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SITUATION ANALYSIS

Development of Labour Migration Policy and Action Plan
for the Republic of South Sudan

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for the Republic of South Sudan**

► FOREWORD

Migration has long been a defining element of the East and Horn of Africa, and in recent years, labour migration has emerged as a key factor in both regional integration and socio-economic development. For the Republic of South Sudan, which continues to traverse the complexities of state-building and post-conflict recovery, labour migration presents both significant opportunities and critical challenges. With a young population, limited formal employment opportunities, and a high level of informality in the labour market, the effective governance of labour migration is essential to achieving inclusive growth, decent work, and national resilience.

This Situational Analysis forms a cornerstone in South Sudan's efforts to develop its National Labour Migration Policy and Action Plan. It has been produced with the technical assistance of the International Labour Organization (ILO) under the Better Regional Migration Management (BRMM) programme, which is generously funded by the UK Foreign, Commonwealth and Development Office (FCDO) of the United Kingdom. The report provides a comprehensive overview of labour migration dynamics in South Sudan and offers a critical evidence base upon which future policy and legislative action will be built.

The analysis was conducted through a rigorous review of national, regional, and international instruments, as well as extensive consultations with key stakeholders, including government ministries, workers' and employers' organizations, civil society actors, private employment agencies and development partners. It captures the current state of labour migration into and out of South Sudan, identifies institutional and capacity gaps, and sheds light on the existing legal and policy landscape. The report also highlights the urgent need for improved

data systems, greater inter-agency coordination, and a more inclusive and rights-based approach to labour migration governance.

Despite the numerous constraints facing South Sudan, including limited institutional capacity, inconsistent data, and fragile infrastructure, this report highlights the country's commitment to establishing a well-regulated and development-oriented labour migration framework. It calls for enhanced institutional roles, strengthened legal frameworks, and alignment with international labour standards and regional migration protocols, including those of the African Union, EAC and IGAD. It also advocates for increased investment in data generation systems, such as the Labour Market Information System, and improved support for migrant workers through fair recruitment practices and social protection measures.

As South Sudan develops its first National Labour Migration Policy and Action Plan, this *Situational Analysis* will serve as a crucial guiding document. It offers a clear roadmap for stakeholders and provides the analytical grounding necessary to ensure that future policies are not only responsive to South Sudan's specific context but also aligned with international principles of dignity, equity, and social justice.

We would like to take this opportunity to extend our gratitude and appreciation to the institutions that provided the valuable information used for this report. We would also like to thank Mr. Okech-Owiti, the consultant who worked on this report. Our appreciation also goes to the Foreign, Commonwealth and Development Office (FCDO) of the United Kingdom for funding the ILO Better Regional Migration Management, through which this data sources assessment was conducted.


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► Abbreviations and acronyms

AfDB	African Development Bank
ARCSS	Agreement on the Resolution of the Conflict in the Republic of South Sudan
AU	African Union
CEDAW	Convention on the Elimination of Discrimination Against Women
DRC	Democratic Republic of Congo
EAC	East African Community
EASS	Employers Association of South Sudan
FAO	(UN) Food and Agriculture Organization
GCM	Global Compact for Safe, Orderly and Regular Migration
GDP	Gross Domestic Product
GIZ	German Corporation for International Cooperation
GOSS	Government of the Republic of South Sudan
HIV/AIDS	Human Immuno-deficiency Virus/Acquired Immune Deficiency Syndrome
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IDPs	Internally Displaced Persons
IES	Imatong Employment Solutions
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
IOM	International Organization for Migration
IT	Information Technology
MoFP	Ministry of Finance and Planning
MOJCA	Ministry of Justice and Constitutional Affairs
MOL	Ministry of Labour
NAC/NCM	National Aliens Committee/National Coordination Mechanism on Migration
NBS	National Bureau of Statistics
NGOs	Non-Governmental Organisations
OCHA (UN)	Office for the Coordination of Humanitarian Affairs
PEAs	Private Employment Agencies
R-ARCSS	Revitalized Agreement on the Resolution of the Conflict in South Sudan
RCC	Relief and Repatriation Commission
RMMS	Regional Mixed Migration Secretariat
R-NDS	Revised National Development Strategy
R-TGoNU	Revitalized Transitional Government of National Unity
RVI	Rift Valley Institute
SSWUF	South Sudan Workers' Trade Union Federation
TGoNU	Transitional Government of National Unity
TVET	Technical Vocational Education and Training
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNICEF	United Nations Children's Fund

1



BACKGROUND AND RATIONALE

South Sudan faces the challenge of institution building, compounded by over half a century of conflict and continued instability. The country's young people encounter enormous and unique challenges, including violent conflict and its consequences, such as migration, displacement, physical and mental health issues, and lost educational opportunities. The Government of the Republic of South Sudan (GOSS) has limited capacity to formulate and implement public policy affecting migration and mobility. Notably, national institution-building occurs within the context of regional and international frameworks and protocols.

According to the *Macrotrends* website,¹ South Sudan's current net migration rate stands at -1.919 per 1000 population in 2024, representing a 9.22% decline from 2023. South Sudanese predominantly remain in the region, rather than joining migration flows to Europe and the Gulf. Many labour migrants in South Sudan originate from neighbouring countries, particularly Kenya, Uganda, Sudan, Ethiopia, Eritrea, and Somalia. They engage in entrepreneurship, construction, hospitality, transport, and banking.² Additionally, the country hosts a significant number of migrant workers from neighbouring countries, working as expatriates, traders, and investors across various sectors. The United Nations Department of Economic and Social Affairs (UNDESA), estimated that approximately 882 252 migrants resided in South Sudan in 2020, primarily from Sudan, Uganda, Democratic Republic of Congo (DRC), Ethiopia and Kenya. However, the actual number is likely higher.

Due to challenges in issuing work permits, most migrants engage in informal work. Simultaneously, strengthening labour migration governance for South Sudanese migrant workers in destination countries remains limited, hindering assessments of regular labour migration benefits, such as remittance flows to South Sudan.

Despite progress in building national and state economic, legislative, and judicial structures, institutions responsible for labour migration management require urgent attention to enhance the state's capacity to address labour migration-related challenges.

To develop a rights-based, gender-sensitive national labour migration policy and action plan tailored to South Sudan's needs, a situational analysis was conducted to provide insights into:

- ▶ Labour migration integration in the national development process and reflects the needs of South Sudan, it was necessary to conduct a situational analysis to provide information on the data available on the extent to which labour migration is integrated in the national development process.
- ▶ Socio-economic conditions, labour migration characteristics, and trends
- ▶ Stakeholder roles, capacities, and institutions governing labour migration
- ▶ Social and legal protection for labour migrants
- ▶ Migration mainstreaming in national development plans and regional/international commitments.

This report presents the situation analysis in five subsequent sections, covering methodology; brief country profile, labour market and migration institutions, labour market and migration policies and legal instruments broad recommendations

1. <https://www.macrotrends.net/countries/SSD/south-sudan/net-migration>

2. An assessment of labour migration and mobility governance in the IGAD region - Country report for South Sudan. <https://researchrepository.ilo.org/esploro/outputs/report/An-assessment-of-labour-migration-and/995218633502676>

2

METHODOLOGY

This situational analysis employed two main methods: a desk study and stakeholder consultations.

► 2.1 Desk Study

The desk study reviewed the following documents:³

- a. Constitutional, policy, legislative and planning documents of GOSS, including: Transitional Constitution of South Sudan; Revised National Development Strategy (2021-2024) - Consolidate Peace and Stabilize the Economy; National Comprehensive Migration Policy (2019); Labour Act, (2017) and regulations, Organizational Chart
- b. Reports, datasets and commentaries on socio-economic status and labour migration governance, including those from: African Development Bank (AfDB), African Union (AU), Intergovernmental Authority on Development (IGAD); ILO-IGAD, ILO, East African Community (EAC), Migration Data Portal, Regional Mixed Migration Secretariat (RMMS), International Organization for Migration (IOM), World Bank Group, United Nations (UN) agencies, including: Office for the Coordination of Humanitarian Affairs (OCHA), UN Children's Fund (UNICEF), UN Security Council, UN Food and Agriculture Organization (FAO); UN Framework Convention on Climate Change (UNFCCC), UN-Habitat, Centre for Research on Multinational Corporations, Maastricht Graduate School of Governance, German Corporation for International Cooperation (GIZ), Rift Valley Institute (RVI), and Microtrends
- c. ILO Conventions and Recommendations.

3. See the list in Appendix 1

► 2.2 Stakeholder consultations

Consultations were conducted in Juba, South Sudan, from September 23-28, 2024, with the following stakeholders:⁴

- a. Ministry of Labour (MoL) (Director of Labour)
- b. Ministry of Labour (Director General, Policy Planning and Labour Statistics)
- c. Ministry of Foreign Affairs and International Cooperation (Acting Director, Regional Organisations)
- d. Technical and Vocational Education and Training TVET (Director General)
- e. Ministry of Gender, Child and Social Welfare (Undersecretary)
- f. Ministry of East African Community Affairs (Deputy Director, Human Resource)
- g. Ministry of Interior (Department of Research and Planning, Directorate of Civil Registry, Nationality, Passports and Immigration (Director))
- h. National Bureau of Statistics (NBS) (Chief, Population and Social Statistics)
- i. Ministry of Humanitarian Affairs, Relief and Repatriation Commission (RCC) (Director of Repatriation)
- j. South Sudan Workers Trade Union Federation (SSWUF)
- k. Private Employment Agencies (PEAs) (Imatong Employment Solutions (IES))
- l. Employers Association of South Sudan (EASS) (General Secretary, Chairman and Director of Information).

