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An assessment of
labour migration and
mobility governance
in the IGAD region

Regional report



**Free Movement of Persons and Transhumance
in the IGAD Region: Improving Opportunities
for Regular Labour Mobility**

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An assessment of labour migration and mobility governance in the IGAD region: Regional report

Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility

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List of abbreviations and acronyms

ANEFIP	Agence Nationale de l'Emploi, de la Formation et de l'Insertion Professionnelle (National Agency for Employment, Training and Professional Integration) [Djibouti]
AU	African Union
BLA	bilateral labour agreement
CMP	Common Market Protocol
COMESA	Common Market for East and Southern Africa
COTU-K	Central Organization of Trade Unions – Kenya
CRRF	Comprehensive Refugee Response Framework
CSO	civil society organizations
EAC	East African Community
EAEO	East African Employers Organisation
EATUC	East African Trade Union Confederation
EDTF	Ethiopian Diaspora Trust Fund
EU	European Union
EUTF	European Union Emergency Trust Fund for Africa
GDP	gross domestic product
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Development Agency)
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
IOM	International Organization for Migration
IO	international organization
IUCEA	Inter University Council for East Africa

JLMP	Joint Labour Migration Programme
KLMIS	Kenya Labour Market Information System
LMIS	Labour Market Information System
MGLSD	Ministry of Gender, Labour and Social Development [Uganda]
MGSOG	Maastricht Graduate School of Governance
MIDA	Migration for Development in Africa
MMC	Mixed Migration Centre
MRA	mutual recognition agreements
NCM	National Coordination Mechanism on Migration
NGO	non-governmental organization
NLFS	National Labour Force Survey
PEA	private employment agency
RCP	Regional Consultative Process
REC	regional economic community
RMMS	Regional Mixed Migration Secretariat
RSP	Remittance Service Provider
UAERA	Uganda Association for External Recruitment Agencies
UN	United Nations
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commissioner for Refugees
UNTOC	UN Convention Against Transnational Organized Crime, 2000
UNTOC TIP Protocol	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing UNTOC

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Forward

The IGAD region is marked by forced displacement and mixed migration flows. Migration into and from the region is often driven by multiple and interrelated factors: economic, political, and environmental. There are numerous factors causing people to move and the reasons people move may change over time. Clear distinctions between economic migrants and persons in need of international protection are often hard to make due to the mixed migration flows in the region. Limited options for regular migration leaves migrants vulnerable to abuse and exploitation, as they are compelled to undertake clandestine and often unsafe journeys.

Increasing opportunities for regular labour migration through free movement of persons regimes are believed to promote regional integration and reduce pressure on national labour markets that are unable to provide sufficient decent work opportunities. In addition, countries of destination could benefit from labour and skills that they require for socio-economic development. Furthermore, an increase in opportunities for legal migration are expected to lead to more migrants migrating safely and enjoying decent work opportunities. The monitoring and enforcement of migrants' rights are also expected to be improved through the normative framework that such Protocols will put in place. Cognizant of this, the establishment of a free movement regime in the IGAD region is identified as a strategic priority of the IGAD Regional Migration Policy Framework and its Migration Action Plan.

In this context, the ILO and the IGAD secretariat commissioned Emmerentia Erasmus to produce this report titled "Labour migration and mobility government in the IGAD region" as part of the project on "Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility" financed by the European Union Emergency Trust Fund (EUTF). The report forms part of the knowledge-generation component of the project, which aims to generate an evidence base for labour migration and mobility governance in the region.

This regional report highlights major trends and examines various policy and legal frameworks governing labour migration and mobility issues in the region, on the basis of a comprehensive analytical framework, which was developed for this study. The findings and recommendations of the study are structured around three pillars and twelve thematic areas that are building blocks of labour migration and mobility governance. The first pillar, *Strengthening Labour Migration Governance*, examines national systems and capacities to collect and analyse labour migration data and capacities to develop and implement labour migration policies, as well as regulating recruitment agencies and improving coordination on migration issues at various levels. The second pillar, *Advancing Opportunities for Regulated Labour Migration and Decent Work*, assesses migrants' access to labour markets, information, education and finance; and facilitating the social inclusion and integration of migrants. The third pillar, *Enhancing the Protection of Migrant Workers and their Families*, reviews migrants' rights, social security, labour inspection, and reception and return.

I believe the findings of the study will provide a comprehensive overview of migration and mobility governance in the region and significantly contribute to the development of the IGAD Free Movement of Persons Protocol and its implementation, once it is adopted.

Alexio Musindo,

Director

ILO Country Office for Ethiopia,
Djibouti, Somalia, South Sudan,
Sudan and Special Representative
for AU and UNECA



Executive summary

The ILO is implementing the project “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” in collaboration with IGAD and its Member States. The project is a key component of the European Union Emergency Trust Fund for Africa-financed programme “Towards Free Movement of Persons and Transhumance in the IGAD region”.

The overall objective of the programme is to support the free movement of persons in the IGAD region, with a view to spur regional economic integration and development. Its specific objective is to improve opportunities for regulated labour mobility and decent work within the IGAD countries. In this context, the ILO is conducting a series of studies to better understand the migration and labour market dynamics in the region. These studies form part of the knowledge-generation component of the project, and aim to generate an evidence base for labour migration and mobility governance in the region. This evidence base should contribute to the development of the IGAD Free Movement of Persons Protocol, as well as to identifying the necessary capacity building required by Member States to implement the Protocol, once it is adopted.

This regional report highlights major trends and findings on labour migration and mobility governance in the IGAD region. It is informed by individual labour migration and mobility governance assessments of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, the Sudan, and Uganda. The country assessment reports follow the same structure and assessment exercise. For these assessments an Analytical Framework was developed, which assesses policies, laws, and practices on labour migration and mobility. The Analytical Framework is structured around three pillars that are building blocks for enhancing labour migration in the IGAD region:

- ▶ **Pillar I.** Strengthening labour migration governance;
- ▶ **Pillar II.** Advancing opportunities for regulated labour migration and decent work; and
- ▶ **Pillar III.** Enhancing the protection of migrant workers and their families.

Each pillar contains a set of thematic areas with guidelines that contribute towards achieving the respective pillar. The guidelines are derived from the:

- ▶ *ILO Multilateral Framework on Labour Migration: non-binding principles and guidelines for a rights-based approach to labour migration* (ILO, 2006);
- ▶ IGAD Regional Migration Policy Framework; and
- ▶ draft IGAD Free Movement of Persons Protocol.

Data for these assessments was gathered through desktop research and semi-structured interviews with government officials, social partners, United Nations agencies, international organizations (IOs) and EU Delegations during field missions to the capitals of these countries.

This report consists of four parts. It commences in chapter 2 with the methodology behind the report and an introduction to the themes and topics of the Analytical Framework for this assessment. This is followed in chapter 3 by an overview of the IGAD region and its labour migration trends. Chapter 4 is an overview of the main findings on labour migration and mobility governance in the IGAD region, as per the Analytical Framework presented in

chapter 2. The last part of the report contains key regional recommendations for advancing the governance of labour migration and mobility in the IGAD region and for laying the foundation for the implementation of an IGAD Free Movement of Persons regime. The implementation of these recommendations could be supported by different projects, IOs, and partners.

Overview of the IGAD region and its labour migration trends

The IGAD region comprises the countries of Djibouti, Eritrea¹, Ethiopia, Kenya, Somalia, South Sudan, the Sudan, and Uganda. Its population of 230 million people is expected to rise to 400 million by 2050, of which 80 per cent currently still work in agriculture. This sector remains the economic engine of the region, and is vulnerable to droughts and floods. While the proportion of the population living in poverty has declined, half of the population lives below the poverty line of US\$1 per day (IGAD, 2016). The region faces major development challenges, including forced migration and displacement; climate change; food insecurity; conflict; terrorism; political repression; weak governance; low levels of industrialization and trade; high unemployment; poor infrastructure; and unplanned, fast-growing urbanization.

Large socio-economic disparities exist among the Member States:

- ▶ **Djibouti** is a lower-middle-income country², whose strategic location on the Red Sea and relative stability attracts substantial foreign investment (World Bank, 2018a).
- ▶ **Ethiopia** is the fastest-growing economy in the region, but remains a low-income economy³ (World Bank, 2018b; 2019a).
- ▶ **Kenya** is the financial and transport hub of East Africa and a lower-middle income country (CIA, 2018b; World Bank, 2019b).
- ▶ **Somalia** is a low-income country that has battled with inter-clan conflict and terrorism for close to 30 years. It has become relatively more stable since the establishment of the Federal Government of Somalia in 2012 (World Bank, 2018a; 2018d; *BBC News*, 2018).
- ▶ **South Sudan** has been slowly stabilizing since its September 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, which ended nearly five years of civil war. South Sudan is a low-income country (World Bank, 2018g).
- ▶ **The Sudan** is a lower-middle-income country that has been marred by conflict since its independence in 1956. It was economically hit by the secession of South Sudan in 2011, when it lost three-quarters of its oil production (World Bank, 2018f; CIA, 2018c).
- ▶ **Uganda's** agricultural sector has driven poverty reduction, but it remains a low-income country (World Bank, 2016).

The region is marked by forced displacement and mixed migration. It hosts more than 4 million refugees and asylum-seekers and more than 9 million internally displaced persons (Mixed Migration Centre, 2018; UNHCR, 2019a).

¹ Eritrea's membership of IGAD is currently suspended and this report therefore focuses on IGAD's other Member States.

² The World Bank's national income classification is based on a measure of gross national income (GNI) per person. Lower-middle-income economies have a GNI per capita of between US\$996 to US\$3,895 (World Bank, 2018d).

³ Low-income economies have a GNI per capita equal to or smaller than US\$995 (World Bank, 2018e).

Djibouti is mainly a transit country for migrants in mixed migration flows from the Horn of Africa to Yemen and the Gulf States (RMMS, 2016a). Labour migrants from the region work in low-skilled jobs in Djibouti, as well as in more skilled positions in Djibouti's ports, the IGAD Secretariat, and IOs and non-governmental organizations. Few Djiboutians migrate within the region; while migration for education and work takes place to Canada and France.

Ethiopia is an origin, transit, and destination country for mixed migration flows in the Horn of Africa. Regular labour migrants in Ethiopia tend to be highly skilled, and many originate from Asian countries. With limited pathways for regular labour migration, Ethiopians often migrate irregularly to South Africa and Europe in search of a better life.

Kenya is a destination and transit country for refugees, irregular migrants, and economic migrants (RMMS, 2017b). Skilled Kenyans migrate for work to East and southern Africa, the United States, and Europe.

Somalia is a key country of origin for refugees, as well as for mixed migration. Somalis work as business persons in the region and in South Africa, while the country attracts Africans and Asians to work in hotels, construction, the health sector, and IOs.

South Sudan is an important country of origin for refugees and asylum-seekers that are largely hosted in the region. At the same time, it attracts economic migrants from the region, who set up businesses and work in the hospitality sector.

The Sudan is a key transit country for mixed migration flows to Europe, and has attracted economic migrants from Africa and Asia. The Middle East is a key region of destination for both skilled and unskilled Sudanese labour migrants.

Uganda is a country of origin for people in mixed migration flows, with its labour migrants working in the region, especially Kenya, as well as the Middle East, Europe, and North America. Uganda attracts economic migrants from the region, especially from East African Community (EAC) countries, as well as Asia.

Analytical Framework analysis – Trends and major findings

Pillar I. Strengthening labour migration governance

Thematic Area 1. Capacity to collect and analyse labour migration data

The Member States are all working towards developing Labour Market Information Systems (LMISs), which are key to capturing current and future labour demand, labour supply, and skills shortages. All Member States need to bolster their LMIS and the sharing of labour market analyses at the regional level to give shape to an evidence base for enhancing labour migration under the IGAD Free Movement of Persons Protocol. There is a dearth of data and research on labour migration flows between the IGAD Member States and how they could be enhanced. All Member States fail to sufficiently compile and analyse migration and labour market data with a view to applying them to labour migration policy development. The data management capacity building of government agencies is often intermittent and not part

of an overall strategy to build capacities that aid policy development. Regular exchanges on labour market and labour migration data and analysis should be instituted at the IGAD level, for which a specific reporting tool should be developed.

Thematic Area 2. Coordination on labour migration

Member States need to strengthen inter-ministerial coordination on labour migration, which should be supported by more comprehensive dialogue on all dimensions of labour migration. In a number of Member States, labour migration-related discussions appear to have largely focused on exploitation in outward labour migration flows to the Middle East, with little attention being paid to the protection concerns of migrant workers in other regions of destination, or other aspects of labour migration, such as the means to enhance the development impact of labour migration. Member States are at various stages of establishing National Coordination Mechanisms (NCMs), which are multi-stakeholder forums for coordination on migration. Sub-national level migration governance and NCM coordination should feed back into the national NCMs. The role of social partners in NCMs should be strengthened – trade union organizations only participate in Ethiopia and Kenya's NCMs, and employers' organizations do not participate in any NCMs.

Tripartite consultation should be established at the IGAD level, and could serve to highlight impediments to the free movement of persons in the region and contribute to devising workable solutions. The recently formed Horn of Africa Confederation of Trade Unions should establish a partnership with IGAD, and a regional employers' organization should also be formed.

Thematic Area 3. Capacity to formulate and implement policy

Kenya, South Sudan, and Uganda have draft migration policies, and the other Member States have taken steps towards formulating migration policies or enhancing migration governance. None of the Member States have labour migration policies, though some have taken steps to develop them. Apart from protecting national labour markets, labour migration policy objectives are generally hard to identify, as they are scattered among various laws and policy frameworks and not comprehensively captured in national development plans.

Member States should develop labour migration policies through a whole-of-government approach. As a first step, the ILO should train the actors that will be engaged in this process on the various facets of labour migration, including the:

- ▶ ILO Migration for Employment Convention (Revised), 1949 (No. 97);
- ▶ ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- ▶ ILO Private Employment Agencies Convention, 1997 (No. 181); and
- ▶ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.

None of the Member States have signed all of these international Conventions on the protection of migrants. Only Kenya has acceded to the ILO Convention No. 97; while Kenya and Uganda are parties to the ILO Convention No. 143. Only Uganda is a signatory to the

1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and only Ethiopia has ratified ILO Convention No. 181.

Bilateral labour agreements (BLAs) are being developing across the region as a means to enhance the protection of migrant workers, and generally to govern low-skilled labour migration to the Middle East and Gulf countries. Member States do not have any BLAs with African countries. It remains important to investigate and address the protection needs of migrant workers in other countries and regions of destination outside of the Middle East.

Thematic Area 4. Regulating recruitment agency practices

The legal frameworks of all Member States require employment contracts to serve as the basis for determining obligations and responsibilities of employers and employees. However, some Member States do not require all the rights of employees to be specified in employment contracts, and some Member States allow oral employment contracts, which are harder to enforce than written employment contracts.

Member States retain copies of the employment contracts of migrant workers when they apply for a work permit, inter alia to monitor the working conditions of migrant workers.

Private employment agencies (PEAs) are emerging across the region as a means to facilitate regular labour migration to the Middle East and Gulf countries. Member States' regulation of PEAs largely focuses on those PEAs that facilitate these flows to the Middle East, and not labour migration flows within Africa. There is some evidence that PEAs and/or brokers do facilitate labour mobility in the IGAD regions – for example, Ethiopian seasonal agricultural workers that work on farms in the Sudan. A better understanding of these flows, and how to regulate PEAs/brokers and protect migrant workers in these flows, needs to be developed. Most Member States aim to enhance the protection of migrant workers who migrate for work through PEAs via pre-departure training. The Member States should convene a regional exchange and peer-to-peer learning on the regulation of PEAs, with a view to strengthening the protection of migrant workers.

Pillar II. Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

Transparent and clear rules regarding entry, work, residence, and establishment – and easy access to this information – are important for enhancing labour migration, mobility, and investment in the IGAD region. At present these rules are scattered among various legal and policy frameworks of the Member States, which makes it difficult for prospective migrant workers, employers, and investors to know and follow the rules. Online immigration web portals are emerging across the region, improving access to information and easing visa applications. All Member States should develop web portals that allow for online visa applications and provide information on the rules and processes governing entry, residence, work, and establishment, as well as the rights and duties of migrant workers and their access to services such as education, health, social security, and finance. A further good practice

that is emerging is investment web portals that contain the rules and regulations governing investment as well as investment incentives and opportunities. This too should be replicated across all Member States. Ethiopia and Kenya have introduced visas on arrival, and this is also aiding labour mobility and business development.

In all Member States, migrant workers are discriminated against by the preservation of certain jobs for nationals, or by nationals being given preferential access to the labour market. More effective skill transfer strategies need to be developed to ensure that migrant workers contribute to the skills development of the national labour force. In addition, Member States should develop strategies to attract migrant workers to fill skills gaps, including through temporary work schemes and labour exchanges, which are rare in the IGAD region. Djibouti, Kenya, South Sudan, and Uganda allow dual citizenship, which encourages return migration. Diaspora engagement is pursued across the region.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

Member States are not systematically informing migrant workers of their rights and duties, or about their access to services, such as education, training, skills recognition, and finance. This information could be provided at border crossing points; when work permits are applied for; and through immigration web portals. Regular migrant workers are generally allowed to access private financial institutions in the Member States. A number of Member States are implementing policies to aid remittances, but more could be done to facilitate remittances and reduce the cost of remitting.

Some refugees and vulnerable migrants have access to free education and training opportunities in the Member States. Migrant workers may access education and training opportunities at their own cost, for which specific immigration documents may be required. All Member States – apart from Somalia – have some system in place for skills recognition. The IGAD Secretariat should organize a regional exchange among IGAD Member States on education curricula, examinations, standards, certification, and accreditation of educational and training institutions, as well as skills recognition, in order to pave the way for the harmonization of these systems across the region.

Thematic Area 3. Promoting social integration and inclusion

All Member States allow migrant workers to be accompanied by their spouse and children, although a certain immigration document may be required. The family members of migrant workers always require their own work permits to engage in employment. There are various efforts to integrate refugees in the Member States. Following the adoption of the New York Declaration on Refugees and Migrants, Djibouti, Ethiopia, Kenya, and Uganda are implementing the Comprehensive Refugee Response Framework, and are, inter alia, granting refugees access to the labour market and education. While there are initiatives that aid the integration of migrants – such as South Sudan allowing migrants to obtain South Sudanese nationality through marriage while retaining their original nationality – there are no efforts specifically aimed at the integration of migrant workers, nor is there any public education on the contribution of migrant workers to the Member States. The IGAD Secretariat should implement an IGAD-wide awareness-raising programmes on the contribution of migrant

workers to the IGAD region; on how the future free movement regime can enhance migrant worker contributions; and on the benefits the free movement regime is expected to deliver.

