

Labour Migration Governance for Development and Integration in Africa

A bold *new* Initiative

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

*Inclusive
Development*



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

In a bold and timely new initiative, the African Union Commission together with the International Labour Organization, the International Organization for Migration and the Economic Commission for Africa have developed a regional programme on Labour Migration Governance for Development and Integration in Africa, in cooperation with Africa’s Regional Economic Communities (RECs).

The 9th Ordinary Session of the AU Labour and Social Affairs Commission argued that “RECs should consider the issue of regional labour migration as an important factor in sustainable development.” This effort is initially structured in a four year cooperation and capacity building programme to support achieving better governance of labour and skills mobility within Africa, in particular in RECs.

Responding to the needs explicitly identified by RECs and social partners as well as those defined in AU regional policy instruments, the programme focuses on critical areas of facilitating free movement of workers as a crucial means of advancing regional integration and development in Africa. The overall stated objective is to: *strengthen the effective governance and regulation of labour migration and mobility in Africa, under the rule of law and with the involvement of key stakeholders across government, legislatures, private sector employers, workers (social partners), migrants, international organizations, NGOs and civil society organizations. Its long term expectations are to:*

- extend decent work and social protection to migrant workers and their families,
- strengthen regional integration and inclusive development
- encourage productivity, productive investment, and business success
- enable better social and economic integration of migrants, effective labour and social protection mechanisms, and sustainable labour market systems.

Its immediate purposes are to:

1. Increase domestication of key international standards on labour migration.
2. Achieve wider elaboration, adoption and implementation of harmonized free circulation regimes and coherent national labour migration policy in the RECs.
3. Enable Labour Institutions to conduct Labour Migration governance, policy and administration.
4. Establish regional mechanisms for tripartite policy consultation and coordination on labour migration issues, and facilitate consultation and cooperation with other regions.
5. Support Decent Work for migrants with effective application of labour standards to migrant workers.
6. Extend Social Security to migrants through access and portability regimes compatible with international standards and good practice.
7. Resolve skills shortages and skills–education mismatches while increasing recognition of harmonized qualifications across Africa.
8. Enhance collection, exchange and utilization of gender and age disaggregated data on migrants’ economic activity, employment, skills, education, working conditions, and social protection.

Context and Justification for this programme:

The ILO estimated the number of migrant workers on the continent at 8.4 million in 2010, out of a total of 19.3 million migrants (persons living outside their country of origin) in Africa that year¹ while the World Bank estimated that 31 million African people were living in countries other than their birth place, with 77% of the 31 million from Sub Saharan Africa². Demand for cross-border mobility will increase in Africa in the foreseeable future. Thus, effective governance of migration is one of the critical challenges for African States.

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

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1. ILO, 2010. International Labour Migration A rights-based approach. International Labour Office, Geneva. P. 17
 2. Bilateral Migration Matrix, World Bank, 2010

Global Drivers

The International Labour Organization (ILO) estimated that 105.4 million persons were economically active out of the 214 million people living outside their country of birth or citizenship in the year 2010.³ The ILO further highlighted that “these (105.4 million) and family members accompanying them will account for almost 90 per cent of total international migrants.”⁴ The global estimate of total migrant stock was updated to 235 million in the new 2013 estimate.⁵ These figures do not fully account for significant numbers of persons in temporary or itinerant migratory situations.

Demographic pressures --ageing and increasing deficits in labour forces-- have become prominent in many developed and developing countries. At the same time, Africa confronts a growing, youthful population coupled with jobless growth and a dearth of formal employment. This combination translates into increasing mobility of skills and labour within, from, and to Africa.