Planned consultations with the Ministry of Justice and Constitutional Affairs (MOJCA) (Undersecretary) and the Ministry of Finance and Planning (MoFP) (Undersecretary) were not held due to the unavailability of personnel at the designated times. Furthermore, some stakeholders did not respond to the Data Generation Guide, or indicated that they did not have relevant information.⁵

4. See the list in Appendix 2

5. The brief on the consultations is attached as Appendix 3

3

 BRIEF COUNTRY PROFILE⁶

-
6. This summary is derived from the *Revised National Development Strategy (2021-2024) - Consolidate Peace and Stabilize the Economy*; UN Framework Convention on Climate Change (UNFCCC), *Republic of South Sudan - initial National Communication to the United Nations Framework Convention on Climate Change*; World Bank, *South Sudan Economic Monitor: Towards a Jobs Agenda. Fifth Edition, February 2022*; African Development Bank (AfDB), *Political Economy of South Sudan*; AfDB, *African Economic Outlook 2024: Driving Africa's Transformation - The Reform of the Global Financial Architecture*; Food and Agriculture Organization of the United Nations (FAO), *AQUASTAT Country Profile – South Sudan (2015)*, and UNESCO Institute for Statistics, *SDG4: Country Profiles – South Sudan*

South Sudan gained independence on July 9, 2011, following a referendum in January 2011, in which 98.8% of South Sudanese voted to secede from Sudan. The government subsequently promulgated the Transitional Constitution of the Republic of South Sudan, based on democratic principles, political pluralism, decentralisation and devolution of power. Since independence, the country has been marked by internal armed conflict and peace-building initiatives. The first civil war (2013-2015) ended with signing of the Agreement on the Resolution of the Conflict in South Sudan (ARCSS), creating the Transitional Government of National Unity (TGoNU), representing all major parties and contestants for power. The fragile peace lasted up until 2016 when a second civil war erupted in 2016, causing massive disruption and humanitarian crisis. The Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) was signed in September 2018, leading to the Revitalized Transitional Government of National Unity (R-TGoNU), in February 2020. The R-TGoNU mandate was extended for two years in September 2024.

South Sudan is a land-locked country in Central/East Africa, bordered by the Central African Republic, the Democratic Republic of the Congo, Ethiopia, Kenya, Sudan and Uganda. With a total area of approximately 644,329 square kilometres, 80% of the land is arable and suitable for various agricultural production. However, much of the production is subsistence-based, rain-fed, and engaged in by about 78% of the population. The country relies heavily on oil production, with exports accounting for up to 60% of its GDP and over 95% of government revenue. Although the extractive sector is small, contributing less than 5% of the GDP, South Sudan has abundant mineral resources, including gold, uranium, diamonds, tungsten, mica and iron ore. Manufacturing and construction are underdeveloped, with most goods imported from neighbouring countries. The economy faces challenges such as power shortages, high labour costs, inadequate foreign exchange, and poor infrastructure.

The population is estimated at 13 million, with 70% under the age of 30 and 74% living in rural areas. Poverty is widespread, with 64% of the population living below the poverty line in 2016, increasing to 88% in 2020. In 2016, an estimated 64% of the population lived below the poverty line, lacking such services as quality healthcare, water supply, and education. This situation has worsened over time. In the 2022/2023 period, 7 million people were food insecure, and unemployment stood at 12.5%. The infant mortality rate is estimated at 105 per 1,000 births, and the literacy rate is at 40% for men and 16% for women. On average, only 27 per cent of adults aged 15 and above are literate.

4



LABOUR MIGRATION TRENDS AND DYNAMICS

► 4.1 International migration stock

According to the United Nations Department of Economic and Social Affairs, Population Division's Report for 2020,⁷ South Sudan hosts a total of 882, 252 migrants of all categories, comprising 443, 405 males and 438 847 females. The top countries of origin are Sudan (587 668 migrants), with 285 944 males and 301 724 females, followed by Uganda (151 003) with 77 903 males and 73 100 females and the Democratic Republic of Congo (93 982) with 50 750 male and 43 232 female). Other countries of origin include Ethiopia (13 110), Kenya (9 800), Chad (5 315), Egypt (5 275), Central African Republic (4 690), Nigeria (3 626), Eritrea (3 402), India (1 449), Mali (208), and Libya (156). Other countries of origin are represented by 2 568 migrants (1541 male and 1 027 female).

The Report also states that South Sudan is a country of origin for 2 575 870 migrants, 1 271 104 males and 1 304 766 females. The majority of these migrants are in destination countries in Sub-Saharan Africa (1 648 384), comprising 807 546 males and 840 838 females and Northern Africa and West Asia (911 626), comprising 455 014 males and 456 612 females. The Eastern African region hosts 1 555 176 migrants, with 764 488 males and 790 688 females.

The figures indicate that, generally, there are more male than female migrants, although in some cases, the difference is marginal. Notable exceptions include Sudan and Eastern Africa, where females outnumber males, possibly due to women and girls fleeing conflict. The higher number of females migrating to Northern Africa and West Asia may be attributed to the prevalence of domestic work in the region. The report does not provide any analysis beyond informational notes. The figures for both outgoing and incoming migrants show that, generally, there are more male than female migrants, although in some cases, the difference is marginal. The figures for Sudan (as a country of origin) and Eastern Africa (as a destination region) are exceptions, probably explained by the number of women and girls fleeing the conflict in Sudan and South Sudan, respectively. The higher figures for females going to Northern Africa and West Asia as a region may be the consequence of the preponderance of domestic work in the Arab regions. Whatever the real explanations are, it calls attention to gender issues that may arise as causes for, and in the course of, such migration.

► 4.2 Labour market challenges

The Revised National Development Strategy (R-NDS)⁸ identifies several risks that pose challenges to economic development and labour market expansion in South Sudan. These risks include continuing violent conflict and inter-communal violence, border issues and disputes over oil pipeline rights, the COVID-19 pandemic, the locust invasion and humanitarian crises, and over-reliance on oil production.

Border issues and disputes over oil pipeline rights affect the revenues that accrue to South Sudan, which could be invested in employment generation and expansion of agricultural productivity to improve food security. The COVID-19 pandemic has compounded these challenges, including cross-border restrictions imposed during the pandemic, which is especially significant given South Sudan's landlocked status.

Furthermore, the country is yet to fully recover from the macroeconomic effects of the locust invasion and is affected by humanitarian crises arising from cyclical floods and droughts, conflict, and other factors, contributing to internal displacement and refugee situations in neighbouring countries. An overarching challenge, according to the R-NDS, is over-reliance on oil production as the centrepiece of the economy. This highlights the need for economic diversification and value-chain development in the agricultural, oil and gas, and mining sectors.

These factors have contributed to high levels of poverty, estimated at 80% of the population, based on the poverty line of \$1.90.

7. *International Migrant Stock 2020* [undesapd_2020_ims_stock_by_sex_destination_and_origin, <https://www.un.org/development/desa/pd/content/international-migrant-stock>]

8. At 23-31, 37 and 49-50

The National Aliens Committee/National Coordination Mechanism on Migration (NAC/NCM) analysis reveals that the prolonged conflict in South Sudan has resulted in low levels of education and skills among South Sudanese nationals. This poses a significant barrier to replacing high-skilled foreign workers with South Sudanese nationals in the formal economy, exacerbated by the lack of effective on-the-job skills transfer schemes.

The majority of citizens reside in rural areas, engaging in small-scale subsistence agriculture and livestock rearing, which accounts for less than 15% of the GDP but employs 87% of the labour force and serves as the primary source of income. Furthermore, while 98% of South Sudan's GDP is based on oil revenues, most jobs in the sector are held by high-skilled foreign workers.⁹

The World Bank Economic Monitor for South Sudan¹⁰ indicates that approximately 88% of rural households rely on food sector activities for their livelihood, and around 60% also depend on livestock rearing for food and income generation. Other livelihoods include brewing, selling, firewood, food aid, and hunting and gathering. However, agricultural productivity per hectare is relatively low, estimated at slightly above 50% (US\$ 67) of the world figure of US\$ 103.¹¹

In urban areas, 46% of the population is self-employed, while 27% support household-run business activities. The service sector employs around 50% of urban workers, with urban agriculture providing approximately 37% of jobs. A larger proportion of households rely on the public sector and NGOs (16%) than the 5% which relies on wage labour in for-profit companies.¹²

According to the Report, South Sudan's key development challenge is consolidating peace and utilising oil revenues to develop a sustainable economy, which necessitates policy development for development and decent *job opportunities*.¹³ To address this challenge, the Report recommends that the government implement policy measures to curb inflation, revive demand, and ease fees to create jobs in the short term. These measures include immediate livelihood support to encourage the recovery of agricultural production and increase opportunities for young urban workers in the sector, support for recovery of business activities for individual, household, and co-operative productive activities through cash grants and complementary psycho support, and priority.¹⁴

Finally, the latest African Development Bank (AfDB's) assessment¹⁵ paints a picture that poses a challenge for the labour market. According to the assessment, the Sudan armed conflict has increased the cost of oil production; persistent floods have damaged some oil fields; production in the agriculture sector remained stagnant, mainly due to the floods; poverty levels remain high; 7 million people are food insecure; unemployment increased from 12% in 2022 to 12.5% in 2023, and, there were more than 41,000 refugees from Sudan and more than 290,000 ('million' - sic) returnees in October 2023, putting a strain on the system's capacity for re-integration. In addition, the industry sector's (largely oil and mining) share of GDP dropped from 56.8% in 2012 to 41.6 % in 2022 (driven by the impact on oil production of war-damaged oil infrastructure). The share of services in GDP increased from 39.1% to 52.5%; manufacturing accounted for an average of 2% of GDP in 2022; industry employed about 13% of the workforce, and services about 25%; and agriculture's share of GDP increased from 4.1% in 2012 to 6.0% in 2022. Overall, the assessment projects that real GDP will contract by 5% in 2023/24 owing to the decrease in oil production caused by vandalism of oil pipelines.¹⁶

9. *National Comprehensive Migration Policy*, 2019, 17-18

10. *South Sudan Economic Monitor: Towards a Jobs Agenda*. Fifth Edition, February 2022, a <https://documents1.worldbank.org/curated/en/099650002152233681/pdf/P1737580e2efa4025093600b8be2b53aa10.pdf>

11. See above, at 39

12. At 41

13. At 53 (emphasis ours)

14. At 53-54

15. *AfDB: African Economic Outlook 2024: Driving Africa's Transformation - The Reform of the Global Financial Architecture*, at https://www.afdb.org/sites/default/files/2024/06/06/aeo_2024_-_country_notes.pdf

16. At 210

► 4.3 Labour migration

The National Bureau of Statistics is nascent and is in the process of establishing data generation, compilation, analysis, presentation and distribution/dissemination systems and mechanisms. The Bureau was not able to provide information on migrant workers going out of South Sudan to other countries in the periods of July-December 2023 and July -August 2024, returnees, or remittances. It was in the process of generating and collating the data. For those coming into the country, it provided the figures of 4,710 and 2,596 for the respective periods, with the countries of origin in both cases being Kenya, India and China. We are aware, from other sources, that migrant workers come from other countries in the IGAD region, including Djibouti, DRC, Ethiopia, and Uganda. In addition, figures from the Department of Labour differed substantially, particularly because they lumped together migrant workers and refugees, making it difficult to conduct any comparative analysis, apart from the fact that the data was not self-generated but derived from other (UN) organisations, and was dated and not gender/age disaggregated. In effect, there was no mechanism for coordinated data recording and generation, and ensuring coherence of the data within the government.