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' rights

All Member States have mechanisms in place for the enforcement of human rights – such as Human Rights Commissions – but their effectiveness and their awareness of migrants' rights need to be bolstered. In general, national labour laws apply to regular migrant workers, but more needs to be done to ensure that migrant workers in an irregular status also benefit from protection mechanisms.

Forced labour is forbidden in all Member States. Djibouti, Ethiopia, Kenya, and the Sudan have acceded to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000 (UNTOC TIP Protocol) and have developed anti-trafficking laws. Uganda is yet to accede to the UNTOC TIP Protocol, but its Prevention of Trafficking in Persons Act, 2009, aims to implement its basic principles. Assistance for trafficked persons and related referral mechanisms need to be strengthened in all Member States. IGAD and its Member States should deliberate how the IGAD Free Movement Protocol can enhance the protection of migrant workers in the region, and which mechanisms need to be built into the Free Movement Protocol to do so.

Thematic Area 2. Social security and social protection

In all Member States, national labour laws and social protection laws that apply to national workers also apply to regular migrant workers, except for laws that apply to sectors that are reserved for nationals, such as public service. However, it is not clear to what extent this protection is enforced. Moreover, Djibouti and the Sudan have economic free zones that do not appear to be governed by labour law. In the case of South Sudan, various parts of the Labour Act, 2017, still need to be rolled out, such as the Labour Court and the Commission for Conciliation, Mediation and Arbitration. In Somalia, the Labour Code dates back to 1972, and according to informants, is no longer being applied. It is currently being updated, with the support of the ILO.

Djibouti is the only IGAD Member State that has any mechanisms in place for the portability of social security benefits. Most Member States only allow certain migrant workers to participate in national social security schemes; while Somalia and South Sudan are yet to develop such schemes for nationals. The IGAD Secretariat should convene a regional meeting on social security for migrant workers and on possible regional mechanisms that could be put in place for the portability of social security benefits, within the framework of its future free movement regime.

Thematic Area 3. Labour inspection for migrant workplaces

All Member States report that the workplaces of migrant workers are being inspected, but that labour inspection is under resourced. The extent to which the labour inspection of migrant workplaces is carried out across the territories of Member States is unclear, especially where there is a federal government structure under which state-level labour offices are responsible for labour inspection, such as in Ethiopia and South Sudan.

Thematic Area 4. Facilitating reception and return

Some outbound migrants in Djibouti, Ethiopia, Kenya, and Uganda receive pre-departure training on their rights and working conditions and culture in the country of destination. None of the Member States are providing on-arrival training to incoming migrant workers, and should – at a minimum – provide on-arrival information on their rights; cultural values in the Member State; access to services such as education, health, and finance; and the dispute settlement mechanisms available to them.

Return and reintegration strategies for returning migrants have not been developed in the majority of the Member States, but could form a part of migration or labour migration policies that are currently being developed. It is important that the various efforts of government, IOs, and civil society organizations are well coordinated at the national level to ensure that the short-, medium-, and long-term needs of returnees are met at the various stages of the return and reintegration process. Host communities also need to have their basic needs met in order to enable successful reintegration and to prevent the onward irregular migration of returned persons.



1. Introduction

“

The overall objective of the programme is to support the free movement of persons in the IGAD region, with a view to spurring regional economic integration and development.

The International Labour Organization (ILO) is implementing the project “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” in collaboration with the Intergovernmental Authority on Development (IGAD). The project is a key component of the European Union Emergency Trust Fund for Africa (EUTF) financed programme “Towards Free Movement of Persons and Transhumance in the IGAD Region”. The overall objective of the programme is to support the free movement of persons in the IGAD region, with a view to spurring regional economic integration and development.

The specific objective of the Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility project is to improve opportunities for regulated labour mobility and decent work within the IGAD Member States, through the development of models of intervention, in the broader context of the regional integration. In the long term, it is expected to extend decent work opportunities to current and potential migrants within the region, as well as to contribute to regional integration, strengthen the link between economic and job growth, and enhance the social and economic integration of migrants.

In this context, the ILO is conducting a series of studies to better understand migration and labour market dynamics in the region, including the constraints and opportunities for employment creation and causes of skills shortages. These studies form part of the knowledge generation component of the project and aim to generate an evidence base for labour migration and mobility governance in the region. This evidence base should contribute to the development of the IGAD Free Movement of Persons Protocol, as well as to identify the necessary action required by Member States to implement the Protocol, once it is adopted.

This regional report highlights major trends and findings on labour migration and mobility governance in the IGAD region. It is informed by individual labour migration and mobility governance assessments of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, the Sudan, and Uganda. Each assessment is available as a separate country-level report.

The country assessment reports follow the same structure and assessment exercise. This enables the identification of areas of commonality and divergence, as well as where capacities need to be strengthened or policies harmonized, to pave the way for the implementation of the IGAD Free Movement of Persons Protocol.

The assessments capture:

- ▶ the key policies and laws that regulate labour migration and mobility;
- ▶ the roles and responsibilities of the ministries and agencies whose work touches on labour migration;
- ▶ the involvement of social partners; and
- ▶ the inter-ministerial and national coordination mechanisms on migration.

This report consists of four parts. It commences in chapter 2 with the methodology behind the report and an introduction to the themes and topics of the Analytical Framework for this assessment. This is followed in chapter 3 by an overview of the IGAD region and its labour migration trends. Chapter 4 is an overview of the main findings on labour migration and mobility governance in the IGAD region, as per the Analytical Framework presented in chapter 2. The last part of the report contains key regional recommendations for advancing the governance of labour migration and mobility in the IGAD region and for laying the foundation for the implementation of an IGAD Free Movement of Persons regime. The implementation of these recommendations could be supported by different projects, international organizations (IOs), and partners.

2. Methodology

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The methodology employed for country assessments consisted of interviews undertaken during field missions for which semi-structured interview questionnaires were used.

This report highlights major trends and findings on labour migration and mobility governance in the IGAD region. It is informed by individual labour migration and mobility governance assessments that were undertaken of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, the Sudan, and Uganda. The research methodology employed for these country-level assessments consisted of interviews with key informants undertaken during field missions to the capitals of seven IGAD countries, for which semi-structured interview questionnaires were used. The organizations interviewed include:

- ▶ relevant government ministries and agencies;
- ▶ the IGAD Secretariat;
- ▶ international organizations (IOs);
- ▶ employers' and workers' organizations; and
- ▶ civil society organizations.

The field research was complimented with desktop research and interviews via Skype/phone.

In addition, the Analytical Framework for this study was developed to analyse the adherence of national laws, policies, practices, and coordination and consultation mechanisms on labour migration and mobility to the provisions of:

- ▶ the draft IGAD Free Movement of Persons Protocol;
- ▶ the IGAD Regional Migration Policy Framework; and
- ▶ ILO Conventions and standards on labour migration as put forward in the *ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration* (ILO, 2006).

The analytical framework is structured around three pillars, which are all building blocks for enhancing labour migration in the IGAD region:

- ▶ **Pillar I.** Strengthening labour migration governance;
- ▶ **Pillar II.** Advancing opportunities for regulated labour migration and decent work; and
- ▶ **Pillar III.** Enhancing the protection of migrant workers and their families.

Each pillar contains a set of thematic areas with guidelines that contribute towards achieving the respective pillars. These guidelines are derived from the three key documents mentioned above: the ILO Multilateral Framework on Labour Migration; the IGAD Regional Migration Policy Framework; and the draft IGAD Free Movement of Persons Protocol (2017).

The thematic areas that fall under each of the pillars of the Analytical Framework are as follows:

- ▶ **Pillar I. Strengthening labour migration governance:**
 1. Capacity to collect, analyse, and share labour migration data;
 2. Coordination on labour migration;
 3. Capacity to formulate and implement policy; and
 4. Regulating employment agency practices.
- ▶ **Pillar II. Advancing opportunities for regulated labour migration and decent work:**
 1. Labour mobility schemes to support labour market needs;
 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance; and
 3. Promoting social integration and inclusion.
- ▶ **Pillar III. Enhancing the protection of migrant workers and their families:**
 1. Protection of migrant workers' human rights;
 2. Social security and social protection;
 3. Labour inspection for migrant workplaces; and
 4. Facilitating reception and return.

Most thematic areas encompass multiple topics. Each topic has a number of guidelines that are used to assess each Member State's performance in terms of that topic. The trends and findings highlighted in this report are based on assessments of performances for each topic. In order to ease reading of this report, the Analytical Framework is presented in brief in table 1 below, which depicts the pillars; the thematic areas under each pillar; and the topics associated with each thematic area (if any). The full Analytical Framework, which includes all of the guidelines for the various thematic areas and topics, can be found in Appendix IV of this report.

TABLE 1. Graphic representation of the Analytical Framework

Pillar I. Strengthening labour migration governance	Pillar II. Advancing opportunities for regulated labour migration and decent work	Pillar III. Enhancing the protection of migrant workers and their families
<p>Thematic Area 1. Capacity to collect, analyse, and share labour migration data</p> <ul style="list-style-type: none"> • Labour market information and data • Labour migration data collection and analysis, and applying it to labour migration policy • Sharing of labour market information and labour migration data and analysis at the regional level 	<p>Thematic Area 1. Labour mobility schemes to support labour market needs</p> <ul style="list-style-type: none"> • Rules and regulations governing labour migration and mobility • Circular and return migration • Labour exchanges and critical skills • Establishment and investment 	<p>Thematic Area 1. Protection of migrant workers' rights</p> <ul style="list-style-type: none"> • Protecting the human rights of migrants • Protecting migrants from forced labour and exploitation
<p>Thematic Area 2. Coordination on labour migration</p> <ul style="list-style-type: none"> • Coordination of labour migration at national, regional and continental levels 	<p>Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance</p> <ul style="list-style-type: none"> • Disseminating information to migrant workers • Education, training, skills recognition, the harmonization of qualifications, and access to finance • Facilitating remittances 	<p>Thematic Area 2. Social security and social protection</p> <ul style="list-style-type: none"> • National labour laws and social protection laws apply to migrant workers • Social Security coverage and portability
<p>Thematic Area 3. Capacity to formulate and implement policy</p> <ul style="list-style-type: none"> • Labour migration policy development and implementation • Policies that protect the rights of migrant workers, including bilateral labour agreements and gender-sensitive policies • Ratification and domestication of international labour migration Conventions 	<p>Thematic Area 3. Promoting social integration and inclusion</p> <ul style="list-style-type: none"> • Public education and awareness-raising campaigns on the contribution of migrants • Family reunification, and access to employment for family members and education for children 	<p>Thematic Area 3. Labour inspection for migrant workplaces</p>
<p>Thematic Area 4. Regulating employment agency practices</p> <ul style="list-style-type: none"> • Employment contracts • Licensing and monitoring of private employment agencies • Recruitment and placement fees 		<p>Thematic Area 4. Facilitating reception and return</p>

2.1 Overview of the themes and topics of the Analytical Framework:

2.1.1 Pillar I. Strengthening labour migration governance

Thematic Area 1. Capacity to collect, analyse, and share labour migration data firstly assesses governments' capacity to collect and analyse labour market data, with a view to understanding current and future labour demand and supply, as well as skills gaps. Such analyses should serve as an evidence base for opening up certain sectors or occupations for migrant labour under the upcoming IGAD Free Movement of Persons Protocol, as well as to develop strategies to attract migrant labour, and address the loss of critical skills. Labour migration data collection and analysis and applying it to labour migration policy is the next topic under this Thematic Area, and is important for shaping effective labour migration policies, that drive socio-economic development. Such policies need to be informed by the sharing of labour market information and labour migration data and analysis at the regional level. Member States need information on one another's labour demand and supply, and labour migration flows, to facilitate mutually beneficial labour migration and mobility that matches labour market needs and realities. **Coordination on labour migration** is therefore key and addressed in **Thematic Area 2**, which looks at coordination of labour migration at the national, regional, and continental levels. National coordination mechanisms on labour migration, such as inter-ministerial coordination mechanisms, tripartite consultation, and National Consultation Mechanisms on Migration (NCMs) were surveyed; as were regional coordination mechanisms, such as the IGAD Regional Consultative Process (RCP), and some continental mechanisms.

Thematic Area 3. Capacity to formulate and implement policy covers labour migration policy development and implementation, including whether a Member State has a labour migration policy and what its labour migration policy objectives are. Next, policies that protect the rights of migrant workers, including bilateral labour agreements and gender-sensitive policies are assessed; followed by the state of ratification and domestication of international labour migration Conventions.

Thematic Area 4. Regulating employment agency practices investigates employment contracts, and how they are legally regulated and enforced. The regulation of private employment agencies (PEAs) is a growing concern in the region, especially with regard to low-skilled labour migration flows to Middle Eastern and Gulf countries, in which abuse and exploitation have been reported. Thus, the licensing and monitoring of PEAs are assessed against certain provisions of the ILO Private Employment Agencies Convention, 1997 (No. 181), which inter alia looks at the payment of recruitment and placement fees. As per ILO Convention No. 181, PEAs should not be allowed to charge migrant workers recruitment or placement fees, directly or indirectly, as it leaves them vulnerable to exploitation and debt bondage.

2.1.2 Pillar II. Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs reviews the rules and regulations governing labour migration and mobility. It points out how administrative procedures and regulations could be simplified and made more transparent and widely available, with a view to boosting opportunities for regulated labour migration and decent work. Circular and return migration schemes and policies are outlined, such as diaspora engagement initiatives and citizenship laws that support circular migration. Under the topic on labour exchanges and critical skills, the assessments look at whether bilateral and multilateral labour exchanges that address skills gaps exist, and whether there are measures in place to mitigate the loss of workers with critical skills. In assessing establishment and investment, policies and laws that promote or hamper foreign investment are highlighted, as is the discrimination IGAD citizens may face in setting up a business in another IGAD Member State.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance covers the dissemination of information to migrant workers. It investigates whether there are systems in place to inform migrant workers of their rights and opportunities, such as on labour rights, dispute settlement mechanisms, and their access to education, health care, and finance.

The topic on education, training, skills recognition, and the harmonization of qualifications reviews the training and educational opportunities available to migrant workers; mechanisms for recognizing migrants' skills; and the access migrants may have to financing. All these measures contribute to enhancing migrants' access to work opportunities, as well as their integration into the labour market, and their ability to generate work opportunities through business and investment. Under the topic on facilitating remittances, laws and initiatives that aid remittances, as well as opportunities for further enhancing remittances, are reviewed.

Thematic Area 3. Promoting social integration and inclusion looks at whether there are public education and awareness-raising campaigns on the contribution of migrants. Such campaigns are important in promoting the integration of migrants into society. In addition, rights regarding family reunification and access to employment for family members and education for children are assessed, as they are also key to the integration of migrants into society.

2.1.3 Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' human rights reviews national mechanisms for protecting the human rights of migrants, such as labour law and human rights instruments.

The topic on protecting migrants from forced labour and exploitation surveys the legal framework and initiatives that prevents and address these human rights abuses, such as anti-trafficking laws and strategies.

Thematic Area 2. Social security and social protection investigates whether national labour laws and social protection laws apply to migrant workers. It also reviews migrant workers' access to social Security coverage and portability. **Thematic Area 3. Labour inspection for migrant workplaces** looks at related national laws and procedures, and areas in which the labour inspection service may require reinforcement in order to regularly and effectively inspect the workplaces of migrant workers.

Thematic Area 4. Facilitating reception and return assesses return and reintegration strategies, which are critical to providing durable solutions to forced migration in the region, and may be necessary to facilitate the return and reintegration of stranded migrants and migrant workers. Pre-departure training and on-arrival training are necessary to inform migrants of their rights, access to services, as well as the culture and society in which they will live as a migrant worker. The provision of this training aids the protection of migrant workers and is therefore surveyed.

3. Overview of the IGAD region and its labour migration trends

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The region's bulging young population is in need of livelihood opportunities and decent work, without which unprecedented levels of social unrest, displacement, and international migration may follow.

The IGAD region comprises the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, the Sudan, and Uganda, and covers an area of 5.2 million square kilometres.⁴ Approximately 80 per cent of this area is arid or semi-arid land, rendering more than 40 per cent of the region economically unproductive. The IGAD region's population of more than 230 million people is expected to increase to 400 million by 2050. The region is characterized by high population growth rates, with more than 55 per cent of its population below 20 years of age. The economic linchpin of the region remains agriculture, both livestock and crop production, which employs more than 80 per cent of the population. This sector is vulnerable to climatic changes and environmental degradation, including severe droughts and flooding (IGAD, 2016).

Although the overall proportion of the region's population living in poverty has declined, half of the population lives below the poverty line of US\$1 per day (IGAD, 2016). The region faces major development challenges, including: forced migration and displacement; climate change; food insecurity; conflict; terrorism; political repression; weak governance; low levels of industrialization and trade; high unemployment; poor infrastructure; and unplanned, fast-growing urbanization. The region's bulging young population is in need of livelihood opportunities and decent work, without which unprecedented levels of social unrest, displacement, and international migration may follow.

⁴ Eritrea's membership of IGAD is currently suspended and this report therefore focuses on IGAD's other Member States.

Large socio-economic disparities exist in the region:

Djibouti is one of Africa's smallest countries, but its strategic location at the southern entry of the Red Sea and its relative stability have caused it to attract substantial foreign investment. It hosts the military bases of several world powers (*The Economist*, 2016). The World Bank classifies Djibouti as a lower-middle-income country⁵ (World Bank, 2018a).

Ethiopia has the largest population in the region and the second largest in Africa (CIA, 2018a). It is the seventh biggest economy by gross domestic product (GDP) in Africa, and the fastest growing economy in the region (*BusinessTech*, 2018; World Bank, 2018b). However, it remains one of the poorest countries in the region and is classified as a low-income economy⁶ (World Bank, 2018b; 2019a).

Kenya is the eighth biggest economy by GDP in Africa and the economic, financial, and transport hub of East Africa (*BusinessTech*, 2018; CIA, 2018b). The World Bank classifies Kenya as a lower-middle income country (World Bank, 2019b).

