



International
Labour
Organization



**An Analysis of Bilateral
Labour Migration Agreements,
Policies and Practices Regulating
Labour Migration in
East and Southern Africa:
Role and Actions of Trade Unions
through Social Dialogue**

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► Foreword

Labour migration is one of the defining features of today's world of work. Across East and Southern Africa, millions of women and men cross borders every year in search of decent employment, better livelihoods and opportunities for themselves and their families. When governed fairly and effectively, labour migration can contribute to economic growth, regional integration and sustainable development. Yet for far too many migrant workers, migration still goes hand in hand with exploitation, discrimination, unsafe working conditions and limited access to rights, social protection and justice.

The International Labour Organization has long maintained that labour migration must be governed through a rights-based approach, grounded in international labour standards, social dialogue and decent work. Central to this approach is the recognition that migrant workers are workers first and foremost; entitled to the same fundamental rights and protections as all other workers, regardless of their nationality or migration status.

Trade unions play an indispensable role in making this vision a reality. They organize and represent migrant workers, advocate for fair recruitment and negotiate for better working conditions. They also combat discrimination and exploitation while ensuring that the voices of workers are heard in policymaking. Strong and inclusive social dialogue is therefore not an optional element of labour migration governance – it is a prerequisite for developing policies and institutions that are fair, effective and sustainable.

This report comes at an important moment. East and Southern Africa are experiencing profound changes in labour mobility, driven by demographic trends, regional integration, climate impacts, economic transformation and evolving labour-market needs. Governments and regional organizations have made significant progress in developing labour migration frameworks and bilateral agreements. Nevertheless, important gaps remain in implementation, protection of migrant workers' rights and, crucially, in the meaningful participation of trade unions throughout the design, implementation and monitoring of these frameworks.

This report provides a comprehensive assessment of bilateral labour migration agreements, regional policies and governance mechanisms across East and Southern Africa through the lens of workers' rights and social dialogue. It identifies encouraging practices as well as persistent shortcomings, while offering practical recommendations to strengthen the role of trade unions in labour migration governance at national, regional and international levels.

For ACTRAV, strengthening the capacity of trade unions to engage effectively in labour migration governance is an integral part of advancing social justice and decent work. Trade unions must be recognized not merely as stakeholders to be consulted, but as essential partners in shaping labour migration policies that protect workers, promote equality and contribute to inclusive and sustainable development.

I hope this report will serve as a valuable resource for trade unions, governments, employers' organizations, regional institutions and development partners committed to building labour migration systems that are rights-based, gender-responsive and centred on human dignity. Most importantly, I hope it contributes to strengthening social dialogue and ensuring that every migrant worker enjoys decent work, equal treatment and full respect for their fundamental rights.

I acknowledge the contribution of Dr Godfrey Kanyeze and Dr Prosper Chitambara who supported the preparation of the report. I am also grateful to ACTRAV field colleagues who worked closely with the desk officer for Africa, Hilma Mote, to facilitate the collection of relevant information for the report. The report also greatly benefited from helpful suggestions from several ILO colleagues. A particular word of thanks to the core ACTRAV Labour Migration team of Grayson Koyi and Victor Hugo Ricco.

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► List of Acronyms

ACTRAV	Bureau for Workers' Activities
AfDB	African Development Bank
ATUMNET	African Trade Union Migration Network
AU	African Union
AUC	African Union Commission
BLAs	Bilateral Labour Agreements
BLMAs	Bilateral Labour Migration Agreements
BRMM	Better Regional Migration Management
CMP	Common Market Protocol
COMESA	Common Market for Eastern and Southern Africa
CSOs	Civil Society Organizations
DERMS	Diaspora Engagement and Remittance Mobilization Strategy Paper
DiMOI	Dialogue for the Indian Ocean Commission Countries
EAC	East African Community
EATUC	East African Trade Union Confederation
EHoA	East and Horn of Africa
FPRW	Fundamental Principles and Rights at Work
GCC	Gulf Cooperation Council
GCDD	Gender and Community Development Department
GCM	Global Compact for Safe, Orderly and Regular Migration
ICMRW	UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
ITUC	International Trade Union Confederation
JLMP	Joint Labour Migration Programme
KDMECC	Kampala Ministerial Declaration on Migration, Environment and Climate Change
LEP	Lesotho Exemption Permit
LMAG	Labour Migration Advisory Group
LMAP	Labour Migration Action Plan
LMP	Labour Migration Policy
MDAs	Ministries, Departments and Agencies

MIDCOM	Migration Dialogue of COMESA
MiDIOCC	Migration Dialogue for the Indian Ocean Commission
MIDSA	Migration Dialogue for Southern Africa
MOU	Memorandum of Understanding
MPFA	Migration Policy Framework for Africa
NCM	National Coordination Mechanism on Migration
NLMP	National Labour Migration Policy
NMP	National Migration Policy
PIC	Policy Implementation Cell
RCP	Regional Consultative Process
RECs	Regional Economic Communities
RMCS	Regional Model Competency Standards
RMFM	Regional Ministerial Forum on Migration
RMG	Regional Monitoring Group
SACU	Southern African Customs Union
SADC	Southern African Development Community
SAMP	Southern African Migration Project
SATUCC	Southern African Trade Union Coordinating Council
SDFs	Social Dialogue Forums
SDGs	Sustainable Development Goals
SOP	Standard Operating Procedure
TEBA	The Employment Bureau of Africa
TVET	Technical and Vocational Education and Training
UAE	United Arab Emirates
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNFCCC	United Nations Framework Convention on Climate Change
UNHCR	United Nations High Commissioner for Refugees Action Plan
USD	United States Dollar
ZEP	Zimbabwe Exemption Permit

► Executive Summary

Labour migration is the predominant form of migration and plays a central role in contemporary labour markets as well as in shaping the future of work and economies around the world. There is consensus that if managed well, labour migration can contribute to sustainable development for countries of origin, transit and destination and provides significant benefits and opportunities for migrant workers and their families. However, if not managed well, labour migration can bring risks and challenges that include: insecurity and informality, brain drain, displacement, child labour, debt bondage, forced labour, trafficking in persons, safety and health hazards, racism, xenophobia and discrimination.

Migration on the African continent is often perceived as being primarily outward-bound. However, data show that the majority of migration movements take place within the continent. Over the period 2010 to 2019, the number of international migrant workers in Africa increased from 9.6 million to 14.5 million respectively. Growth in migrant workers has outstripped population growth, with an average annual growth rate among migrant workers of 4.8 per cent. This is higher than the overall African population growth rate of 2.7 per cent. Furthermore, in 2019, international migrant workers accounted for 2.8 per cent of the total labour force in Africa. Regionally, 82 per cent of migrant workers in Africa in 2019 were to be found in East Africa (4.1 million), West Africa (4.3 million) and Southern Africa (3.5 million). Ten per cent were in Central Africa (1.5 million) while Northern Africa hosted 8 per cent (1.2 million). In 2019, the majority of Africa's migrant workers resided in South Africa (19 per cent), Côte d'Ivoire (12 per cent), Uganda (7 per cent) and Ethiopia (5 per cent). Low-skilled workers make up the vast majority of modern labour migration flows in Africa. They are predominantly concentrated in agriculture, domestic service, construction and informal trade.

In Southern Africa, for instance, most migration originates from within member countries of the Southern African Development Community (SADC) and most migrants head towards the large South African economy. Migrant workers comprise an estimated 9 per cent (roughly 1.4 million) of the South African workforce. South African 2022 census data shows that 84 per cent of international migrants are from SADC countries. The leading countries of origin are Zimbabwe (48.5 per cent), Mozambique (20 per cent), Lesotho (11 per cent) and Malawi (10 per cent). In 2024, the El Niño-induced drought impacted much of the region causing unemployment, food inflation and food insecurity to increase. This further heightened temporary employment migration to South Africa. In East Africa, the instability and drought experienced in recent years have driven many more East Africans to migrate intra- and extra-regionally in search of work, with millions of people moving within the region for employment, trade and seasonal agricultural work.

According to the 2024 World Migration Report, East and Southern Africa has experienced a significant increase in intraregional migrants, driven in part by free movement arrangements. Labour migration within and beyond the East and Southern Africa corridor plays a critical role in shaping socioeconomic development. However, migrant workers, particular women, are vulnerable to significant decent work deficits. They often face poor working conditions like low wages, long working hours, lack of enforcement of regulations or absence of regulations. Migrant workers are also often excluded from social protection measures – which is linked to their lack of access to regular migration pathways and formal jobs. Progress has been made in fostering improved labour migration governance to address these and other challenges and to enhance labour migration's positive contribution to sustainable development and regional integration.

The African Union (AU) has formulated the Migration Policy Framework for Africa (MPFA) and Plan of Action (2018-2030) to guide Member States and Regional Economic Communities (RECs). Member States as well as RECs are now including migration as one of the main pillars of their national, intraregional and interregional development strategies. Accordingly, they are mainstreaming it across policy domains. The AU in partnership with the International Labour Organization (ILO), the International Organization for Migration (IOM) and the UN Economic Commission for Africa (UNECA), implements the Joint Labour Migration Programme (JLMP). The JLMP serves as a strategic instrument for implementing the fifth Key Priority Area of the Declaration and Plan of Action, with a focus on enhancing intra-African labour migration governance. This aligns with broader developmental goals, including the achievement in 2023

of the First Ten-Year Implementation Plan of the African Union's Agenda 2063 and the United Nations Sustainable Development Goals (SDGs).