The Bureau also stated that the *South Sudan Pilots Labour Market Information System for the Collation of Labour Migration Data and Information* was launched in 2022 with the support of the IOM, but that it had not been operationalised due to inadequacy of resources.¹⁷

Study reports on labour migration in South Sudan decry the dearth or outdated nature of data on labour migration but, nevertheless, make comments on the general dynamics. IGAD's and ILO's assessments¹⁸ indicate that, despite the conflicts in, and fragility of, the country, it receives migrant workers from its neighbouring countries, DRC, Kenya, Eritrea, Ethiopia, Somalia, Uganda, and Sudan, with estimates ranging from 500 000 to 800 000. These figures far surpass the level of work permits issued (estimated at 4,000) by far, suggesting that the majority of migrant workers are irregular. The migrant workers are engaged in a variety of sectors, including importation and sale of fuel (Somali from Somalia and Kenya); transport and hotel (Eritreans); hospitality and hotels (Ethiopians and Indians); banking (Kenyans); mechanics, market traders, mechanics, fruit sellers, and street peddlers (Ugandans); the oil sector (Chinese); and Information Technology (IT) (Indians).¹⁹ Migrant workers from South Sudan working in the IGAD region work in small businesses, supermarkets, agriculture, construction, and as teachers, and also as domestic workers (in Egypt and the Sudan).

With respect to stakeholder consultations in South Sudan, the most significant finding is that there is a serious paucity of information/data on labour migration, generally, and trends, in particular. The little information available suffered from three severe short-comings: (a) The information was derived from reports of international organisations, especially UN-based, rather than being generated through mechanisms established by the government; (b) The information was largely

17. See *South Sudan Pilots Labour Market Information System for the Collation of Labour Migration Data and Information*:

'Juba, South Sudan - The Government of South Sudan, with the support from IOM – UN Migration Agency, have launched the piloting of Labour Market Information System (LMIS), a virtual tool that allows the production, storage, dissemination, and use of information on the Labour market. The system will also contribute to the knowledge of labour migration indicators in the country, as well as the formulation of evidence-based policies and strategies.

The Labour Market Information System (LMIS), when formally operationalised in South Sudan will be instrumental in supporting government and development actors including humanitarian and private sectors, in understanding South Sudan's labour market, diaspora, and private sector engagement to match the supply and demand of Labour force through a whole-of-government whole-of-society approach.'

(News, Local, 06 December 2022), at <https://eastandhornofafrica.iom.int/news/south-sudan-pilots-labour-market-information-system-collation-labour-migration-data-and-information>

18. IGAD, (a) *An assessment of labour migration and mobility governance in the IGAD region: Regional Report*, at <https://www.ilo.org/publications/assessment-labour-migration-and-mobility-governance-igad-region-regional-1>, and (b) *An assessment of labour migration and mobility governance in the IGAD region Country report for South Sudan*, at <https://researchrepository.ilo.org/esploro/outputs/report/An-assessment-of-labour-migration-and/995218633502676>; and IGAD and ILO, *Labour Market Assessment with focus on Migrant workers from the IGAD region – Country Report for South Sudan*, at <https://researchrepository.ilo.org/esploro/outputs/report/An-assessment-of-labour-migration-and/995218633502676>

19. IGAD (a), at 14 and (b) at 15; IGAD and ILO, at 16-19

outdated and not reflect recent or current trends (c) The limited information provided by different governmental institutions was inconsistent.²⁰

This state of affairs, inevitably, calls for:

- a. A broad-based process and mechanisms for the collection, collation, analysis, presentation, reporting and dissemination of evidence-based (scientific) labour migration data.
- b. Cooperation and coordination among all stakeholders in the process of data generation recording, analysis, keeping and dissemination.

► 4.4 Fair Recruitment and Remittances

4.4.1 Fair Recruitment

The General Principles and Operational Guidelines for Fair Recruitment and the Definition of Recruitment Fees and Related Costs²¹ underpin the responsibilities imposed on governments, enterprises and public employment services, and recruiters, whether private or public. Overall, they require that: recruitment respects, protects and fulfils internationally recognised human rights and responds to established labour market needs; legislation and policies on employment and recruitment are non-discriminatory; recruitment takes into account policies and practices that promote efficiency, transparency and protection for workers; regulation of employment and recruitment activities are clear, transparent, and are effectively enforced, respecting applicable national laws, regulations, employment contracts, collective agreements of countries of origin, transit, and destination, and internationally recognised human rights, and that no recruitment fees or related costs are charged or borne by workers or job seekers. Related costs include medical costs, insurance costs, costs for skills and qualification tests, costs for training and orientation, equipment, travel, lodging, and administration. Apart from the relevant provisions of the Labour Act and Regulations for Private Employment Agencies made under it, there is no policy or legislative regime that addresses fair recruitment.

4.4.2 Remittances

Information on remittances is scarce. Reports on the extent to which remittances from labour migrants contribute to national resources in particular, and development, in general, are, to our knowledge, non-existent. The two reports that we have found, which address this issue in general,²² have two different parameters. The first deals with remittances for international labour migrants, generally, and the second for remittances from the IGAD region. However, they both record a general increase from 2010 to 2019 but do not provide any other comparison that can lead to an analysis of contributions to development. Other reports deal with contributions of South Sudanese diaspora in Australia²³ and the general contribution²⁴ of labour migrants, but with hardly comparable data.

20. This has been pointed out in the Consultations Mission Brief, which is attached to this report

21. International Labour Office - Fundamental Principles and Rights at Work Branch, Labour Migration Branch – Geneva: ILO, 2019

22. AU, *Report on Labour Migration Statistics in Africa*, Third Edition (2019), at [https://www.google.com/search?q=Report+on+Labour+Migration+Statistics+in+Africa%2C+Third+Edition+\(2019&og=Report+on+Labour+Migration+Statistics+in+Africa%2C+Third+Edition+\(2019&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIBCDI0OTN-qMGo3qAIIsAIB&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=Report+on+Labour+Migration+Statistics+in+Africa%2C+Third+Edition+(2019&og=Report+on+Labour+Migration+Statistics+in+Africa%2C+Third+Edition+(2019&gs_lcrp=EgZjaHJvbWUyBggAEEUYOdIBCDI0OTN-qMGo3qAIIsAIB&sourceid=chrome&ie=UTF-8), and IGAD, *Migration Statistics Report October 2021*, at <https://igad.int/wp-content/uploads/2022/05/IGAD-english-digital-2022-1.pdf>

23. *Remittances and Diaspora Engagement in South Sudan: A policy research with a focus on the South Sudanese community in Australia*, at <https://publications.iom.int/books/remittances-and-diaspora-engagement-south-sudan>

24. World Bank, *Annual remittances data (updated as of October 2019)*.

5



LABOUR MARKET AND MIGRATION INSTITUTIONS

From the discussions during the consultations, it was clear that the identified stakeholders were aware of most of those who were stakeholders in migration, in general, and those in labour migration governance, in particular. Those identified are listed below. The ‘whole-of-government’ approach requires that every government agency be cognisant of and participate in matters related to migration and labour migration, labour being the source of national and global wealth.

The identified stakeholders include:

a. Government agencies

- i. Ministry of Interior, Directorate (Department) of Nationality, Passports and Immigration, considered the lead institution²⁵
- ii. Ministry of Justice and Constitutional Affairs
- iii. Ministry of Labour
- iv. Ministry of Foreign Affairs and International Cooperation
- v. Ministry of National Security Services
- vi. National Bureau of Statistics
- vii. Commission for Refugee Affairs
- viii. Ministry of Gender, Child and Social Welfare
- ix. Ministry of Finance and Planning
- x. Ministry of East African Community Affairs
- xi. Ministry of General Education
- xii. Ministry of Humanitarian Affairs and Disaster Management
- xiii. Ministry of Wildlife Conservation and Tourism
- xiv. South Sudan Human Rights Commission
- xv. Relief and Rehabilitation Commission
- xvi. Parliamentarians/Senators
- b. Workers Organisation
- c. Employers organisation
- d. Migrant workers and migrant workers associations
- e. Civil society organisations
- f. Organisations of women; youth; persons with disabilities; minorities, and marginalised social groups
- g. Academia
- h. Private Employment Agencies
- i. Private Sector
- j. Financial sector

25. Mandated by section 29 of the Passports and Immigration Act, and the National Aliens Committee Procedures Regulations, 2013 (as amended in 2016), which give the National Coordination Committee/National Coordination Mechanism (NAC/NCM) the authority and mandate to develop and formulate migration-related policies and strategies. The NAC/NCM has the important function to coordinate the actions of the more than 20 different government institutions with mandates related to aspects of migration

This list of perceived stakeholders is not, however, fully reflected in the current roles and responsibilities for labour migration governance. Under the Passports and Immigration Act, 2011, the Ministry of Interior, Directorate of Nationality, Passports and Immigration, is the lead agency in migration governance. Within the government, the National Aliens Committee/National Coordination Mechanism (NAC/NCM) coordinates interagency collaboration on migration under Section 29 of the Act and the NAC Procedures Regulations, 2013 (as amended in 2016). The NAC/NCM is mandated to develop and formulate migration-related policies and strategies. The agencies coordinated by the NAC/NCM include: the Ministry of Justice, Ministry of Labour, Ministry of Foreign Affairs and International Cooperation, Ministry of Interior's Department of Nationality, Passport and Immigration, Ministry of Security, South Sudan National Police Service, National Bureau of Statistics, Commission for Refugee Affairs, Ministry of Humanitarian Affairs and Disaster Management, Ministry of Wildlife Conservation and Tourism, Ministry of Trade Industry and East Africa Affairs, Ministry of Health, Ministry of Environment and Forestry, National Human Rights Commission, Judiciary, Parliamentary sub-Committees, Central Bank of South Sudan, University of Juba, the Diaspora Desk/Office, and civil society stakeholders, including Diaspora Associations and Migrant Associations. In addition, under the Act and the Nationality Act, 2011, the Directorate of Nationality, Passports and Immigration (DNPI), has the authority and mandate for the administration and enforcement of immigration, passport and nationality laws.²⁶ The Ministry of Labour's role in respect of labour migration is the issue of work permits.