The global skills shortage is set to worsen. A recent international study calculated that by 2020, global shortages of high skilled professionals will reach “38 million to 40 million fewer workers with tertiary education (college or postgraduate degrees) than employers will need“, and “another 45 million too few workers with secondary education in developing economies”.⁶

Features of African Migration

Important features characterizing African migration include:

- the predominance of intra-regional labour and skills migration in Africa
- prevalence of labour and skills mobility within Regional Economic Community (REC) spaces;
- the economic importance of migrant remittances for many African countries
- increasing feminization of labour mobility
- inadequate protection for migrant workers and their families from exploitation and hostility
- lethargic implementation of regional free movement schemes;
- weaknesses of pertinent labour market legislation, institutions and data;
- lack of attention to governance and regulation of labour and skills mobility;
- inadequate or absent training and recognition of qualifications and competencies,
- emigration of skilled Africans contributing to ‘loss of talent’ and ‘brain waste’,
- limited or non-access to and portability of social security,
- Increasing incidents of trafficking and smuggling of migrants.

African labour migration flows generally follow three main directions: intra-African migration; overseas flows towards former colonial powers (France, UK, Italy, Portugal, Spain, etc.) but now increasingly to other destinations (USA, Asia and Arab States). The third direction is inflows from other regions to Africa, notably from Europe and Asia.

The intra-regional migration proportion for Africa overall is estimated at 52.6%, comparable to 59% in Europe and 54.7% in Asia. However, Sub Saharan Africa has a higher intra-regional rate estimated at 65%. Intra-regional mobility (migration within the RECs) represents more than 4 out of 5 migrants in ECOWAS. The proportion moving within the same sub-region is over 80% in West Africa, 65% in Southern Africa, 50% in Central Africa, 47% in East Africa, although only 20% in North Africa.

3. Op cit ILO, 2010. Page 17

4. Ibid. Page 2

5. UN (2013) Trends in International Migrant Stock: The 2013 Revision - Migrants by Age and Sex. United Nations Population Division, September 2013. See “Wallchart” for useful summary overview. Available at: <http://esa.un.org/unmigration/wallchart2013.htm>

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

As African economies are largely dominated by urban informal economy and agriculture, migrant workers in the continent are often found in settings characterized by low incomes and wages, lack of social protection, precarious jobs and workplaces, abysmal working conditions, and low skills portfolios. Many migrants are self-employed or employed in agriculture and informal activity, while significant numbers may be found in industry and services.

There is also significant cross-border, 'circular' mobility of commercial tradespeople, accompanied by increased cross-border trade flows that promote local growth and employment.

Reports of labour and other rights abuse of migrant workers, incidences of xenophobic attacks on migrants, and arbitrary expulsions highlight the challenges of realizing decent work, equality of treatment and protection of human rights according to the standards many African states have ratified.

Regional Economic Integration:

Free movement of persons is a key pillar of economic integration and development in Africa. Free movement ensures availability of skills and labour where needed to spur investment and economic development. It is also the practical means for expanding free trade, as well as commerce of locally-produced goods and services.

CEMAC, ECCAS, ECOWAS and EAC have adopted legal regimes for labour circulation among member countries. COMESA and IGAD recently developed agreements on mobility that await adoption and implementation by participating countries. SADC is currently negotiating a new regime. These REC legal frameworks are generally consistent with international standards; more than half of all AU member states have ratified at least one of the three core migrant worker Conventions.

Impediments to good governance of labour mobility

Labour mobility is often impeded by absence of implementation of free movement protocol rights and mechanisms, by the prevalence of rigid border formalities, by the abundance of road blocks and security checkpoints on international highways, by malpractices at borders and along transportation routes, and by lack of coherency between labour migration, regional commerce, migration monitoring and security.⁷ Member states of African RECs remain characterised by a lack of comprehensive national labour migration strategic and policy frameworks, although several countries are moving in this direction.

Lack of political will, capacity gaps and poor institutional coordination are central concerns at national level. These are compounded by poor systems of data collection and management⁸, absence of migration policy links to fundamental economic, labour market and employment factors, difficulties for national labour institutions and civil society to reach populations, and weak judicial systems⁹.

Non-transparent labour markets, the lack of harmonization of legal frameworks, and the absence of accurate labour information are acute constraints faced in labour migration administration in Africa. Harmonized legal and policy frameworks are indispensable to obtain integrated labour markets based on coordinated labour, social security, and investment codes, and compatible education and skills recognition frameworks.