Somalia is classified as low-income country (World Bank, 2018d). Since the collapse of Mohamed Siad Barre's regime in 1991, Somalia has been struggling to secure peace and foster development, with inter-clan conflict and terrorism posing major obstacles. In 2012, the Federal Government of Somalia was established within the framework of the Provisional Constitution, and the country has been inching towards stability (World Bank, 2018a; *BBC News*, 2018).

South Sudan is the world's youngest country, and has been battered by civil war for close to five years. On 12 September 2018 the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) was concluded, which has set South Sudan on a path towards stabilization. South Sudan is classified as a low-income country (World Bank, 2018g).

The Sudan is the third-largest country in Africa, with economic and political ties to Sub-Saharan Africa and the Middle East. Since independence in 1956 its development trajectory has been marred by conflict. With the secession of South Sudan in 2011, it lost three-quarters of its oil production, which had spurred much of its GDP growth since 1999 (CIA, 2018c). The Sudan is the ninth-biggest economy by GDP in Africa, and is classified as a lower-middle-income country (*BusinessTech*, 2018; World Bank, 2018f).

Uganda is classified as a low-income country, but has made significant gains in reducing poverty, which has been driven by its agricultural sector. Ugandans living below the national poverty line declined from 31.1 per cent in 2006 to 19.7 per cent in 2013 (World Bank, 2016). Uganda is endowed with abundant natural resources, such as fertile soil; regular rainfall; substantial reserves of recoverable oil; small deposits of copper, gold, and other minerals; as well as a large share of Lake Victoria (CIA, 2018d).

The IGAD region is marked by forced displacement and mixed migration. It hosts more than 4 million refugees and asylum-seekers (Mixed Migration Centre, 2018, p. 3).

⁵ This World Bank national income classification is based on a measure of gross national income (GNI) per person. Lower-middle-income economies have a GNI per capita of between US\$996 to US\$3,895 (World Bank, 2018d).

⁶ Low-income economies have a GNI per capita equal to or smaller than US\$995 (World Bank, 2018e).

Uganda hosts the largest refugee population in Africa, and Ethiopia the second largest (Action Against Hunger, 2018; UNHCR, 2018a). The region has more than 9 million internally displaced persons (IDPs), who are mainly found in Ethiopia, Somalia, South Sudan, and the Sudan (Mixed Migration Centre, 2018; UNHCR, 2019a). Most of the displacement situations in the region are protracted, lasting ten years on average (Njuki and Abera, 2018, p. 11).

Migration in and from the region is often driven by multiple and interrelated factors: economic, political, and environmental. There may be numerous factors causing people to move and the reasons people move may change over time. Clear distinctions between economic migrants and persons in need of international protection are often hard to make. Limited options for regular migration leaves migrants vulnerable to abuse and exploitation, as they are compelled to undertake clandestine and often unsafe journeys (RMMS, 2017).

Member States have increased efforts to enhance migration governance. National Coordination Mechanisms on Migration (NCMs) have been set up, and a number of Member States have draft migration policies, or have initiated processes to develop such policies. Migration governance efforts have been guided by the African Union (AU) Migration Policy Framework for Africa, which was first adopted in 2006. In 2018 the revised and updated AU Migration Policy Framework for Africa and Plan of Action 2018–2030 was launched. IGAD Member States' migration governance efforts have also been driven by various IGAD initiatives. Most importantly, IGAD followed the AU's call for the development of migration policy frameworks and developed the IGAD Regional Migration Policy Framework, which is being implemented through its Migration Action Plan 2015–2025.

The establishment of a free movement regime in the IGAD region is a strategic priority of the IGAD Regional Migration Policy Framework and its Migration Action Plan. Increasing opportunities for regular labour migration through the IGAD Free Movement of Persons Protocol could reduce pressure on national labour markets that are unable to provide sufficient decent work opportunities. In addition, countries of destination could benefit from labour and skills that they require for socio-economic development. Furthermore, an increase in opportunities for legal migration are expected to lead to more migrants migrating safely and enjoying decent work opportunities. The monitoring and enforcement of migrants' rights are expected to be strengthened through the normative framework that the IGAD Protocol will put in place.

Some of IGAD's Member States also belong to the East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA). IGAD, the EAC, and COMESA are promoting labour migration and mobility as a means to bolster regional integration and socio-economic development. This has proved challenging for a number of reasons, including security concerns; the protection of national labour markets, the public purse, and social services; and the complexity of harmonizing immigration laws and systems, as well as training, education, and skills recognition.

The Free Movement of Persons among EAC Partner States – which include Kenya, South Sudan, and Uganda – is the most advanced free movement regime in Africa. While impediments to the free movement of persons remain, EAC Partner States' citizens have access to one another's labour markets and the right to residence and establishment, according to certain criteria. However, the EAC Common Market Protocol (CMP) largely facilitates skilled labour. The Schedule for the Free Movement of Workers (Annex II of the EAC CMP) contains the types

of skilled workers that have market access, and to which Partner States, and largely excludes low-skilled workers (Wasalumbi-Mapanga and Bakunda, 2013, p. 9). Moreover, EAC Partner States have been slow to implement the Schedule, and most categories of professions are yet to enjoy the right to move freely to take up employment in neighbouring Partner States (EAEO and EATUC, n.d., p. 4).

Regular labour migration opportunities in the IGAD region chiefly cater for skilled migrants, and low-skilled labour migration to the Middle East and Gulf countries has emerged as a trend across the region. All countries in the region have large pools of unskilled migrants, and are concerned with protecting their labour markets and providing job opportunities for their citizens. Low skilled labour migration to the Middle East and Gulf countries has been spurred by the match of labour supply and labour demand between the IGAD region and destination countries in the Middle East. Uganda, in fact, has made the foreign deployment of its workers an explicit policy that is captured in various national development frameworks. Uganda promotes labour migration to these regions as a means to provide work opportunities for its citizens and to enhance remittances flows. Some Member States, such as Ethiopia and Kenya, have drafted legal and policy frameworks to facilitate these labour migration flows, as well as bilateral labour agreements (BLAs) with countries of destination.

Some IGAD Member States – including Ethiopia, Kenya, and Uganda – have enacted temporary labour migration bans to the Middle East and Gulf regions due to reports of abuse and exploitation. However, labour migration to these regions continued irregularly, exposing migrant workers even more acutely to human and labour right violations. In order to enhance the protection of migrant workers, Member States proceeded to strengthen their regulation of these flows and lifted the labour migration bans. These flows are often facilitated by private employment agencies (PEAs), and a number of IGAD Member States have therefore bolstered their regulation of PEAs. Some Member States also require migrant workers to receive pre-departure training prior to their deployment, which serves to inform them of their rights; provide them with job training; and prepare them for the culture and customs of the country of destination. Moreover, anti-trafficking and smuggling initiatives have emerged to counter national and international human trafficking, including for forced labour. Djibouti, Ethiopia, Kenya, the Sudan, and Uganda have adopted anti-trafficking laws.

Labour market institutions in the region are weak, and the identification of current and future skills gaps that could be filled by migrant workers is largely lacking. The evidence base for enhancing labour migration and mobility opportunities with a view to spur socio-economic growth needs to be built through the development of Labour Market Information Systems (LMISs). LMISs should inform labour migration policy development.

At present none of the Member States have labour migration policies, though some are in the process of developing them. Apart from protecting national labour markets, it is often hard to pinpoint the labour migration policy objectives of Member States. These objectives tend to be scattered among different laws and policy frameworks. They should be synchronized in comprehensive coherent labour migration policies that are informed by sound data and analysis of national, regional, and international labour markets. Such policies need to be developed through a whole-of-government approach and be in sync with national development strategies and related national policies, such as policies on employment, education, skills development, migration, and socio-economic development.

Statistics and administrative data on labour migration in and from the region are scant. Most Member States do not make data on the number of work permits they issue publicly available, and therefore data on regular labour migration flows is limited. Moreover, as opportunities for regular labour migration are largely for skilled migrants, many migrants work in the informal sector and in an irregular status. Data on irregular migrants is hard to collect and may be inaccurate.

3.1 A snapshot of labour migration patterns in the region, in the context of mixed migration flows⁷

Djibouti is mainly a transit country for migrants in mixed migration flows from the Horn of Africa to Yemen and the Gulf States (RMMS, 2016a). Discussions with informants indicate that, in mid-2018, 10,000 migrants were estimated to cross Djibouti to Yemen every month. According to its Ministry of Interior, 127,000 irregular migrants reside in Djibouti.⁸ While statistics on labour migration to Djibouti are not available, discussions with informants indicate that Ethiopian and Somali female migrants engage in domestic work; while Ethiopian and Somali male migrants work as masons, mechanics, and guards. Chinese, Eritreans, Ethiopians, and Somalis work in construction, and Indians in the IT sector. Yemenis tend to own or work in small businesses and shops. In addition, regular labour migrants include IGAD citizens and other nationals working at the IGAD Secretariat in Djibouti City, and expatriates working for IOs, international NGOs, and embassies.

Few Djiboutians migrate to other countries in the region, which may be explained by relatively low salaries abroad, and the fact that Djibouti is the only francophone country in the region, while English dominates as the language of business in the rest of the region. Some Djiboutians migrate to France for education and choose to reside there after the completion of their studies. Djiboutians also migrate to Canada to work as teachers and nurses.

Ethiopia is an origin, transit, and destination country for mixed migration flows in the Horn of Africa. Migration from Ethiopia is largely irregular, mainly due to limited options for regular labour migration, with the majority of Ethiopians travelling to the Middle East, while others move south towards South Africa or west through the Sudan and Libya to Europe (RMMS, 2016b). Regular labour migration to Ethiopia is largely limited to the highly skilled, such as foreign companies that bring in senior management staff, often from Asian countries, or professionals who work in the aid sector. According to the Ministry of Labour and Social Affairs (2017, pp. 32, 34), the majority of migrant workers are employed in the construction sector, with 55.24 per cent of work permits issued for this sector; followed by 16.7 per cent for manufacturing and 9.8 per cent for the category of “Community, Social and Personal Service”.

Migrants in transit may work informally to partially fund their onward journey. Irregular migration to Ethiopia primarily for work is considered uncommon, as wages are low and opportunities few in comparison to other countries in the region or further afield. There are, however, no statistics on this group of migrants.

⁷ This section is based on the findings of the comprehensive country-level labour migration and mobility governance assessments of the IGAD Member States. See Erasmus, 2019a–2019g.

⁸ The Ministry was not able to share the source of these numbers.

Kenya is mainly a destination and transit country for people in mixed migration flows from East Africa, including refugees, irregular and economic migrants, and trafficked persons (RMMS, 2017b). Migrants transit Kenya to reach South Africa, the Middle East, North Africa, West Africa, and Europe. Most immigrants in Kenya are from African countries, and the majority of these come from East African countries (IOM, 2015a, p. 16). Labour migrants from Asia – such as Bangladeshis, Indians, and Pakistanis – are also found in Kenya (MGSOG, 2017a, p. 6).

In contrast to a number of its neighbours, Kenya is to a lesser extent a country of origin for migrants in mixed migration flows. Kenyan emigrants stand out for being skilled and educated, and for leaving for employment abroad through regular means. The countries and regions they travel to for education and work include Uganda, the United Republic of Tanzania, Botswana, Lesotho, South Africa, the United States, Europe, the Arabian Peninsula, and the Middle East (RMMS, 2017b).

Somalia stands out as a country of origin for mixed migration in the Horn of Africa. Conflict, insecurity, poverty, and drought have led to massive emigration, especially over the last 20 years (RMMS, 2016c). Somalia is the fifth-highest country of origin for refugees in the world (UNHCR, 2018b). In recent years, as Somalia has become relatively more stable, return migration has increased. A dearth of infrastructure and livelihood opportunities may result in returnees choosing to re-migrate (MGSOG, 2017b, p. 3–4). Little research exists on the labour migration of Somalis, or labour migration to Somalia. Somalis are known for their entrepreneurial skills, having setting up businesses and small shops in Ethiopia, Kenya, South Africa, and Uganda. In Yemen they work as farmers, herders, and traders. Somalis also work as casual workers and domestic workers in the IGAD region, Yemen, the Gulf countries, and the Middle East. Moreover, pastoralists move across borders in the region to trade and find pasture and water for their livestock, according to the seasons (Avis and Herbert, 2016, p. 25).

Labour migration to Somalia is limited due to insecurity. According to Somalia's Ministry of Labour and Social Affairs, there are approximately 25,000 migrant workers in Mogadishu, some of whom are regular migrants with work permits. Many of these migrant workers originate from the IGAD region and the Middle East. The Ministry of Labour and Social Affairs reports that approximately 7,000 work permits were issued in 2018, mainly to nationals of Kenya, Uganda, India, the United Kingdom, Pakistan, and Bangladesh. Migrants work in hotels and construction; as cleaners, teachers, and doctors; and for the United Nations (UN), international NGOs, and the African Union Mission in Somalia. Ethiopians work as masons, builders, electricians, domestic workers, and on farms. Kenyans work as teachers and lecturers at the university, as well as for IOs. Indians work as medical practitioners. War in Syria has brought Syrian migrants to Somalia, some of whom are highly skilled and also work in the health sector.

South Sudan is an important country of origin for refugees and asylum-seekers. Unlike migrants and asylum-seekers from other countries in the region, South Sudanese generally do not form part of onward mixed migration movements to Europe, and mostly seek refuge in neighbouring countries. Reasons include lack of financial resources to finance journeys to Europe, as well as a strong sense of identity and attachment to their cultural lifestyles. (RMMS, 2016d). Discussions with informants indicate that most South Sudanese working abroad

in the IGAD region are refugees who work in small businesses, supermarkets, agriculture, construction, and as teachers. They also work in Egypt and the Sudan as domestic workers. Moreover, outbound labour migration is linked to destination countries with which South Sudanese have existing connections, such as family or diaspora communities.

The demand for goods, services, and skilled labour attract entrepreneurial migrants from the Democratic Republic of the Congo, Eritrea, Ethiopia, Kenya, Somalia, Uganda, and the Sudan's Darfur region to South Sudan (RMMS, 2016d). Somalis are some of the more established migrants in South Sudan, having brought their families to live in Juba. Somalis with Kenyan nationality, and connections in both Kenya and South Sudan, bring fuel across the border. They sell the fuel to government officials in Juba and to NGOs, and manage fuel stations. Some Sudanese who had been in South Sudan prior to independence stayed on, working as petty traders in Juba and other parts of South Sudan. Eritreans operate heavy duty trucks, and own or co-finance hotels that provide employment to young Eritrean waitresses and accountants. Ethiopians are active in the hospitality sector. Kenyans dominate the banking sector; while Ugandans work as mechanics, market traders, fruit sellers, and street peddlers (Greenidge, 2015). The Chinese lead in the oil sector, and Indians work in the hotel industry and IT.

The Sudan is an origin, destination, and (most importantly) transit country for mixed migration flows. The country is situated along historical and contemporary migration routes from West and East Africa, towards North Africa, Europe, and the Gulf Countries (MHUB, 2018). In recent years immigrants from new countries of origin have sought economic opportunities in the Sudan, such as citizens of China, Bangladesh, Sri Lanka, the Philippines, and Turkey (IOM, 2011, p. 26). In June 2017, there were 736,000 migrants in the Sudan, consisting of regular and irregular migrants, as well as refugees, according to United Nations Department of Economic and Social Affairs census data (MHUB, 2018). Only a small proportion of migrants in the Sudan work in a regular status. According to the Ministry of Labour and Administrative Reform, roughly 29,000 migrants were legally working in the Sudan in November 2017. A breakdown of this data in terms of country of origin could not be obtained. The most recent data on work permits is from a 2011 IOM migration profile of the Sudan, which points at work permits issued to nationals from China, the Philippines, India, Turkey, and Bangladesh to work on national projects in the Sudan.

Uganda is a country of origin for people in mixed migration flows, although to a lesser extent than some of its neighbours (RMMS, 2016e). Most Ugandans migrate to neighbouring countries, especially Kenya; while a large diaspora is also found in Europe and North America. (RMMS, 2016e). Brain drain in the health sector is a concern. Moreover, Ugandan men travel to Afghanistan, Iraq, Qatar, Saudi Arabia, and the United Arab Emirates to work as private security guards (RMMS, 2016e).

An analysis of data on work permits issued in Uganda between 2012 and 2013 indicates that 62.7 per cent were issued to persons from Asia, with Indians accounting for 38.6 per cent of all work permits, followed by Chinese (14.9 per cent), Americans (6.1 per cent), and Kenyans (5.5 per cent) (IOM, 2015b, pp. 20–21). Uganda has experienced an increase in regular migrants in recent years, which the Government attributes to the EAC's free movement regime. The number of work permits issued increased from 7,975 in 2011/12 to 9,161 in 2012/13, a jump of 13 per cent (GOU, 2015, p. 12).

4. Analytical Framework analysis – Trends and major findings

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Analytical framework is structured around three pillars that are building blocks for enhancing labour migration and each pillar contains a set of thematic areas with guidelines.

This chapter presents an accounting of trends and major findings from the country-level assessments of this study. A concise summary of these major findings and a selection of good practices in the IGAD region can be found in Appendix I and Appendix II of this report, respectively.

4.1 Pillar I. Strengthening labour migration governance

4.1.1 Thematic Area 1. Capacity to collect, analyse, and share labour migration data

The IGAD Member States are all aspiring to developing Labour Market Information Systems (LMISs), but are at very different stages of establishing such systems. For example, Kenya's Labour Market Information System (KLMIS) is the most advanced in the region, and is available online at <https://www.labourmarket.go.ke>. The KLMIS stands out as a good practice in the IGAD region, as it makes updated labour market analysis publicly available. However, it should be further enhanced to capture sectorial, occupational, and regional labour shortages. On the other hand, the Government of Somalia is not collecting or analysing labour market data, and its statistical production capacities need to be built.

An LMIS is important for understanding existing and future labour demand, labour supply, and skills shortages, which should serve as an evidence base for opening up certain sectors or job categories under the IGAD Free Movement of Persons Protocol. Moreover, all Member States

need to develop effective strategies to address skills shortages, such as the encouragement of targeted skills development and attracting migrant workers to certain sectors. In such strategies, the long-term impact of demographic trends should be taken into account, as well as labour demand in other countries. Sharing of labour market information and labour migration data at the regional level is therefore important. While such exchanges may occasionally take place at IGAD, EAC, or COMESA meetings, there are no system in place to regularly share such data. Furthermore, there is very little data and research on existing labour migration flows between the IGAD Member States, and how they could be enhanced.