A number of perceived stakeholders in labour migration governance are not included in this framework. Notable among them are social partners (workers and employers organisations); the Ministry of Justice and Constitutional Affairs, private employment agencies, specific organisations of women, youth, persons with disabilities, minorities, and marginalised social groups, and private sector institutions, including the financial sub-sector. Academia is limited to representation from the University of Juba.

The approach taken emphasises general migration and the attendant security of the country's borders; hence, the lead position taken by the Ministry of the Interior. A recognition of the significance of labour migration's contribution to national economic development would provide a different perspective, giving either the Ministry of Labour the lead role due to the labour component, or the Ministry of Foreign Affairs and International Cooperation and that of Finance and Planning owing to their respective roles in cross-border movement and protection, and remittances. As noted, the existing governance framework is based on specific legislation. Thus, reviewing the legislation will require an initial change in the approach and perspective to that of labour migration governance as, first and foremost, a labour issue based on free movement of labour, and protection of migrant workers, both incoming and outgoing.

26. See also the *Comprehensive Migration Policy*, 12-13

6



LABOUR MARKET AND MIGRATION POLICIES, AND LEGAL AND OTHER INSTRUMENTS

This section summarises the international and regional frameworks for labour migration and then discusses the national framework and the extent of internal and external coherence.

► 6.1 International Human Rights Standards

At the broad international level, several instruments provide human rights standards and agreements relevant to labour migrants. These include:

- a. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)*, 1990, which aims to promote equitable legal conditions and treatment of migrant workers and members of their families, and the development and implementation of relevant policies.
- b. *Convention on the Elimination of Discrimination Against Women (CEDAW)*, 1979, which advocates for equality of treatment and non-discrimination of women, and under which recommendations have been made calling for gender-sensitive and rights-based policies on migration which facilitate women migrant workers' access to work opportunities and safe migration
- c. *Global Compact for Safe, Orderly and Regular Migration (GCM)*, 2018, which calls for policies and actions promoting regular migration; fair and ethical recruitment, decent work, inclusion, and social cohesion of migrants, skills development and mutual recognition of skills; portability of social security entitlements, and safe return and readmission.

► 6.2 ILO standards and principles

The following ILO Conventions and Recommendations are directly relevant to labour migration:

- a. Migration for Employment Convention (Revised), 1949 (No. 97)
- b. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- c. Migration for Employment Recommendation (Revised), 1949 (No. 86)
- d. Migrant Workers Recommendation, 1975 (No.155)
- e. Private Employment Agencies Convention, 1997 (No. 181).

These instruments operate within the context of the five categories of fundamental principles and rights contained in the Core Conventions, as follows:

- a. Freedom of Association and the Right to Collective Bargaining: *Freedom of Association and Protection of the Right to Organise Convention*, 1948 (No. 87) and *Right to Organise and Collective Bargaining Convention*, 1949 (No. 98)
- b. Elimination of Forced and Compulsory Labour: *Forced Labour Convention*, 1930 (No. 29) and *Abolition of Forced Labour Convention*, 1957 (No. 105)
- c. Abolition of Child Labour: *Minimum Age Convention*, 1973 (No. 138) and *Worst Forms of Child Labour Convention*, 1999 (No. 182)
- d. Elimination of Discrimination at the Workplace: *Equal Remuneration Convention*, 1951 (No. 100) and *Discrimination (Employment and Occupation) Convention*, 1958 (No. 111)
- e. Occupational Safety and Health: *Occupational Safety and Health (OSH) Convention*, 1981 (No. 155) and *Promotional Framework for Occupational Safety and Health (OSH) Convention*, 2006 (No. 187).²⁷

27. There are other ('Technical') Conventions that are relevant to specific thematic areas and employment sectors

In addition, ILO has developed non-binding principles relevant to labour migration, including: *Multilateral Framework on Labour Migration: Non-binding Principles and Guidelines for a Rights-Based Approach to Labour Migration*, *General Principles and Operational Guidelines for Fair Recruitment and Definition on Recruitment Fees and Related Costs*, and *Guiding Principles on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market*.

► 6.3 Trafficking-in-persons and smuggling

Two other international instruments are important in the context of labour migration. These are the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)*, which supplements the United Nations *Convention against Transnational Organized Crime* and requires countries to implement measures to prevent and punish smuggling in persons, and the *Protocol against Smuggling of Migrants by Land, Sea and Air (2000)*, which aims to prevent and punish smuggling of humans as cargo.

► 6.4 African, IGAD and East African Protocols and other instruments

The AU, IGAD and the EAC, of which South Sudan is a member, have adopted protocols and instruments relevant to labour migration. The *Protocol on Free Movement of Persons in Africa (2018)*²⁸ aims to promote trade and labour mobility within Africa, protect the fundamental rights of migrant workers and their families, and ensure the recording and documentation of migrants and production of migration data. The *Migration Policy Framework for Africa (MPFA) and Plan of Action (2018 – 2030)*²⁹ provides a strategic framework for managing migration, covering governance, labour migration and education, diaspora engagement, border management, irregular and internal migration, forced displacement, and migration.

Significantly, the MPFA calls for labour migration policies, structures, and legislation that create open and accountable labour recruitment and admissions systems, align laws, policies, and regulations with bilateral and multilateral agreements and other instruments, and apply ILO principles and operational guidelines for fair recruitment. Furthermore, the MPFA emphasises the importance of monitoring and enforcement of compliance with recruitment regulations, as well as the promotion of consolidation and professionalization in the recruitment industry. Additionally, the MPFA addresses a host of cross-cutting issues, including migration and development, human rights, gender, and the environment.

The *AU Guidelines on Developing Bilateral Labour Agreements (BLAs) 2021*³⁰ aim to provide a model template and guidelines for policymakers and practitioners to develop BLAs and MoUs based on global, international and regional frameworks and instruments on human and labour rights, migration policy frameworks, and good practices. The guidelines also aim to address gaps in existing BLAs in migrant protection and labour migration governance, and propose an African template and guidelines that complement where needed and promote implementation of the AU Protocol on Free Movement and regional instruments.

28. *Protocol to the Treaty establishing the African Economic Community relating to the Free Movement of Persons, Right of Residence and Right of Establishment*

29. African Union Commission, May 2018, Addis Ababa

30. April 2022, Addis Ababa, with the theme 'Building forward Better Well Being and Living Standards in Africa'

IGAD has adopted three instruments relevant to labour migration. The *Protocol on Free Movement of Persons in the IGAD Region*³¹ provides for free movement of persons, granting citizens of a Member State the right to enter, stay, move freely, study, work, establish business, and exit the host Member State in accordance with the laws of that Member State. Part IV of the Protocol provides for the right to work and be accompanied by one's spouse and children (Article 9), as well as the supporting requirement for harmonization, mutual recognition and accreditation of qualifications and skills' (Article 10). The *IGAD Regional Migration Policy Framework*³² covers similar issues as the MPFA. The *IGAD Regional Guidelines on Rights-based Labour Migration Agreements (BLAs)* aims to provide practical guidelines for IGAD countries in developing and implementing BLAs, articulate the elements for a common IGAD framework on BLAs, support realisation of the recommendations of the IGAD and African Union Migration Policy Frameworks, and contribute to the broader global knowledge on BLAs based on rights-based approaches.

The EAC Common Market Protocol provides for workers to work in any member state without discrimination on the basis of nationality, enjoy the right to social security benefits, and be accompanied by a spouse and children.

► 6.5 Ratifications and signatures

The table below lists ILO Conventions and their ratification status, as well as AU, IGAD and EAC Protocols and the state of signatures and ratifications. It should be noted that, in the materials accessed, there is no clarity regarding 'signature' and 'ratification' with regard to some of the protocols. Technically, Protocols are subject to ratification since they are additions to or modifications of treaties or conventions. Thus, international law makes a distinction between signature and ratification, meaning that the former still requires the latter process. In practical terms, clarification on this issue will be sought from relevant stakeholders during validation.

31. Adopted on 26 February 2020 in Khartoum, Sudan

32. Adopted by the 45th Ordinary Session of the IGAD Council of Ministers, July 11th, 2012, Addis Ababa, Ethiopia

S/No.	Instrument	Status (Date of ratification ³³ or signature)
ILO Fundamental Principles and Rights at Work		
1.	Forced Labour Convention, 1930 (No. 29)	Ratified (April 29, 2012)
2.	Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	Ratified (April 29, 2012)
3.	Equal Remuneration Convention, 1951 (No. 100)	Ratified (April 29, 2012)
4.	Abolition of Forced Labour Convention, 1957 (No. 105)	Ratified (April 29, 2012)
5.	Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	Ratified (April 29, 2012)
6.	Minimum Age Convention, 1973 (No. 138)	Ratified (April 29, 2012)
7.	Worst Forms of Child Labour Convention, 1999 (No. 182)	Ratified (April 29, 2012)
8.	Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	Not ratified
9.	Occupational Safety and Health (OSH) Convention, 1981 (No. 155)	Not ratified
10.	Promotional Framework for Occupational Safety and Health (OSH) Convention, 2006 (No. 187)	Not ratified
Other relevant ILO Conventions		
11.	Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)	Not ratified
12.	Migration for Employment Convention (Revised), 1949 (No. 97)	Not ratified
13.	Social Security (Minimum Standards) Convention, 1952 (No. 102)	Not ratified
14.	Equality of Treatment (Social Security) Convention, 1962 (No. 118)	Not ratified
15.	Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Not ratified
16.	Maintenance of Social Security Rights Convention, 1982 (No.157)	Not ratified
17.	Domestic Workers Convention, 2011 (No.189)	Not ratified
AU, IGAD and EAC Protocols		
18.	Protocol on Free Movement of Persons in Africa	Not ratified (Signed on 21/02/2018 ³⁴)
19.	Protocol on Free Movement of Persons in the IGAD Region	Not ratified (Signed ³⁵)
20.	EAC Common Market Protocol	Not ratified

33. See https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:2697100

34. [au.int/sites/default/files/treaties/36403-sl-PROTOCOL TO THE TREATY ESTABLISHING THE AFRICAN ECONOMIC COMMUNITY RELATING TO FREE MOVEMENT OF PERSONS-1.pdf](http://au.int/sites/default/files/treaties/36403-sl-PROTOCOL%20TO%20THE%20TREATY%20ESTABLISHING%20THE%20AFRICAN%20ECONOMIC%20COMMUNITY%20RELATING%20TO%20FREE%20MOVEMENT%20OF%20PERSONS-1.pdf)

35. <https://english.news.cn/africa/20220618/efc4432680dc4b0383c0cf24c200fb79/c.html>

► 6.6 The National Policy, Legal and Planning Frameworks

During the consultations, the MoL indicated that certain ILO Conventions have been domesticated through the Labour Act, 2017,³⁶ and various regulations, including the Occupational Safety and Health (2022), Social Security Funds (2023), Labour (2023), and Private Employment Agencies (2023). However, it was noted that these regulations were still in the process of being finalised and implemented.

