

Labour Migration Governance for Development and Integration in Africa

A bold *new* Initiative

Social
Equality Welfare
Recognition of Skills
Investment Migrant Workers Data Sustainable
Development
Remittances Decent Work Equity
Portability of Social Security Benefits
Skills Enhancement Harmonized Labour Migration Policy
Free Movement Fundamental Rights Non-discrimination
Labour Market Information System Inter-regional
Poverty Alleviation Equality of Treatment Cooperation
Joint Labour Migration Programme
Economic Integration Human Rights Social Dialogue
Labour Migration Data Jobs
Labour Migration Governance
Social Remittances Economic
Recruitment Development
Management System
Social Protection
Training Employment Creation
Free Circulation Regimes
Regional Integration
Tripartite Policy Dialogue
Skills Mobility
Labour Standards
Skills - Education
Match Social
Cohesion
Data

*Inclusive
Development*



AU/ILO/IOM/ECA Joint Labour Migration Governance Programme for Regional Integration and Development in Africa

Increasing cross-border labour and skills mobility has made labour migration an ever more urgent challenge for governance across Africa. The 2006 AU Migration Policy Framework rightly recognized that “migration will be a major topic in the 21st Century and will therefore pose certain social, economic and political challenges for policy makers in the future management of migration for the betterment of African societies”.

The International Labour Organization (ILO) estimated the number of migrant workers in the continent at 8.4 million in 2010, out of a total of 19.3 million migrants (persons living outside their country of origin) in Africa that year while the World Bank estimated that 31 million African people were living in countries other than their birth place, with 77% of the 31 million from Sub Saharan Africa. These figures do not count millions more Africans involved in short term, seasonal and temporary migration nor the hundreds of thousands of cross border commercial and other mobile workers. Moreover, it was estimated in 2013 that there were 18.6 million migrants in Africa in 2013, including about 3 million citizens of other countries. In addition, 46% of all African migrants are women, who are increasingly migrating for work and Africa hosts the highest proportion of young persons among all international migrants (30%). Demand for cross-border mobility will increase in Africa in the foreseeable future. Thus, effective governance of migration is one of the critical challenges for African States.

Socio-economic, poverty, fragility, political, security and environmental factors are contributing to significant migration and forced displacement in Africa. Globalization has also accelerated structural causes that prompt cross-border migration flows, including labour market imbalances, technological changes, economic restructuring, and demographic factors.

Demographic pressures -ageing and increasing deficits in labour forces- have become prominent in many developed and developing countries. At the same time, Africa confronts a growing, youthful population coupled with jobless growth and a dearth of decent work opportunities. This combination translates into increasing mobility of skills and labour within, from, and to Africa. The global skills shortage is set to worsen. A recent international study¹ calculated that by 2020, global shortages of high skilled professionals will

reach “38 million to 40 million fewer workers with tertiary education (college or postgraduate degrees) than employers will need“, and “another 45 million too few workers with secondary education in developing economies”.

Important features characterizing African labour migration include: the predominance of intra-regional labour and skills migration in Africa, particularly the prevalence of labour and skills mobility within Regional Economic Community (REC) spaces; increasing feminization of labour mobility; inadequate protection for migrant workers and their families from exploitation and hostility; lethargic implementation of regional free movement schemes; weaknesses of pertinent labour market legislation, institutions and data; lack of or limited attention to governance and regulation of labour and skills mobility; inadequate or absent recognition of qualifications and competencies; emigration of skilled Africans in a way that contributes to ‘brain drain’ and ‘brain waste’; limited or non-access to and portability of social security; the increasing economic importance of migrant remittances for many African countries as well as the more prominent incidences of trafficking and smuggling of migrants. The recent incidences of people losing their lives while crossing the Mediterranean are quite instructive.

African labour migration flows generally follow three main directions: intra-African migration; overseas flows towards former colonial powers (France, UK, Italy, Portugal, Spain, etc.) but now increasingly to other destinations (USA, Asia and Arab States). The third direction is inflows from other regions to Africa, notably from Europe and Asia. The intra-regional migration proportion for Africa overall is estimated at 52.6%, comparable to 59% in Europe and 54.7% in Asia. However, Sub Saharan Africa has a higher intra-regional rate estimated at 65%. Intra-regional mobility (migration within the RECs) represents more than 4 out of 5 migrants in ECOWAS.