Most Member States lack comprehensive skills inventories that systematically compile data on the skills available in the country. All Member States require a better understanding of their labour supply and skills shortages to make evidence-based decisions regarding areas in which greater labour migration and mobility will be beneficial. To address this challenge the EAC initiated manpower surveys in its Partner States. Uganda is using the results of its manpower survey to develop a Human Resource Plan, which aims to project available skills, in demand skills, and skills in oversupply up to 2040 at the occupational level. The Human Resource Plan will help to identify skills gaps and facilitate the employment of migrant workers in Uganda to fill those gaps. The Human Resource Plan is expected to provide an evidence base for opening up certain sectors to migrant labour and to address fears regarding flooding of the national labour market.

National labour force surveys (NLFSs) are important instruments for monitoring labour markets, and are the main source of statistics for monitoring the labour market in Ethiopia. In most Member States, an NLFS is not conducted regularly. Ethiopia and the Sudan each had an NLFS scheduled for 2018, but they were postponed until further notice. The Government of South Sudan plans to undertake its first NLFS in 2019; while the Government of Somalia is expected to undertake an NLFS in 2019, with the support of the ILO. The NLFS in Somalia will also be used to provide hands-on capacity building to the Government on conducting an NLFS. The ILO's labour migration module can be added to an NLFS to produce statistics on labour migration.

In most Member States, labour migration and mobility data are incomplete. Ethiopia's labour migration and mobility data are limited to regular Ethiopian labour migration to the Middle East and data collected through the issuing of work permits and immigration procedures. The Government of South Sudan's labour migration and mobility data consist of data that are collected through immigration procedures and the issuing of work permits. South Sudan has no data on its diaspora, which curtails its ability to develop measures to engage the diaspora in the country's development. Djibouti too lacks a database on Djiboutian migrant workers, though it has a database on regular migrant workers, compiled through data obtained from the processing of work permits.

Member States expressed interest in using their census to collect data on international migration; such as Djibouti, which, pending funding, will undertake its next census in 2020. Uganda's most recent National Population and Housing Census was undertaken in 2014 and Kenya's in 2009, and both contained questions on international migration. The Sudan's last census – the 2008 Population and Housing Census – asked households if they have a family member who is working abroad, the reason for this, and what their qualifications are. In the next census, which was scheduled to take place in 2018 but postponed until further notice,

the Sudan plans to expand data collection on international labour migration by also asking households how long their family members have been abroad, where they are working, and whether they intend to return to the Sudan.

While all Member States confirmed that they would like to have more migration data to inform policy development, analysis of existing data and inter-ministerial sharing of data are insufficient in all Member States. In Djibouti, the Ministry of Interior manages the country's borders and issues residence permits; while the Ministry of Labour oversees the issuance of work permits, which is done by ANEFIP (Agence Nationale de l'Emploi, de la Formation et de l'Insertion Professionnelle [National Agency for Employment, Training and Professional Integration]). These different data sources are not coordinated, compiled, or collectively analysed. This trend cuts across all Member States. Too often government ministries work in silos and do not sufficiently benefit from one another's data and unique expertise, which would help governments develop more effective labour migration and related policies.

Moreover, all Member States would like to improve their data management capacities and have benefitted from some capacity-building activities on labour market and migration data management. But such activities are generally implemented through the projects of IOs. They are intermittent and not part of an overall strategy to build the capacity of a government to collect, analyse, and apply labour market and migration data to policy development. Staff turnover and retention of skilled staff are further challenges faced by many Member States. This is an acute problem in South Sudan, for example, where there is a substantial difference between the salaries earned by government officials and the salaries available in the private sector or for IO staff. Trained, competent government officials may therefore choose to work in the private sector or for IOs.

4.1.2 Thematic Area 2. Coordination on labour migration

In all Member States inter-ministerial coordination on labour migration should be strengthened. More comprehensive dialogue on all dimensions of labour migration should take place at the national and sub-national level, and involve civil society organizations (CSOs), social partners, academia, and IOs.

Member States are at various stages of establishing National Coordination Mechanisms (NCMs) that are multi-stakeholder forums for coordination on migration. In Kenya the NCM enjoys strong government ownership and has been driving the process to develop a migration policy. It enjoys the participation of various government ministries, as well as IOs, CSOs, and academia. The Kenyan NCM has a Technical Working Group on Labour Migration. Uganda too has a well-established NCM that enjoys the participation of a numerous government agencies, IOs, and non-state actors. However, in Kenya and Uganda the NCM's labour migration discussions tend to focus on outbound migration to the Middle East, particularly protection concerns faced by migrant workers travelling to that region. While trafficking and exploitation in these flows remain important concerns, NCM discussions should be broadened to address the protection concerns of migrant workers in other migration flows. It should also cover other dimensions of labour migration, such as migration and development. Ethiopia faces similar challenges around exploitation in labour migration flows to the Middle East. Its national mechanism for inter-ministerial coordination

on migration and coordination with partners is the Anti-Human Trafficking and Smuggling of Migrants Task Force. The Task Force occasionally meets as the NCM to address broader migration issues. Somalia's NCM consists of a political High Level Task Force on Migration Management and two Technical Task Forces that respectively address human trafficking and smuggling, and return and readmission. The return and reintegration of stranded migrants and refugee-returns are major issues in Somalia, and the Task Force on Return and Readmission has been the most active. However, the Somali NCM needs to be bolstered and to meet more regularly.

In South Sudan, the Ministry of Interior's National Aliens Committee was expanded to take on the role of an NCM. It needs to meet more regularly and only occasionally discusses labour migration, but it has played a central role in the development of South Sudan's draft migration policy.

Djibouti is yet to establish its NCM, but has an inter-ministerial working group on migration, led by the Ministry of Interior. In the Sudan the inter-ministerial National High Council on Migration is mandated to coordinate migration issues, operates at the political level, and meets once or twice a year. A future NCM may be housed in the High Council.

All NCMs should expand their consultations to address the various facets of labour migration. The NCMs could serve to enhance coordination on labour migration, and aid labour migration governance, by discussing all dimensions of labour migration, including:

- ▶ the protection of migrant workers; migration and development;
- ▶ return and reintegration;
- ▶ the protection of migrant workers at home;
- ▶ addressing brain drain; and
- ▶ identifying critical skills gaps and attracting migrant labour to those sectors.

They could also support the formulation and implementation of policies on labour migration. It is important that government ministries, as well as IOs, CSOs, academia, and social partners participate in these consultations. The role of social partners is especially in need of reinforcement. Trade union organizations only participate in Ethiopia's NCM, and employers' organizations do not participate in any of the NCMs in the region.

Tripartite consultation is fairly well established in Ethiopia, Kenya, the Sudan, and Uganda, but tripartite institutions should be more extensively consulted on labour migration issues. Djibouti, Somalia, and South Sudan have very little tripartite consultation. While migrant workers have the right to belong to trade unions in the IGAD Member States, they do not. According to numerous trade union organizations in Member States that were interviewed for this study, regular migrant workers are often highly skilled and do not see the benefit in belonging to trade unions. Uganda is the exception, where clandestine labour migrants that work under the guise of being Ugandans participate in trade unions, and their interests are therefore represented in tripartite consultations. Employers' organizations, on the other hand, do tend to have foreign companies as members, and whose interests are therefore represented in tripartite consultations.

Tripartite consultation takes place at the EAC level. The East African Trade Union Confederation (EATUC) is a regional trade union organization with members from the EAC Partner States.

South Sudan is yet to join EATUC, but Kenya and Uganda are members. All three of these countries are members of the East African Employers Organisation (EAEO), which represents the interests of employers' organizations in the EAC region. Labour ministries of the Partner States, the EATUC, and the EAEO participate in tripartite consultations at the EAC, though formal tripartite structures have not been established. The EATUC and the EAEO collaborate on a number of issues, and through research and advocacy have collectively brought to the attention of the EAC Secretariat and the East African Legislative Assembly issues of common concern. These include obstacles to the free movement of persons and the recommendation to standardize work permit applications across the EAC. The IGAD Secretariat and IGAD Member States should establish tripartite consultation at the IGAD level. The Horn of Africa Confederation of Trade Unions was recently formed and should establish a partnership with IGAD. A regional employers' organization should also be formed, and employers' organizations in the region have indicated that they intend to form such an organization. Tripartite consultation at the IGAD level through regional workers' and employers' organizations could highlight impediments to the free movement of persons in the IGAD region and contribute to devising workable solutions.

At the regional level, there is no established mechanism for collecting and exchanging good labour migration practices. Labour migration policy issues are at times discussed at the IGAD Regional Consultative Process (RCP) meeting, COMESA RCPs, or EAC meetings. They are also being discussed in consultations on the development of the IGAD Free Movement of Persons Protocol. The IGAD Member States should collect good practices on labour migration and mobility governance, and regular exchanges on labour migration laws, policies, and best practices should be instituted at the IGAD level. The IGAD Member States should use regional and continental consultations on labour migration, in which they participate, to obtain data and analyses that would inform the development of its labour migration policy objectives and their implementation.

4.1.3 Thematic Area 3. Capacity to formulate and implement policy

None of the Member States have labour migration policies, though some have taken steps to formulate labour migration policies. Moreover, Member States are at various stages of developing migration policies or taking steps to enhance migration governance. Kenya and South Sudan each have a draft migration policy that includes labour migration policy issues.⁹ Uganda's draft migration policy was formulated in 2012, and it may never be adopted. For most of the Member States,¹⁰ a variety of policy documents need to be scoured to find out what their labour migration policy objectives are. For example, in the case of Ethiopia, its 2016 National Employment Policy contains the most explicit formulation of its labour migration policy objectives. In terms of the international labour migration of Ethiopians, the primary policy objective is to protect their safety and rights (Goal 2.5.6.2). Incoming labour migration is regarded as necessary to fill skills gaps (on a temporary basis) and should facilitate the transfer of knowledge, technology, and skills.

⁹ These policies are not publicly available, and could not be reviewed for this study.

¹⁰ This statement does not include the draft migration policies of Kenya and South Sudan, which are not publicly available and could not be reviewed for this study.

Member States do not clearly and comprehensively capture labour migration policy objectives in their national development plans. All Member States need to enhance the incorporation of labour migration policy objectives into all relevant national policies – such as education, employment, and economic policies – and show the linkages between these policies and how they will collectively contribute to meeting the labour migration policy objectives. Uganda is bucking this trend. It sets a good example by clearly prioritizing the overseas employment of its nationals (this largely entails low-skilled labour migration to the Middle East) as a labour migration policy objective, and reflects this objective in various policy documents, including the draft migration policy, Vision 2040, the Second National Development Plan 2015/16–2019/20, and the Social Development Sector Plan 2015/16–2019/20. Moreover, a Technical Working Group has been established to mainstream migration into Uganda’s National Development Framework and its upcoming Third National Development Plan.

Member States should develop labour migration, migration, or employment policies that capture labour migration policy objectives through a whole-of-government approach. This policy development process should engage all the ministries and agencies whose work touches on labour migration, as well as social partners, academia, CSOs, and IOs. The NCMs, as coordination mechanisms on migration, can support these processes. In Kenya and South Sudan, the NCMs have played an important role in the formulation of their draft migration policies.

As a first step in the development of a labour migration policy, it is recommended to implement a comprehensive training programme for the actors that will be engaged in this process. This should cover all aspects of labour migration (including bilateral labour agreements; regulating private employment agencies; migrants’ rights; protection; social integration; remittances; and diaspora engagement) in order to arrive at a shared, solid understanding of labour migration policy issues. On this basis, a common policy vision can be crafted, and the contribution, roles, and responsibilities of the government ministries and agencies, as well as other actors, defined. As part of the policy development process, research should be undertaken on the contribution of labour migration and migrant workers to the Member State (including employment creation and capital formation), as well as on the contribution of the Member State’s migrant workers to their home country. Labour migration flows between IGAD Member States should also be researched, as there is a dearth of data in this area. Labour migration policies should point out how labour migration and mobility between Member States can be enhanced, including through the implementation of the IGAD Free Movement of Persons Protocol, and the development gains this will hold. The labour migration policy development process should take into account relevant national policies, in recognition of the wide social and economic implications of labour migration and the need to have synchronized, mutually reinforcing policies.

Bilateral labour agreements (BLAs) are developing across the region, as a means to enhance the protection of migrant workers. BLAs generally govern low-skilled labour migration to the Middle East and Gulf countries. IGAD Member States do not have any BLAs with African countries. It remains important to investigate and address the protection needs of migrant workers in other countries and regions of destination other than the Middle East, and policies that capture labour migration policy objectives should highlight how this will be done.

For low-skilled labour migration to occur, Ethiopia requires by law that there be a BLA in place with the destination country (as per Overseas Employment Proclamation 923/2016). Ethiopia currently has BLAs with Jordan, Qatar, Saudi Arabia, and the United Arab Emirates. An agreement with Bahrain is being developed, and an agreement with Lebanon in draft form. Djibouti has a BLA with Qatar and is developing a BLA with Kuwait. Kenya has signed BLAs with Qatar, Saudi Arabia, and the United Arab Emirates. The Sudan is developing BLAs with Egypt, Kuwait, and Qatar. Uganda has BLAs with Jordan and Saudi Arabia, and it is developing BLAs with Bahrain, Kuwait, Lebanon, Qatar, and the United Arab Emirates.

With regard to BLAs and the protection of migrant workers, Uganda has developed good practices that are worth highlighting. A Joint Implementation Committee, which monitors the implementation of a BLA, is built into its each of its bilateral labour agreements. Uganda's ministries of Labour, Justice, Interior, and Foreign Affairs participate in these committees. By November 2018, a Joint Implementation Committee had been set up for the BLA with Jordan, but one has not yet been established for Uganda's BLA with Saudi Arabia. A Joint Implementation Committee should meet on an annual basis, or more often, and discuss issues that may arise with the implementation of a BLA, including the working conditions of migrant workers. To further aid the protection of migrant workers, the Ministry of Gender, Labour and Social Development (MGLSD) works closely with Saudi Arabian authorities to monitor the deployment and movement of Ugandan migrant workers to and from the Saudi Arabia. Saudi Arabia has an online visa database system called MUSANED. Once the MGLSD has approved the contract of a Ugandan migrant worker destined for Saudi Arabia, the Ministry will enter the person's data (such as passport number, name, age, and gender) into the MUSANED database, after which Saudi Arabia will issue the migrant worker with a visa. Through this system the MGLSD is notified when the migrant worker enters and resides in Saudi Arabia.¹¹

However, discussions with informants suggest that exploitation in the labour migration flows of Ugandan migrant workers to Saudi Arabia and especially to Jordan remains significant. Monitoring of the conditions of migrant workers in countries of destination needs to be bolstered. The enforcement of BLAs and the contracts of migrant workers remain a challenge, especially in Jordan, where Uganda is yet to set up an embassy.

Member States' BLAs are generally not publicly available and could not be assessed for this study. Only some of Kenya's BLAs are publicly available. Provisions contained in Kenya's BLA with Qatar include:

- ▶ detailed conditions of employment to be specified in recruitment applications;
- ▶ the ministry responsible for labour in Kenya providing migrant workers with information on working conditions and living expenses in Qatar;
- ▶ the repatriation of Kenyan workers by the Government of Qatar on the expiry of their work contracts;
- ▶ the employer paying for the return travel of migrant workers, including their leave travel; and
- ▶ the employment contract to be defined by an individual contract between the worker and employer in accordance with a model contract attached to the agreement.

¹¹ Overall MUSANED appears to have helped to improve the protection of Ugandan migrant workers. However, an MGLSD Labour Officer pointed out that the Ministry had also experienced some issues with this system. Towards the end of 2018, Saudi Arabia had granted visas for Ugandan migrant workers without it being authorized by the MGLSD. The Ugandan authorities are working with the Government of Saudi Arabia to rectify these problems.

Somalia and South Sudan do not have BLAs or policies to protect migrant workers. Labour migration from these countries is currently unregulated. Somalia is developing a BLA with Qatar, and the ILO is providing technical support to the Government of Somalia in this regard.

Labour attachés are a further measure numerous Member States would like to put in place to assist migrant workers and to prevent or address exploitation. While Ethiopia's Overseas Employment Proclamation 923/2016 requires labour attachés to be deployed to destination countries to ensure the protection of the rights, safety, and dignity of workers employed overseas, no labour attachés have been deployed to date. Uganda has a labour liaison officer in Abu Dhabi, the United Arab Emirates, and plans for labour attachés to be appointed in Middle Eastern countries. Only Kenya has deployed labour attachés, namely to Kenyan missions in Qatar, Saudi Arabia, and the United Arab Emirates.

None of the Member States have signed all of the international Conventions on the protection of migrants. Only Kenya has acceded to the ILO Migration for Employment Convention (Revised), 1949 (No. 97). Kenya and Uganda are parties to the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). And only Uganda is a signatory to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. A table detailing the ratification status of relevant international instruments on labour migration in IGAD can be found in Appendix III of this report.

4.1.4 Thematic Area 4. Regulating employment agency practices

The legal frameworks of all Member States require employment contracts to serve as the basis for determining the obligations and responsibilities of employers and employees. However, some Member States do not require all the rights of employees to be specified in employment contracts – Djibouti's Labour Code, 2006, for example, does not specify that working hours and maternity leave are to be detailed in the contracts of migrant workers in Djibouti.

Somalia's Labour Code dates back to 1972 and informants indicate that it is no longer really applied. It is currently being updated with the support of the ILO. The Federation of Somali Trade Unions reports that the absence of employment contracts and enforcement of employment contracts is an acute challenge in Somalia. In South Sudan the two institutions that should adjudicate employment contract disputes, as per its Labour Act, 2017, are yet to be established, namely the Labour Court and the Commission for Conciliation, Mediation and Arbitration.