At the level of the Southern African Development Community (SADC), the SADC Labour Migration Policy Framework and the adoption of the SADC's new Labour Migration Action Plan (2020-2025) represent major milestones for advancing labour migration governance. At country level, a number of countries have adopted labour migration policies and others are in the process of developing such policies in accordance with international and regional commitments and labour standards. The East African Community (EAC) Labour Migration Policy aims to govern labour migration, protect migrant workers and maximize the benefits of migration for socioeconomic development within the region. It focuses on strengthening labour migration governance, harmonizing policies and ensuring migrant workers have access to social protection and fair recruitment practices.

Bilateral Labour Migration Agreements (BLMAs) between African countries and partner countries have emerged as an effective instrument for managing labour migration. In the SADC region, the BLMAs are linked to historical labour migration patterns within the region. In the SADC region, BLAs are largely shaped by South Africa, the region's principal migrant-receiving country, whose historical migrant labour system continues to influence core sectors of its economy. Mineworkers were imported to work on South African mines through bilateral labour agreements with neighbouring SADC countries (such as Botswana, Eswatini, Lesotho, Malawi, Mozambique, Zimbabwe). However, these agreements posed many challenges, mainly because of their unilateral nature and weak protection of mineworkers' rights. Middle East and Gulf countries remain key destination countries for migrant workers from Eastern Africa. Tanzania, Ethiopia, Kenya and Uganda are the main origin countries of migrant workers from the subregion to Gulf Cooperation Council (GCC) States, with most working in the hospitality, security, construction and retail sectors. Consequently, most East African countries have signed BLAs with Middle East and Gulf countries.

However, despite these frameworks, significant challenges remain with regard to protecting migrant workers' rights, ensuring decent work and effectively involving trade unions in labour migration governance. Well-governed labour migration can contribute to sustainable development for countries of origin, transit and destination and can provide benefits and opportunities for migrant workers and their families. On the other hand, poorly governed labour migration can bring risks and challenges, including for sustainable development and decent work, in countries of origin, transit and destination, especially for low-wage workers. Trade unions have largely been excluded in labour migration governance and institutional processes. This lack of effective involvement has left migrant workers in vulnerable situations. There is therefore not enough transparency and accountability between social partners and government officials over these BLMAs.

The ILO's Guidance on BLMAs is useful reference to help countries of origin and destination negotiate, implement, monitor and evaluate bilateral labour migration agreements that are rights-based, gender-responsive and aligned with international human rights and labour standards. The ILO Guidance on Bilateral Labour Migration Agreements (BLMAs) provides a comprehensive framework to help countries of origin and destination design, negotiate, implement, monitor and evaluate bilateral labour migration agreements that are rights-based, gender-responsive and aligned with international human rights and labour standards.

Trade unions play a vital role in labour migration governance by promoting and protecting migrant workers' rights through collective bargaining, organizing, advocacy and capacity-building initiatives, working to ensure fair recruitment, decent work and social dialogue while building international solidarity for rights-based migration policies. They empower migrants, influence policy and combat exploitation by collaborating with governments, employers and international organizations to achieve equitable and dignified labour migration for all. In a nutshell, it is important to leverage and strengthen the key roles and functions of trade unions in protecting the rights of migrant workers by:

► **Protecting Rights and Representation**

Advocate for and defend the fundamental rights of migrant workers, including freedom of association and collective bargaining, ensuring fair wages, safe working conditions and job security.

► **Organizing and Mobilizing**

Actively organize migrant workers, regardless of legal status or sector, to build their collective voice and empower them to overcome challenges in the labour market.

► **Promoting Fair Recruitment**

Combat unethical recruitment practices by raising awareness and promoting fair and ethical recruitment strategies, such as those outlined by the ILO.

► **Social Dialogue, Advocacy and Policy Influence**

Through social dialogue, contribute to the development of rights-based approaches and fair labour migration policies and practices.

► **Capacity-Building**

Conduct training and awareness campaigns to equip both their members and migrant workers with the knowledge to claim their rights and navigate the challenges of migration.

► **International Solidarity, Networking and Collaboration**

Collaborate with other civil society organizations, charities and international bodies, such as the ILO and IOM to strengthen their impact on labour migration policies and migrant worker welfare.

► **Service and Support**

Provide practical support, such as counselling, training programmes and assistance during crises, helping migrant workers access justice and decent work. They use both national and international laws to defend migrant workers' rights and work to protect them from deportation when they report labour law abuses.

► **Empowerment**

Empower migrant workers to claim other rights and overcome labour-market challenges by exercising their right to association.

► **Inclusive Labour Markets**

Contribute to more inclusive and revitalized labour markets that benefit both migrant and national workers.

► **Combating Exploitation**

Exposing and tackling exploitation, including contract substitution, excessive recruitment fees and abusive labour practices.

► **Dignified Migration**

Ensuring a collective voice for migrant workers, unions help achieve the broader goal of fair labour migration governance that upholds human dignity.



► 1.0 Introduction

International labour migration constitutes the main form of migration and is a key feature of contemporary labour markets and of the future of work. There were 167.7 million international migrant workers globally in 2022 constituting 4.7 per cent of the global labour force (ILO, 2024). These international migrant workers constituted about 66 per cent of the world's international migrant population of working age (aged 15 and over) in 2022 (ILO, 2024). In 2022, women accounted for 64.9 million migrant workers worldwide, or about 38.7 per cent of the total – up from 53.2 million in 2013 – and represented 4.5 per cent of the global female labour force (ILO, 2024). Male migrant workers numbered 102.7 million or 61.3 per cent of the total, an increase from 84.2 million in 2013, and represented 4.7 per cent of the male labour force globally.

The United Nations (UN) estimates that Africa saw a 25 per cent increase in African migrants (excluding refugees and asylum seekers) living in another African country over the last decade (from 12 million in 2015 to 15 million in 2024). While this figure is likely to be an underestimate given its informal nature, nearly all internal Africa migration is labour migration in one form or another. This includes seasonal labour movements as well as permanent resettlement in search of livelihoods, typically in urban economic hubs¹. Over the period 2010 to 2019, the number of international migrant workers in Africa increased from 9.6 million to 14.5 million respectively. The average annual growth rate among migrant workers of 4.8 per cent is higher than that of the African population as a whole, which is 2.7 per cent (African Union, 2024; African Union Commission and JLMP partners, 2021). In 2019, international migrant workers accounted for 2.8 per cent of the total labour force in Africa. Regionally, 82 per cent of the migrant workers in Africa in 2019 were in East Africa (4.1 million), West Africa (4.3 million) and Southern Africa (3.5 million), 10 per cent in Central Africa (1.5 million) and Northern Africa hosted 8 per cent (1.2 million) (GMDAC calculations based on African Union Commission and JLMP partners, 2021).

Most migration in Southern Africa comes from within member countries of the Southern African Development Community (SADC) and most head towards the large South African economy. Migrant workers comprise an estimated 9 per cent (roughly 1.4 million) of the South African workforce. South African 2022 census data shows that 84 per cent of international migrants are from SADC countries. The leading countries of origin are Zimbabwe (48.5 per cent), Mozambique (20 per cent), Lesotho (11 per cent) and Malawi (10 per cent). A severe El Niño-induced drought impacted much of the region in 2024, causing unemployment, food inflation and food insecurity to increase. This further heightened temporary employment migration to South Africa². In East Africa, the instability and drought experienced in recent years have put pressure for many more East Africans to migrate intra- and extra-regionally in search of work, with millions of people moving within the region for employment, trade and seasonal agricultural work.

Labour migration within and beyond the East and Southern Africa corridor plays a critical role in shaping socioeconomic development. However, migrant workers and in particular women migrant workers, are vulnerable to significant decent work deficits, often facing poor working conditions like low wages, long working hours, lack of enforcement of regulations or absence of regulations. Migrant workers are also often excluded from social protection measures – which is linked to the lack of access to regular migration pathways and formal jobs. To address these and other challenges and to enhance migration's positive contribution to sustainable development and regional integration, progress has been made in fostering improved labour migration governance.

The African Union (AU) has formulated the Migration Policy Framework for Africa (MPFA) and Plan of Action (2018-2030) to guide Member States and Regional Economic Communities (RECs). Member States as well as RECs are now integrating migration as one of the main dimensions in their national and their intra- and inter-regional development strategies and are mainstreaming it across policy domains. At the level of the Southern African Development Community (SADC), the SADC Labour Migration Policy Framework and the adoption of its new Labour Migration Action Plan (2020-2025) constitute major steps forward. At country level, a number of countries have adopted labour migration policies and others are

¹ <https://www.un.org/development/desa/pd/content/international-migrant-stock>

² <https://africacenter.org/spotlight/migration-trends-2025/>

in the process of developing such policies in accordance with international and regional commitments and labour standards. The East African Community (EAC) Labour Migration Policy aims to govern labour migration, protect migrant workers and maximize the benefits of migration for socioeconomic development within the region. It focuses on strengthening labour migration governance, harmonizing policies and ensuring migrant workers have access to social protection and fair recruitment practices.

