveys, as it is the agency responsible for developing the national migration profiles sourcing information from the Department of Immigration and the Reserve Bank of Zimbabwe.<sup>112</sup> Other ministries lack data. ZIMSTAT uses the Census and Survey Processing System (CSPPro) to analyse data. The results of the 2006 Zimbabwe National Human Resources Survey raised concerns of brain drain across all sectors in the country, indicating a need for labour migrants to support sector development (Zimbabwe Steering Committee on Labour Migration, 2020:1). The NLMP aims to strengthen the capacities of ZIMSTAT to align with the labour migration standard indicators of the African Union and the SADC as well as to ensure that there are registration mechanisms in embassies and diaspora associations to capture diaspora-related data (ibid.:16).

Responses from the study reveal that different methods and tools were used to collect and analyse labour migration-related data. The data collected is a mix between manual (paper based) and digital, depending on the border post where the first point of entry is recorded. For those whose work permits are processed, their data and information is handled by a separate work permit committee in the case of Botswana and Zimbabwe. This is also dependent on resources and infrastructure in place for data to be captured (e.g. electricity, computers, software). Discussions have been taking place to centralize the location of labour migration data, although the issue is that some MDAs do not have data and are struggling to capture data and supply information due to lack of capacity. The systems used to capture data at the border posts are partially computerized in some locations, while others are still manual.<sup>113</sup>

Therefore, although there are existing mechanisms in place at the Member State level, evidence-based policymaking on labour migration is challenged by inefficient or the absence of LMIS that should provide comprehensive and timely information including on available jobs and skills in the country. The AUC has been undertaking activities focused on strengthening data collection on labour migration including bringing together representatives of the statistics bureaus of Member States to discuss the design and structure of an LMIS.

## 5.2. MONITORING AND EVALUATION SYSTEMS

Those countries with NMPs and/or NLMPs outlined a monitoring and evaluation strategy to assess the implementation of their policies. The programmes and initiatives mentioned in section 4 were used to implement some of the targeted action points. Interviews in this study show that some Member States have a monitoring and evaluation department/division or focal point responsible for reviewing specific aspects of the labour migration governance structure (e.g. data collection tools, impact of policy, capacity/resource audits).

<sup>110</sup> A Botswana Statistics official reported this in an interview.

<sup>111</sup> An official of the Government of Botswana shared this during an interview.

<sup>112</sup> This information was provided by a ZIMSTAT official in Zimbabwe during an interview.

<sup>113</sup> A ZIMSTAT official in Zimbabwe reported this during an interview.

At the regional level, ECOWAS has established a monitoring and evaluation division within the REC under the strategic planning directorate. One of the respondents stated that:

*Within every directorate we have [monitoring and evaluation] focal points. We do have our frameworks and planning and reporting tools. We have a way of collecting information and tracking progress. There is a tool online developed but strategic planning unit is sent out every two years. All the activities planned for the year have been logged into the templates, what we do is use the indicators we defined to state whether we are achieving these objectives. It's not elaborate as the UN tool, but it gives the basic information and tell you who you are targeting, what to expect. Some very basic info is harvested. It is collected by directors responsible. The reports feed into the President's annual report.<sup>114</sup>*

The monitoring and evaluation framework is a live document that is updated periodically to align with the conditions on the ground. Countries with NMPs or NLMPs/NPLMs have developed a monitoring and evaluation framework for policy implementation. For instance, in **Nigeria**, a monitoring and evaluation framework exists for the NPLM, which outlines that the FMLE is responsible for holding periodical evaluations of the implementation of the policy in collaboration with social partners (Nigeria Federal Ministry of Labour and Productivity, 2015a). Responses from the study reveal that ministries have their own monitoring and evaluation approaches, but it is unclear whether these approaches are focused on labour migration or other migration-related activities. In the case of the FMLE, the monitoring and evaluation framework is “built into the action plan, that’s why we are able to come up with new activities and track progress and achievement of the policy”.<sup>115</sup> The FMLE produces quarterly reports internally.