Kenya, South Sudan, and Uganda allow oral employment contracts in addition to written employment contracts – illiteracy has been given as a reason for doing so. South Sudan and Uganda require a written statement to support an oral contract; whereas in Kenya, if an employer fails to produce a written contract in the case of legal proceedings, the onus is on the employer to prove or disprove an alleged term of employment that was unfulfilled. In Kenya and the Sudan, written employment contracts are required for employment of a duration of three months or more. Djibouti's Labour Code, 2006, requires contracts of foreign workers to be written and also requires written contracts for employment contracts executed outside of the worker's place of residence; however, in certain other cases, oral

contracts may be allowed. The legal frameworks of most Member States specify that written employment contracts should be in a language that the employee understands, or that it should be explained to the employee if they are illiterate.

Generally, Member States retain copies of the employment contracts of migrant workers when they apply for a work permit, inter alia to monitor the working conditions of migrant workers. Ethiopia's Overseas Employment Proclamation 923/2016 also requires the Ministry of Labour and Social Affairs to approve and retain the employment contracts of Ethiopian migrant workers heading abroad. In practise it is unlikely that all Ethiopian migrant workers will submit their employment contracts to the Ministry of Labour and Social Affairs for approval, as they effectively will be able to exit the country and work abroad without doing so. However, regular migrant workers deployed through licensed PEAs will need to follow this requirement.

Discussions with informants suggest that the conditions in the employment contracts of IGAD citizens who migrate through licensed PEAs require further investigation. In certain cases these contracts may have worse conditions than those prescribed by national labour law, and contain clauses that leave migrant workers vulnerable to exploitation. For example, some Ugandan migrant workers engaging in labour migration to the Middle East through licensed PEAs are contractually required to provide three months' notice and pay back all their deployment costs if they wish to quit their job and the PEA that deployed them cannot find an immediate replacement for them. Such conditions places migrant workers in a vulnerable position and could amount to bondage.

PEAs are emerging across the region as a means to facilitate regular labour migration, mostly to the Middle East and Gulf countries. Member States' regulation of PEAs appears to largely focus on those PEAs that facilitate these outbound flows to the Middle East. However, brokers are, for example, also involved in facilitating the seasonal labour migration of Ethiopians to work on farms in the Sudan, as pointed out by 2018 research commissioned by the GIZ within the framework of the Better Migration Management Programme (Eldin and Ferede, 2018). These types of brokers or PEAs that facilitate labour intra-regional migration, appear not be regulated by governments in the region. More research and data on these types of low-skilled labour migration flows in the region and the brokers and agencies that facilitate these processes is needed. These flows should be regulated to enhance the protection of migrant workers.

All Member States have some type of licensing system in place for PEAs that facilitate labour migration to countries and regions beyond the African continent. However, South Sudan has yet to start licensing PEAs. In Somalia there is no official policy or law regulating PEAs. According to Somalia's Ministry of Labour and Social Affairs, PEAs register with the Ministry by visiting their office and providing them with information on their activities.

Ethiopia, Kenya, and Uganda have temporarily introduced some form of labour migration ban to Middle Eastern and/or Gulf countries in response to widely publicized reports of exploitation and abuse in these low-skilled labour migration flows. However, these labour migration flows continued, and as they were banned, migrant workers in these flows were even more vulnerable to exploitation. The agencies or individuals facilitating their labour migration were not regulated, and therefore free to resort to unscrupulous recruitment and deployment practices. These Member States eventually lifted their labour migration bans

and have worked to strengthen their regulation of PEAs. Ethiopia is the only IGAD Member State that has acceded to the ILO Private Employment Agencies Convention, 1997 (No. 181).

A number of good practices regarding the regulation of PEAs are noteworthy in Uganda. Employers' and workers' organizations contributed to the development of the licensing system for PEAs. Furthermore, the MGLSD launched the External Employment Management Information System (EEMIS) in April 2018, whereby the licensing of PEAs takes place online. EEMIS contains a list of approved and vetted PEAs and overseas jobs that Ugandans can apply to. EEMIS is available at: <https://eeimis.mglsd.go.ug>.

In addition, the Uganda Association for External Recruitment Agencies (UAERA), an umbrella organization for PEAs, adopted a code of conduct that all its members are expected to adhere to. Principle 14 of the code, for example, is "Respect for the Worker's Rights", and it calls for the promotion of "[e]quitable, objective and transparent principles for the calculation of agency workers' wages". Failure to pay wages on time to workers will result in deregistration and disciplinary action from the UAERA. Other relevant principles in the code include: respect for safety at work; respect for laws; and refraining from bidding down wages. Principle 21 on "Sanctions for Non-compliance" states that members shall face a disciplinary committee if they do not conform to the code.

In Kenya, various government agencies and PEAs contributed to the development of the 2016 Code of Conduct for Private Recruitment Agencies, which is aimed at establishing a self-regulatory regime for PEAs. The Code of Conduct aims to eliminate the maltreatment of Kenyan workers abroad and unfair labour practices. It applies to all PEAs who are licensed to operate by Kenyan authorities.

In Kenya social partners have also influenced the regulation of PEAs. Social partner recommendations that have been implemented by the Government of Kenya include the deregistration of PEAs until they are all vetted, and the deployment of labour attachés to Middle Eastern countries.

Most Member States aim to enhance the protection of migrant workers that migrate for work through PEAs via the implementation of pre-departure training. Such training tends to include the culture and customs of the country of destination; the rights and duties of workers and employers; and job skills.

In Uganda, licensed PEAs are required to provide migrant workers with a pre-departure orientation seminar prior to their deployment. In Djibouti, PEAs should provide pre-departure training to migrant workers, but it is not clear whether it is strictly enforced. In Kenya, pre-departure training should be given to migrant workers destined for the Middle East, but it appears to not always be strictly enforced. In Ethiopia, the Ministry of Labour and Social Affairs has the responsibility to provide aspiring migrant workers with pre-departure orientation. In Somalia, South Sudan, and the Sudan no pre-departure training is being provided to migrant workers.

Article 7 of ILO Convention No. 181 requires that PEAs do not charge workers, directly or indirectly, totally or partially, any fees or other expenses. This is important to prevent the exploitation of migrant workers and to ensure that they are not put in a position of debt bondage. Only Djibouti's legal framework regulating PEAs clearly specifies this (Decree

N° 2018-103/PR/MTRA, article 18). Under Djibouti law, PEAs' fees and expenses will be borne by their client companies (i.e., employers it assists with employee placement). Djiboutian PEAs must pay the following for migrant workers deployed abroad: the visa fees; round trip travel; work permit and residence permit fees; insurance; and social security coverage (article 32). Enforcement of this legal framework is unclear.

4.2 Pillar II. Advancing opportunities for regulated labour migration and decent work

4.2.1 Thematic Area 1. Labour mobility schemes to support labour market needs

A good practice that is emerging across the IGAD region is online immigration web portals. Certain Member States – such as Djibouti, Ethiopia, Kenya, and Uganda – make information on different visa types available online through web portals, and certain visas can be applied for online.

In numerous Member States the rules and regulations governing labour migration and mobility are spread across multiple different laws and legal documents that sometimes contradict one another. The immigration procedures that are prescribed in the legal framework and the procedures that are performed in practice may also differ or contradict one another, which adds to the confusion regarding immigration processes. This makes it difficult for prospective migrant workers, employers, and investors to know what the rules and procedures are and how to follow them. In South Sudan, for example, an employment contract is required to obtain a work permit from the Ministry of Labour, Public Service and Human Resource Development. But the Labour Act, 2017, states that foreign employers may only employ foreigners once they already have a work permit. In addition, South Sudan's Immigration Regulations, 2011, state that a work permit is required to obtain an entry permit for work. However, discussions with informants indicate that in practice a work permit is obtained once the migrant worker is in South Sudan.

Transparent and clear rules regarding entry, work, residence, and establishment are important for enhancing labour migration and mobility in the IGAD region. Administrative procedures in all Member States could be further simplified and streamlined, through consultations with government agencies, social partners, as well as migrant workers and the private sector. It is recommended that all Member States develop online immigration web portals that, at a minimum, provide information on different visa types and how to apply for them, and ideally also offer some visa applications online. Access to information on immigration procedures and easier immigration procedures will aid labour migration and mobility. Member States should also consider reducing visa and work permit fees.

Another good practice that is emerging in the region is the provision of visas on arrival, which aid labour mobility and business development. In 2018 Ethiopia and Kenya decided to introduce this policy for all Africans¹². Moreover, citizens of Kenya and

¹² In Ethiopia, generally only tourist visas will be issued on arrival; visas on arrival to attend AU meetings are an example of an exception to this rule. In Kenya, Eritreans, Libyans, and Somalis are still not able to receive visas on arrival.

Uganda can enjoy visa-free travel between one another's countries and travel using only their national identity cards. This initiative forms part of the Northern Corridor Integration Projects, which speeds up the implementation of commitments made under the EAC CMP (Trade Mark East Africa, 2017). This should be noted as a best practice for variable geometry in the RECs, whereby certain Member States may choose to deepen integration at a faster pace than others. These EAC Partner States have also reciprocally waived work permit fees. IGAD may wish to learn from this example and introduce variable geometry in its future Free Movement of Persons Protocol, so that certain Member States may move faster with the liberalization of the movement of persons.

A further good practice – and one that sets a good example globally – is the fact that most IGAD Member States grant refugees access to the labour market, including Djibouti, Ethiopia, Kenya, South Sudan, the Sudan, and Uganda.

On a less positive note, a number of Member States' work permits are tied to the employer, including Djibouti and Uganda, which makes it difficult for a migrant worker to change positions and renders migrant workers vulnerable to exploitation. To aid labour migration and the protection of migrant workers, work permits should not be tied to the employer, or migrant workers should be provided with a clear and fair mechanism to switch employers.

In all Member States, migrant workers are discriminated against by preserving certain jobs for nationals, or by giving nationals preferential access to the labour market. These jobs are often for unskilled categories of workers or for occupations that can be performed by the national workforce. In Somalia for example, certain occupations are reserved for Somali citizens, such as that of "driver". In addition, the Foreign Employment Act, 2015, states in article 3(c) that the Ministry of Labour and Social Affairs may not grant a work permit for a position that can be filled by a Somali citizen.

Even among EAC Partner States, nationals still enjoy preferential access to the labour market of their States. EAC CMP article 10 on the "Free Movement of Workers" allows EAC citizens to apply for work and accept offers of employment. The Schedule for the Free Movement of Workers (CMP Annex II) contains the types of skilled workers who have market access and to which Partner States, and largely excludes low-skilled workers. Moreover, Partner States have been slow to implement the Schedule, and most categories of professions are yet to enjoy the right to move freely to take up employment in neighbouring Partner States (EAEO and EACTUC, n.d., p. 4). In addition, informants of this study suggested that because the citizens of EAC Partner States are still required to have a work permit to access employment in other EAC Partner States, they may be discriminated against in practice by authorities that prefer nationals to receive employment.

Most Member States require that a national be trained to perform the position for which a work permit has been granted to a migrant worker. This requirement has been established as a means to ensure skills transfer and to build national capacities. For example, the Non-Sudanese Employment Act, 2001, requires that the employment contract of a migrant worker includes the training that will be given to a Sudanese to fill the position of that migrant worker.

However, none of the Member States appear to be monitoring these skills transfer plans well, or to have effective skills transfer strategies in place. None of the Member States have mechanisms in place to identify labour market needs and to fill skill gaps by attracting migrant workers. Moreover, brain drain is a challenge faced by all Member States, especially in the health sector, and none of them have effective strategies to prevent the loss of critical skills.

Circular and temporary labour migration is encouraged in the EAC through the implementation of the EAC CMP. Temporary work schemes and labour exchanges in the IGAD region are rare. Most temporary work schemes in IGAD involve low-skilled labour migration to the Middle East. Labour exchanges in the form of teachers' exchanges take place between the University of Djibouti, the University of Nairobi; and the University of Somalia. In South Sudan, an IGAD initiative brought technical assistants from Ethiopia, Kenya, and Uganda to provide capacity building to ministries in South Sudan. The third phase of this programme is now being negotiated. Djibouti is the only Member State that has a circular migration scheme to a developed country: ANEFIP, with the support of the IOM, is implementing a pilot circular migration project that is sending about 50 Djiboutian migrant workers abroad for employment in food processing in Quebec, Canada, with the company Olymel.

Djibouti, Kenya, South Sudan, and Uganda allow **dual citizenship**, which encourages return or circular migration. Somalia and the Sudan allow for dual citizenship in certain cases. All Member States recognize the importance of the diaspora and are undertaking efforts to engage the diaspora in the development of their Member States. Ethiopia and Kenya each have a diaspora policy; while Uganda has a draft diaspora policy; and Djibouti has initiated a process to develop a diaspora policy. In 2014, a South Sudan Diaspora Engagement Strategy was developed, which focuses on the engagement of the diaspora in the health sector. Somalia has expressed interest in developing a diaspora policy. Most Member States have government agencies that have been assigned diaspora engagement as part of their portfolio, most often departments within the Ministry of Foreign Affairs, such as the Diaspora Services Department in Uganda. The Sudan is the exception, where the Secretariat of Sudanese Working Abroad, which leads diaspora engagement, forms part of the Ministry of the Cabinet. South Sudan is yet to elect a government agency to lead diaspora engagement.

Most Member States have successfully implemented some **diaspora engagement initiatives**. In Somalia, the IOM Migration for Development in Africa (MIDA) programme has been successful in engaging the diaspora to contribute their knowledge and skills to Somalia since 2009. MIDA provides capacity and technical skills support to the federal and regional governments of Somalia through the deployment of diaspora experts, with at least 200 diaspora professionals having been deployed to date (IOM, 2018). In Ethiopia, Prime Minister Abiy Ahmed has been reaching out to the Ethiopian diaspora since he came into office in April 2018. The Prime Minister created the Ethiopian Diaspora Trust Fund (EDTF), which is a non-profit organization working in coordination with the Ethiopian Government to involve the diaspora in socio-economic projects in Ethiopia, such as developing health, education, water and sanitation facilities, and agricultural development projects (EDTF, 2018). In Kenya, the diaspora is engaged through mentorship programmes that are overseen by the Ministry of Foreign Affairs, and which generally entail academics in the diaspora partnering with local universities.

All Member States are promoting **foreign investment** in their countries, and have established investment agencies (apart from Somalia), while the Sudan has a Ministry of Investment. Most Member States have investment incentives to attract foreign investors, but foreign investors still face some restrictions, such as certain sectors being reserved for national investment only. For example, the Investment Promotion Act of South Sudan, 2011, allows foreign investors to own and operate businesses, but the postal service, car hire, and taxi businesses have been preserved for national investors.

A good practice in the region is one-stop shops for investment, which bring together in one place various government agencies that investors need to access. One such example is the Ugandan Investment Authority's One Stop Shop at its head office, which provides access to a number of government agencies at once, including the Directorate of Citizenship and Immigration Control of the Ministry of Internal Affairs; the Uganda National Bureau of Standards; the Ugandan Registration Services Bureau; and the Uganda Revenue Authority. A further good practice is investment web portals. The Ugandan Investment Authority has set up an [electronic One Stop Centre \(eBiz\)](#) to ease business registration and interaction with Government agencies by performing many functions online. Kenya's investment agency, KenInvest, also provides information on investment opportunities, incentives, and regulations on its website: <http://invest.go.ke>. As does Ethiopia's Investment Commission, at <http://www.investethiopia.gov.et>. The other Member States should also develop investment web portals to facilitate investment.

4.2.2 Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

In all Member States, IOs and NGOs **disseminate information** to refugees and vulnerable migrants, but not specifically to migrant workers. Member States do not have mechanisms in place to systematically inform migrant workers of their rights and their access to education, training, skills recognition, and finance.

A good practice in South Sudan stands out with regards to promoting mobility and trade through the dissemination of information. The Ministry of Gender, Child and Social Welfare is working with the South Sudanese Women Entrepreneurs Association to provide South Sudanese female small-scale cross-border traders with training and information on the rules and laws governing cross-border trade, including tax policies; procedures at the border; custom laws; and local authorities' charges, such as at the Nimule border crossing point with Uganda.

In Ethiopia, Kenya, and Uganda, some aspiring migrants are provided with information on the dangers of irregular migration and on opportunities for safe labour migration by government agencies, trade union organizations, CSOs, IOs, or PEAs. In Ethiopia, for example, the Confederation of Ethiopian Trade Unions has provided aspiring Ethiopian migrants with information on the dangers of irregular migration to the Middle East.

In Kenya, the Solidarity Centre, a US-based global worker rights organization; the Central Organization of Trade Unions, Kenya (COTU-K); and one of its members, the Kenya Union of Domestic, Hotel, Educational Institutions, Hospitals and Allied Workers, have implemented a migrant programme that focuses on awareness raising for potential migrants and their families. They are informed of their rights, the operations of PEAs, and what constitutes illegitimate practices, as well as the dangers of irregular migration to the Middle East.

In Djibouti, Ethiopia, Kenya, and Uganda, some aspiring migrant workers receive information on their rights and conditions in the country of destination through pre-departure training. In these Member States, low-skilled labour migration flows to the Middle East have become a prominent trend, and Member States are implementing various efforts to prevent the exploitation of migrant workers in these flows, including through the regulation of PEAs. In Uganda, the Government publishes a list of licensed PEAs on several ministries' websites in order to urge the public to only use the services of licensed PEAs.

In Somalia, South Sudan, the Sudan, potential migrant workers may receive information on the dangers of irregular migration from government agencies, IOs, and NGOs. The regulation of PEAs in these countries is less developed, however, and the role of PEAs in facilitating migration to the Middle East appears to be less significant.

In the Sudan, a National Conference on Youth Migration was organized by the IOM, the Ministry of Youth and Sport, and the Secretariat for Sudanese Working Abroad in Khartoum on 13–14 March 2017. The conference gathered 150 youth participants from across the Sudan's 18 states and discussed the challenges and drivers of migration, as well as the risks of irregular migration (IOM, 2017).

Some refugees and vulnerable migrants have access to free **education and training opportunities** in the Member States. In all Member States, migrant workers may access education and training opportunities at their own cost, although a specific immigration document may be required. In Djibouti, for example, a residence card is required for migrants to access education. In order to engage in education in South Sudan, a study permit needs to be obtained prior to entering the country.

All Member States, apart from Somalia, have some system in place for **skills recognition**, with some systems being more advanced than others. However, all Member States should bolster their skills recognition systems and strengthen national and international coordination on skills recognition.