6.6.1 Revised National Development Strategy, 2021-2024

The Revised National Development Strategy (R-NDS) for 2021-2024 was developed by the Revitalized Government of National Unity (R-TGoNU) following the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), replacing the National Development Strategy (NDS) 2018-2021. The Ministry of Finance, and Planning led the revision.

The R-NDS comprises five clusters: governance, economic, services (social development), infrastructure, and gender and youth as cross-cutting. Each cluster has a set of goals and strategic objectives. Although the R-NDS reference regional dynamics and the Africa Continental Free Trade Area, to which South Sudan is a party, it does not substantively address labour migration's role and potential in the country's economic development.³⁷

6.6.2 Transitional Constitution, 2011

The Transitional Constitution replaced the Interim Constitution of South Sudan, promulgated in 2005. The Constitution's provisions are generally generic. However, they mention the principal objective of economic development, attainment of the Millennium Development Goals, and a decent standard of life for South Sudan's people (Article 37). They also reference foreign policy objectives, including promoting international cooperation, African economic integration, regional economic cooperation, and combating transnational organised crime (Article 43). Additionally, the Constitution establishes the National Bureau of Statistics to collect, compile, analyse and publish statistical information on economic, social, demographic, environmental, and general activities and conditions in South Sudan (Article 191). It also grants the National Government authority over nationality, naturalisation, passports and visas, immigration, and aliens (Schedule A). These provisions relate to labour migration governance and the rights of labour migrants but do not specifically address labour migration.

6.6.3 National Comprehensive Migration Policy, 2019

The National Comprehensive Migration Policy (2019) was developed by the National Aliens Committee/National Coordination Mechanism on Migration. The policy's objectives are:

- a. To develop a comprehensive framework for border management and the governance of free movement by improving mobility governance, border management, cross-border cooperation, and visa regimes addressing statelessness.
- b. To promote regular labour migration for socio-economic development by addressing irregular labour migration, labour market gaps, and promoting regular labour emigration.

36. We comment of the Labour Act below

37. See pp. 27 and 47-50

- c. To manage forced migration and provide adequate support to victims by addressing forced migration, supporting migrants in distress, and promoting transitional and durable solutions for refugees, internally displaced persons, and others. This also includes supporting the social and economic reintegration of forced migrants and combatting human trafficking and smuggling of migrants
- d. To promote migration and development by mobilising the diaspora, reaping development benefits of remittances, and facilitating reintegration of returning labour migrants.

Although all four policy objectives are relevant to labour migration, objectives (b) labour migration, (c) management of forced migration, owing to the need for re-integration, and (d) remittances by diaspora labour migrants, are particularly pertinent. The policy identifies two key areas for a national labour migration policy: 'Policy Area 2' on 'Promoting regular labour migration' and 'Policy Area 4' on 'Migration and development'. The policy outlines challenges, interventions, and strategies for addressing these areas, which are reproduced in Appendix 4.³⁸ The Draft National Migration Policy (2022) is also noteworthy, as it indicates the government's commitment to addressing migration issues, despite not being finalised.

6.6.4 Labour Act, 2017³⁹

The Labour Act (2017) establishes a legal framework for employment conditions, labour relations, institutions, dispute resolution, and health and safety at the workplace. Key provisions include: fundamental rights at work, labour institutions and the Commission for Conciliation, Mediation and Arbitration, organisation of employment and private employment agencies, employment contracts, wages and salaries, general conditions of employment, termination of employment contract, collective bargaining, strikes and lockouts, dispute resolution, safety, health and welfare at the workplace, and penalties and regulations.

These provisions apply to all employees, including migrant workers, except those excluded under section 4. The Act protects migrant workers' rights equally. Significantly, the Act prohibits discrimination based on sex, pregnancy, marital status, family responsibilities, disability, health, and HIV/AIDS (section 6).

It also prohibits sexual harassment (section 7), forced labour (section 10), illegal movement of employees to combat trafficking (section 11), and worst forms of child labour (section 13). The Act also provides for equal pay for work of equal value (section 8), freedom of association (section 9), minimum working age (section 12), and right to privacy (section 14).

1. Section 5 defines a 'foreign employee' and a 'private employment agency.'
2. Section 36 reserves certain categories of work for nationals only.
3. Section 41 requires South Sudanese citizens to register with the Office of the Labour Commissioner before working abroad.

These provisions are particularly relevant to migrant workers:

There are three provisions relevant to migrant workers:

Section 5 (on interpretations) defines a 'foreign employee' as a 'non-South Sudanese employee who has been granted work permit in South Sudan', and a 'private employment agency' as 'any corporate body/recruitment firm/agent, which acts as an intermediary for the purpose of procuring employment for the employee or recruiting an employee for an employer'.

38. See Executive Summary, pp. 7-9 and 11

39. Act No. 64 of 2017

Section 36 reserves the following categories of work for nationals only: vending, hawking, driving,; office support staffing, and any other manual works. Section 41 (on 'Employment of South Sudanese Abroad'), requires every South Sudanese willing to work abroad to register with the Office of the Labour Commissioner at the national level according to the regulations made under the Act, without prejudice to any other condition or procedure required under any other Law.

Three important points arise from these provisions:

1. A non-South Sudanese national must obtain a work permit, which may be an administrative hurdle.
2. Excluding certain categories of work limits employment opportunities for migrant workers.
3. Registration with a government agency may restrict freedom of opportunity and movement.

A significant critique of the Act is its lack of alignment with international instruments on migrant workers, including fair recruitment, provision of specific services for labour migrants, protection of labour migrants' rights, including rights at work, social security, and welfare, inclusion frameworks and mechanisms for remittances, rights and services on return and re-integration.

6.6.5 Passports and Immigration Act, 2011

The Act governs the issuance of passports, visas, and residence permits for aliens, deportation, and related matters. Migrant workers are subject to visa requirements and residence permits, Their right to work is based on work permits granted under the Labour Act, 2017.

6.6.6 Private Employment Agencies Regulations

South Sudan's stakeholders adopted regulations for private employment agencies under the Labour Act on February 21, 2024. Although not formally gazetted, the regulations provide for registration, licensing, and oversight of agencies, aligning with international standards. Formal adoption and implementation are necessary to professionalise private recruitment and incorporate agencies in labour migration governance.

7

BROAD RECOMMENDATIONS

Given the significant lack of necessary data, these broad recommendations aim to provide a foundation for future evidence-based decision-making. It is hoped that detailed information will emerge during the next workshop phase.

► 7.1 Data Collection and Management

Accurate and centralised data is crucial for effective labour migration management. To achieve this, mechanisms for collecting, collating, analysing, storing, and disseminating data should be established. This requires a coordinating institutional framework for data processing and distribution.

South Sudan should designate one institution to receive, collate, compile, analyse, publish, and disseminate labour migration data. Correspondingly, all relevant institutions should submit collected data to this designated institution.

► 7.2 Stakeholders and Stakeholder Engagement

Comprehensive identification of stakeholders in labour migration is essential. Their roles and responsibilities should be pegged to their day-to-day activities, rather than artificial government structures. Institutions and roles should be structured based on existing capacities, with necessary adaptations.

Labour migration is fundamentally a labour governance matter, involving workers entering or exiting South Sudan. While a stand-alone institution for labour migration management is necessary, the MoL should take the lead role. Currently, the focus is on securing entry and exit, reflected in legislation. Transformation requires changing both perspective and regulatory framework.

► 7.3 Policy, Law and Planning Framework

International and regional frameworks provide established benchmarks for labour migration governance, including principles, laws, regulations, and institutions. South Sudan can adopt and adapt existing frameworks to regulate labour migration, rather than reinventing the wheel.

▶ APPENDIX 1: LIST OF DESK STUDY RESOURCES

- a. *Transitional Constitution of South Sudan*
- b. *Revised National Development Strategy (2021-2024) - Consolidate Peace and Stabilize the Economy*
- c. *National Comprehensive Migration Policy (2019)*
- d. *Labour Act (2017)* and regulations made under the Act
- e. *GOSS Organizational Chart*
 - i. Reports, datasets and commentaries on socio-economic status and labour migration governance including, African Development Bank (AfDB), *Political Economy of South Sudan*
 - ii. AfDB, *African Economic Outlook 2024: Driving Africa's Transformation - The Reform of the Global Financial Architecture*
 - iii. African Union (AU), *The revised migration policy framework for Africa and Plan of Action (2018 – 2027)/(2018 – 2030) and Protocol on Free Movement of Persons*
 - iv. AU, *Capacity building strategy on migration governance in Africa*
 - v. AU and International Organization for Migration (IOM), *Africa Migration Report: Connecting the Threads - Linking policy, practice and the welfare of the African migrant*
 - vi. Intergovernmental Authority on Development (IGAD), *Migration Policy Framework*
 - vii. IGAD, *Migration Statistics Report (October 2021)*
 - viii. International Labour Organization (ILO)-IGAD, *An assessment of labour migration and mobility governance in the IGAD region - Regional report*
 - ix. ILO-IGAD, *An assessment of labour migration and mobility governance in the IGAD region - Country report for South Sudan*
 - x. East African Community (EAC), *Labor Migration Statistics Report in Africa Second edition: Regional Migration Profile*
 - xi. Migration Data Portal, *Migration Data in Eastern Africa, Migration Profile – South Sudan*
 - xii. Regional Mixed Migration Secretariat (RMMS), *South Sudan Country Statement: Addressing Migrant Smuggling and Human Trafficking in East Africa*
 - xiii. IOM, *World Migration Report 2022*
 - xiv. IOM, *Remittances and Diaspora Engagement in South Sudan - A policy research with a focus on the South Sudanese community in Australia*
 - xv. IOM, *South Sudan emergency response for the crisis in Sudan*
 - xvi. IOM, *Displacement Tracking Matrix – South Sudan*