Nigeria’s NAPTIP created the Research and Programme Development Department four years ago to monitor and evaluate the activities that aim to fight trafficking in persons. The NAPTIP officials received training in monitoring and evaluation from IOM and the United Nations Office on Drugs and Crime so that the agency can independently assess the progress of its programmes.<sup>116</sup> Not all ministries and departments may be involved in the monitoring and evaluation process, as in the case of the Ministry of Justice, which reviews existing BLAs with destination countries. The ministry has an approach on how labour migration agreements should be structured and negotiated with the destination country through stakeholder engagement with other countries.<sup>117</sup>

In **Zimbabwe**, monitoring and evaluation of the NLMP will be led by the Committee on Labour Migration, which aims to meet twice a year. Adopting a tripartite approach, the committee will review the implementation of the NLMP, identifying gaps, challenges and best practices. As stated in the NLMP, the committee will adopt an implementation plan with key monitoring indicators and outcomes that will guide the committee discussion (Zimbabwe Steering Committee on Labour Migration, 2020:17). There is also the PIC, which monitors and evaluates the NLMP implementation, as well as the DERMS, which has a monitoring function for diaspora-related activities.

<sup>114</sup> The respondent was an official of the Directorate of Humanitarian and Social Affairs of ECOWAS.

<sup>115</sup> This was the statement of an official of Nigeria’s Ministry of Labour in an interview.

<sup>116</sup> This was shared by a NAPTIP official in Nigeria in an interview.

<sup>117</sup> An official of Nigeria’s Ministry of Justice shared this information during an interview.

There is also the apex board that monitors all government programmes, but ministries also have designated officials who monitor the respective policies under their mandate on an annual basis.<sup>118</sup> For instance, the diaspora unit under the Ministry of Foreign Affairs and International Trade has established a monitoring and evaluation system that uses dashboards to conduct regular

*monitoring and giving reports from executive to supervise implementing agencies. . . . [In] the Diaspora Policy, there is that issue that speaks to monitoring and evaluation of programmes [to determine] what has been done, and the implementation structure. [In addition, there is a] framework at the Office of the President [which oversees, monitors and evaluates the implementation of the] Diaspora Policy.<sup>119</sup>*

Some respondents argue that the monitoring and evaluation system on labour migration is still very new, and the effectiveness will only be determined at a later stage. Others suggest that this is a potential area that needs strengthening on a ministerial level.<sup>120</sup>

In **Senegal**, the Ministry of Labour, Social Dialogue, Professional Organizations and Relations with Institutions handles labour-related matters. Under the ministry is the Directorate of Labour Regulation whose primary responsibility is to regulate labour and employment relations, which includes monitoring and implementation of policies related to employment, work and social protection. Furthermore, the Directorate of Labour Regulation entity ensures national laws are in line with international labour laws and frameworks (e.g. ILO conventions) while also ensuring that national labour laws are upheld by private recruitment agencies. The NMP was to establish a **technical union for operationalization and monitoring**, under the **Ministry in Charge of Planning**, which would rely on representatives in the four strategic thematic areas outlined in the NMP to monitor and evaluate the activities outlined in the NMP action plan (Ndione, 2018).

The National Strategy Office in **Botswana** monitors and evaluates all government-related activities, but it monitors only services extended to the public, while policies are reviewed by the respective departmental thematic working groups to assess their progress. IOM has provided some support to the Government to develop action plans and road maps and monitor their progress and activities.<sup>121</sup> In Statistics Botswana, the **Data Quality Assurance Framework** was recently adopted by the board that validates the methodologies adopted for data collection. The tool also helps to build the capacities of personnel to ensure that the design and implementation of legal instruments meets the international standards.<sup>122</sup> Based on the responses, monitoring and evaluation frameworks exist for selected MDAs, but none is specifically aligned with labour migration due to a lack of a relevant policy.

### 5.3. GAPS AND CHALLENGES

The gaps and challenges associated with labour migration data and the LMIS are very similar at the regional and Member State levels because RECs and Member States are interconnected. All RECs and Member States acknowledged the lack of a regional/national LMIS in place, but in some instances, discussions have been held and a blueprint of the type of LMIS to be adopted has been developed.

#### 5.3.1. Regional gaps

In ECOWAS, respondents revealed that there were different categorizations of labour in their respective countries when capturing labour migration data, which makes it difficult to harmonize data if different indicators have been used.<sup>123</sup> The statistics department at ECOWAS handles the assessment of all data related to the region in partnership with the statistics bureaus of Member States. The quality of the data

<sup>118</sup> An official of Zimbabwe's finance ministry reported this during an interview.