In the EAC region, Kenya and Uganda¹³ benefit from the Inter University Council for East Africa (IUCEA), which coordinates inter-university cooperation and promotes the maintenance of internationally comparable education standards in the region. The IUCEA became an EAC body when the East African Legislative Assembly enacted the IUCEA Act, 2009 (IUCEA, 2013). The IUCEA has developed a Regional Qualifications Framework for Higher Education for the EAC region, but it is not fully implemented. Moreover, a number of EAC mutual recognition agreements (MRAs) for professional services have been developed, including for accounting, engineering, architectural, and veterinary services (Sawere, 2016). Informants of this study indicated that the MRAs are not functioning properly and not delivering the desired results

¹³ South Sudan's tertiary education system is yet to be aligned to the EAC region.

due to lack of trust, and the fact that the EAC Partner States want to protect their labour markets.

Regular migrant workers are generally allowed to access **private financial institutions** in the IGAD Member States. **Remittances** are important for the development of all Member States, and enhance the resilience of communities to natural and man-made shocks, such as drought and famine. Uganda's draft Diaspora Policy recognizes that the income from remittances – at about US\$1 billion per year – is greater than the income from any single Ugandan export. In Somalia remittances constitute 50 per cent of Somalia's gross national income annually (Isaacs, 2017, p. 38). Remittances are often still sent through informal means from and to the IGAD Member States. Isaacs (2017) points out that irregular migration from the Horn of Africa is one of the reasons for remittances to be sent to this region through informal means. Migrants in an irregular status do not have the means to access formal channels for remitting in countries of destination. Formal identification is required in many countries to meet Know Your Customer requirements that are necessary for cross-border transfers through official channels. In addition, lack of access to formal financial services remains a challenge in rural areas. The use of mobile money, which is more accessible, has become increasingly popular in the IGAD Member States, especially in Kenya, Somalia, and Uganda.

There is little information on remittances flows to and from Djibouti and South Sudan, and they should be studied further to determine how remittances flows and their development impact can be enhanced. In Djibouti, the IOM is implementing an ACP–EU Migration Action to address this knowledge gap.

A number of Member States are implementing policies to aid remittances, but all Member States could further bolster remittances flows. For example, National Bank of Ethiopia Directive No. FXD/31/2006 allows the opening of foreign currency bank accounts for non-resident Ethiopians, with a view to incentivize investment by the diaspora and to increase Ethiopia's foreign exchange reserves. Since Ethiopian Prime Minister Abiy Ahmed came to power, reforms have been introduced to attract more remittances to the country. Diaspora accounts held at financial institutions were previously limited to US\$50,000 – this ceiling has been lifted and diaspora account holders can now have unlimited amounts of foreign currency in their accounts (*New Business Ethiopia*, 2018).

In Kenya, the Diaspora and Consular Affairs Directorate of the Ministry of Foreign Affairs – with the support of the ACP–EU Migration Action, which is implemented by the IOM – developed a booklet for the diaspora in 2017: *Send money and invest in Kenya: A guide for diaspora remittances & investments*¹⁴. It offers advice on factors that should be considered when choosing a remittance service provider (RSP) and identifies various RSPs that could be chosen from. The guide outlines remittances price comparison tools, including the World Bank's *Remittances Prices Worldwide* website and the African Institute for Remittances' website, *Send Money Africa*, which is a regional price comparison tool certified by the World Bank. *Send Money Africa* provides price comparisons of four remittance corridors to Kenya: from Canada, the United Republic of Tanzania, the United Kingdom, and the United States.

¹⁴ See: <http://kenya.iom.int/sites/default/files/Send%20Money%20booklet%20webversion%2020%20June.pdf>.

4.2.3 Thematic Area 3. Promoting social integration and inclusion

All Member States allow migrant workers to be accompanied by their spouse and children, although certain immigration documents may be required. For example, regulation 4 of the Uganda Citizenship and Immigration Control Regulations, 2004, requires that a migrant worker apply for a Dependant's Pass to regularize the stay of a family member (Government of Uganda, 2015, p. 9).

In the Sudan, the family reunification rights of female migrant workers are unclear. The Alien Affairs Regulation, 2006, states that a resident permit issued to an alien is also valid for his wife and minor children (article 21(f)), who can therefore accompany the male migrant worker to live in the Sudan. It is not clear whether this article applies to the husbands and children of female migrant workers.

In all Member States, the family members of migrant workers require their own work permits to engage in employment.

In all Member States, the children of migrant workers may access the national education system, for which a certain immigration document may be required. In Kenya, for example, migrant workers' children need a Student Pass to access the education system.

There are no activities in the Member States specifically aimed at the integration of migrant workers, nor are there public education or awareness-raising campaigns regarding the contribution that migrant workers are making to the Member States.

There are initiatives that aid the integration of migrants. In South Sudan, for example, the Nationality Act, 2011, allows migrants to obtain South Sudanese nationality by marrying a South Sudanese, while also retaining the nationality of the country from which they originate (article 13). South Sudanese nationality can also be obtained by continuously residing in South Sudan for ten years (article 10) or be granted by the President to an individual who has served the national interest of the country.

Djibouti stands out as a Member State that is relatively progressive regarding the integration of migrants. Irregular migrants are tolerated and accepted, as they perform essential jobs, such as domestic work, that nationals may not wish to perform. Moreover, Djibouti introduced universal health care in 2014, which gives the most vulnerable people access to free health care. The Government is currently developing a database of people who are eligible for free health care. Even though health care is one of the sectors most affected by the inflow of migrants from neighbouring countries, irregular migrants are also accessing the health-care system, at a small fee. A UN agency representative in Djibouti indicated that more than 40 per cent of patients in the national health care system are estimated to be migrants.

There are various **efforts to integrate refugees** in the IGAD Member States. The IGAD Heads of State and Government Special Summit on Durable Solutions for Somali Refugees on 25 March 2017 adopted the Nairobi Declaration on Durable Solutions for Somalia Refugees and Reintegration of Returnees in Somalia, and its accompanying Action Plan. The Action Plan, inter alia, promotes investment in skills development for refugees, as well as self-reliance, resilience, and access to employment. In December 2017, a regional IGAD conference on improving education for refugees, built on the pledges of the Action Plan

and adopted the Djibouti Declaration on Refugee Education. Commitments made in the Djibouti Declaration include ensuring that refugees, returnees, and host communities have access to quality education, and that the qualifications of refugees and returnees across all levels of education will be validated. In March 2019, IGAD ministers participated in the Ministerial Thematic Meeting on Livelihoods and Self-reliance for Refugees, Returnees and Host Communities in Kampala. In the Kampala Declaration on Jobs, and Self-reliance for Refugees, Returnees and Host Communities in the IGAD Region, Member States *inter alia* agreed to review, develop, and amend national policies and legislation in order to enhance access to labour markets, including by simplifying procedures for work permits and access to self-employment and business opportunities.

In South Sudan, the Commission for Refugee Affairs has facilitated negotiations with local authorities to provide refugees with farming land, and in Maban, Yei, and Lasu, refugees have accessed farmland. Access to education has been enhanced for refugees, with 40,871 refugee children enrolled in primary schools across South Sudan. Moreover, refugees with school certificates issued by the Ministry of General Education and Instructions have access to free tertiary education. In addition, the Refugee Act, 2012, allows refugees to seek South Sudanese nationality through naturalization (IGAD, 2018, pp. 32–33).

In the Sudan, the Government and the UNHCR have collaborated on self-reliance mechanisms for refugees. The Government has given refugees access to land in the Um Gargour and Abuda Camps; and those in the Kilo 26 and Fau 5 Camps have access to irrigation in order to farm (Zetter and Ruaudel, 2016, pp. 106, 109).

Following the adoption of the New York Declaration on Refugees and Migrants, Djibouti, Ethiopia, Kenya, and Uganda agreed to implement the Comprehensive Refugee Response Framework (CRRF), which, *inter alia*, aims to enhance the self-reliance of refugees. Djibouti adopted a new refugee law in 2017 that gives refugees the same rights as nationals, including access to education, employment, freedom of movement, the right to open a business, access to free health care (if they cannot afford to pay for it), and access to the social security system, which includes cash transfers.

Ethiopia's Parliament adopted revisions to its refugee law in January 2019, which give refugees access to work permits; primary education; drivers' licenses; national financial services, such as banking; and the right to legally register life events such as births and marriages (UNHCR, 2019b).

Uganda is known for its welcoming approach to refugees and is Africa's largest refugee hosting country. It grants refugees the right to work, access to land, and a significant degree of freedom of movement (Kigozi, 2017). The Government of Uganda has agreed to use the ongoing mid-term review of the Second National Development Plan 2015/16–2019/20 to integrate its refugee response into longer-term national planning on the basis of its CRRF roadmap (UNHCR, 2018c).

4.3 Pillar III. Enhancing the protection of migrant workers and their families

4.3.1 Thematic Area 1. Protection of migrant workers' rights

All IGAD Member State governments display a degree of awareness of migrants' rights, and to some extent, also reflect this awareness in national legal frameworks. In general, national labour law in the IGAD Member States, such as for example the national labour code, applies to regular migrant workers.

All Member States have mechanisms in place for the enforcement of human rights, such as Human Rights Commissions. In Member States with weak governance and rule of law, it is not clear how active the Human Rights Commissions are, and awareness of the rights of migrants appears to be low. The Uganda Human Rights Commission sets a positive example by addressing alleged violations of migrants' rights, regardless of whether the migrants are in a regular or irregular status in Uganda (GOU, 2015, p. 7).

None of the Member States have advocacy programmes to specifically **inform migrant workers of their rights** and of possible remedies in case of violation of their rights. Nor are there any mechanisms to ensure that all migrant workers are informed of their rights. Migrants may receive information on their rights and available remedies once they seek assistance from the ministry responsible for labour, or other government offices. The enforcement of migrants' rights should be strengthened in all Member States.

Forced labour is forbidden in all Member States, as indicated in their constitutions and/or labour law, as well as anti-trafficking law in certain cases. Djibouti, Ethiopia, Kenya, and the Sudan have acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UNTOC), 2000 (hereafter, "UNTOC TIP Protocol"). They have also developed anti-trafficking laws. South Sudan and Somalia still need to accede to the UNTOC TIP Protocol and develop anti-trafficking laws. Uganda has signed the UNTOC TIP Protocol, but not acceded to it. However, Uganda's Prevention of Trafficking in Persons Act, 2009, does aim to implement the basic principles of the Protocol.

Djibouti, Ethiopia, Kenya, the Sudan, and Uganda have some mechanisms in place for the identification, referral, and assistance of trafficked persons. However, assistance for trafficked persons and related referral mechanisms need to be strengthened in all Member States.

4.3.2 Thematic Area 2. Social security and social protection

In all Member States **national labour laws and social protection laws** that apply to national workers also apply to regular migrant workers, except for laws that apply to sectors that are reserved for nationals, such as public service or the military. However, it is not clear to what extent this protection is enforced. With regard to Uganda, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended in April 2018 that the Government should strengthen its efforts to ensure that migrant workers and members of their families – including those in an irregular situation – have equal

opportunities as nationals to file complaints and receive effective redress in the courts. However, most Member States have not signed the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and Uganda is therefore one of the few countries that is being monitored for the protection of migrants' rights, and for which information on this matter can be found.

In Djibouti and the Sudan there appears to be a gap in national legislation in terms of the countries' economic free zones, and it is not clear whether there are any laws governing labour in these zones. Moreover, the Sudan's entire legal framework governing labour is opaque, as various categories of workers are excluded from its Labour Act, 1997, such as certain agricultural workers and casual workers. In addition, informants of the study on the Sudan indicated that the Sudan's states have been known to administer their own laws with regard to migrant workers. In the case of South Sudan, various institutions mandated under the Labour Act, 2017, still need to be established, such as the Labour Court and the Commission for Conciliation, Mediation and Arbitration. The lack of these dispute settlement mechanisms are likely to impede the protection of migrant workers' rights. In Somalia, the Labour Code dates back to 1972, and according to informants, is no longer being applied. The Labour Code is currently being updated, with the support of the ILO.

Social security provisions are still being developed in Somalia and South Sudan, and therefore migrant workers do not benefit from social security. The governments of Somalia and South Sudan should ensure that the social security systems that they develop apply to migrant workers, and strive to put in place measures that allow for the portability of social security benefits.

In the Sudan and Uganda, some migrant workers may participate in the National Social Security Fund, while others are excluded, including the self-employed. In Kenya, all regular migrant workers, including the self-employed, may participate in its National Social Security Fund. In Ethiopia, only migrant workers of Ethiopian origin may participate in the Private Organizations Employees' Pension Scheme. In Djibouti, regular migrant workers, including the self-employed, contribute to the country's social security scheme.

Djibouti is the only IGAD Member State that has some mechanisms in place for the **portability of social security benefits**. According to the Ministry of Labour, the pensions of employed migrant workers (thus not the self-employed, who contribute a smaller amount to the social security system and do not receive a state pension) are portable, but the modalities of this nascent system are not clear. To date, the portability of social security is still not possible among the EAC Partner States – a draft Social Security Portability Bill to make it possible has been under discussion since 2015 (EATUC, 2018).

4.3.3 Thematic Area 3. Labour inspection for migrant workplaces

Labour laws of the IGAD Member States apply to regular migrant workers and require labour inspection. Labour inspection is generally greatly under-resourced throughout the region. All Member States report that the workplaces of migrant workers are being inspected, but that labour inspection is under-resourced. The extent to which the labour inspection of migrant workplaces is carried out across the territories of Member States is unclear, especially where there is a federal government structure and state labour offices

are responsible for labour inspection, such as in Ethiopia and South Sudan. Coordination between the ministry responsible for labour and the state labour offices is often weak. It is therefore difficult for the ministry to know to what extent labour inspection is taking place across all states and to enforce it in all states. In South Sudan, the Ministry of Labour, Public Service and Human Resource Development only has ten independent labour offices, while there are 32 states. In certain South Sudanese states the labour offices fall under other ministries that have representation in those states, and not under ministry responsible for labour. Labour inspection is most likely not taking place in all states.

In the Sudan, the ministry responsible for labour inspects the workplaces of migrant workers, but it is doubtful that it has the resources and access to carry out labour inspection in all states. In Somalia, South Sudan, and the Sudan certain states have highly levels of insecurity, which makes it difficult to undertake labour inspection, and to monitor the work of labour offices.

In Djibouti and the Sudan, the economic free zones are not governed by their labour law, and labour inspection does not appear to be regulated by any laws in these zones. The extent to which labour inspection takes place in the economic free zones is not clear.

4.3.4 Thematic Area 4. Facilitating reception and return

The **return and reintegration** of refugees are important issues in Somalia and South Sudan, as recent increases in stability has led to growing numbers of refugee returns. Both countries also have large IDP populations, and return and reintegration efforts aim to provide assistance to both these groups. In South Sudan, the Government plans to expand the National Framework for Return, Reintegration and Relocation of Displaced Persons: Achieving Durable Solutions in South Sudan, which was adopted in 2017, to include support for the return and reintegration of refugees. The Government of Somalia's efforts to address the challenge of internal displacement and the reintegration of returnees include the development of a draft national policy on refugee returnees and IDPs in 2018, as well as the development of the National Action Plan on Durable Solutions for Somalia Returnees and IDPs 2018–2020. Ensuring that both returnees and host communities have access to basic services, infrastructure, and livelihood opportunities will be important for maintaining peace between these groups and for enabling sustainable return and reintegration.

Return and reintegration, including of stranded migrants, are also important concerns in the other IGAD Member States, and all Member States, apart from South Sudan, are receiving return and reintegration support through the EU-IOM Joint Initiative for Migrant Protection and Reintegration in the Horn of Africa. Also known as the Reintegration Facility, the support provided by the joint initiative includes assisted voluntary return and economic, social, and psychological support upon return.

Low-skilled labour migration from the IGAD region to the Middle East – especially from Ethiopia, Kenya, and Uganda – and the exploitation that is reported in these flows represent key challenges in the region. Successful reintegration is critical for preventing dangerous, irregular onward migration, which largely takes place to Middle Eastern countries or north towards Europe. In Ethiopia, the Ministry of Labour and Social Affairs, the ILO, and UN Women, with the support of the EU, developed Guidelines for the Reintegration of Ethiopian Returnee Migrant Domestic Workers in 2014. In addition, Ethiopia's Office of the Attorney General has developed a national reintegration guideline and package, with the support of the ILO. Moreover, Ethiopia has approved a Reintegration Directive that provides a policy framework for return and reintegration programmes.

Return and reintegration strategies for returning migrants have not been developed in the majority of IGAD Member States, and should form a part of the migration or labour migration policies that are currently being developed. It is important that the various efforts of government, IOs, and CSOs are well coordinated at the national level to ensure that the short-, medium-, and long-term needs of returnees are met at the various stages of the return and reintegration process

Pre-departure training to inform migrant workers of their rights, working conditions, and the conditions in the country of destination is (to varying degrees) taking place in Djibouti, Ethiopia, Kenya, and Uganda – mainly for low-skilled migrants who are migrating through PEAs to the Middle East and Gulf countries.

None of the Member States are providing **on-arrival training** to incoming migrant workers. Migrant workers may receive training or information from their employer. Due to the various development challenges of the IGAD Member States, it may be hard to establish on-arrival training for incoming migrant workers in all Member States. At a minimum, Member States should provide on-arrival information to incoming migrant workers, including on their rights; cultural values in the Member State; access to services, such as education, health, and finance; and on the dispute settlement mechanisms available to them. This information could be provided at airports and other border-crossing points by immigration officials and partner organizations; by the ministry responsible for labour when work permits are applied for; and through online platforms, such as immigration web portals.

5. Regional recommendations

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These are for advancing the governance of labour migration and mobility in the region and for laying the founding for the implementation of an IGAD Free Movement of Persons regime.