As African economies are largely dominated by urban informal economy and agriculture, migrant workers in the continent are often found in settings characterized by low incomes and wages, lack of social protection, precarious jobs and workplaces, abysmal working conditions, and low skills portfolios. Many migrants are self-employed or employed in agriculture and informal activity, while significant numbers may be found in industry and services. There is also significant cross-border, ‘circular’ mobility of commercial tradespeople, accompanied by increased cross-border trade flows that promote local growth and employment. Reports of labour and other rights abuse of migrant workers, incidences of xenophobic attacks on migrants, and arbitrary expulsions highlight the challenges of realizing decent work, equality of treatment and protection of human rights according to the standards many African states have ratified.

¹ McKinsey Global Institute: The world at work: Jobs, pay, and skills for 3.5 billion people, June 2012 | by Richard Dobbs, Anu Madgavkar, Dominic Barton, Eric Labaye, James Manyika, Charles Roxburgh, Susan Lund, Siddarth Madhav. See: http://www.mckinsey.com/insights/employment_and_growth/the_world_at_work

African Policy Frameworks on Labour Migration

Over the last decade, a comprehensive set of migration policy commitments and recommendations have been elaborated under the auspices of the African Union. Many of these largely complementary documents have been adopted at heads of State levels. Together, they add up to a comprehensive guidance framework for national and regional labour migration policy across the continent. They include:

1. 2004 AU Plan of Action on Employment Promotion and Poverty Alleviation pressing for equity in international governance and for facilitating labour migration in Africa.
2. 2006 AU Migration Policy Framework that devotes a main chapter to Labour Migration.
3. 2008 Social Policy Framework that recommended regional integration and collaboration of social security schemes in Africa to ensure benefits of labour circulation.
4. 2012 AU Plan of Action on Boosting Intra African Trade recognizing the key role of free movement of people and labour migration regulation. Regional agreements are deemed central to developing and facilitating regional labour migration.
5. The 9th Ordinary Session of the AU Labour and Social Affairs Commission (April 2013), identified regional labour migration as an important factor in sustainable development and regional integration and also adopted the Youth and Women Employment Pact including “Promotion of regional and sub-regional labour mobility”. The Pact called for an AU and RECs Labour Migration Plan.
6. 2014-2017 AUC Strategic Plan pursues the strategy to “Promote labour migration to support cross border investment and to fill the skills gap”.
7. The 24th AU Assembly adopted the AU Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development, which prioritized labour migration governance for regional integration as a key priority area of action in Africa. The Summit also endorsed the Joint Labour Migration for Development and Regional Integration (JLMP) as the continental programme to foster regular migration in Africa (January 2015).
8. The 25th AU Assembly adopted the Declaration on Migration (June 2015) which reiterates skills mobility and the continental free movement as core priorities for Africa.

In addition to the continental policy frameworks above, the following inter-continental agreements are relevant for labour migration

9. The Joint Africa-EU Declaration on Migration and Development, Tripoli, 22-23 November 2006.
10. The Joint Africa-EU Strategy (JAES) Action Plan Partnership on Migration, Mobility and Employment (MME)

A major challenge remains their application. Until now, very limited resources and consequently little effort have been dedicated to promoting and supporting the actual implementation of the labour migration dimensions of these collective regional policy commitments.

Priority Challenges for Action

A regional consultation on December 16, 2013, in Addis Ababa identified priority challenges and set the direction for Africa-wide cooperation on governance of labour migration. The AUC, ECCAS, ECOWAS, IGAD, SADC¹⁰, ILO, IOM, ECA, UNAIDS, UNESCO as well as Business Africa and ITUC Africa were represented. The Consultation agreed on seven main findings common across all RECs:

1. Paucity of data on characteristics and conditions of labour migrants, data required for economic, labour, enterprise development, investment, education, and social protection policies.
2. Lack of implementation of free circulation regimes; and generalized absence of coherent national labour migration policy.
3. Growing gaps between skills needs versus numbers and types produced in Africa
4. Absence of social protection and social security for many migrants
5. Prevalence of sub-standard, abusive employment relations and conditions of work
6. Absence of capacity, coordination and policy involvement on migration by labour institutions
7. Lack of dialogue and coordination on labour migration among labour actors and institutions.