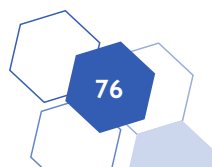
<sup>119</sup> This information was shared by an official of the Diaspora Unit of the Ministry of Foreign Affairs and International Trade of Zimbabwe during an interview.

<sup>120</sup> One of the respondents that mentioned this was an official of the Ministry of Home Affairs and Cultural Heritage of Zimbabwe during an interview.

<sup>121</sup> This information was shared by an official of Botswana's Department of Labour and Social Security during an interview.

<sup>122</sup> An official of Statistics Botswana reported this during an interview.

<sup>123</sup> This was shared by an ECOWAS official in an interview.





has been questioned, as in some countries data collection is not done in real time and therefore the data collected is outdated. Despite this, a regional assessment of migration patterns has been undertaken in all aspects of migration.

Whereas, within the EAC, data collection by gender is lacking, as currently all migrants are classified by migrant status and occupation level, making it difficult to determine migrant experiences and trends by gender (Maastricht University, University of Oxford and Samuel Hall, 2018). Data on female migrant economic participation and contribution in the EAC is still limited and needs to be strengthened (EAC, 2018:20–21).

In the SADC, collection of data on labour migration needs strengthening. The process is reliant on Member States agreeing to the right labour migration data standards as the primary source of labour migration data. The regional labour migration data is reliant on quality data from Member States.

### 5.3.2. Member State gaps

#### Harmonization of labour market information system at regional and member state levels

Most of the Member States do not have a harmonized data collection system where all actors can capture and share labour migration-related data. They have varied data collectors but no centralized system to capture and store the data. For instance, the **United Republic of Tanzania** does not have a harmonized data collection system, which may lead to duplication of data/information as well as limited resources for research and migration data management. Strengthening capacities and providing necessary resources to government entities capturing labour migration data could impact policymaking.

#### Coordination challenges

There are labour migration data coordination challenges due to the lack of a mechanism in all Member States that integrates information on the labour market. **Lesotho** has several labour migration data collecting agencies, but they appear not to interact with one another and instead operate in silos. While in the case of the **United Republic of Tanzania**, the statistics departments in mainland and Zanzibar collect their data separately and not in a coordinated manner. This is a gap they are aware of, and discussions have been held on how to resolve it.

#### Resource gaps

**Human (including expertise), technological and financial resource gaps have been identified in this study.** Most countries do not have the human resources and expertise to capture labour migration data. On the other hand, those countries with human resources are hindered by the lack of technological resources and infrastructure to capture the data. These countries are dependent on financial resources to purchase, support and maintain the data collectors' technological needs. Both software and hardware products and services require updating through time. In Nigeria, one respondent argues that human and other resources, such as infrastructure (e.g. access to electricity) and technology (hardware and software), among others, go hand in hand. When capacities are built, the right resources need to be in place and updated regularly to ensure that officials can fulfil their responsibilities.

In **Zimbabwe**, the data is not analysed often due to limited capacity and resources (financial and human). Ministries are meant to capture their own data, but most of them do not due to lack of resources. Most governments do not allot budget sufficiently for migration-related matters including data collection. Concerns were raised by respondents about the quality of the data which may impact its usefulness. While in Botswana, data analysis concerns are related to the lack of software for this purpose, as MDAs have separate systems of analysis. Secondly, there is limited analysis on irregular migration due to the lack of capacity within the country. This is critical for decision-making, as it will help understand Botswana nationals' mobility even deeper. Although Uganda's **EEMIS** captures some labour migration-related data, it still needs to be strengthened.

## Insufficient data

Data collection in all Member States is mostly administrative in nature, and, in some instances, some of the data is difficult to analyse, as it is partially manual, especially when collected at border posts. In Zimbabwe, data collection at selected border posts is still manual, making it difficult to capture real-time data to be analysed. All Member States reported difficulties in capturing data on their own nationals working in the GCC, as they lack a mechanism for capturing data. In the case of Uganda, it uses the EEMIS, but Ugandan respondents have stated that some migrants enter the GCC region as tourists then change their status once a job is secured, making it difficult for government officials to know the actual numbers. Therefore, data is often not in real time, as some border posts that capture labour migration data are still manual, and, in some instances, it takes six months for the data to be received in the regional office (in the case of the EAC).