Pillar I. Strengthening labour migration governance

Thematic Area 1. Capacity to collect and analyse labour migration data

- ▶ The IGAD Secretariat should institute regular discussions on labour migration flows and on good practices in labour migration and mobility governance among its Member States, including at the IGAD RCP. The NCMs should be used to collect good practices in labour migration and mobility governance that are to be shared at the IGAD level, with a view to achieving mutual learning among Member States and to work towards regional standards for the protection of migrant workers.
- ▶ The IGAD Secretariat and the ILO should support Member States to mainstream labour migration data into Labour Market Information Systems. Both administrative and statistical data – drawn from public and private sources – should be used to develop comprehensive labour migration management database systems. Such efforts should be informed by the ILO International Conference of Labour Statisticians Guidelines.
- ▶ The Member States should put in place routine sharing of data and analysis on labour supply, labour demand, and skills shortages among the IGAD Member States, in order to identify opportunities to enhance labour migration and fill skills gaps. It is recommended that a specific reporting tool be developed to facilitate this exchange among Member States on at least an annual basis. The tool could also serve to capture good practices in labour migration and mobility governance, as well as changes to immigration procedures and changes to labour, investment, and other laws that affect migrant workers, employers, and investors.

- ▶ The IGAD Member States should use regional and continental consultations on labour migration, in which they participate, to obtain information and analyses that can inform both the development of their own labour migration policy objectives and the implementation of these policies.

Thematic Area 2. Coordination on labour migration

- ▶ Member States should put in place a layered system of consultation and coordination on migration at the national level. This system should allow for state or sub-national level migration governance and NCM coordination that feeds back into the national NCM.
- ▶ Most Member States struggle with a disconnect between the central level of government and sub-national level in terms of migration governance, without sufficient attention being paid to the regulation of labour migration and mobility at the state level, and the unique practices and procedures that may exist at the state level. A formal consultation and coordination system could alleviate this disconnect.
- ▶ The IGAD Secretariat and IGAD Member States should establish tripartite consultation at the IGAD level. It is recommended that the EATUC and EAEO best practice of bringing together national workers' and employers' organizations at the regional/EAC level be replicated at the IGAD level. The Horn of Africa Confederation of Trade Unions was recently formed and should establish a partnership with IGAD. A regional employers' organization should also be formed.
- ▶ Tripartite consultation at the IGAD level through regional workers' and employers' organizations could highlight impediments to the free movement of persons in the IGAD region and contribute to devising workable solutions.

Thematic Area 3. Capacity to formulate and implement policy

- ▶ The IGAD Secretariat and the ILO should implement a regional training for Member States on the topics contained within the:
 - ILO Migration for Employment Convention (Revised), 1949 (No. 97);
 - ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
 - ILO Private Employment Agencies Convention, 1997 (No. 181);
 - ILO Domestic Workers Convention, 2011 (No. 189); and
 - International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.

The aim of the training would be to familiarize all Member States with the topics of the Conventions and the relevant ILO tools and Recommendations; facilitate peer-to-peer learning on the implementation of the Conventions; and encourage all Member States to accede to the Conventions.

Thematic Area 4. Regulating Recruitment Agency Practices

- ▶ The Member States should convene a regional exchange and engage in peer-to-peer learning on the regulation of PEAs, with a view to highlight best practices and strengthen the protection of migrant workers.
- ▶ Member States should consider collective negotiation with the governments of key destination countries (such as those in the Middle East) on the conditions of their citizens working abroad to improve their bargaining position with these destination governments; to ensure the enforcement of BLAs; to improve the conditions stipulated in migrant workers' contracts; and to ensure the enforcement of these contracts.
- ▶ Member States should ensure that the conditions and contracts of migrant workers that migrate through PEAs conform to national labour law in the country of origin, and do not fall short of meeting the requirements and standards set out in national labour law.
- ▶ Member States should strengthen the monitoring of the conditions of migrant workers deployed through PEAs, and strengthen the means through which migrant workers can appeal for assistance, in order to reduce exploitation and trafficking. Measures to be taken in this regard include the deployment of labour attachés; close engagement with countries of destination; and monitoring of the conditions of migrant workers in countries of destination. Member States should ensure that the conditions of migrant workers are objectively monitored, and that such monitoring is not a responsibility delegated to PEAs or umbrella organizations representing PEAs, as this may lead to conflicts of interest and ineffective monitoring systems.
- ▶ The IGAD Secretariat and the ILO should undertake research on PEAs and brokers that facilitate low-skilled labour migration within the IGAD region, with a view to:
 - collect data and information on the labour market and identify industries that have labour demand and which could benefit from increased labour migration and mobility;
 - gain a better understanding of the seasonal migration, agriculture, and food security nexus, and how it could be supported by the Member States; and
 - develop a solid understanding of these flows; regulate the agencies that facilitate these flows; and enhance the protection of migrant workers in these flows.

Pillar II: Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

- ▶ All Member States should develop online immigration web portals that provide information on:
 - different types of visa;
 - the rules and regulations governing entry, residence, work, and establishment;
 - the rights and duties of migrant workers; and
 - migrant workers' access to services, such as education, health, social security, and finance.

All Member States should work towards making online visa applications possible through these web portals. IGAD's website should have a webpage that contains links to the immigration web portals of its Member States.

- ▶ All Member States should consider providing visas on arrival to the citizens of IGAD Member States, in order to enhance labour mobility and opportunities for business development and investment.
- ▶ The IGAD Member States should build variable geometry into the IGAD Free Movement of Persons Protocol to allow for different Member States to move at different speeds with regard to regional integration.
- ▶ The IGAD Member States should discuss refugees' access to employment within the framework of the IGAD Free Movement of Persons Protocol, with a view to enhancing refugee access to employment across the region and to harmonizing pertaining standards and processes. Such discussions should be informed by the ILO's 2016 *Guiding principles on the access of refugees and other forcibly displaced persons to the labour market*.
- ▶ Member States should develop labour exchanges and skills transfer strategies within the region, and consider rolling out such initiatives within the framework of the IGAD Free Movement of Persons Protocol and through bilateral arrangements. In this regard, Member States should draw from past regional experiences with labour exchanges and temporary migration schemes, such as the IGAD initiative that has been providing technical assistance support to ministries in South Sudan.
- ▶ The IGAD Secretariat should continue to undertake regional consultations with private sectors actors, social partners, and migrant workers¹⁵ to gather inputs for the development and implementation of its free movement regime. Various free movement agreements in Africa have not succeeded because they were state-driven and state-shaped, without consultation with the private sector or with the migrant workers who will ultimately use these agreements to move, work, and invest. It is important to consult these actors to understand the bureaucratic and other impediments to labour migration, mobility, and investment.
- ▶ The IGAD Secretariat should commission a study that covers the following aspects:
 - current labour migration flows between the IGAD Member States;
 - sectors and occupations in which labour migration could be increased;
 - opportunities for developing labour exchanges among IGAD Member States that will allow for skills transfer;
 - obstacles to labour migration and mobility faced by Member States' citizens in existing flows;
 - protection challenges in these flows; and
 - the potential development gains from enhancing labour migration and mobility.

There is a dearth of data on the labour migration flows of IGAD Member State citizens within the IGAD region. In order to develop a free movement regime that serves to advance opportunities for regulated labour migration and decent work, it is important to understand the current state of play and how to build on it. This evidence base is

¹⁵ Regular migrant workers generally do not belong to trade unions in the IGAD region, and it is therefore important to find a way to consult them in addition to consulting social partners, as migrant workers personally face the bureaucratic and other impediments to labour migration, and could offer unique insights into what needs to be changed for free movement to prosper.

also important for persuading politicians to put their political weight behind a future free movement regime, and to explain to their public the benefits it is expected to deliver.

- ▶ All Member States should set up investment web portals that contain the rules and regulations governing investment, as well as information on investment incentives and opportunities.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, training, and finance

- ▶ The IGAD Secretariat should spur the development of a standardized system for the recognition of refugees' skills across all IGAD Member States. Refugees may have lost their documents proving their qualifications and require special support with skills recognition.
- ▶ The IGAD Secretariat and the ILO should commission a study on different models that could be followed for the harmonization of education systems, skills recognition, and the mutual recognition of qualifications in the IGAD region. The study should also investigate what has worked and not worked in the EAC region, in order for IGAD to learn from the EAC's experiences and build a solid foundation in these areas.
- ▶ The IGAD Secretariat should organize a regional exchange among IGAD Member States on education curricula, examinations, standards, certification, and the accreditation of educational and training institutions – as well as skills recognition – in order to pave the way for the harmonization of these systems across the region. The study should be discussed at the regional exchange, with a view to chart the way forward to develop IGAD-wide mechanisms for the harmonization of education systems, skills recognition, and the mutual recognition of qualifications in the IGAD region.

The IGAD Secretariat should implement an IGAD-wide awareness-raising programme on how the IGAD free movement regime works and the opportunities it offers – once the IGAD Free Movement of Persons Protocol is adopted and implementation starts.

Thematic Area 3. Promoting social integration and inclusion

- ▶ The IGAD Secretariat should implement an IGAD-wide awareness-raising programme on the contribution of migrant workers to the IGAD region; on how the future free movement regime can enhance the contributions of migrant workers; and on the benefits the free movement regime is expected to deliver.

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' rights

- ▶ Member States should strengthen the enforcement of migrant workers' rights by ensuring that:
 - labour courts and other dispute settlement mechanisms are fully functional and offer migrants the same access as nationals;
 - human rights commissions are fulfilling their role in the protection of migrants' rights; and

- irregular migrants have access to protection and dispute settlement mechanisms.
- ▶ IGAD and its Member States should deliberate how the IGAD Free Movement Protocol can enhance the protection of migrant workers in the region, and which mechanisms need to be built into the Protocol to do so.

Thematic Area 2. Social security and social protection

- ▶ The IGAD Secretariat should convene a regional meeting on social security for migrant workers and possible regional mechanisms that could be put in place for the portability of social security benefits, within the framework of its future free movement regime.

Thematic Area 3. Labour inspection for migrant workplaces

- ▶ Member States should ensure that labour inspection takes place throughout their territories and is regulated by national labour law.
- ▶ The IGAD Secretariat and the ILO should support Member States to work towards the harmonization of labour standards in the region.

Thematic Area 4. Facilitating reception and return

- ▶ All Member States should put in place systems to inform migrant workers of their rights and the dispute settlement mechanisms available to them. One possible mechanism could be to provide migrant workers with this information when they apply for work permits. In addition, Member States should provide on-arrival information to incoming migrant workers at ports of entry, including on their rights; cultural values in the Member State; access to services, such as education, health, and finance; and the dispute settlement mechanisms available to them. This information should also be placed on immigration web portals and the websites of embassies. Such a thorough approach to information dissemination should aid the integration and protection of migrant workers.
- ▶ Member States should incorporate return and reintegration strategies into migration or labour migration policies that are being developed.

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Appendix I. Key findings from the IGAD region

Pillar I. Strengthening labour migration governance

Thematic Area 1: Capacity to collect, analyse, and share labour migration data

The Member States are at different stages of developing an LMIS. They need to strengthen the evidence base for enhancing labour migration in the IGAD region by bolstering LMISs; sharing labour market analyses at the regional level; and boosting data and research on existing labour migration flows between the IGAD Member States and how they could be enhanced. All Member States should better analyse and apply existing migration and labour market data to labour migration policy development.

Thematic Area 2. Coordination on labour migration:

In some Member States, NCMs are well established and informing migration policy development, while others are working towards establishing an NCM. More comprehensive dialogue on all dimensions of labour migration should take place at the national and sub-national level. The NCMs could facilitate such dialogue, inform labour migration policy development processes, and aid national and regional labour migration governance. Tripartite consultation is established in most Member States, and should also be established at the IGAD level.

Thematic Area 3. Capacity to formulate and implement policy

Member States are yet to adopt migration or labour migration policies, though some have a draft migration policy and/or taken steps to develop a labour migration policy. Generally labour migration policy objectives are spread across various laws and policy frameworks, and need to be more clearly defined and captured in national development plans. None of the Member States have signed all of the international Conventions on the protection of migrants. BLAs with Middle East and Gulf countries are emerging across the region to strengthen the protection of migrant workers.

Thematic Area 4. Regulating employment agency practices

Employment contracts serve as the basis for determining the obligations and responsibilities of employers and employees in all Member States. Some Member States allow for oral employment contracts, which are harder to enforce than written employment contracts.

All Member States have some type of licensing system in place for PEAs that facilitate international labour migration, and most have strengthened the regulation of these PEAs to address reports of abuse and exploitation in labour migration flows to the Middle East and Gulf countries. Migrant workers in these labour migration flows receive pre-departure training in a number of Member States to enhance their protection.

Pillar II. Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

Member States' rules regarding entry, work, residence, and establishment are spread among various laws and policy frameworks, and should be simplified and captured by each Member State in one policy document and online portal. Web portals that contain some of this information and allow for certain visa applications are emerging as a positive trend in the region. In all Member States certain jobs are reserved for nationals, and skills transfer strategies need to be strengthened, as do strategies to attract migrant workers to fill skills gaps, including temporary labour migration schemes, which are largely lacking. All Member States are working towards engaging their respective diasporas in their national development.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

Member States do not have mechanisms in place to systematically inform migrant workers of their rights, and their access to education, training, skills recognition, and finance. Migrant workers may access education and training opportunities at their own cost, as well as private financial institutions. Policies to aid remittances should be further enhanced, as well as skills recognition systems, which exist in the majority of Member States.

Thematic Area 3. Promoting social integration and inclusion

Member States are undertaking various efforts to integrate refugees, but not specifically migrant workers. All Member States allow migrant workers to be accompanied by their spouse and children, for which certain immigration documents may be required. Family members of migrant workers require work permits to access employment. The children of migrant workers may access the national education system, for which a certain immigration documents may be required.

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' rights

Generally, national labour laws apply to regular migrant workers. All Member States have mechanisms in place for the enforcement of human rights, such as human rights commissions, but their effectiveness and their awareness of migrants' rights need to be strengthened. Forced labour is forbidden in all Member States, while assistance for trafficked persons and related referral mechanisms need to be strengthened across all Member States.

Thematic Area 2. Social security and social protection

In all Member States, social protection laws that apply to national workers also apply to regular migrant workers, except for laws that apply to sectors that are reserved for nationals, such as public service. However, it is not clear to what extent this protection is enforced. Most Member States that have national social security schemes, only allow certain types of migrant workers to participate in them, while only Djibouti has some mechanisms in place for the portability of social security benefits.

Thematic Area 3. Labour inspection for migrant workplaces

Labour inspection is greatly under-resourced across the region. While all Member States report that the workplaces of migrant workers are being inspected, inspection needs to be bolstered.

Thematic Area 4. Facilitating reception and return

None of the Member States are providing on-arrival training to incoming migrant workers and should, at a minimum, provide on-arrival information on their rights, the cultural values in the Member State, and access to services, such as education, health, and finance, as well as the dispute settlement mechanisms available to them.

Return and reintegration strategies for returning migrants have not been developed in the majority of the Member States and could form a part of the migration or labour migration policies that are being developed.

Appendix II. Good practices from the IGAD region

Pillar I. Strengthening Labour Migration Governance

- Kenya's Labour Market Information System makes updated labour market analysis publicly available online (<https://www.labourmarket.go.ke>).
- Uganda is using the results of its most recent manpower survey to develop a Human Resource Plan, which will project up to 2040, the skills that are available, in demand, and in oversupply at the occupational level. The Human Resource Plan will help to identify skills gaps and facilitate the employment of migrant workers in Uganda to fill those gaps. The Human Resource Plan is expected to provide an evidence base for opening up certain sectors to migrant labour and address fears regarding flooding of the national labour market.
- In Ethiopia, trade union organizations participate in its Anti-Human Trafficking and Smuggling of Migrants Task Force, which meets as its NCM.
- In Kenya and Uganda, the NCM enjoys strong government ownership and is well-established.
- In South Sudan, the National Aliens Committee was expanded to take on the role of an NCM, and has played a central role in the development of its draft migration policy.
- Tripartite consultation is fairly well established in Ethiopia, Kenya, the Sudan, and Uganda.
- Uganda has anchored its labour migration policy objective – i.e., the overseas employment of its nationals – in various policy documents, including the draft migration policy; Vision 2040; the Second National Development Plan 2015/16–2019/20; and the Social Development Sector Plan 2015/16–2019/20.
- Bilateral labour agreements are developing across the region as a means to enhance the protection of migrant workers.
- Kenya has deployed labour attachés to Kenyan missions in Qatar, Saudi Arabia, and the United Arab Emirates, to enhance the protection of its migrant workers in these countries of destination.
- Kenya has acceded to the ILO Migration for Employment Convention (Revised), 1949 (No. 97).
- Kenya and Uganda have acceded to the ILO Migrants Workers (Supplementary Provisions) Convention, 1975 (No. 143).
- Uganda has acceded to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Ethiopia has acceded to ILO Private Employment Agencies Convention, 1997 (No. 181).
- In Kenya, various government agencies and PEAs contributed to the development of the 2016 Code of Conduct for Private Recruitment Agencies, which is aimed at establishing a self-regulatory regime for PEAs. In addition, social partners have influenced the regulation of PEAs. Their recommendations, which have been implemented by the Government, include the deregistration of PEAs until they are all vetted, and the deployment of labour attachés to Middle Eastern countries.
- In Uganda, the licensing of PEAs takes place online through the External Employment Management Information System. It also contains a list of approved and vetted PEAs and overseas jobs that Ugandans can apply to.
- Article 7 of ILO Convention No. 181 requires that PEAs do not charge workers, directly or indirectly, totally or partially, any fees or other expenses. Djibouti's legal framework regulating PEAs clearly specifies this (Decree N° 2018-103/PR/MTRA, article 18).