The initial draft terms and content for this programme were proposed, discussed and agreed upon at the 1st AU-RECs Technical Consultation on Labour Migration held in Addis Ababa, December 16 2013 (referred to above). Executives and experts of the co-sponsoring agencies (AUC, ILO, IOM and ECA) reviewed two subsequent editions of the draft programme document in detail in February and March 2014. On 22 April, 2014 at a full day session in Windhoek, Namibia, 50 government and social partner experts and REC officials from all regions of Africa reviewed section by section the proposed JLMP needs assessment, programme framework and activity areas and introduced refinements. They vetted the component areas of action and explicitly endorsed the initiative. The JLMP was then formally endorsed on 26 April 2014 by the Ministers during the Extraordinary Session of the AU Labour and Social Affairs Commission (LSAC) in Windhoek, Namibia. All 54 AU member states were represented at the Extraordinary Session, some with tripartite delegations. Further extensive Stakeholder Consultations were held from September to December 2014 towards establishing a coalition

of strategic partners. In January 2015, the AU-ILO-IOM-UNECA Joint Programme on Labour Migration was adopted by the African Heads of States and Government during the 24th Session of African Union Assembly in Addis Ababa, the first time ever a migration cooperation programme has been adopted internationally by heads of State.

In February 2015, a JLMP sensitization meeting was organised by the AUC to brief development partners in Addis. This briefing elicited further buy-in by key AUC partners at the ambassadorial level; notably the EU delegation to the AU and Mexico. Furthermore, in March 2015, a day long JLMP implementation priority setting consultation took place among representatives of all eight AU-recognized RECs (including UMA) in Kigali, Rwanda, following a two day IOM-AU-ILO Consultation on Labour Mobility and Labour Migration in Africa. Participants from member countries as well as REC secretariats and social partners identified priority initial steps for JLMP operations in the respective Regional Economic Communities. In August 2015, two further rounds of consultations took place, one with representatives of all concerned AU departments, the other with delegates of seven RECs, to refine the JLMP interfacing with labour migration activity programmes of the respective RECs.

Programme Goals, Results and Action Areas

The goals and objectives of this Africa Labour Migration Governance programme derive from the long term aspiration of achieving an effective regime of labour mobility for integration and development in Africa, with the necessary governance to sustain it.

Pursuant to the overall purposes, the Joint Programme facilitates implementation of the strategy of the AU Agenda 2063 and the AUC Strategic Plan 2014-2017. It also aligns with the strategic themes of the AU Migration Policy Framework and carries forward the priority actions of the AU Youth and Women Employment Pact, and the AU Employment Creation, Poverty Eradication and Inclusive Development Plan of Action, which was adopted by the African Heads of State and Governments during the 24th Ordinary Session of the AU Assembly (January 2015). It strategically responds to the Africa- EU Partnership on mobility and migration. The project also addresses the needs and concerns of migrant workers, their families and their organizations.

This initial four year programme recognizes that achievement of its objectives requires a coherent and sustained effort over many more years. This programme demonstrates incremental value by building on and complementing past and current interventions. Project actions focus on knowledge sharing combined with advisory services, training, advocacy, and technical assistance to RECs and mobilization of government, economic actor, civil society, private sector and public opinion to promote progress on regional integration and development.

The programme is logically organized in two major and complementary parts:

*Strengthen effective governance of labour migration in Africa; and

*Promote decent work for regional integration and inclusive development

Key result areas include:

1. Strengthen effective governance of labour migration in Africa

1.1 Increased domestication of key international standards on labour migration

1.2 Free circulation regimes in coherent labour migration policies are elaborated and adopted by the RECs

1.3 Strengthened capacities of labour institutions and social partners in RECs and national governments for labour migration governance, policy and administrative responsibilities

1.4 Regional mechanisms for tripartite policy consultation and coordination on labour migration issues established, and consultation and technical cooperation with other regions strengthened.

2. Promote decent work for regional integration and inclusive development:

2.1 Decent Work for migrants with effective application of labour standards to migrant workers in recruitment and treatment promoted

2.2 Social Security extended to migrants through access and portability regimes compatible with international standards and good practice

2.3 Harmonised policies to foster mobility of skills and better alignment of skills with labour market needs are adopted and implemented in Africa

2.4 Enhanced collection of gender and age disaggregated data on migrants' economic activity, employment skills, education, working conditions, and social protection situations.

Stakeholders

The economic actors of Africa, the Member States and Regional Economic Communities, migrants and their families as well as migrant organizations, and the peoples of the region are the beneficiaries and ultimate stakeholders in free movement and migration.

The immediate stakeholders in obtaining realization of facilitated labour mobility are the African Union Commission, CEN-SAD, COMESA, EAC, ECCAS, ECOWAS, IGAD and SADC Commissions and structures -- in particular their relevant departments addressing mobility and labour; as well as the social partner institutions representing respectively, employers and enterprises and workers including migrant workers; the national government institutions addressing migration and free movement issues; concerned civil society organizations and NGOs (notably migrant-based organizations), and the private sector generally.