Insufficient labour migration data was identified in Botswana, Burundi, Côte d'Ivoire, Mali, South Sudan and Uganda. Most of the migrants working in these countries tend to work in the informal sector and are undocumented, temporary workers, or cross-border traders. In the case of Burundi and Uganda, they often lack data on labour migrants in the GCC.

In Uganda, there is a concern about the usefulness of data, as Ugandan labour migrants destined for the GCC countries acquire a visitor visa and change their status once they have secured a job in the destination. The systems are unable to capture such migrants, as they are not considered labour migrants and may face additional risks, especially if they did not undertake the pre-departure training or had their contracts reviewed in Uganda.<sup>124</sup>

Data on labour migration is still not disaggregated by gender in the case of Burundi, Mali and Senegal where women are classified as “seasonal” migrants. That is, they leave their households to move to neighbouring countries and the Gulf countries to join the hotel, catering and tourism labour markets for a defined period.

Although monitoring and evaluation frameworks exist within the MDAs, the impact and effectiveness are often questioned. Member States with frameworks have included monitoring and evaluation in their policies, and in some countries, monitoring and evaluation is not regularly done. Others that lack a policy on labour migration need to develop one and implement it on a regular basis to improve the activities they are undertaking.

## 5.4. RECOMMENDATIONS

The right infrastructure and mechanisms need to be in place to capture the necessary data required at the national level. The following recommendations can be considered at the regional and Member State levels.

Build capacity in labour migration data collection and analysis.

Discussion at the regional and national levels should take place to agree on labour migration indicators including definitions. Statistics officials of Member States can lead the process and engage with key data collectors at the national level using their existing coordination mechanisms to discuss the types of indicators for labour migration. Establishing a national and regional data collection and dissemination mechanism on employment and labour migration matters may help facilitate effective planning and monitoring of the labour migration activities at the regional and national levels. To harness the potential benefits of the labour migration data, countries need to establish an LMIS that integrates all data collected by various stakeholders. A training-of-trainers initiative should be developed, targeting technical experts and policymakers as well as social partners handling labour migration data. Technical government officials and social partners, such as trade unions and private recruitment agencies, will have a better understanding of the indicators of labour migration and can collaborate on data collection activities. Policymakers will have a better understanding of data, which they can use to inform policymaking.

<sup>124</sup> An official of a social partner in Uganda reported this in an interview.



Improve coordination among stakeholders on data collection activities.

There is a need to improve coordination among key stakeholders involved in the collection of labour migration-related data. Beyond the collection and assessment of stocks and flows of immigrants and emigrants, the collection of labour migration data should be linked to socioeconomic indicators, such as employment and unemployment, skills pool, geographical distribution, cyclical and seasonal movement, and economic activity and distribution of skills per sector. All these indicators would assist countries in implementing a structured labour migration management policy and ensure that it responds directly to the country's economic needs. This practice would allow for more forward-looking management, anticipating economic changes and effectuating necessary adjustments more swiftly.

Develop regional and national labour market information systems.

Regional discussions on LMISs should continue with Member States to agree on the labour migration indicators and identify the relevant technological, human and financial needs to design, develop, manage and maintain the LMIS. The ongoing discussion led by the AUC on labour migration data can help Member States identify their labour migration data gaps and resources required for the LMIS. To design the system, the JLMP can initiate regional competitions in the SADC, the ECOWAS and the EAC, tapping the expertise of national IT experts in Africa and in the diaspora with the aim of creating a team of experts that will design an LMIS prototype based on assessments of existing global LMISs. The competitive engagement should include an assessment of LMIS resources required including software, hardware, personnel, capacity, finances and infrastructure.