Pillar II. Advancing opportunities for regulated labour migration and decent work

- Djibouti, Ethiopia, Kenya, and Uganda make information on some visas available online through web portals, and certain visas can be applied for through these web portals.
- Ethiopia and Kenya have introduced a “visa on arrival” policy for all Africans¹⁶, which is expected to aid labour mobility and business development.
- Citizens of Kenya and Uganda can enjoy visa-free travel between each other’s country and can travel using their national identity cards.
- Djibouti, Ethiopia, Kenya, South Sudan, the Sudan, and Uganda grant refugees access to their labour markets.
- Labour exchanges in the form of teacher exchanges take place between the University of Djibouti, the University of Nairobi, and the University of Somalia.
- In South Sudan, an IGAD initiative brought technical assistants from Ethiopia, Kenya, and Uganda to provide capacity building to ministries in South Sudan.
- Djibouti is implementing a circular migration scheme to Canada.
- Djibouti, Kenya, South Sudan, and Uganda allow dual citizenship, which encourages return or circular migration.
- In Somalia, the IOM Migration for Development in Africa (MIDA) programme has been successful in engaging the diaspora to contribute their knowledge and skills to Somalia, since 2009.
- The Ethiopian Diaspora Trust Fund, a non-profit organization, works with the Ethiopian Government to involve the diaspora in socio-economic projects in Ethiopia, such as developing health, education, water, and sanitation facilities, and agricultural development projects.
- In Kenya, the diaspora is engaged through mentorship programmes that generally entail academics in the diaspora partnering with local universities.
- One-stop shops for investment, which bring together in one place various government agencies that investors need to access, are emerging across the region, including in Djibouti, Ethiopia, Kenya, and Uganda, and they often have investment web portals to support their services.
- In South Sudan, the Ministry of Gender, Child and Social Welfare is working with the South Sudanese Women Entrepreneurs Association to provide South Sudanese female small-scale cross-border traders with training and information on the rules and laws governing cross-border trade, including tax policies; procedures at the border; custom laws, and local authorities’ charges, such as at the Nimule border crossing point with Uganda.
- Kenya, with the support of the ACP–EU Migration Action, developed a booklet for the diaspora in 2017 – *Send money and invest in Kenya: A guide for diaspora remittances & investments*. It offers advice on factors that should be considered when choosing a remittance service provider (RSP), and identifies various RSPs that could be chosen from.
- In South Sudan, the Nationality Act, 2011, allows migrants to obtain South Sudanese nationality by marrying a South Sudanese, while still retaining the nationality of the country from which they originate (article 13). South Sudanese nationality can also be obtained by continuously residing in South Sudan for 10 years (article 10) or be granted by the President to an individual who has served the national interest of the country.
- Djibouti adopted a new refugee law in 2017, which gives refugees the same rights as nationals, including access to education, employment, freedom of movement, the right to open a business, access to free health care (if they cannot afford to pay for it), and access to the social security system, which includes cash transfers.

¹⁶ In Ethiopia generally only tourist visas will be issued a visa on arrival – visas on arrival to attend AU meetings is an example of an exception to this rule. In Kenya, Eritreans, Libyans, and Somalis are still not able to receive visas on arrival.

- Ethiopia's Parliament adopted revisions to its refugee law in January 2019, which give refugees access to work permits; primary education; drivers' licenses; national financial services, such as banking; and the right to legally register life events, such as births and marriages.
- In South Sudan, refugees with school certificates issued by the Ministry of General Education and Instructions have access to free tertiary education. In addition, the Refugee Act, 2012, allows refugees to seek South Sudanese nationality through naturalization.
- In the Sudan, the Government and the UNHCR have collaborated on self-reliance mechanisms for refugees, which has included granting refugees access to farm land.
- Uganda is Africa's largest refugee-hosting country and grants refugees access to land.

Pillar III. Enhancing the protection of migrant workers and their families

- Forced labour is forbidden in all Member States, as indicated in their constitutions and/or labour laws.
- Somalia's Office of the Special Envoy for Children's and Migrants Rights is mandated to advocate for the rights of Somali migrants at regional and international levels, and advises the Government of Somalia on migration issues.
- The Uganda Human Rights Commission sets a positive example by addressing alleged violations of migrants' rights, regardless of whether the migrants are in a regular or irregular status in Uganda.
- Djibouti, Ethiopia, Kenya, and the Sudan have acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UNTOC), 2000, and have developed anti-trafficking laws.
- In Kenya, all regular migrant workers, including the self-employed, may participate in the National Social Security Fund.
- Djibouti has some mechanisms in place for the portability of social security benefits.
- In Djibouti, Ethiopia, Kenya, and Uganda, some aspiring migrant workers receive information on their rights and conditions in the country of destination through pre-departure training.
- In 2019 Ethiopia approved a Reintegration Directive that provides a policy framework for return and reintegration programmes.
- Somalia's efforts to address the challenge of internal displacement and the reintegration of returnees include the development of a draft national policy on refugee-returnees and IDPs in 2018 and the National Action Plan on Durable Solutions for Somalia Returnees and IDPs 2018–2020. The objectives of the Action Plan include strengthening the capacity of civilian structures in the areas of return; peaceful returns; and equal access to security for all Somalis living in areas of return.

Appendix III. Relevant Conventions and Protocols acceded to by the IGAD Member States

Instrument	Djibouti	Ethiopia	Kenya	Somalia	South Sudan	Sudan	Uganda
UN Treaty							
ICRMW							✓
ILO Conventions							
C097			✓				
C143			✓				✓
C181		✓					
UNODC Protocol							
UNTOC TIP Protocol	✓	✓	✓			✓	

Key:

ICRMW – International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families

C097 – Migration for Employment Convention (Revised), 1949 (No. 97)

C143 – Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

C181 – Private Employment Agencies Convention, 1997 (No. 181)

UNTOC TIP Protocol – Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

Appendix IV. Analytical Framework

Pillar I. Strengthening labour migration governance

Thematic Area 1. Capacity to collect, analyse, and share labour migration data

Labour market information and data: Guidelines

ILO Multilateral Framework on Labour Migration

- 5.1. Establishing systems and structures for periodic, objective labour market analyses that take into account gender issues and that include:
 - 5.1.1 sectorial, occupational and regional dimensions of labour shortages and their causes, and relevant issues of labour supply;
 - 5.1.2 shortages of skilled workers in both origin and destination countries, including in the public, health and education sectors; and
 - 5.1.3 long-term impact of demographic trends, especially ageing and population growth, on the demand for and supply of labour.

Labour migration data collection and analysis, and applying it to labour migration policy: Guidelines

ILO Multilateral Framework on Labour Migration

- 3.1. Improving government capacity and structures for collecting and analysing labour migration data, including sex-disaggregated and other data, and applying it to labour migration policy.

Sharing of labour market information and labour migration data and analysis at the regional level: Guidelines

IGAD Regional Migration Policy Framework

- 4.2. Regional Cooperation and Harmonization of Labour Migration Policies

Recommended Strategies:

- iv. Institute routine data collection, analysis and exchange on labour flows, stock and needs in labour-supply vis-à-vis labour-demand countries in IGAD to eliminate skills mismatch and to maintain proper skills audit.

Thematic Area 2. Coordination on labour migration

Coordination of labour migration at national, regional, and continental levels: Guidelines

ILO Multilateral Framework on Labour Migration

- 2.2. Developing intergovernmental dialogue and cooperation on labour migration policy, in consultation with the social partners and civil society and migrant worker organizations.
 - 2.5. Establishing mechanisms for tripartite consultations at regional, international and multilateral levels.
 - 3.5. Collecting and exchanging profiles of good practices on labour migration on a continuing basis.
 - 4.7. Establishing a mechanism to ensure coordination and consultation among all ministries, authorities, and bodies involved with labour migration.
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IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

x. Establish formal national and IGAD-wide social dialogue mechanisms to address migrant labour issues (including social protection and social security benefits, insurance, compensation for employment due to injury and old age pension for labour migrants while working abroad and/or upon their return to the countries of origin).

4.2. Regional Cooperation and Harmonization of Labour Migration Policies

Recommended Strategies:

iii. Hold regular dialogue among IGAD Member States and between them and the Member States of contiguous RECs [regional economic communities] to enhance communication between countries of origin, transit countries, and destination through reviews of national policies and legislation.

Thematic Area 3. Capacity to formulate and implement policy

Labour migration policy development and implementation: Guidelines

ILO Multilateral Framework on Labour Migration

- 4.2. Ensuring coherence between labour migration, employment, education and other national policies, in recognition of the wide social and economic implications of labour migration and in order to promote decent work for all and full, productive and freely chosen employment.
- 4.8. Ensuring that specific structures and mechanisms within these ministries have the necessary competencies and capacities to develop, formulate and implement labour migration policies, including, where possible, a special unit for issues involving migrant workers.
- 15.2. Expanding analyses of the contribution of labour migration and migrant workers to the economies of destination countries, including employment creation, capital formation, social security coverage and social welfare.

Policies that protect the rights of migrant workers, including bilateral labour agreements and gender-sensitive policies: Guidelines

ILO Multilateral Framework on Labour Migration

- 4.4. Implementing policies that ensure that specific vulnerabilities faced by certain groups of migrant workers, including workers in an irregular situation, are addressed.
- 4.5. Ensuring that labour migration policies are gender-sensitive and address the problems and particular abuses women often face in the migration process.
- 5.3. Where appropriate, establishing policies and procedures to facilitate the movement of migrant workers through bilateral, regional or multilateral agreements.

Ratification and domestication of international labour migration Conventions: Guidelines

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

i. Promote the signing, ratification and domestication by the Member States of international instruments relating to labour (e.g. the ILO [Migration for Employment Convention (Revised), 1949] No. 97 and Migrant Workers (Supplementary Provisions) Convention, 1975] No. 143 and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) through national legislation.

Thematic Area 4. Regulating employment agency practices

Employment contracts: Guidelines

ILO Multilateral Framework on Labour Migration

- 10.3. Promoting the establishment of written employment contracts to serve as the basis for determining obligations and responsibilities and a mechanism for the registration of such contracts where this is necessary for the protection of migrant workers.
- 13.3. Ensuring that migrant workers receive understandable and enforceable employment contracts.

Licensing and monitoring of private employment agencies: Guidelines

ILO Multilateral Framework on Labour Migration

- 13.1. Providing that recruitment and placement services operate in accordance with a standardized system of licensing or certification established in consultation with employers' and workers' organizations.
- 13.2. Providing that recruitment and placement services respect migrant workers' fundamental principles and rights.
- 13.5. Working to implement legislation and policies containing effective enforcement mechanisms and sanctions to deter unethical practices, including provisions for the prohibition of private employment agencies engaging in unethical practices and the suspension or withdrawal of their licences in case of violation.

Recruitment and placement fees: Guidelines

ILO Multilateral Framework on Labour Migration

- 13.7. Providing that fees or other charges for recruitment and placement are not borne directly or indirectly by migrant workers.

Pillar II. Advancing opportunities for regulated labour migration and decent work

Thematic Area 1. Labour mobility schemes to support labour market needs

Rules and regulations governing labour migration and mobility: Guidelines

ILO Multilateral Framework on Labour Migration

- 5.2. Establish transparent policies for the admission, employment and residence of migrant workers based on clear criteria, including labour market needs.
- 5.5. Ensuring that temporary work schemes respond to established labour market needs, and that these schemes respect the principle of equal treatment between migrant and national workers.
- 12.3. Simplifying administrative procedures involved in the migration process and reducing processing costs to migrant workers and employers.
- 6.3. Promoting dialogue and consultation with employers' organizations on practical opportunities and challenges they confront in the employment of foreign workers.
- 6.4. Promoting dialogue and consultation with workers' organizations on particular concerns posed by labour migration and their role in assisting migrant workers.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

3. For the purpose of this Article, the free movement of workers shall entitle a worker to:
 - d. stay in the territory of a Member State for the purpose of employment in accordance with the national laws and administrative procedures governing the employment of workers of that Member State;
8. The national laws and administrative procedures of a Member State shall not apply where the principal aim or effect is to deny citizens of other Member States the employment that has been offered.

Circular and return migration: Guidelines

ILO Multilateral Framework on Labour Migration:

- 15.8. Adopting policies to encourage circular and return migration and reintegration into the country of origin, including by promoting temporary labour migration schemes and circulation-friendly visa policies.

Labour exchanges and critical skills: Guidelines

ILO Multilateral Framework on Labour Migration:

- 15.7. Adopting measures to mitigate the loss of workers with critical skills, including by establishing guidelines for ethical recruitment.

IGAD Regional Migration Policy Framework

4.2. Regional Co-operation and Harmonization of Labour Migration Policies

Recommended Strategies:

- vi. Establish bilateral and multilateral labour exchanges among IGAD Member States and with contiguous non-Member States of neighbouring RECs to employ or deploy temporarily human resources with scarce or desirable skills

Establishment and investment: Guidelines

Draft IGAD Free Movement Protocol:

Part B: Rights of Establishment and Residence

Article 6. Rights of Establishment

11. For the purposes of this Article, the Member States shall:
 - a. remove the administrative procedures and practices, resulting from national laws or from agreements previously concluded between the Member States, that form an obstacle to the right of establishment;
 - b. progressively remove any administrative procedures and practices resulting from national laws that restrict the right of establishment, in respect of the conditions for:
 - i. setting up agencies, branches or subsidiaries of companies or firms in their territories; and
 - ii. the entry of personnel of the companies or firms registered in another Member State into managerial or supervisory positions in agencies, branches or subsidiaries in that Member State.

Thematic Area 2. Supporting functions for participation in the labour market, including access to information, education, training, skills recognition, and finance

Disseminating information to migrant workers: Guidelines

ILO Multilateral Framework on Labour Migration

12.4. Promoting the participation of employers' and workers' organizations and other relevant non-governmental organizations in disseminating information to migrant workers.

Education, training, skills recognition, the harmonization of qualifications, and access to finance: Guidelines

ILO Multilateral Framework on Labour Migration

14.3. Improving the labour market position of migrant workers, for example, through the provision of vocational training and educational opportunities.

12.6. Promoting the recognition and accreditation of migrant workers' skills and qualifications and, where that is not possible, providing a means to have their skills and qualifications recognized.

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

ix. Facilitate the integration of migrants in the labour market including the education and training sector.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 4. Harmonization and Mutual Recognition of Academic and Professional Qualifications

For the purpose of ensuring the free movement of labour, the Member States undertake to:

- a. mutually recognize the academic and professional qualifications granted, experience obtained, requirements met, licences or certifications granted, in other Member States; and
- b. harmonize their curricula, examinations, standards, certification and accreditation of educational and training institutions.

Facilitating remittances: Guidelines

ILO Multilateral Framework on Labour Migration

15.6. Reducing the costs of remittance transfers, including by facilitating accessible financial services, reducing transaction fees, providing tax incentives and promoting greater competition between financial institutions.

Thematic Area 3. Promoting social integration and inclusion

Public education and awareness-raising campaigns on the contribution of migrants: Guidelines

ILO Multilateral Framework on Labour Migration

14.9. Promoting public education and awareness-raising campaigns regarding the contributions migrant workers make to the countries in which they are employed, in order to facilitate their integration into society.

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

vi. Promote integration of migrants by enhancing local citizenry, inclusive policies and engaging with societies in destination countries; address discrimination and xenophobia through civic education and awareness-raising campaigns.

Family reunification, and access to employment for family members and education for children: Guidelines

ILO Multilateral Framework on Labour Migration

- 14.10. Facilitating the reunification of family members of migrant workers as far as possible, in accordance with national laws and practice.
- 14.12. Facilitating the integration of migrant workers' children into the national education system.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

5. A worker shall have the right to be accompanied by a spouse and a child, and:
- a spouse who accompanies the worker shall be entitled to be employed as a worker or to engage in any economic activity;
 - as a self-employed person in the territory of that Member State;
 - child who accompanies the worker shall be entitled to be employed as a worker or to engage in any economic activity as a self-employed person in the territory of that Member State subject to the age limits under the national laws of that Member State

Pillar III. Enhancing the protection of migrant workers and their families

Thematic Area 1. Protection of migrant workers' human rights

Protecting the human rights of migrants: Guidelines

ILO Multilateral Framework on Labour Migration

- 8.1. Governments should ensure that national laws and practice that promote and protect human rights apply to all migrant workers and that they are respected by all concerned.
- 8.2. Information should be provided to migrant workers on their human rights and obligations and assisting them with defending their rights.
- 8.3. Governments should provide effective enforcement mechanisms for the protection of migrant workers' human rights and provide training on human rights to all government officials involved in migration.
- 10.5. Providing for effective remedies to all migrant workers for violation of their rights, and creating effective and accessible channels for all migrant workers to lodge complaints and seek remedy without discrimination, intimidation or retaliation.
- 10.7. Providing effective sanctions and penalties for all those responsible for violating migrant workers' rights.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 1. Free Movement of Persons

- 1.3. The Member States shall, in accordance with their national laws, guarantee the protection of the citizens of the other Member States while in their territories.

Protecting migrants from forced labour and exploitation: Guidelines

ILO Multilateral Framework on Labour Migration

- 8.4.2 Legislation and policies should be adopted, implemented and enforced to protect migrant workers from conditions of exploitation and forced labour, including debt bondage and trafficking, particularly migrant workers in an irregular situation or other groups of migrant workers who are particularly vulnerable to such conditions.

Thematic Area 2. Social security and social protection

National labour laws and social protection laws applying to migrant workers: Guidelines

ILO Multilateral Framework on Labour Migration

9.8. Adopting measures to ensure that national labour legislation and social laws and regulations cover all male and female migrant workers, including domestic workers and other vulnerable groups, in particular in the areas of employment, maternity protection, wages, occupational safety and health and other conditions of work, in accordance with relevant ILO instruments.

Social security coverage and portability: Guidelines

ILO Multilateral Framework on Labour Migration

9.9. Entering into bilateral, regional or multilateral agreements to provide social security coverage and benefits, as well as portability of social security entitlements, to regular migrant workers and, as appropriate, to migrant workers in an irregular situation.

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

3.3. For the purpose of this Article, the free movement of workers shall entitle a worker to:

- f. enjoy the rights and benefits of social security as accorded to the workers of the host Member.

Part B: Rights of Establishment and Residence

Article 6. Rights of Establishment

3. For the purposes of paragraph 1, the right of establishment shall entitle:

- b. a self-employed person who is in the territory of another Member State to join a social security scheme of that Member State in accordance with the national laws of that Member State.

Thematic Area 3. Labour inspection for migrant workplaces

ILO Multilateral Framework on Labour Migration

10.1. Extending labour inspection to all workplaces where migrant workers are employed, in order to effectively monitor their working conditions and supervise compliance with employment contracts.

10.2. Ensuring that the labour inspectorate or relevant competent authorities have the necessary resources and that labour inspection staff is adequately trained in addressing migrant workers' rights and in the different needs of men and women migrant workers.

Thematic Area 4. Facilitating reception and return

ILO Multilateral Framework on Labour Migration

12.1. Facilitating migrant workers' departure, journey, and reception by providing, in a language they understand, information, training and assistance prior to their departure and on arrival concerning the migration process, their rights and the general conditions of life and work in the destination country.

12.2. Wherever possible facilitate migrant workers' return by providing information, training, and assistance prior to their departure and on arrival in their home country concerning the return process, the journey and reintegration.



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Free Movement of Persons and Transhumance
in the IGAD Region: Improving Opportunities
for Regular Labour Mobility