Various bilateral labour agreements (BLAs), memoranda of understanding (MoUs) and national policies guide the mobility of workers across borders. However, despite these frameworks and instruments, significant challenges remain in protecting migrant workers' rights, ensuring decent work and effectively involving trade unions in labour migration governance. Well-governed labour migration can contribute to sustainable development for countries of origin, transit and destination and can provide benefits and opportunities for migrant workers and their families. On the other hand, poorly governed labour migration can bring risks and challenges, including for sustainable development and decent work, in countries of origin, transit and destination, especially for low-wage workers. In particular, BLAs between countries of origin and destination can be a useful governance tool for facilitating safe, orderly and regular labour migration when they:

- ▶ address labour-market needs and the protection of migrant workers;
- ▶ are developed in consultation with social partners; and
- ▶ are accompanied by functioning implementation and monitoring mechanisms.

Rationale and objectives of the study

Trade unions play a critical role in advancing rights-based migration governance and ensuring migrant workers' rights are upheld. The study was initiated as part of ACTRAV's commitment to enhance trade union participation in labour migration frameworks and to support the development of informed advocacy, policy engagement and collective action. The study is an analysis of existing bilateral and multilateral labour migration agreements, regulatory frameworks and institutional practices, with a specific focus on enhancing the engagement and capacity of trade unions in the governance of labour migration and skills mobility in East and Southern Africa.

Overall Objective

- ▶ To provide a comprehensive analysis of the bilateral and regional labour migration agreements, policies and practices regulating labour and skills mobility in East and Southern Africa, and to identify strategies to strengthen the role and actions of trade unions.

Specific Objectives

- ▶ To map and review existing bilateral and regional labour migration agreements and policy frameworks in East and Southern Africa.
- ▶ To analyse the extent to which these agreements and policies address the protection of migrant workers' rights and the principles of fair recruitment and decent work.
- ▶ To assess to what extent the ILO-IOM guidance on BLMAs was taken into account in those BLMAs
- ▶ To assess the role and involvement of trade unions in the negotiation, implementation and monitoring of these frameworks.
- ▶ To identify good practices and gaps in current policies and practices concerning the role of trade unions.
- ▶ To propose actionable recommendations and strategies for strengthening trade unions' involvement and influence in labour migration governance.

► 2.0 Labour Migration in East and Southern Africa

Labour migration is a complex phenomenon and plays a pivotal role in shaping societies and economies around the world. It contributes to the movement of skills and remittances, thereby fostering sustainable development. On the other hand, labour migration presents profound governance, social and developmental challenges that require coordinated and comprehensive responses at local, national, regional and global levels. Managing migration effectively has thus become a cornerstone of the sustainable development agenda. Well-managed labour migration supports sustainable development by balancing labour supply and demand, fostering skills development and transfer, strengthening social protection systems, driving innovation and enriching the cultural and social fabric of both origin and destination communities.

In the African context, migration is often perceived as being primarily outward-bound – that is Africans moving to Europe, North America, or the Middle East. However, empirical evidence increasingly shows that the majority of migration movements take place within the continent (IOM, 2024; Crawley and Teye, 2024; Flahaux and De Haas, 2016). Short-distance mobility is a defining feature of migration across Africa, with most intra-African movements occurring between neighbouring countries that share land borders. This pattern underscores the deeply regional nature of African migration, which is often linked to historical, linguistic, ethnic and economic ties that predate modern state boundaries.

The First Labour Migration Statistics Report in Africa (2017) estimated that there were approximately 18 million African migrant workers within the continent. Earlier, the International Labour Organization (ILO) reported 8.4 million migrant workers out of 19.3 million total migrants in Africa in 2010. The World Bank similarly noted that in 2010, 77 per cent of Africans living outside their country of birth were from Sub-Saharan Africa. These estimates often exclude millions of Africans engaged in short-term, seasonal and temporary migration; hundreds of thousands of cross-border commercial and mobile workers; as well as refugees and forcibly displaced persons who become integrated into local labour markets.

Over the period 2010 and 2019, the number of international migrant workers in Africa increased from 9.6 million to 14.5 million, reflecting an average annual growth rate of 4.8 per cent – nearly double the 2.7 per cent population growth rate on the continent during the same period (African Union, 2024; African Union Commission & JLMF partners, 2021). In 2019, migrant workers accounted for 2.8 per cent of the total African labour force. Regionally, the distribution of these workers was as follows (GMDAC calculations based on African Union Commission & JLMF partners, 2021):

- **East Africa:** 4.1 million (28 per cent).
- **West Africa:** 4.3 million (30 per cent).
- **Southern Africa:** 3.5 million (24 per cent).
- **Central Africa:** 1.5 million (10 per cent).
- **North Africa:** 1.2 million (8 per cent).

In 2019, the majority of Africa's migrant workers resided in South Africa (19 per cent), Côte d'Ivoire (12 per cent), Uganda (7 per cent) and Ethiopia (5 per cent). Nearly half (46 per cent) were aged between 15 and 35 years, illustrating the youthful nature of Africa's labour mobility, while 54 per cent were older than 35. Importantly, while the overall number of migrant workers rose by 53 per cent between 2010 and 2019, the number of female migrant workers grew faster (+60 per cent) than males (+50 per cent), although men (8.9 million) still comprised the majority (61 per cent) compared to women (5.6 million, or 39 per cent).

According to the 2024 World Migration Report, East and Southern Africa has experienced a significant increase in intraregional migrants, driven in part by free movement arrangements. For instance, the number of migrant workers residing within East African Community (EAC) countries reached nearly 3 million in 2019, growing from just under 1.5 million in 2010. Within the Intergovernmental Authority on Development (IGAD), the number doubled from 2010 to over 3 million. Efforts to enhance integration in the subregion – including through the East African Common Market Protocol, which entered into force in 2010 and aims to achieve the free movement of persons, labour, capital, services and goods – have been vital for removing barriers to employment. While not fully implemented across all countries, many citizens of the EAC have the right to entry and work within the Community and have access to the free processing

of work permits. To further bolster integration and facilitate labour mobility within the subregion, several States within the EAC have also advanced frameworks on mutual skills recognition, playing “an important role in providing migrant workers access to other markets.”

Past economic growth on the African continent has failed to result in economic diversification and structural transformation from low value added activities to high value added activities. The fact that that economic growth has largely been driven by the extractive industries has limited its employment intensity and capacity for structural transformation, technological upgrading and poverty reduction on the continent. The limited structural transformation continues to exacerbate income and wealth inequalities across the continent – especially in Southern Africa, which remains the most unequal region globally. In 2023, for instance, nearly 50 per cent of Africa’s cumulative GDP was concentrated in just five countries: South Africa, Egypt, Algeria, Nigeria and Ethiopia (AfDB, 2024). This stark concentration of wealth not only limits broad-based development but also intensifies economic disparities between and within African States. Inequality acts as both a cause and consequence of [labour] migration, providing strong incentives for people to seek livelihoods elsewhere and shaping the negative relationship between growth and poverty reduction (Chancel et al., 2023).

Labour migration has also been driven by inadequate formal employment opportunities in the countries of origin (African Union, 2021:6), combined with the (real or perceived) promise of higher income, improved security and better education and health care in destination countries (African Union, 2018a:20). Weak institutions, corruption, inequality, political instability, conflict, civil strife and climate shocks (African Union, 2018a:20) have also contributed to both cross-border and internal displacement. Strong social ties and diaspora networks have also facilitated labour migration, as migrants tend to feel more secure moving to destinations where they already have family, community, or ethnic connections (African Union, 2021:6).

Low-skilled workers make up the vast majority of modern labour migration flows in Africa. They are predominantly concentrated in agriculture, domestic service, construction and informal trade. In West Africa, for example, a substantial number of Burkinabè migrants work in Côte d’Ivoire’s agricultural sector, particularly in cocoa and coffee production (Dabiré & Soumahoro, 2024). In Southern Africa, the growing demand for low-cost services has become a major pull factor for intraregional migration. The historical decline in migrant labour recruitment from Malawi, Lesotho and Mozambique for South African mines, combined with the casualization and downsizing of the mining sector, has displaced many workers. These workers are increasingly absorbed into labour-intensive and unregulated sectors such as domestic work, construction, hospitality and street vending. Domestic service, in particular, has opened up economic opportunities for low-skilled migrant women from Lesotho and other neighbouring States (UNCTAD, 2019). In major Southern African cities, domestic work has become the most common paid occupation for women, followed by small-scale commerce, hawking and vending. However, women’s participation in these informal sectors is often precarious, poorly remunerated and lacking legal or social protections.

Socioeconomic inequalities, restrictive labour migration frameworks and the absence of safe and legal pathways for migration have also contributed to rising levels of irregular migration, including from regions outside Southern Africa – most notably from the Horn of Africa. This trend has led to the proliferation of urban-based informal economic activities and atypical employment relationships, further complicating efforts to regulate labour markets, ensure workers’ rights and promote decent work.

The Southern Africa region can broadly be divided into migrant-origin countries – such as Mozambique, Malawi, Lesotho, Zimbabwe and Eswatini (formerly Swaziland) – and migrant destination States like South Africa, Botswana, Angola and Namibia. This dichotomy reflects long-standing patterns of labour circulation shaped by economic, ecological and political dynamics. Regional studies conducted by the International Organization for Migration (IOM) and the Southern African Migration Project (SAMP) highlight the interplay of push and pull factors – ranging from poverty, unemployment and political instability to labour demand and higher wages – as central drivers of migration within the region (IOM 2005, 2007; Crush et al. 2006; Pendleton et al. 2006).