## ANNEX 1. INTERNATIONAL LABOUR ORGANIZATION LABOUR STANDARDS AND CONVENTIONS SIGNED AND RATIFIED BY MEMBER STATES

Labour standard and convention	East African Community				Economic Community of West African States				Southern African Development Community		
	Burundi	South Sudan	Uganda	United Republic of Tanzania	Côte d'Ivoire	Mali	Nigeria	Senegal	Botswana	Lesotho	Zimbabwe
<b>International labour migrant-specific instruments</b>											
R086 Migration for Employment Recommendation (revised), 1949 (No. 86)											
C097 Migration for Employment Convention (Revised), 1949 (No. 97)											
C143 Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)											
R151 Migrant Workers Recommendation, 1975 (No. 151)											
<b>International labour standards related to migrant workers' social protection</b>											
C019 Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)											
C102 Social Security (Minimum Standards) Convention, 1952 (No. 102)											
C118 Equality of Treatment (Social Security) Convention, 1962 (No. 118)											
C121 Employment Injury Benefits Convention, 1964 (No. 121)											
C157 Maintenance of Social Security Rights Convention, 1982 (No. 157)											
R167 Maintenance of Social Security Rights Recommendation, 1983 (No. 167)											
<b>International labour standards containing specific provisions on migrant workers</b>											
C181 Private Employment Agencies Convention, 1997 (No. 181)											
R188 Private Employment Agencies Recommendation, 1997 (No. 188)											
C189 Domestic Workers Convention, 2011 (No. 189)											
R201 Domestic Workers Recommendation, 2011 (No. 201)											
R204 Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)											
R205 Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)											

Labour standard and convention	East African Community				Economic Community of West African States				Southern African Development Community		
	Burundi	South Sudan	Uganda	United Republic of Tanzania	Côte d'Ivoire	Mali	Nigeria	Senegal	Botswana	Lesotho	Zimbabwe
<b>Fundamental conventions that apply to all migrant workers irrespective of migration status</b>											
C029											
	Forced Labour Convention, 1930 (No. 29)										
C087											
	Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)										
C098											
	Right to Organize and Collective Bargaining Convention, 1949 (No. 98)										
C100											
	Equal Remuneration Convention, 1951 (No. 100)										
C105											
	Abolition of Forced Labour Convention, 1957 (No. 105)										
C111											
	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)										
C138											
	Minimum Age Convention, 1973 (No. 138)										
C182											
	Worst Forms of Child Labour Convention, 1999 (No. 182)										
<b>Governance conventions underlined by the ILO Declaration on Social Justice for a Fair Globalization and its follow-up</b>											
C081											
	Labour Inspection Convention, 1947 (No. 81)										
C122											
	Employment Policy Convention, 1964 (No. 122)										
C129											
	Labour Inspection (Agriculture) Convention, 1969 (No. 129)										
C144											
	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)										
<b>Other ILO conventions</b>											
C017											
	Workmen's Compensation (Accidents) Convention, 1925 (No. 17)										
C095											
	Protection of Wages Convention, 1949 (No. 95)										
C026											
	Minimum Wage Fixing Convention, 1970 (No. 131)										
C135											
	Workers' Representatives Convention, 1971 (No. 135)										
C154											
	Collective Bargaining Convention, 1981 (No. 154)										
C159											
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)										
C155											
	Occupational Safety and Health Convention, 1981 (No. 155)										
C183											
	Maternity Protection Convention, 2000 (No. 183)										

Source: ILO, NORMLEX, n.d.

Note:

Signed and ratified

Signed but not ratified

Not signed and not ratified

## ANNEX 2. LIST OF MINISTRIES AND DEPARTMENTS INVOLVED IN LABOUR MIGRATION GOVERNANCE BY MEMBER STATE

Botswana
Ministry of International Affairs and Cooperation
Ministry of Nationality, Immigration and Gender Affairs
Ministry of Youth Empowerment, Sport and Culture Development
Ministry of Investment, Trade and Industry
Burundi
Ministry of Interior, Public Security and Development Community
Ministry in Charge of East African Community Affairs, Youth, Sports and Culture
Ministry of Public Service, Labour and Employment
Burundi Investment Promotion Agency
Department of Workforce Mobility
Ministry in Charge of Foreign Affairs
Côte d'Ivoire
Ministry of Security and Civil Protection
Ministry of Territorial Administration and Decentralization
Ministry of Foreign Affairs
Ministry of Justice
Ministry for the Promotion of Youth and Youth Employment
Ministry of African Integration and Ivorians Abroad
Ministry of Integration
Ministry of Employment and Social Protection
Lesotho
Ministry of Foreign Affairs and International Relations
Ministry of Labour and Employment
Ministry of Home Affairs
Ministry of Social Development
Mali
Ministry of Labour
Ministry of Malians Abroad and African Integration
Ministry of Domestic Security Services and Civil Protection
Ministry of Employment and Vocational Training
Ministry for the Promotion of Women, Children and Family
Nigeria
Nigerian Immigration Services
Ministry of Foreign Affairs and the Nigerians in Diaspora Commission
Federal Ministry of Justice
National Commission for Refugees, Migrants and Internally Displaced Persons
Senegal
Ministry of Interior
Ministry of Justice
Ministry of Youth, Employment and Promotion of Civic Values
Ministry of Labour, Social Dialogue, Professional Organizations and Relations with Institutions
Ministry of Foreign Affairs and Senegalese Abroad