In national governments, the project implicates in particular Ministries of Labour/Employment, Public Employment Services, and Social Protection/Social Security Ministries/Agencies. It will also engage Immigration departments, Home Affairs/Interior Ministries as well as national institutions involved in the production of economic, labour and migration-related data (particularly National Statistical Offices).

Project efforts will focus on governance roles, activity and coordination among the key economic actors represented by employers' organizations and national unions, and with governments. Civil Society Organizations, including migrant and diaspora associations will be supported in provision of services and information on protection of migrants and refugees and policy advocacy for free movement.

Governance, communications and monitoring

A Programme Steering and Coordination Council (PSCC) shall be set up to ensure multi-stakeholder ownership of the project, in particular by participating RECs and regional social partner organizations. The PSCC will oversee and validate the overall direction and policy of the programme, and ensure that activities of all components are in line with the AU strategy on migration and REC frameworks and common approaches. The PSCC will be co-chaired by AU and ILO as project co-lead agencies, include senior officers from each IOM and ECA, and comprise a senior operational officer on migration/mobility from each COMESA, EAC, ECCAS, ECOWAS, IGAD and SADC as well as from Business Africa, ITUC-Africa and the Organization of African Trade Union Unity (OATUU). At the operational level, a Project Support Unit (PSU) will coordinate and execute implementation of activities. Its members will include managerial and technical staff of the project as well as representatives of the four cooperating agencies (AU, ILO, IOM and ECA). The team will be complemented by a labour migration officer in each REC. A communication strategy will enable adequate programme outreach to stakeholders and the wider public. Permanent follow up and assessment will be conducted by the programme coordination team.

A Mid-Term Evaluation will be conducted to assess the relevance, performance and success of the activities implemented, and analyse progress towards the objectives. A Final Evaluation will be conducted to analyse achievement of project/programme objectives and assess its degree of success.

Pilot Activities Undertaken

While working closely with the AUC to mobilize the significant resources required for a systematic implementation of this bold and ambitious JLMP, the Regular Budget Supplementary Account (RBSA) resource from the ILO has been invested to produce the following outputs in close collaboration with the AUC:

- The Terms of Reference and Composition of the very first tripartite plus continental labour migration committee. The AU Labour Migration Advisory Committee has been established based on the adoption

of the ToR by the 1st AU STC on Social Development, Labour and Employment

- The First Report on Labour Migration Statistics in Africa (Drawing on technical expertise provided by the ILO and National Statistical Organisations from more 30 member States in Africa, a review and analysis of currently existing data will form the basis of this report which also constitutes a comprehensive continental baseline on labour migration statistics);
- Report on the state of play on skills portability in Africa based on a review on the existing initiatives in the region as well as exemplary good practices from other regions; notably the EU, Asean and Caricom. The report which provides recommendations for Enhancing Skills Portability is scheduled for discussions by the AU Conference of Education Ministers in October 2015;
- Report to assess the current state of social security access and portability regimes and the effectiveness thereof, applicable to migrant workers from Africa; and to inform an understanding of the challenges and constraints but also to support policy-making and the creation of operational frameworks for the improvement of social security access and portability regimes for these workers. This will be a key input to the inaugural meeting of the AU Labour Migration Advisory Committee;
- A report analysing the nexus between remittances and social security for migrant workers and their families, and proposing modalities for enhanced use of remittances for social security purposes; and
- The ITUC Africa resolution on labour migration is the expected result of the support provided to the 2015 pre-congress and Congress scheduled for November 2015.

In addition, some activities have been jointly organized by the AUC, ILO and IOM to facilitate inclusive dialogue on migration and regional integration. Two regional consultative meetings on migration and labour mobility which were held in Kigali (March 2015) and Accra (September 2015) provided the fora for an inclusive dialogue with the participation of the RECs, AU Member States, representatives of organisations of employers, workers, diaspora and other civil society groups. It also facilitated dialogue between the different institutions responsible for managing the different facets of migration for a comprehensive response. Support is also provided to IGAD Regional Consultation Process (RCP) to foster the operationalization of its Regional Migration Policy Framework (RMPF).

In conclusion:

This initial four year programme will contribute significantly to *obtaining the development potential of labour and skills mobility in Africa by promoting and supporting effective governance of labour migration*