Labour migration to and from Southern African countries is largely driven by the search for economic opportunities, political instability and, increasingly, the impacts of environmental hazards. A few countries serve as the economic anchors of this region with an estimated population of 363.2 million people and 6.4 million international migrants as of mid-2020 (UN DESA, 2020). Industrial development and vibrant

mining sectors in South Africa, Botswana and Zambia, together with Angola's oil wealth, have acted as magnets for both skilled and unskilled labour migrants from across the continent and beyond.

South Africa, the region's most industrialized economy, is by far the leading destination, hosting an estimated 2.9 million migrants in 2020 (UN DESA, 2020). South African 2022 census data shows that 84 per cent of international migrants are from SADC countries. The leading countries of origin are Zimbabwe (48.5 per cent), Mozambique (20 per cent), Lesotho (11 per cent) and Malawi (10 per cent)³. It attracts labour migrants not only due to its employment prospects and access to education, but also due to its relatively developed infrastructure and public services. Moreover, cultural, linguistic and historical affinities between labour migrants from neighbouring countries such as Botswana, Eswatini, Lesotho and Mozambique and South African communities facilitate smoother integration and encourage continued mobility across borders.

Labour migration in East Africa is characterized by significant intraregional mobility, with millions of people moving within the region for employment, trade and seasonal agricultural work. Countries such as Kenya, Uganda, Tanzania, Ethiopia, Somalia, South Sudan, Rwanda and Burundi are all part of this migration system, serving both as countries of origin and destination. Most labour migration in East Africa occurs between neighbouring countries, facilitated by shared borders, cultural and linguistic ties and regional agreements under the East African Community (EAC) and the Intergovernmental Authority on Development (IGAD). A large share of labour migrants are young people (15–35 years) seeking better job opportunities amid high youth unemployment rates. Migrant workers are heavily concentrated in agriculture, construction, domestic work, transport, informal trade and hospitality. In pastoral and border regions, seasonal and circular labour migration is common. Countries like Ethiopia, Kenya and Uganda send large numbers of low- and semi-skilled workers, especially women, to the Middle East (for example, Saudi Arabia, UAE, Oman). There are at least 3.6 million labour migrants in East Africa, according to UN estimates⁴. Given the instability and drought experienced in the region in recent years, the pressure for many more East Africans to migrate intra- and extra-regionally in search of work is growing. There are four major labour migration corridors in the region:

- ▶ The Horn of Africa Corridor (towards and within the Horn of Africa).
- ▶ The Eastern Corridor (towards countries on the Arabian Peninsula, particularly Saudi Arabia).
- ▶ The Southern Corridor (towards South Africa, mostly along the coastal East African countries).
- ▶ The Northern Corridor (towards Northern Africa).

While free movement protocols have been instrumental in enabling people to easily move across borders, irregular migration – both within and from the subregion – remains a challenge. In Eastern Africa, irregular migration often occurs along four key routes: the southern route, towards Southern Africa (mainly to South Africa); the Horn of Africa route (movements within the Horn of Africa); the northern route, towards North Africa and Europe; and the eastern route, towards the Arabian Peninsula (mainly to Saudi Arabia). Often facilitated by smugglers, the journeys migrants embark on along these routes are fraught with risks. Along the southern route to South Africa, for example, migrants encounter multiple challenges and risks, including having to make unexpected payments to brokers; they often lack sufficient funds for basics such as food; and some experience physical, sexual, psychological and other abuses.

Increasing numbers of people are being displaced, within and out of their country of origin, because of conflict, violence, political or economic instability as well as climate change and other disasters. In particular, climate change induced disasters such as droughts and floods have devastated livelihoods in Eastern and Southern Africa, while also displacing millions of people in the subregion. In 2023, the East and Horn of Africa subregion experienced the worst drought in more than 40 years. Ethiopia, Kenya and Somalia were the most affected, with the drought coming on top of years of insecurity and conflict, particularly in Somalia and Ethiopia. By May 2023, more than 2 million people had been internally displaced due to drought in Ethiopia and Somalia (combined), while over 866,000 refugees and asylum seekers in Kenya, Ethiopia and Somalia were living in drought-affected areas at the start of the year.

In response to the growing intensity of the adverse effects of climate change and its expanding geographical scale of climate-induced mobility, more than 10 States of the East and Horn of Africa

³ <https://africacenter.org/spotlight/migration-trends-2025/>

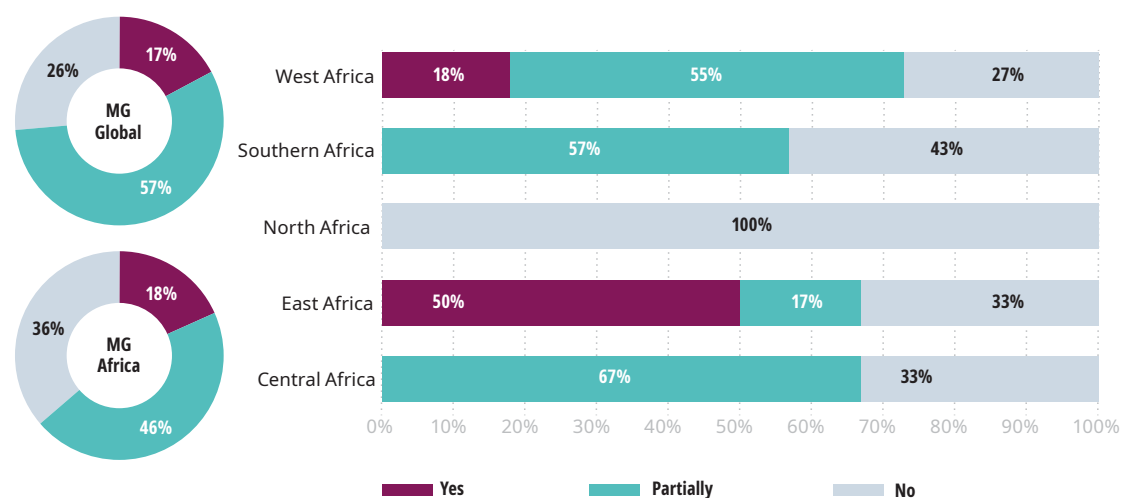
⁴ <https://africacenter.org/spotlight/migration-trends-2025/>

subregion, supported by IGAD and the EAC, came together in September 2022 in Kampala, Uganda to sign a historic new Declaration: the Kampala Ministerial Declaration on Migration, Environment and Climate Change (KDMECC). The Declaration lists 12 commitments articulated by the signatory States and five requests to the parties to the UNFCCC, under a collaborative framework that specifically addresses climate-induced mobility while driving forward the sustainable development of States. In Southern Africa, disasters linked to climate change, including cyclones, have become more frequent and intense. Cyclone Freddy, for example, wreaked havoc in Malawi, Mozambique and Madagascar in early 2023 and was one of the longest-lasting tropical cyclones ever recorded. The cyclone claimed more than 500 lives and displaced over 500,000 people in Malawi alone. As climate change intensifies, such events are expected to play a growing role in influencing labour migration flows alongside the traditional economic and political drivers. The drivers of labour migration are highly intertwined, overlapping and mutually reinforcing.

Middle East and Gulf countries remain key destination countries for migrant workers from Eastern Africa. Tanzania, Ethiopia, Kenya and Uganda are the main origin countries of migrant workers from the subregion to Gulf Cooperation Council (GCC) States, with most working in the hospitality, security, construction and retail sectors. The major push factors are the high rates of unemployment and underemployment, as well as the prospect for higher wages. Many young people in the subregion seek employment opportunities in the Gulf. The Gulf's close proximity, coupled with the increasing difficulty of gaining entry to previously traditional destination countries in the West, have made GCC States attractive labour migration options. The proliferation of recruitment firms across the subregion, as well as several bilateral labour migration agreements, have also contributed to the significant increase in labour migration to the Gulf. Regular and irregular labour migration from Eastern Africa to the Gulf are both prevalent and have increased over time, making the eastern corridor one of the busiest maritime migration routes in the world. Labour migration to the Gulf has resulted in a substantial increase in remittances, especially to countries such as Kenya and Uganda. Remittances to Kenya and Uganda climbed to more than USD 4 billion and over USD 1.2 billion, respectively, in part due to increased inflows from GCC States. In Kenya for instance, Saudi Arabia now ranks only behind the United Kingdom and the United States as the third largest source of remittances.

According to the African Union Commission's recent Report on Labour Migration Statistics in Africa (AUC, 2019), data on labour migration in Africa needs improvement. Currently, only 18 per cent of African countries collect labour-market data that is broken down by migratory status and sex, with these countries mainly located in East and West Africa. An additional 46 per cent of African States collect limited or unpublished data, or data that are not regularly updated or broken down by migratory status.

Figure 1: Does the country collect data on the labour market disaggregated by migration status and sex?



Source: AUC (2019).

► 3.0 Labour Migration Governance: Instruments and Structures

Effective labour migration governance is needed for the African continent to fully realise its potential for economic development, regional integration and poverty reduction while mitigating risks like exploitation and social disruption. Such effective governance ensures that labour migration is a driver of sustainable development for countries of origin and destination by protecting migrant workers' rights, facilitating responsible recruitment, promoting decent work and developing labour markets. Without such governance, migration can undermine community cohesion, create unsafe working conditions and ultimately lead to negative outcomes for migrants and societies.