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Ministry of Women, Family and Childhood

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Ministry of Economy, Finance and Planning

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Directorate of Air and Border Police

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Directorate of the Police for Foreigners and Travel Documents

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National Unit for Combating Trafficking in Persons

**South Sudan**

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Relief and Rehabilitation Commission

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Ministry of Foreign Affairs and International Cooperation

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Ministry of Finance and Economic Planning

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Ministry of Interior, Directorate of Nationality, Passports, and Immigration

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Ministry of Labour, Public Service and Human Resource Development

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Ministry of Humanitarian Affairs and Disaster Management

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Ministry of Gender, Child, and Social Welfare

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Ministry of Culture Youth and Sport

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Ministry of Higher Education, Science and Technology

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South Sudan Investment Authority

**Uganda**

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Ministry of Gender, Labour and Social Development

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Ministry of Internal Affairs, Directorate of Citizenship and Immigration Control

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Ministry of Foreign Affairs/Diaspora Services Department

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Office of the Prime Minister

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Ministry of Justice and Constitutional Affairs

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Ministry of Finance, Planning and Economic Development

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Ugandan Investment Authority

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Ministry of Trade, Industry and Cooperatives

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Ministry of East African Community Affairs

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National Citizenship and Immigration Board

**United Republic of Tanzania**

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Ministry of Home Affairs

- Immigration Services Department
- Refugee Department

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Ministry of Foreign Affairs

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Office of the Prime Minister

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Ministry of East African Cooperation

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Ministry of Justice and Constitutional Affairs

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Ministry of Labour and Employment

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Ministry of Community Development, Gender and Children

**Zimbabwe**

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Ministry of Home Affairs and Cultural Heritage

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Ministry of Foreign Affairs and International Trade

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Ministry of Women's Affairs, Community, Small and Medium Enterprises Development

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Ministry of Public Service, Labour and Social Welfare

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Ministry of Higher and Tertiary Education, Science, Innovation and Technology Development

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Ministry of Youth, Arts, Sports and Recreation

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Ministry of Finance and Economic Development

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Ministry of Industry and Commerce

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Zimbabwe Investment Authority

## ANNEX 3. LIST OF DATA COLLECTORS ON LABOUR MIGRATION BY MEMBER STATE

Agency/Organization/Department	Function and type of data collected
<b>Botswana</b>	
Statistics Botswana	Coordinates, analyses and disseminates all migration and/or labour-related data
Botswana Federation of Trade Unions	Captures data on registered trade unions with migrants
Business Botswana	Collects information on registered businesses in the country
<b>Burundi</b>	
Institute de Statistiques et d'Études Économiques du Burundi (Institute of Statistics and Economic Studies of Burundi)	Collects and distributes migration- and labour-related data
Ministry to the Office of the President Responsible for EAC Affairs	Monitors and assesses data on migration and shares the information with the EAC ministries within the community
Ministry of Foreign Affairs	Collects data on the diaspora
Confédération Syndicale des Employeurs du Burundi (Confederation of Trade Unions of Burundi)	Captures data from registered trade unions
<b>Côte d'Ivoire</b>	
Ministry of Security and Civil Protection	Captures data on migratory flows and controls in migration at national borders as well as screens foreigners as they enter and exit
National Institute of Statistics	Collects migration-related data through surveys (e.g. standard of living, demographic and health, and employment surveys) as well as the national census
National Identification Office	Captures administrative data and hosts a database that includes some migration-related data
General Directorate for Ivorians Abroad	Captures data on the diaspora
Directorate for Support and Assistance to Refugees and Stateless Persons	Captures data on refugees and stateless persons
Ivorian Centre for Economic and Social Research	Academic research centres conducting migration-related research
Institute of Tropical Geography	
Institute of Ethno-Sociology	
Advanced School of Statistics and Applied Economics	
<b>Lesotho</b>	
Central Bank of Lesotho	Captures remittance data and publishes reports
Ministry of Education	Captures data on immigrant personnel working in the education sector
Bureau of Statistics	Conducts the national census that captures data on migrant stocks and flow
Ministry of Labour and Employment	Facilitates employment and captures data through the National Employment Services and captures data on labour migrants working in the country among other services
Lesotho Institute of Public Administration and Management	Conducts research on migration
Lesotho National Development Corporation	Captures data on and is responsible for recruiting foreign investors and expat labour migrants
Ministry of Foreign Affairs and International Relations	Handles diaspora affairs as well as captures diaspora-related data
Ministry of Health	Captures data on migrant health personnel
Ministry of Social Development	Captures data on social welfare of vulnerable migrants