A major constraint is absence of reliable, accurate and comprehensive data on labour migration, on migrant workers as well as on labour markets. Existing data is primarily 'movement' data, at best providing some indication of stocks and flows, while there is little or no data on migrants' skills and employment profiles, labour market participation, conditions of work, or social protection coverage.

Migration often results from low and inappropriate human security and represents a strategy for people to cope with risks of income inequality, high unemployment and underemployment rates, conflicts, environmental degradation. However, the security agenda often limits the broader understanding of labour migration as a fundamental issue for development, regional integration and social welfare. A major challenge remains the lack of a holistic policy approach, aggravated by the dominance of security concerns at the expense of labour market integration.

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7. Factors cited in the Final Communiqué of the Mini Summit of Heads of State and Government on the creation of a borderless ECOWAS, Abuja, 2000, and in the ECOWAS Common Approach on Migration, 2008.
 8. The lack of comparability of national statistics makes it difficult to undertake regional analysis based on national data.
 9. OECD/SWAC (2009), Regional Challenges of West African Migration, African and European Perspectives, (Ed.) Trémolières Marie, West African Studies.

African Policy Frameworks

This new initiative is shaped by African regional policy frameworks and recommendations:

- The 2004 **AU Plan of Action on Employment Promotion and Poverty Alleviation** pressing for equity in international governance and for facilitating labour migration in Africa.
- The 2006 **AU Migration Policy Framework** that devotes a main chapter to Labour Migration.
- The **AU Social Policy Framework** of 2008 that recommended regional integration and collaboration of social security schemes in Africa to ensure benefits of labour circulation.
- The **AU Plan of Action on Boosting Intra African Trade** (2012) recognizing the key role of free movement of people and labour migration regulation. Regional agreements are deemed central to developing and facilitating regional labour migration.
- The **AU Labour and Social Affairs Commission** that considers regional labour migration as an important factor in sustainable development and regional integration
- The 9th Ordinary Session of the **AU Labour and Social Affairs Commission** (April 2013), that adopted the Youth and Women Employment Pact including “Promotion of regional and sub-regional labour mobility”. The Pact called for an AU and RECs Labour Migration Plan.
- The **AUC Strategic Plan 2014-2017** pursuing the strategy to “Promote labour migration to support cross border investment and to fill the skills gap”.
- The **Joint Africa-EU Declaration on migration and Development**, Tripoli, 22-23 November 2006.
- The **Joint Africa EU Strategy (JAES) Action Plan Partnership on Migration, Mobility and Employment** (MME).

Priority Challenges for Action

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

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

International technical support and capacity building

The December 2013 consultation, the resulting proposal took stock of considerable support ILO and IOM have provided over the last decade in Africa on governance of labour migration. It also noted the technical cooperation and capacity building projects which have been implemented on labour migration in Africa. Current initiatives include a large EC-supported project on labour migration, border management and trafficking in West Africa implemented by IOM with ILO and ICMPD, on-going ILO and IOM work with SADC on policy, data and social security and recent regional migration governance initiative being implemented by IOM and IGAD which is funded by the Swiss government.

Vetting by African tripartite constituents

Based on the December 2013 consultation, the draft programme document was developed and presented to an expert working group and subsequently in plenary at the Special Session of the Africa Labour and Social Affairs Commission held in Windhoek 22-24 April 2014. Expert and constituent inputs amply validated the proposed programme and all of its components. Constituents contributed suggestions to fine-tuning the programme activity to their specific realities and needs. These were subsequently incorporated in revised programme documents.

10. Prof Maurius Olivier, in his capacity as EU consultant, reported on SADC initiatives; particularly on social security.



Programme Goals, Objectives and Activities

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

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

This initial four year programme recognizes that achievement of its objectives requires a coherent and sustained effort over many more years. This programme demonstrates incremental value by building on and complementing past and current interventions, and serves as a basis for longer term interventions aligned with the Ouagadougou + 10 (2014-2024) plan of action.

Project actions focus on knowledge sharing combined with advisory services, training, advocacy, and technical assistance to RECs and mobilization of government, economic actor, civil society private sector and public opinion to promote progress on regional integration and development.

The programme is logically organized in two major and complementary parts: Component 1 on **Labour Migration Governance** and Component 2 on **Operational Implementation of law and policy**.