The Joint Programme on Labour Migration Governance for Development and Integration in Africa (JLMP) which was launched by the African Union Commission (AUC), International Labour Organization (ILO), International Organization for Migration (IOM) and the UN Economic Commission for Africa (UNECA) in January 2025 identifies four cardinal pillars of labour migration governance as follows:

- a. laws and regulatory frameworks based on international standards;
- b. viable and coherent policies;
- c. strengthened core institutions responsible for labour migration governance; and
- d. the tripartite participation of and cooperation among the main economic actors in a whole-of-society approach at national, regional and international levels (IOM, 2024: 5).

Accordingly, labour migration governance constitutes an amalgamation of legal norms, laws, regulations, policies, traditions and organizational structures. The key imperatives needed to achieve effective labour migration governance are establishing legal frameworks, harmonizing national laws, extending social protection for migrant workers, developing comparable data and promoting decent work. This comprehensive framework operates at subnational, national, regional and international levels, guiding and regulating states' approaches to labour migration in its various manifestations. This perspective emphasizes the consideration of rights and responsibilities and advocates for international collaboration (see Lubale, 2023).

In short, the conceptual framework for managing labour migration has three elements, namely, policy, legislation and administrative organization. First, the policy informs the approach of the state based on national objectives linked to other national policies such as the Labour Migration Policy and foreign and investment policies. Second, legislation is the concrete expression of the policy, providing the authority and necessary measures that include regulations. Third, the administrative organization assigns and coordinates functions to help manage labour migration within a coherent framework of responsibility, accountability, compliance with laws and adherence to the code of ethics. As a result, these three elements make it possible for governments to manage labour migration by applying Principles, Directions and Commitments (see Lubale, 2023).

In this regard, effective labour migration governance entails adherence to global standards, safeguarding migrant rights, evidence-based policy formulation based on a whole-of-government approach, as well as collaboration with partners to address labour migration and its associated challenges. States play the principal role in labour migration, mobility and nationality matters, assuming responsibility for governance at both national and international levels.

However, a host of other actors (citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious entities and academia) have roles to play within the complex landscape of labour migration governance. This highlights the dual dimensions of labour migration governance: a national dimension based on state authority and a global dimension involving norms, rules, principles, decision-making procedures and organizational structures that guide the conduct of States and other transnational entities.

In the context of international labour migration, governance appears in diverse forms. These include individual countries' labour migration policies, interstate discussions, multilateral forums and the activities of international organizations. This intricate landscape is further shaped by relevant laws, norms and labour migration policies. Therefore, taking international instruments on labour migration as the starting point, it is important for these to be mainstreamed into regional and national frameworks, policies and programmes so that they effectively shape labour migration governance structures.

3.1 United Nations Conventions, Protocols and Frameworks

Several international instruments currently relate to labour migration as outlined below.

3.1.1 UN Migrant Workers Convention

The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW) was adopted by the UN General Assembly in December 1990. It came into effect when it reached the required number of ratifications (20) in 2003. The ICMRW consolidates a range of conventions on labour migration into a single instrument. It is important because it defines the rights of migrant workers throughout the migration cycle; namely, pre-departure, transit, period of employment abroad and return to country of origin. It also extends basic employment rights to irregular migrant workers, specifically during their period of employment.

As of the end of July 2026, only 60 countries had ratified the ICMRW and these are all primarily countries of origin.⁵ Critically, no important migrant destination countries in Western Europe, North America, the Gulf States or Australia have ratified this Convention. In East Africa, only Uganda and Rwanda have signed and ratified the ICMRW. In Southern Africa, only seven states have signed the Convention and six have ratified it (Lesotho, Madagascar, Malawi, Mozambique, Seychelles and Zimbabwe). Comoros has signed but not yet ratified the ICMRW. None of the major migrant receiving states in Southern Africa have signed or ratified it.

The UN Global Compact for Safe, Orderly and Regular Migration (in short, the Global Compact for Migration), launched in 2018, is a non-binding agreement that recommends approaches for the creation of a safe, orderly and regular environment for migration to take place. While acknowledging the sovereign right of UN Member States to determine their national migration policy and prerogative to govern migration within their jurisdictions, it calls for shared responsibility and unity of purpose in addressing and responding to the challenges and opportunities pertaining to international migration.

The Global Compact for Migration has 23 objectives that have direct and indirect impacts on labour migration. These are grouped into five thematic areas to improve cooperation on migration and ensure migrants' rights and well-being as follows:

1. Minimizing Adverse Drivers and Structural Factors of Migration

Objective 1: Collect, use and analyse disaggregated data and evidence-based information to support policies and actions on migration.

Objective 2: Minimize the adverse drivers and structural factors that compel people to leave their countries of origin.

Objective 3: Provide accurate and timely information to all migrants and potential migrants at all stages of the migration process.

Objective 4: Ensure that migrants have access to information and documentation related to their legal status and rights.

Objective 5: Promote the development and implementation of national migration strategies and cooperation on all aspects of migration.

⁵ https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4

2. Safe, Orderly and Regular Migration Pathways

Objective 6: Enhance the availability and flexibility of pathways for regular migration.

Objective 7: Facilitate fair and ethical recruitment processes for migrant workers and ensure decent working conditions.

Objective 8: Strengthen international, regional and bilateral cooperation in relation to border management.

Objective 9: Prevent, combat and eradicate smuggling of migrants and trafficking in persons.

Objective 10: Improve and enhance the ability of States to manage their borders in an integrated, secure and coordinated manner.

3. Addressing Vulnerabilities and Enhancing Migrant Protection

Objective 11: Address and reduce the vulnerabilities of migrants in all situations.

Objective 12: Ensure that all migrants have access to essential services, including health, education and legal assistance.

Objective 13: Establish mechanisms to verify and certify skills and qualifications of migrants to facilitate their decent work.

Objective 14: Prevent and address violence and discrimination against migrants in all forms.

Objective 15: Address the protection needs of migrants in crisis situations, including refugees and internally displaced persons.

4. Maximizing Contributions to Sustainable Development

Objective 16: Create conditions for migrants and their diasporas to fully contribute to sustainable development in all countries.

Objective 17: Promote evidence-based public discourse to shape perceptions of migrants and their contributions.

Objective 18: Invest in migrants' skills development and facilitate the mutual recognition of qualifications and skills.

Objective 19: Promote the financial inclusion of migrants and foster their entrepreneurial and economic activities.

5. Strengthening International Cooperation

Objective 20: Promote faster, safer and more cost-effective transfer of remittances.

Objective 21: Foster cooperation in facilitating safe and dignified return and readmission and sustainable reintegration of migrants.

Objective 22: Establish mechanisms for the portability of social security entitlements and earned benefits for migrants.

Objective 23: Strengthen international cooperation and global partnerships to ensure safe, orderly and regular migration.

3.1.2 ILO International Labour standards that apply regarding Migrant workers

The ILO's International Labour Standards (ILS) seek to provide guidance to Regional Economic Communities and Member States on protecting migrant labour and inform the development of regional frameworks and national policies and laws related to work and social policy.⁶ Member States are expected to sign and ratify the ILO ILS instruments to ensure that they adhere to the principles outlined in the conventions and work towards harmonizing their national laws and policies with these measures to protect the needs and rights of labour migrants.

The protection of migrant workers lies at the heart of the ILO's mandate, as set out in its Constitution, which calls for the protection of "the interests of workers when employed in countries other than their own" ([ILO Constitution, 1919, Preamble, recital 2](#)). International labour standards apply to all workers – regardless of nationality or migration status – unless explicitly stated otherwise.

ILO ILS principle regarding migrant workers

One principle of the ILO ILS System is that ALL ILSs apply to all workers, UNLESS the standard states otherwise – in other words, unless the ILS contains a particular reference to a category of workers. This means that all FPRWs apply to all migrant workers regardless of migration status. The specificities of each ILS must be allowed for, but the principle is clear. The protection of migrant workers should not be limited to C 97 or C 143 and their respective supplementary recommendations.

ILO Conventions on Labour Migration/Migrant workers

The ILO has developed two dedicated conventions to regulate labour migration, safeguard the rights of migrant workers⁷ and promote non-discrimination and equality of treatment:

[Migration for Employment Convention \(Revised\), 1949 \(No. 97\)](#)

[Migrant Workers \(Supplementary Provisions\) Convention, 1975 \(No. 143\)](#)

Convention No. 143 is supplementary to both Convention No. 97 and [Convention No. 111 on Discrimination \(Employment and Occupation\), 1958 \(No. 111\)](#)

Key Provisions of the Conventions and Recommendations

Convention No. 97 and its annexes aim to regulate the conditions under which labour migration occurs, including recruitment. It requires States to ensure equal treatment – without discrimination based on nationality, race, religion, or sex – between nationals and regularly employed migrant workers in areas such as:

- ▶ Conditions of work
- ▶ Trade union rights
- ▶ Accommodation
- ▶ Social security
- ▶ Employment taxes
- ▶ Legal proceedings

It is accompanied by the [Migration for Employment Recommendation \(Revised\), 1949 \(No. 86\)](#), which provides further guidance. The Recommendation includes a model agreement on migration for employment, including provisions for refugees and displaced persons.

⁶ ILO (2021) Trade Unions Manual to Promote Migrant Workers' Rights and Foster Labour Migration Governance in Africa. ILO, Geneva.

⁷ Beware that C. 97 only applies to migrant workers "lawfully in the territory" ... so only regular migrant workers... and C 143 part II and III is the same case, only part I covers all migrant workers regardless of migration status. On the other side, FPRW apply to all.