Agency/Organization/Department	Function and type of data collected
<b>Mali</b>	
Civil Protection General Directorate	Collects data from border posts
National Employment Agency	Captures and analyses labour market data of nationals and foreigners in the country
Ministry of Malians Abroad and African Integration	Captures diaspora-related data/information
<b>Nigeria</b>	
National Bureau of Statistics	Conducts surveys (e.g. labour force surveys) and is the custodian of data and statistics
National Population Commission	In charge of censuses and handles all demographic data and statistics
National Agency for the Prohibition of Trafficking in Persons	Captures data and produces reports on human trafficking in Nigeria
National Commission for Refugees, Migrants and Internally Displaced Persons	Captures data on displaced persons
<b>Senegal</b>	
National Agency for Statistics and Demography	Collects flows and stocks of migrant data through surveys and conducts the national census
Ministry of Foreign Affairs and Senegalese Abroad/Directorate of Senegalese Abroad	Collects data on the number of Senegalese abroad by country of residence as well as the demographic characteristics of the population abroad
Directorate of Air and Border Police	Captures flows of migrants in and out of Senegal through border points
Directorate of the Police and Foreigners and Travel Documents	Collects demographic data of foreigners including the type of activities they are undertaking in the country by sector
National Unit for Combating Trafficking in Persons	Captures data on human trafficking cases
Department of Labour Statistics and Studies	Captures data on Senegalese and foreign workers in formal companies and enterprises, the number of jobs created by year for nationals and foreigners, and other indicators
<b>Uganda</b>	
Bank of Uganda	Captures data on remittances
Uganda Bureau of Statistics	Responsible for collecting, analysing, and disseminating labour migration data – captured through the national census, the National Labour Force Survey and the Manpower Survey – used for policy design, reviews and implementation
Ministry of Internal Affairs	Captures data on visas, work permits and passes issued at border posts
Ministry of Foreign Affairs	Collects data on the diaspora
Office of the Prime Minister	Collects data on displaced populations resident in Uganda
Ministry of Gender, Labour and Social Development	Captures data on Ugandan nationals working in the GCC countries using the EEMIS

Agency/Organization/Department	Function and type of data collected
<b>United Republic of Tanzania</b>	
Immigration Department/Ministry of Home Affairs	Captures data on immigrants entering and exiting the country through the border posts in mainland Tanzania and Zanzibar
Immigration Department (Zanzibar)	
Prime Ministers' Office – Labour, Youth, Employment and Persons with Disability/ Labour Commissioners Department	Captures data on work permit holders and applicants
National Bureau of Statistics (United Republic of Tanzania)	Coordinates, analyses and disseminates official statistics on Zanzibar related to migration (e.g. national census, labour force surveys)
Office of the Chief Government Statistician of Zanzibar	
Tanzania Investment Centre	Works in partnership with Immigration and Labour ministries to process data on investor residence and work permits
Zanzibar Investment Promotion Authority (ZIPA)	Facilitates issuance of work and residence permits for investors
Zanzibar Commission for Tourism	Captures data on work and residence permits for investments that do not fall under ZIPA
Ministry of Labour Economic Empowerment and Cooperation	Captures data on work permit holders in Zanzibar
<b>Zimbabwe</b>	
Zimbabwe National Statistics Agency	Coordinates, analyses and disseminates all migration and/or labour-related data
Department of Immigration and Control	Captures administrative data on migrants through border posts
Ministry of Public Service, Labour and Social Welfare	Captures labour-related data
Ministry of Foreign Affairs and International Trade	Captures diaspora-related data

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