Activity areas and action outputs include:

1. Strengthened governance and regulation of labour migration and mobility in Africa

1.1 Increased ratification and domestication of international standards

1. Rapid assessments regarding ratification and/or extent of enactment.
2. Action strategies and country advice on national legislation alignment.
3. Technical advisory services on ratification and legislative domestication.

1.2 Implementation of free circulation regimes in RECs and adoption of national policy

1. Rapid assessments on state of play of implementation.
2. Technical advisory services to concerned REC member states
3. Elaboration of national labour migration policy frameworks
4. Facilitation of harmonized labour codes in RECs.

1.3 Expanded engagement of labour institutions in labour migration governance

1. Inventory existing governance responsibilities; evaluate policy and training needs.
2. Foster focal points/units/departments in labour institutions on labour migration/mobility
3. Provide training and capacity building for labour institutions and social partners

1.4 Tripartite Policy Dialogue and coordination at national, REC and Continental level

1. Inventory existing tripartite mechanisms, encourage national initiatives
2. Strengthening REC social dialogue mechanisms on migration where exist
3. Operationalization of REC mechanisms where nonexistent.
4. Definition and convening of regional tripartite mechanism on labour migration.

2. Operational Implementation of law and policy

2.1 Decent Work for migrants with effective application of labour standards

1. Wider application of International Labour Standards
2. Promote occupational safety and health (OSH) for migrants
3. Enhance capacity for labour inspection where migrants are working.
4. Support elaboration of national action plans against racism, xenophobia, discrimination

2.2 Extension of Social Security coverage to migrants

1. Facilitate national unilateral measures to extend social security coverage and portability
2. Harmonization of social security access regimes in regional integration spaces
3. Facilitate cooperation between social security agencies
4. Promote implementation of ILO C-102 (social security) C-118 (portability).

2.3 Resolution of skills shortages and increased recognition of qualifications

1. Facilitate updating and expansion of technical and vocational education and training
2. Support processes to harmonize qualifications and training standards
3. Facilitate dialogue, exchange and cooperation among training institutions and actors
4. Interface with existing harmonization efforts and lessons learnt from processes in RECs

2.4 Obtaining relevant and comparable labour migration and labour market data

1. Baseline assessment of existing data collection activities and content
2. Obtain agreements on utilization of international labour migration database indicators
3. Facilitate data sharing and coordination among national and REC institutions concerned
4. Interface data with international labour market and labour migration databases
5. Provide training in collaboration with African Labour Administration Centres

Actors and Their Roles

The initial project is implemented by a Consortium of Partners under the lead of the African Union Commission along with the International Labour

Organization (ILO), the International Organization for Migration (IOM) and the UN Economic Commission for Africa (ECA).

The AUC provides overall vision and political perspective for the project, mobilizing consultation with and participation by the respective Regional Economic Communities. ILO is responsible for general conceptual and technical oversight, guidance and operational support as a co-lead agency. IOM contributes knowledge and expertise in areas of migration policy, governance and practical operations and engages its field offices. ECA contributes expertise, knowledge and advisory services in relevant thematic areas. The RECs are key participants in programme activity as well as in overall coordination and governance.

Stakeholders

The Member States, economic actors of Africa (private sector employers and workers) and Regional Economic Communities, migrants and their families as well as migrant organizations, and the peoples of the region are the beneficiaries and stakeholders in free movement and migration. The immediate stakeholders in this programme are the RECs; social partner institutions; relevant national government institutions; concerned civil society organizations; and the private sector.

Project governance, communications and monitoring

A governing and management structure will ensure *good governance*. A Programme Coordination Council (PCC) will provide overall guidance and supervision. At the operational level, a Project Support Unit (PSU) will coordinate and execute implementation of activities. It's members will include managerial and technical staff of the project as well as representatives of the four cooperating agencies (AU, ILO, IOM and ECA). The team will be complemented by a labour migration officer in each REC.

A communication strategy will enable adequate programme outreach to stakeholders and the wider public. Permanent follow up and assessment will be conducted by the programme coordination team.

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

In conclusion:

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

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