Convention No. 143 requires States to take action against abusive forms of labour migration while upholding the basic human rights of all migrant workers.

Part I: Requires a national policy promoting equality of opportunity and treatment for regular migrant workers and their families in terms of employment, social security, trade union and cultural rights and individual and collective freedoms.

Part II: Is supported by the [Migrant Workers Recommendation, 1975 \(No. 151\)](#), offering further guidance.

Support for these universal conventions has been relatively weak. Only one of the eight East African Community (EAC) member countries, Kenya, had ratified [ILO Convention 97](#) (the [Migration for Employment Convention, Revised, 1949](#)) by 2006, the date of a relevant [International Labour Organization](#) report. In addition, only one EAC Member State, Uganda, has ratified the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). As for Southern Africa, only six SADC countries have ratified C.97 and two countries, Comoros (2021) and Madagascar (2019) have ratified C.143. The latter are the only two SADC countries to have ratified both conventions. Interestingly, while the United Republic of Tanzania (Tanzania Mainland and Zanzibar) has not ratified any of the two Migrant Workers Conventions, Zanzibar has ratified ILO C. 97. Thus, there is a discrepancy within the country regarding labour migration (see ILO, 2022).

Fundamental Principles and Rights at Work and other International Labour Standards

All [ILO Fundamental Principles and Rights, Conventions](#) and Protocols apply to migrant workers, regardless of their status, residence, or nationality⁸.

The ILO's commitment to protecting migrant workers is reaffirmed in the [1998 Declaration on Fundamental Principles and Rights at Work](#), as amended in 2022. It calls on Member States to respect, promote and realize fundamental rights at work in good faith and in accordance with the ILO Constitution, paying special attention to migrant workers as a group with specific needs.

For example, under Convention No. 111, migrant workers must be protected from discrimination in employment and occupation based on race, colour, sex, religion, political opinion, national extraction, or social origin. This can also include other grounds, for instance, as specified under art. 1. (b) of the Convention 111... "such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist and with other appropriate bodies."

Forced labour

The [Protocol of 2014 to the Forced Labour Convention, 1930](#) and the [Forced Labour \(Supplementary Measures\) Recommendation, 2014 \(No. 203\)](#) are highly relevant to migrant workers. These instruments recognize the particular vulnerability of migrants to trafficking and forced labour and urge States to protect them from abusive and fraudulent recruitment practices, among other violations.

Additional relevant ILO standards

A number of other ILO standards – both general and specific – that contribute to migrant worker protection include:

Governance conventions on:

- ▶ [Labour inspection](#)
- ▶ Labour inspection in rural areas
- ▶ [Employment policy](#)
- ▶ [Tripartite consultation](#)

⁸ Note that FPRWs apply to all workers and also to all ILSs subject to the specific conditions set out in each ILS

- Instruments with specific provisions on migrant workers:
- [Private Employment Agencies Convention, 1997 \(No. 181\)](#)
- [Domestic Workers Convention, 2011 \(No. 189\)](#)
- Other ILO standards:
- [Violence and Harassment Convention, 2019 \(No. 190\)](#)
- [Employment and Decent Work for Peace and Resilience Recommendation, 2017 \(No. 205\)](#)

General survey and governance of labour migration

In 2016, the [Committee of Experts on the Application of Conventions and Recommendations \(CEACR\)](#) conducted a [General Survey concerning the migrant workers' instruments](#). The resulting discussion by the Committee on the Application of Standards emphasized the need for:

- A rights-based approach to labour migration that responds to national contexts;
- Strong national governance and cooperation;
- Increased reliance on bilateral, regional and multilateral agreements to manage migration effectively.

Importantly, non-ratification of these key international standards may influence any bilateral agreements and arrangements they may have with neighbouring States within their Regional Economic Communities. It also makes it difficult to develop comprehensive national laws and policies that protect labour migrants.

To facilitate work towards the achievement of a rights-based approach to labour migration, the 2006 ILO Multilateral Framework on Labour Migration sets out 15 non-binding principles and accompanying guidelines for implementation. The Framework draws on a range of international instruments and specifically, on the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention 1975 (No. 143) and the accompanying Recommendations Nos. 86 and 151.

The 15 principles and guidelines cover the following areas: decent work; means for international cooperation on labour migration; global knowledge base; effective management of labour migration; expanding avenues for regular labour migration; social dialogue; consultations with civil society and migrant associations; Protection of migrant workers; applicability of International Labour Standards and other international instruments to migrant workers; application and enforcement of national laws and regulations to protect the rights of migrant workers; prevention of and protection against abusive migration practices; promotion of orderly and equitable labour migration processes; licensing and supervision of recruitment and placement services for migrant workers; social integration and inclusion; and migration and development.

3.2 African Continental Policy Frameworks Governing Labour Migration

UNECA (2021) reviewed the implementation of the Global Compact for Migration in Africa based on four thematic areas covering the 23 objectives of the Global Compact for Migration. These are: (a) ensuring that migration is voluntary, orderly and regular; (b) protecting migrants through rights-based border governance measures abroad; (c) supporting the integration of migrants and acknowledging their contributions to development; and (d) improving value and evidence-based policymaking and public debate and enhancing cooperation on migration.

Member States were encouraged to develop and implement bilateral and multilateral agreements that facilitate student exchange, business development and employment opportunities. In addition, they were expected to promote labour circulation within Africa as well as strengthen the protection of migrant workers and their family members through social security mechanisms. Furthermore, they were urged to provide effective protection to migrants by reviewing labour recruitment procedures for employment in the Gulf Cooperation Council (GCC) countries. Some Member States (for example, Côte d'Ivoire (August 2021) and Nigeria (February 2021)) undertook voluntary reports outlining their approaches to mainstreaming the Global Compact for Migration into their national activities.

The African Union Commission (AUC) has binding and non-binding frameworks, conventions and programmes in place on labour migration (see Table 1).

Table 1: African Union labour migration-related instruments

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

Source: IOM (2024: 7).

The 2018 Migration Policy Framework for Africa (MPFA) provides guidance to Africa's Regional Economic Communities and Member States to develop regional and national migration policies to respond to their priority areas, including labour migration. The MPFA and the Global Compact for Migration complement each other on key issues relating to labour migration. These instruments recognize the ILO ILS as well as complementing the recommendations of the Global Compact for Migration. The African Union (AU) and United Nations (UN) 3-Year Implementation Plan of Action for the Global Compact for Migration (2019-2021) identified seven priority areas, focusing on strengthening governance, protecting migrants and harnessing migration for development. These priorities included addressing migration driven by climate change and disasters, promoting the Free Movement of Persons Protocol and ensuring the health and rights of migrants.

The International Organization for Migration (IOM) launched the Continental Strategy on Migration in Africa 2020–2024 online on 19 October 2020 to assist in laying down the foundations for maximizing the benefits of migration and thus contribute to the realization of the Agenda for Sustainable Development 2030, AU Agenda 2063 and SADC Vision 2050.

The AUC established the African Migration Observatory in Morocco, the African Centre for the Study and Research on Migration in Mali and the Centre for Migration, Development and Population Studies in the Sudan. These institutions seek to provide support to Member States when responding to a range of migration issues, including labour migration (for example, promoting the ratification and implementation of international instruments identified as a priority). These institutions have been established to ensure that labour migration is better governed across Africa.

The Joint Programme on Labour Migration Governance for Development and Integration in Africa (JLMP), a joint initiative of the African Union Commission (AUC), the International Labour Organization (ILO), the International Organization for Migration (IOM) and the United Nations Economic Commission for Africa (UNECA), seeks to enhance safe, orderly and regular labour migration for sustainable development. It plays a critical role in labour migration governance in Africa by helping to build capacity in regional economic communities and countries to manage migration effectively.⁹ As a long-term joint venture among the four organizations, the JLMP works in collaboration with other relevant partners operating in Africa (development cooperation actors, private sector organizations and civil society representatives).

In this context, the JLMP developed the JLMP Priority, a three-year (2018–2021) priority project with the overall objective of improving labour migration governance to achieve safe, orderly and regular migration in Africa as enshrined in relevant frameworks of the African Union and the RECs, as well as relevant international human rights and labour standards and other cooperation processes. The Joint Labour Migration Programme has two priority areas, namely governance and operational implementation.

3.3 Regional Labour Migration Governance: Policies and Structures at the Level of the East African Community (EAC) and the Southern African Development Community (SADC)

Labour migration governance in East and Southern Africa is a developing area, with significant efforts focused on strengthening national policies, promoting rights-based practices, improving data collection and enhancing regional coordination through initiatives like the Better Regional Migration Management (BRMM) Programme and the Migration Dialogue for Southern Africa (MIDSA). Key challenges include data limitations, a lack of harmonized legal frameworks and the need for increased social protection for informal workers, though progress is being made through regional frameworks like the African Union Protocol on Free Movement of Persons and the integration of digital tools.

At regional and Member State levels, specific frameworks/policies and laws are in place that relate to labour migration or migration in general. To ensure effective governance, the EAC and SADC adopted specific frameworks/policies and laws related to labour migration, as opposed to a generalized approach (see below). At Member State level, countries are at different stages of policy development relating to labour migration or migration in general. The national labour migration governance structure at Member State level is guided by regional and continental frameworks. Some countries are members of multiple RECs where discussions on labour migration take place.¹⁰

⁹ IOM (2024) Labour Migration Governance: Gaps and Challenges in Selected Member States in ECOWAS, EAC and SADC.