- xvii. World Bank Group, *South Sudan Economic Monitor Macroeconomics, Trade and Investment Global Practice - Towards a Jobs Agenda*
- xviii. OCHA, *South Sudan – Humanitarian Response Plan*
- xix. ILO, *Infographics Ratification and Implementation of ILO Conventions 97 and 143 on Migrant Workers to Achieve Fair Labour Migration Governance and Ensuring Access to Social Protection and Portability of Social Security Rights and Benefits for Migrant Workers and their Families*
- xx. ILO, *Tripartism and Social Dialogue on Labour Migration*
- xxi. UN Security Council, *South Sudan: Assessment of progress achieved on the key benchmarks established in paragraph 2 of resolution 2577 (2021) - Report of the Secretary-General*
- xxii. German Cooperation (GIZ), *Better Migration Management (BMM) Programme in South Sudan, Horn of Africa*
- xxiii. UN Children's Fund (UNICEF), *Migration Profiles – South Sudan*
- xxiv. Food and Agriculture Organization of the United Nations (FAO), *AQUASTAT Country Profile – South Sudan (2015)*
- xxv. UNESCO Institute for Statistics, *SDG4: Country Profiles – South Sudan*
- xxvi. UN Framework Convention on Climate Change (UNFCCC), *Republic of South Sudan - initial National Communication to the United Nations Framework Convention on Climate Change*
- xxvii. UN HABITAT, *South Sudan: Country Brief - A better quality of life for all in an urbanizing world*
- xxviii. Rift Valley Institute (RVI's) *War, Migration and Work*
- xxix. Macrotrends' *South Sudan Net Migration Rate – 1950-2024*
- xxx. Centre for Research on Multinational Corporations, *Country Profile: South Sudan - Main economic sectors and multinational companies (August 2015)*
- xxxi. Maastricht Graduate School of Governance, *South Sudan: Migration Profile - Study on Migration Routes in the East and Horn of Africa (August 2017)*
- f. Relevant ILO Conventions and Recommendations, including:
 - i. *Migration for Employment Convention (revised), 1949 (No. 97)*
 - ii. *Migration for Employment Recommendation (revised), 1949 (No. 86)*
 - iii. *Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)*
 - iv. *Migrant Workers Recommendation, 1975 (No. 151)*
 - v. *Private Employment Agencies Convention, 1997 (No. 181)*
 - vi. *Private Employment Agencies, Recommendation, 1997 (No.188)*

► APPENDIX 2: CONSULTATIONS: LIST OF STAKEHOLDERS

S/No.	Institution	Contact person and position	Contacts
1.	Ministry of Labour	Justin Jada Joseph, Director of Labour	+211 921 647435 jadaluri@gmail.com
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3.	Ministry of Foreign Affairs and International Cooperation	Daniel Mach, Acting Director, Regional Organisations	malukmach@gmail.com
3.	Equal Remuneration Convention, 1951 (No. 100)	Ratified (April 29, 2012)	+211 928 699987 adwokawur@gmail.com
4.	TVET	Gibson Francis Waru, Director General for TVET and Chairman, Ad hoc Training Committee, Juba	+211 915 057153 +211 925 887141 gwaru8@gmail.com
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6.	Ministry of East African Community Affairs	Dunstan Khamis, Deputy Director, Human Resource	+211 923 196932
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8.	National Bureau of Statistics (NBS)	Mark Otware Odufa, Chief, Population and Social Statistics	+211 921 455364 odufaotwari@yahoo.com
9.	Ministry of Humanitarian Affairs	Santos Laku Richard, Relief and Repatriation Commission, Director of Repatriation	+211 927 183024 babaloku2015@gmail.com
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▶ **APPENDIX 3: STAKEHOLDER CONSULTATIONS BRIEF**

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▶ 1. Introduction

The consultant's mission to South Sudan, conducted under the International Labour Organization's Better Regional Migration Management (BRMM)), aimed to generate data for a situational analysis. This analysis would serve as the foundation for the National Labour Migration Policy (NLMP). The mission involved preparatory meetings with the Ministry of Labour (MoL) and ILO representatives. These meetings led to the decision to conduct the mission, with Mr. Simon Lagu coordinating and assisting in contacting stakeholders. The MoL sent letters to selected stakeholders requesting their participation in consultations.

During the mission, the consultant held meetings with stakeholders, explaining the mission's purpose and objective. The consultant presented the Situational Analysis Data Generation Guide, emphasising that stakeholders should only respond to relevant areas and provide timeframes for submitting their responses. The mission's objective was to conduct consultations with selected stakeholders to generate data for the situational analysis. The analysis would provide a context for developing the National Labour Migration Policy and Plan of Action. The brief covers the following aspects: the process undertaken for the mission, a summary of the data generation guide, a summary of consultations held, and challenges encountered during the mission. The Data Generation Guide is provided as an appendix.

▶ 2. Process

2.1 Preparatory and planning meetings

Preparatory and planning meetings were held online between the consultant, Ministry of Labour (MoL) representatives, and International Labour Organization (ILO) representatives on September 3, 2024. These meetings led to the decision to conduct the mission, with Mr. Simon Lagu coordinating and assisting in contacting stakeholders. The MoL sent letters to selected stakeholders, informing them of the mission and requesting opportunities for consultations. On September 23, 2024, the consultant, Ms. Barbara Tauga, and Mr. Lagu met to discuss the consultation itinerary. Following this, they briefed the Undersecretary for Labour on the mission and planned stakeholder consultations.

2.2 Stakeholders and consultations

During the mission, Mr. Lagu arranged consultations with stakeholders identified by the MoL and ILO. He accompanied the consultant to each meeting, introducing them and explaining the mission's purpose. The consultant presented the Situational Analysis Data Generation Guide, emphasising that stakeholders should respond only to relevant areas. They also addressed stakeholders' concerns and clarified expectations. The consultations were planned and held as detailed in section 4 of the brief.

During each consultation, the consultant reiterated and explained the mission's purpose and the objective of data generation. This objective was to conduct a situational analysis on labour migration in South Sudan and develop a report providing context for the National Labour Migration Policy and Plan of Action. The consultant presented and explained the Situational Analysis Data Generation Guide, emphasising that stakeholders should: (i) Identify and respond only to relevant areas. (ii) State if relevant information was unavailable. The consultant addressed stakeholders' concerns regarding the mission's purpose, previous information requests, and required responses to the Guide. Stakeholders were expected to respond to the Guide within their mandate and provide a timeframe for submission.

▶ 3. Summary of data generation guide

The consultant developed a comprehensive Data Generation Guide to gather information on labour migration. Stakeholders were advised to select and respond to relevant areas within their mandates. Where information was unavailable, stakeholders were asked to provide reasons for the gap.

The Guide was divided into the following parts and sections:

- A. General Labour Migration Information:** Labour migration out of South Sudan; Labour migration into South Sudan; Labour migration returnees to South Sudan; Recruitment and training; Private employment agencies; Remittances; ILO conventions; Bilateral and multilateral labour migration agreements
- B. Institutional Structures and Inter-Institutional Collaboration on Labour Migration Governance and Management:** Ministries, governmental agencies and other stakeholders' roles and responsibilities
- C. Policy and Legal Instruments on Labour Migration:** National policies; National laws and regulations
- D. Data and Data Sources:** Data sources on migration and labour migration; Data collection mechanisms
- E. Tentative List of Stakeholders in the Development of the NLMP:** Ministries and other government agencies; Social partners; Private agencies; Civil society; International organisations
- F. Labour Migration Issues – Key Areas for Comment:** Policy framework and coherence; Legal and regulatory framework, internal and external coherence; Institutional framework for labour migration governance and management; Capacity deficits; Labour migration data collection, compilation, analysis and dissemination; Roles and responsibilities of social partners; Resources and resource allocation and use; Mainstreaming of labour migration in socio-economic planning and development; Facilitative environment for labour migration; Contribution of labour migration to the economy and skills acquisition; Addressing 'negative' impacts of labour migration; Regular and irregular labour migration; Fair recruitment; Terms and conditions of service; Education and skills acquisition; Protection of the rights of labour migrants; Gender responsiveness; Remittances; Integration of returnees.

4. Summary of consultations

S/No.	Date/(Time) of consultations	Stakeholders	Remarks
1.	23/09/2024 (08.45)	Ministry of Labour (MoL) (Director of Labour)	- Response to the Guide received on 26/09/2024 - The consultant sent a further e-mail to the Director on 02/10/2024 seeking clarification on (i) figures provided for labour migrants going out of South Sudan, which appeared inordinately high (2.6 million); (ii) Percentages derived from an IOM report on male/female labour migrants going out of South Sudan which had no figures attached, and (iii) figures for labour migrant returnees, which also appeared inordinately high (1.4 million) - The response received on 03/10/2024 stated that information was based on "the data collected by development partners such as IOM, World Bank and Others. The data of IOM are inclusive of both Labour and Refugees Migrants."
2.	23/09/2024 (09.40)	Ministry of Foreign Affairs and International Cooperation (Acting Director, Regional Organisations)	Although the consultant sent a reminder on 27/09/2024, no response to the Guide has been received.
3.	23/09/2024 (10.15)	TVET (Director General)	Could not provide a response to the Guide due to lack of time; however, during consultations, the following points were noted: (i) Their training is mainly provided upon request from international organisations such as UNHCR and UNESCO (ii) They do not provide training for departing labour migrants (iii) They are collaborating within IGAD to harmonise TVET training programmes; (iv) Policies on training are being developed and are not yet in place, and (v) they collaborate with MoL in obtaining work permits for Egyptians who run training schools in South Sudan
4.	23/09/2024 (11.05)	Ministry of Gender Child and Social Welfare (Undersecretary)	The consultant has not received a response to the Guide and request for policy and other documents, despite sending a reminder on 27/09/2024. The Ministry indicated via e-mail that they would respond.
5.	24/09/2024 (09.25)	Ministry of East African Community Affairs (Deputy Director, Human Resource)	An e-mail response to the Guide was received on 27/09/2024, stating that the Ministry is not "directly involved in issues concerning migration or even collecting any data....But for validation surely we attend"
6.	24/09/2024 (10.15)	Ministry of Justice and Constitutional Affairs (MOJCA) (Undersecretary)	11.00
7.	24/09/2024 (11.15)	Ministry of Interior, Immigration	The meeting was postponed to 08.30, 25/09/2024, as the officer had to attend another meeting
8.	25/09/2024 (08.30)	Ministry of Interior, Department of Research and Planning, Directorate of Civil Registry, Nationality, Passports and Immigration (Director)	- Response to the Guide received on 27/09/2024 - The consultant sent a further e-mail to the Director, and Chief, NBS (on 02/10/2024) seeking an explanation for the different figures provided by both on migration into South Sudan; this has not been responded to
9.	25/09/2024 (09.00)	National Bureau of Statistics (NBS) (Chief, Population and Social Statistics)	- Response to the Guide received on 29/09/2024, with data for labour migration into South Sudan and remittances for 2021 and 2022 - The consultant sent a further e-mail to the Director, and Chief, NBS (on 02/10/2024) seeking an explanation for the different figures provided by both on migration into South Sudan; this has not been responded to
10.	25/09/2024 (09.30)	Ministry of Humanitarian Affairs, Relief and Repatriation Commission (RCC) (Director of Repatriation)	E-mail response to the Guide received on 27/09/2024 stating: "sorry, the information you are looking for is not available in our institution [RRC]"