¹⁰ For instance, the Democratic Republic of Congo (DRC) and Tanzania belong to both the [East African Community](#) (EAC) and the [Southern African Development Community](#) (SADC). With some members of SADC also being part of the Southern African Customs Union (SACU), the Common Market for Eastern and Southern Africa (COMESA) or the East African Community (EAC), overlapping regional integration efforts have also allowed some SADC citizens visa-free access to countries outside the SADC. In particular, the 2012 tripartite agreement between the COMESA, the EAC and the SADC is a key driver to fast-track the facilitation of the free movement of goods and persons between the three regional economic communities, which together cover almost the entirety of the eastern half and southern sphere of the continent.

3.3.1 East African Community (EAC)

The Protocol on the Establishment of the East African Community Common Market (CMP) which was signed and entered into force in 2010, is the principal document guiding labour migration governance within the East African Community. The Protocol provides freedoms and rights along with free movement of goods, capital, services, labour and persons. Emphasis has shifted from solely liberalizing goods and tariffs towards a focus on establishing the rights of workers migrating within the community. The EAC CMP promotes mobility within the regional labour markets, encourages free movement of persons and promotes the abolition of work permits by some EAC Partner States (EAC, 2010).

The EAC CMP, allows citizens of Partner States to apply for or accept employment, move freely or stay within the EAC region, enjoy freedom of association and collective bargaining for better employment conditions and enjoy social security benefits in a Partner State. To eradicate barriers to free movement, selected Partner States such as Kenya, Rwanda and Uganda have permitted the use of a machine-readable national identity card to be used when travelling to their respective countries. The EAC Secretariat has also adopted the Common Market Scorecard in Burundi, Kenya, Rwanda and the United Republic of Tanzania as a monitoring tool for the implementation of the East African Community Protocol on the Establishment of the East African Community Common Market.

Labour and migration have been integrated into the EAC Gender Policy. The EAC Gender Policy (2018) includes migration as a priority area focused on facilitating the management of intraregional migration by gender. Partner States are expected to develop mechanisms to respond to irregular migration. Additionally, Partner States are expected to develop a response system for victims of trafficking and smuggling. Lastly, Partner States are expected to develop gender-sensitive approaches to migrant rights before and after migration. For gender equality in employment and labour force, Partner States are expected to “engender national migration and related policies to accord equal treatment of men and women within the region”, while the EAC Secretariat is expected to “foster regular policy dialogue on gender employment and migration as well as establish and strengthen partnerships with stakeholders engaged in migration in East Africa to ensure gender-responsive programming.”

Gender has been engrained into the EAC labour migration policies. The Gender and Community Development Department (GCDD), under the EAC Secretariat, coordinates and guides the implementation of the Gender Policy at regional level, while Partner States create institutions and mechanisms to implement the policy at national level. The GCDD is responsible for reviewing the implementation of activities by Partner States using the regional tool Gender Policy to track the implementation progress of the policy using disaggregated data. The GCDD will also help to identify the capacity needs of statistical institutions that capture and manage all gender-related data in the region.

Several regional-level instruments have been developed that relate to labour migration for the EAC, namely:

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

Additionally, two critical policies were drafted and reviewed in 2024. One was the EAC Council Directive on the Coordination of Social Security Benefits, which seeks to establish common rules for migrant workers in the EAC, ensuring they can access social security benefits across Partner States and that benefits can be transferred upon ending employment contracts. This is a key step in developing regional frameworks for social protection and supporting the free movement of workers within the East African Community. The other one is the East African Community Labour Migration Policy (EAC LMP), which engaged all the key regional social partners during its development. The draft EAC LMP considers the realities of mixed migration in the region in the process of creating safe and regular pathways for labour migration to avoid instances of migrant smuggling, as well as labour opportunities for refugees resident in host countries. It further outlines strategies to protect migrants from and within the EAC region working in other countries such as those in the Gulf States.¹¹

As the region strives to realize the fundamental objectives of the East African Common Market Protocol – facilitating the free, safe and orderly movement of individuals, migration lies at the heart of regional integration within the East African Community (EAC). To enhance immigration capacities to facilitate free movement of persons and workers, the EAC is implementing the following initiatives:

- ▶ **Visa-Free Entry:** All EAC Partner States allow visa-free entry for citizens of other Partner States, fostering business activities and internal trade.
- ▶ **Harmonized Permit Procedures:** Common procedures and fees for entry/work/residence permits have been adopted by the EAC, with some states waiving work permit fees.
- ▶ **EA e-Passport:** Introduced in 2016, the EA e-Passport aims to standardize travel documents across Partner States, with phased issuance in various countries.
- ▶ **e-Machine-Readable Travel Documents:** Partner States are urged to implement electronic machine-readable travel documents, with progress varying across states.¹²

Each Partner State in the EAC also has its own labour migration governance structures. Additionally, each Partner State has a focal point handling migration-related issues stationed at the Ministry of East African Affairs in their respective countries. They interact at national and regional levels on migration-related issues in general where labour migration is part of the discussion, providing country context on the legal policies and laws in place and in practice. The EAC Secretariat convenes the Secretary-General Forum, coordinated by the Gender Department, twice a year where the EAC engages with the EATUC, the East African Employers Organization, CSOs and trade unions, among other relevant social partners.

3.3.2 The Southern African Community (SADC)

The SADC region has long experienced intraregional migration between Member States. The SADC Protocol on Employment and Labour was adopted in 2014 and did not come into effect as the required number of ratifications had not been achieved. Article 19 of the SADC Protocol on Employment and Labour focuses on labour migration and migrant workers (SADC, 2014). The Protocol was a result of the targeted outcomes actioned in the first phase of the Labour Migration Action Plan (LMAP) (2013–2015), with an overall goal of developing a harmonized regional labour migration policy that ensures protection of migrant workers in a decent work environment. The Protocol on Employment and Labour was good in principle, as it identified key areas of focus for Member States. However, some of its provisions were ambiguous and did not specify the real commitments of the Member States, so it did not come into force.

As a result of challenges with ratifying the Protocol, the SADC Summit held in August 2020 decided to withdraw the 2014 Protocol and begin the process of drafting an alternate SADC Employment and Policy Framework (see ILO, 2022). The revised SADC Protocol on Employment and Labour adopted at the SADC Summit in Luanda, Angola on 17 August 2023 has not been formally adopted by all Member States, as it is still going through the signing and ratification phase. As of the end of September 2025, eight Member

¹¹ As the Labour Migration Policy has not yet been adopted, there is currently no specific policy governing labour migration other than ongoing initiatives taking place at the Secretariat level where labour migration is one of the key issues being discussed and addressed.

¹² <https://www.eac.int/immigration>

States had signed the Protocol.¹³ Only one country, Angola ratified the Protocol in March 2025. For entry into force, two-thirds of the Member States (11 out of 16) must ratify the Protocol. The goal is to achieve full ratification to make the instrument legally binding and operational by the end of 2026.

Article 18 of the Protocol on Employment and Labour on Migrant Workers requires State parties to formulate and implement labour migration policies and legislation to enhance labour migration governance and regulatory systems to safeguard the welfare and rights of migrant workers and their families. It further requires State parties to ensure equality of treatment and non-discrimination of migrant workers in respect of their basic employment conditions.

In addition, the Protocol encourages State parties to ensure that labour migration policies and legislation (a) promote safe, orderly and regular labour migration; (b) contribute to combating smuggling and trafficking in persons; (c) promote fair and ethical recruitment practices; (d) ensure that the status of migrant workers in a State party does not deprive them of redress mechanisms to access their accrued rights and benefits; and (e) promote the use of formal channels to transfer remittances by migrant workers. It further requires State parties to cooperate on labour migration, including through multilateral and bilateral measures to maximize the developmental potential of labour migration. While these developments are progressive, section 18(5) erodes their effectiveness by insisting that “Nothing in this Article shall be interpreted or construed as establishing the rights to entry, residence or establishment in the State Party.”

In 2013, SADC agreed to its first Labour Migration Action Plan (LMAP) (2013-2015), which was intended to guide the response to labour migration in the region. This was followed by the adoption of the draft Regional Labour Migration Policy Framework in 2014 to strengthen labour migration governance, provide protection to migrant workers and support the mainstreaming of migration issues into national and regional development plans. Its key principle is “to align with regional and international frameworks on labour migration, harmonize respective national and bilateral policies and work towards an inclusive labour migration regime balancing international frameworks with the specificities of Southern African economies and labour-market dynamics.” However, the framework has not been effective.¹⁴ Consequently, in December 2020, SADC indicated that it was developing a regional migration policy framework, with regional strategies and actions responding to immigration, labour and education, among others. The framework is expected to align with existing international, continental and regional migration frameworks.

The second phase of the LMAP (2016–2019) focused more on promoting labour migration for regional integration in the development of the SADC region (SADC, 2016). The third phase of the LMAP (2020–2025) focuses on promoting skills transfer and matching labour supply and demand for regional development and integration. **Output 2.1** of the SADC Labour Migration Action Plan (2020-2025) acknowledges that a “human rights-based approach to the management of labour migration requires Member States to ratify and implement key international labour standards, as well as other international instruments on the protection of migrant workers,” including CO97 and CO143.