S/No.	Date/(Time) of consultations	Stakeholders	Remarks
11.	25/09/2024 (09.50)	Ministry of Labour (Director General, Policy Planning and Labour Statistics)	- The Director indicated that he was unable to respond to the Guide due to time constraints, but provided the following information: "Currently, the only available source on the Ministry side is the Work Permit Digital System (WPDS), which captures the regular Labour Migrants on a daily bases, IOM supported the Ministry of Labour with the establishment of the Labour Market Information System which is yet to be populated with data from the surveys, and we are yet to conduct a single survey to provide the data, ILO is trying to support the Ministry in conducting Labour Force Survey early next year 2025, on Legal frameworks, there is Labour Act, 2017 in addition to Labour Regulations 2023 are all available, on the policy frameworks, we are yet to develop a Labour Migration Policy which is the subject of your assignment and Labour Employment Policy is also not in place." - The consultant requested further information on the WPDS and whether any reports or extracts were available, but has not yet received a response.
12.	26/09/2024 (08.15-09.00)	South Sudan Workers Trade Union Federation (SSWUF)	- Electronic Guide sent through ILO, South Sudan - Response to the Guide received on 29/09/2024
13.		Employers Association of South Sudan (EASS)	Electronic Guide sent through ILO, South Sudan (see below)
14.		Private Employment Agencies (PrEAs)	Electronic Guide sent through MoL (see below)
15.		International Organization for Migration (IOM)	An electronic Guide was sent through ILO, South Sudan. The consultant received a response on 02/10/2024, requesting clarification on the areas where input from IOM was expected. The consultant sent an explanatory e-mail on 03/10/2024 but has not received a further response.
16.	26/09/2024 (09.00)	MOJCA	09.45: Undersecretary not available
17.	26/09/2024 (10.00)	Ministry of Interior	MoL's letter on consultations was forwarded to Immigration, with whom consultations were held on 25/09/2024
18.	26/09/2024 (10.40)	Ministry of Finance and Planning (MoFP)	10.55: Undersecretary unavailable until 14.00, and the appointment postponed to 09.00 on 27/09/2024
19.	26/09/2024 (11.15)	PrEAs (Imatong Employment Solutions)	A response to the Guide was received on 01/10/2024, addressing only on item A.5 (General Labour Migration Information: PrEAs)
20.	26/09/2024 (12.45)	EASS	A call was made to the Chair, scheduling an appointment for 11.30, 27/09/2024
21.	27/09/2024 (09.00)	MoFP	09.30: Undersecretary in meetings
22.	27/09/2024 (09.45)	MoL, Undersecretary for Labour	Consultations on access to MoFP and MOJCA
23.	27/09/2024 (10.00)	MOJCA, Undersecretary	MoL's letter on consultations was marked to one of the officers
24.	27/09/2024 (10.30)	MOJCA, Officer to whom letter was marked	- At 11.00, the officer was not yet in the office. - No response has been received
25.	27/09/2024 (11.30)	EASS (General Secretary, Chairman and Director, Information)	- During consultations, EASS representatives stated that they did not identify any related to labour migration to respond to. However, they agreed to discuss the Guide and provide any relevant information they could. - EASS sent mail on 27/09/2024, acknowledging receipt of the Guide. - To date, no further response has been received.

► 5. Challenges

The consultant faced numerous challenges, some of which are noted in Section 4 of this brief. Key challenges included:

1. The MoL was unable to organise consultations with various stakeholders, such as migrant workers, the Ministry of Education, private labour market institutions, and civil society organisations.
2. Despite arrangements, some institutions failed to respond to the Guide, either partially or within the required timeframe. Some scheduled consultations were not kept.
3. Different institutions provided conflicting data for same items. There is a serious lack of up-to-date data and information on labour migration in South Sudan. Available data is often outdated and primarily generated from reports of international organisations for their own specific purposes. Even respondents to the Guide provided limited information.
4. Some data generation frameworks exist but remain inactive. Certain policies are still under development.



► Appendix: data generation guide

Development of labour migration policy and action plan for South Sudan

Situational analysis data generation guide

1. Background brief

The government of South Sudan (GOSS) is developing a National Labour Migration Policy and Action Plan (NLMP) to govern labour migration and integrate it into the national economy. To achieve this, the GOSS is conducting a situational analysis of labour migration in the country, with the assistance of the International Labour Organization (ILO), and an international consultant. To identify gaps and challenges in labour migration in South Sudan and provide a rationale and framework for the NLMP, the GOSS is conducting an analysis of the current state of labour migration in the country. This analysis requires generating information for a comprehensive situational analysis, which will serve as a framework for developing an evidence-based, human rights-sensitive and gender-responsive NLMP.

2. The Guide

This Guide is wide-ranging and reflects the whole terrain of labour migration. You have been identified as a stakeholder in this terrain and are expected to select and respond only to those areas that are relevant to you. Where information is not available for any reason, please indicate so and provide the reason for such gap(s).

The guide is divided into parts and sections as follows:

A. General Labour Migration Information: Labour migration out of SS; Labour migration into SS; Labour migration returnees to SS; Recruitment and training; Private employment agencies; Remittances; ILO conventions; Bilateral and multilateral labour migration agreements.

B. Institutional Structures and Inter-Institutional Collaboration on Labour Migration Governance and Management: Ministries, other governmental agencies and other stakeholders, and roles and responsibilities;

C. Policy and Legal Instruments on Labour Migration: National policies; National laws and regulations

D. Data and Data Sources: Data sources on migration and labour migration; Data collection mechanisms

E. Tentative List of Stakeholders in the Development of the NLMP: Ministries and other government agencies; Social partners; Private agencies; Civil society; International organisations

F. Labour migration issues: some areas (for comment).

A. GENERAL LABOUR MIGRATION INFORMATION**1. Labour migration out of SS (July 2023-August 2024)**

	Migrants	July-December 2023	January-August 2024	Totals	Source of Information
1.1	Female			[]	
1.2	Male			[]	
1.3	Total			[]	
1.4	Countries of destination (+ Nos. or %ages)				
1.5	Countries of transit				
1.6	Employment sectors (+ Nos. or %ages)				
	Female				
	Male				
1.7	Effect on labour availability in South Sudan ('Brain-drain')				
	Overall effect				
	Sectors affected				
	Push factors				
	Destination countries				
	Pull factors				

2. Labour migration into SS (July 2023-August 2024)

	Migrants	July-December 2023	January-August 2024	Totals	Source of Information
2.1	Female			[]	
2.2	Male			[]	
2.3	Total			[]	
2.4	Countries of destination (+ Nos. or %ages)				
2.5	Countries of transit				
2.6	Employment sectors (+ Nos. or %ages)				
	Female				
	Male				
2.7	Skill levels				
	Female				
	Male				
2.8	Role played by employers in the protection of migrants				
2.9	Role played by workers' organisations in the protection of migrants				

Migrants		July-December 2023	January-August 2024	Totals	Source of Information
2.10	Extent of irregular migration				
	Male				
	Female				
	Countries of origin				
	Sectors				
	Protection of the rights				
2.11	Overall socio-economic contribution and impact of labour migration				
	Household incomes				
	Poverty alleviation				
	Education and skills acquisition				
	Health outcomes				
	General social welfare				
2.12	Negative impacts?				
3. Labour migration returnees to SS (July 2023-August 2024)					
Returnees		July-December 2023	January-August 2024	Totals	Source of Information
3.1	Female			[]	
3.2	Male			[]	
3.3	Total			[]	
3.4	Countries they are returning from (+ Nos. or %ages)				
4. Recruitment and training					
4.1	Recruitment				Source of Information
4.1.1	Is charging of recruitment cost allowed?				
	No				
	Yes		How much?		
4.1.2	Cost covered by:				
	Migrants?				
	PrEAs?				
	Employers?				
4.2	Training				Source of Information
4.2.1	Is there pre-departure training?				
	No				
	Yes		Who provides it?		
			No. of days?		

4.2 Training		Source of Information				
4.2.2	Is there any mandatory vocational skills training required for migrants to migrate?					
	No					
	Yes		Who provides it?			
	No. of days?					
	Who bears the costs?					
5. Private Employment Agencies (PEAs)						
Source of Information						
5.1		Number of PEA's?				
5.2	Is minimum wage applicable?					
	No					
	Yes		How much is it?			
	In which document is it provided for?					
5.3	What is the commission rate to PrEA?					
	No					
	Yes		How much is it?			
	In which document is it provided for?					
5.4	Costs covered by:					
	Migrants?					
	PrEAs?					
	Employers?					
6. Remittances						
6.1	Annual volume	July-December 2023	January-August 2024	Totals	Source of information	
6.1.1	Into SS					
6.1.2	Out of SS					
6.2	Countries	July-December 2023	January-August 2024	Totals	Source of information	
6.2.1	From, into SS					
6.2.2	To, from SS					
6.3	Contribution to SS	July-December 2023	January-August 2024	Totals	Source of information	
6.3.1	To general economic development					
6.3.2	To Gross Domestic Product					
6.3.3	Government mechanisms for supporting/facilitating remittances					

7. ILO conventions**Source of Information**

- 7.1** No. of ratified conventions and as at what date
- 7.2** List of ratified conventions
- 7.3** List of domesticated Conventions and the domesticating national laws

8. Bilateral and multilateral labour migration agreements (BLMAs and MLMAs)**8.1 BLMAs****Source of Information**

- 8.1.1** No. of BLMAs signed (provide copies)
- 8.1.2** Countries
- 8.1.3** Roles, rights and responsibilities of parties
- 8.1.4** Protection of the rights of migrants, including social protection
- 8.1.5** Gender-responsiveness
- 8.1.6** Level/state of implementation

8.2 MLMAs**Source of information**

- 8.2.1** No. of MLMA signed
- 8.1.2** Countries
- 8.1.3** List of multilateral bodies/frameworks
- 8.2.4** Roles, rights and responsibilities of parties
- 8.2.5** Protection of the rights of migrants, including social protection
- 8.2.6** Gender-responsiveness
- 8.2.7** State/level of implementation

B. INSTITUTIONAL STRUCTURES AND INTER-INSTITUTIONAL COLLABORATION ON LABOUR MIGRATION GOVERNANCE AND MANAGEMENT**9. Ministries, other governmental agencies and other stakeholders, and roles and responsibilities****9.1 Relevant ministries and other governmental agencies****Source of Information**

- 9.1.1** List
- 9.1.2** Roles and responsibilities in labour migration

9.2 Multi-stakeholder institutions**Source of information**

- 9.2.1** List
- 9.2.2** Roles and responsibilities in labour migration
- Workers organisations
- Employers organisations
- Governmental agencies
- Civil society organisations

9.3 Public Employment Services		Source of Information
9.3.1	Hosting ministry	
9.3.2	List of collaborating ministries/departments	
9.3.3	List of other collaborating stakeholders	
	Workers organisations	
	Employers organisations	
	Governmental agencies	
	PEAs	
9.3.4	Civil society organisations	
	Specific roles and responsibilities in labour migration	
	General	
	Labour migration	
9.4 South Sudan institutions in countries of labour migration destination		Source of information
9.4.1	Governmental institutions	
	List and host countries	
	Roles and responsibilities	
	Inter-governmental collaboration with host countries	
9.4.2	South Sudan PEAs with presence in labour migration destination countries	
	List and host	
	Roles and responsibilities	
	Collaboration with SS governmental institutions	
	Collaboration with host governmental institutions	
9.4.3	Other South Sudan institutions of relevance	
	List and type	
	Roles and responsibilities	
	Collaboration with South Sudan governmental and other institutions	
	Collaboration with host governmental and other institutions	
9.5 Inter-ministerial and inter-institutional collaboration and coordination for labour migration		Source of information
9.5.1	Institutional mechanisms for collaboration	
	List of mechanisms	
	List of collaborating stakeholders	
	Roles and responsibilities	
	Effectiveness	
9.5.2	Institutional frameworks for Coordination	
	List of frameworks	
	List of stakeholders involved	
	Effectiveness	

9.6 Institutional capacity for labour migration		Source of information
9.6.1	Necessary human resources	
	List	
	Sources	
	Adequacy and constraints	
9.6.2	Other necessary resources	
	List	
	Sources	
	Adequacy and constraints	

C. POLICY AND LEGAL INSTRUMENTS ON LABOUR MIGRATION

10. National policies		Source of Information
10.1	Migration in general	
10.2	Labour migration policy	
10.3	Education and skills development	
10.4	Employment	
10.5	Gender	
10.6	Other policies relevant to labour migration	
10.7	Linkages and coherence	
	In the policy development process	
	In the contents of the policies	
	In the implementation of the policies	
11. National laws and regulations		Source of Information
11.1	Does the constitution provide for migration and labour migration?	
	No	
	Yes	Relevant provisions
11.2	Other laws and regulations on/relevant labour migration	
	List	
	Relevant provisions	
11.3	Internal coherence of the laws and regulations	
11.4	External coherence	
	ILO Conventions	
	AU instruments	
	IGAD instruments	
	East African Community instruments	
14.5	Protections accorded to labour migrants, including social protection	
14.6	Gender-responsiveness	

D. DATA AND DATA SOURCES**12. Data sources on migration and labour migration****Source of Information****12.1** List data sources on migration**12.2** List data sources on labour migration**12.3** List the type of data collected on labour migration**13. Data collection mechanisms****Source of Information****13.1** List the mechanisms**13.2** List the coordination mechanisms for data collection**13.3** List the depositories for the collected data**13.4** In what forms are the data kept in the depositories?

Electronic

Print

Others (specify)

13.5 Are the data kept in the various depositories compatible and coherent?

No

Why?

Yes

13.6 Are the data compiled and analysed?

No

Why?

Yes

How frequently?

Mechanically?

Electronically?

13.7 Are the data freely accessible?

No

Why?

Yes

Any limitations to access?

E. TENTATIVE LIST OF STAKEHOLDERS IN THE DEVELOPMENT OF THE NLMP**14. Ministries and other government agencies****Source of Information****14.1** Ministry of Labour**14.2** Ministry of Interior (Internal Affairs)**14.3** Ministry of Gender, Child and Social Welfare**14.4** Ministry of Justice and Constitutional Affairs**14.5** Ministry of Foreign Affairs and International Cooperation**14.6** Ministry of Finance and Planning**14.7** Ministry of East African Community Affairs**14.8** Ministry of Education**14.9** Parliamentarians/Senators**14.10** Human Rights Commission**14.11** National Bureau of Statistics**14.12** Public labour market institutions

15. Social partners		Source of Information
15.1	South Sudan Workers Trade Union Federation (SSWTUF)	
15.2	Employers Association of South Sudan (EASS)	
15.3	Migrant workers	
16. Private agencies		Source of Information
16.1	Private Employment Agencies	
16.2	Private Sector	
16.3	Financial sector	
16.4	Private labour market institutions	
17. Civil society		Source of Information
17.1	Civil society organisations	
17.2	SSNGO Forum	
17.3	Migrant organisations	
17.4	Academia	
18. International organisations		Source of Information
18.1	ILO	
18.2	IOM	

F. LABOUR MIGRATION ISSUES – SOME AREAS

		Source of Information
19.	Policy framework and coherence	
20.	Legal and regulatory framework and internal and external coherence	
21.	Institutional framework for labour migration governance and management	
22.	Capacity deficits	
23.	Labour migration data collection, compilation, analysis and dissemination	
24.	Roles and responsibilities of social partners	
25.	Resources and resource allocation and use	
26.	Mainstreaming of labour migration in socio-economic planning and development	
27.	Facilitative environment for labour migration	
		Source of Information
28.	Contribution of labour migration to the economy and skills acquisition	
29.	Addressing negative impacts of labour migration	
30..	Regular and irregular labour migration	
31.	Fair recruitment	
32.	Terms and conditions of service	
33.	Education and skills acquisition	
34.	Protection of the rights of labour migrants	
35.	Gender responsiveness	
36.	Remittances	
37.	Integration of returnees	

▶ APPENDIX 4: EXTRACTS FROM THE EXECUTIVE SUMMARY OF THE NATIONAL COMPREHENSIVE MIGRATION POLICY (2019)

▶ Policy Area 2: Promoting Regular Labour Migration

Key challenges related to the governance of foreign labour and labour emigration include:

- a. Inadequate capacity of the Ministry of Labour and relevant line ministries and agencies hinders effective labour migration management.
- b. Essential Labour Market Information including data on foreign workers, is unavailable.
- c. Information on the labour and skills needs of the South Sudanese labour market is lacking.
- d. Insufficient technical cooperation with international partners on labour migration governance.
- e. Education and vocational training pathways fail to address national and local labour market demands.
- f. Shortages of skilled South Sudanese workers in key sectors of the South Sudanese economy.
- g. The Government of the Republic of South Sudan (GRSS) requires an effective framework for skills transfer from high-skilled foreign workers to South Sudanese nationals.
- h. Employment Service Centres have inadequate coverage and capacity.
- i. The Labour Act of 2017 lacks effective implementing regulations.
- j. Most migrant workers in South Sudan lack valid work permit.
- k. Ineffective Cooperation between Directorate of Nationality, Passports and Immigration (DNPI) and the Ministry of Labour..
- l. Increasingly diverse demand for migration services.
- m. GRSS lacks a strategy and policy direction for importing skilled labour.
- n. A strategy for promotion regular labour migration of South Sudanese nationals is missing.
- o. GRSS lacks migration intelligence to monitor labour and skills needs in destination countries.
- p. GRSS requires additional formal mobility frameworks with migrant-sending and migrant-receiving countries.

Interventions in the management of labour migration aim to create a comprehensive governance framework, comprising two pillars:

1. Regularisation of labour immigration, promoting regular and orderly labour immigration aligned with assessed labour market needs.
2. Promotion of regular labour emigration of South Sudanese citizens for socio-economic development and safeguarding migrant workers' welfare abroad and their families back home.

Specific measures in labour migration policy area include:

- ▶ Establishing a Labour Market Information System (LMIS)
- ▶ Improving institutional roles and mandates in labour migration governance and enhancing inter-ministerial coordination
- ▶ Establishing an effective vocational training and jobseeker support system
- ▶ Developing a skills-sensitive labour immigration strategy, based on fair recruitment and skills transfer to address domestic skills gaps
- ▶ Promoting regular labour migration of South Sudanese nationals

▶ Policy Area 4: Migration and Development

Current key challenges related to diaspora engagement in South Sudan include:

- a. Lack of a government agency dedicated to diaspora affairs
- b. Weak consular system
- c. Inadequate management and planning skills within the consular system and the diaspora
- d. Limited financial resources for diaspora engagement
- e. Difficulty in reaching out to the diaspora
- f. Lack of records and statistics on diaspora populations
- g. Insufficient data on remittances
- h. Limited information on diaspora associations
- i. Low incentive for diaspora communities to invest in South Sudan
- j. Disconnection between the diaspora strategy and the development plan.
- k. GRSS lacks a system for profiling and targeting South Sudanese return migrants

Key measures to mobilise and engage the diaspora for the socio-economic development of South Sudan involve:

- ▶ Enhancing information on GRSS diaspora at the individual and collective levels
- ▶ Establishing key institutional dialogue and cooperation mechanisms for diaspora engagement.
- ▶ Strengthening technical capacity to build effective partnerships among government authorities, international organisations, non-state actors and diaspora organizations
- ▶ Establishing outreach and information dissemination strategies through embassies, consulates, and the Diaspora Directorate
- ▶ Facilitating virtual and temporary return of diaspora members• Developing a system for socio-economic reintegration of return migrants

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