The LMAP (2020-25) calls on all Member States to develop comprehensive national labour migration policies. While no specific timeline is provided, it is assumed that it is aligned to the framework of the LMAP: 2025 is the target date (see ILO, 2022). Lesotho, Mauritius, Namibia, Seychelles and Zimbabwe now have comprehensive national labour migration policies, while four others are at various stages of developing their own such policies (Botswana, Eswatini, Malawi and South Africa). The DRC, Madagascar, Mozambique and Zambia have all recently expressed interest in developing a labour migration policy. The actual requirements and procedures for working in a Member State are determined by the provisions

¹³ Seven member states had signed the Protocol by August 2024. The eight that have signed the Protocol are Angola, Botswana, Eswatini, Madagascar, Malawi, Mozambique, Tanzania and Zimbabwe. The study was informed by the responsible person at the SADC Secretariat that Lesotho is expected to sign the Protocol on October 6, 2025, to become the ninth country.

¹⁴ Delivering her remarks during the online launch event of the International Organisation for Migration (IOM) Continental Strategy on Migration in Africa 2020-2024 on 19 October 2020, SADC Executive Secretary, Dr Stergomena Tax, indicated that SADC was in the process of developing a Regional Migration Policy Framework. [https://www.sadc.int/latest-news/sadc-develops-regional-migration-policy-framework#:~:text=Southern%20African%20Development%20Community%20\(SADC, and%20interventions%20in%20migration%20governance.](https://www.sadc.int/latest-news/sadc-develops-regional-migration-policy-framework#:~:text=Southern%20African%20Development%20Community%20(SADC, and%20interventions%20in%20migration%20governance.)

of national immigration policy and legislation. The SADC Secretariat created a SADC Technical Committee on Labour Migration to guarantee and monitor the implementation of the 2020-2025 Plan.

While the regular release of updated LMAPs indicates SADC's commitment to implementing the core 2014 Labour Migration Policy Framework, however, an internal review of progress in implementing the LMAP of November 2019 highlighted slow progress in achieving intended outcomes and supporting activities. For instance, only 19 per cent of 17 planned outputs were completed across six outcomes and nearly 60 per cent had not yet begun. The completion rate for Outcome 3 on improving the availability of data and statistics on migration among Member States stood at only 22 per cent. Importantly, one of the intended outcomes of the 2016–2019 Action Plan was that all SADC Member States would have a National Labour Migration Policy in place (see ILO, 2022).

The action plans are complemented by the SADC guidelines on portability of social security benefits (SADC, 2020). Here, five Member States have committed to integrating the guidelines into their respective laws. However, it is too early to determine the challenges and successes of the process.

Labour migration issues in SADC are guided by different frameworks and protocols, namely:

- ▶ SADC Gender Policy, 1996.
- ▶ Protocol on the Facilitation of Movement of Persons, 2005.
- ▶ Code on Social Security in the SADC, 2008.
- ▶ 10-Year SADC Strategic Plan of Action on Combating Trafficking in Persons, especially women and children (2009–2019), 2009.
- ▶ SADC Guidelines on Coordinated Border Management (2011).
- ▶ Declaration on Tuberculosis in the Mining Sector 2012.
- ▶ 2013–2015 SADC Labour Migration Action Plan 2013.
- ▶ Draft Regional Labour Migration Policy Framework 2013.
- ▶ Protocol on Employment and Labour 2014; 2023.
- ▶ Draft Labour Migration Action Plan (2016–2019), 2016.
- ▶ Regional Strategy to Combat Illegal Migration, Smuggling of Migrants and Trafficking in Persons (2016–2020).
- ▶ SADC Common Regional Policy Framework on Refugees and Asylum Seekers (2019).
- ▶ SADC–United Nations High Commissioner for Refugees Action Plan (UNHCR) (2020–2024).
- ▶ SADC Labour Migration Action Plan (2020–2025), 2020.
- ▶ Guidelines on the Portability of Social Security Benefits in SADC, 2020.¹⁵

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

Labour migration issues in the SADC region are handled by the Directorate on Social and Human Development; specifically the Employment and Labour Sector. This is responsible for facilitating the subject of labour migration for the development and promotion of social dialogue, among other activities. Regional approaches and responses to labour migration are guided by the following: international, continental and regional frameworks; conventions; and guiding principles.

¹⁵ See IOM (2024) and Tax (2020).

3.3.3 Gaps and challenges

Regional resources

In the SADC region and the EAC, gaps exist in terms of human, infrastructure, technology and financial resources. The EAC has insufficient capacity to handle labour migration issues. Although a representative is posted at Partner State level within the Ministry of East African Affairs, Ministry staff have to deal with a host of other issues apart from migration. In this set up, labour migration may not be a priority when other regional issues emerge. Furthermore, financial, infrastructural and technological resources are also inadequate to respond to and support activities related to labour migration at regional level (see IOM, 2024).

Because there is no dedicated labour migration desk or unit at SADC level, additional staff are required to deal with labour migration. There is a need for a department or division to be developed within the SADC that handles labour migration issues. Activities linked to labour migration, including capacity and resources (i.e. technology, infrastructure) lack adequate financial resources due to the lack of any clear structure driving migration issues in a holistic manner.

Challenges relating to Labour Migration Governance

The EAC LMP is not yet operational as it is still under discussion with Partner States. Even though the Secretariat handles labour migration, there is an inherent risk of issues falling under the radar. In the case of the SADC, the LMP that was developed in 2014 still remains to be agreed upon by Member States. The Regional Labour Migration Policy Framework must still address some of the initial issues raised by Member States before it is signed and ratified. In the absence of a binding policy framework, it is difficult for Member States to adopt the LMP and respond to labour migration issues. Moreover, response to labour migration is not handled holistically and comprehensively within the region. In addition, even though diaspora issues are recognized at regional level, these are handled at Member State level (see IOM, 2024).

Gender considerations

Although regional frameworks on gender exist, (i) it is unclear whether these frameworks have been mainstreamed at the Member States level or not; and (ii) the extent to which they have been implemented is unknown. Unfortunately, studies on the specific situation and profile of skilled female migrants are scarce. As such, the role and potential of skilled migrant women has been overlooked as the emphasis has been on unskilled and less skilled women and the problems they face during their migration experience, including their exploitation and abuse. This has created the impression that migrant women are mainly uneducated and from rural backgrounds. In the SADC, for example, the LMAP has not mainstreamed gender adequately as the experiences of women in certain sectors has not been reviewed and a concomitant strategy developed to respond to them.

National

Low ratification of international instruments

Across the EAC and SADC regions, most Member States have not yet ratified key ILO conventions protecting the rights of migrant workers. The instruments with low ratification among most of the RECs include the following:

- ▶ CO97 (Migration for Employment Convention (Revised), 1949);
- ▶ C102 [Social Security (Minimum Standards) Convention, 1952];
- ▶ C118 [Equality of Treatment (Social Security) Convention, 1962];
- ▶ C121 (Employment Injury Benefits Convention, 1964);
- ▶ C143 [Migrant Workers (Supplementary Provisions) Convention, 1975];
- ▶ C154 (Collective Bargaining Convention, 1981);
- ▶ C157 (Maintenance of Social Security Rights Convention, 1982);
- ▶ C181 (Private Employment Agencies Convention, 1997); and
- ▶ C189 (Domestic Workers Convention, 2011) (see IOM, 2024:36).

In the EAC for instance, South Sudan's ratification of ILO conventions that will protect labour migrants and strengthen the Government response to labour migration issues is still slow.

Labour migration governance challenges

Labour migration governance gaps loom large when Member States do not have a policy on labour migration or a mechanism or strategy to respond to labour migration issues. In the case of Zimbabwe for instance, social partners pointed out that they do not have sufficient technical capacities. This particularly applies to structures operating at a decentralized level, which do not have enough knowledge of labour migration, laws and policies, as well as international frameworks and conventions. South Sudan has not yet implemented the National Comprehensive Migration Policy as it is awaiting the upholding of the peace accord. In Burundi, challenges around the implementation of legal instruments have been flagged. This includes constraints in implementing regional protocols such as the dispersion of legislative and regulatory texts and lack of coordination.

Botswana does not have a singular, formalized National Migration Policy but manages migration through legislative instruments like the [Immigration Act](#) and the [Refugee Act](#). The country is still at the initial stages of developing its national migration policy. Although labour migration is of interest, it does not appear to be high on the government agenda. In the case of the United Republic of Tanzania, it seems no formal structure is in place and it is unclear whether discussions are taking place on developing the structure as well as a specific National Migration Policy/National Labour Migration Policy (NMP/NLMP) to deal with national labour migration. Worse still, MDAs and social partners appear to be working in silos or engaging only bilaterally on specific labour migration issues. In addition, mainland United Republic of Tanzania and Zanzibar appear to operate independently on migration issues in general. While Uganda is in the process of developing its policy, it is relying on existing mechanisms such as the National Coordination Mechanism on Migration (NCM) to coordinate migration-related activities.

Resource gaps

Most countries face resource constraints that limit their ability to support labour-migration activities, including shortages of specialised human, financial and technological capacity. As a result, many Member States do not allocate sufficient budgetary resources for migration-related work. This undermines African countries' ability to manage migration effectively and indicates that migration governance remains relatively weak. This weakness means that Africa has little capacity to nurture and capitalize on the positive impact of migration and limited ability to negotiate migration compacts (see Mudungwe, 2025).

Gender considerations

Even though gender policies or strategies are in place, migration is not sufficiently mainstreamed in either gender or employment policies, especially in Burundi, Botswana, Lesotho and Uganda. In Burundi, for instance, there is limited evidence of strategies focused on gender and migration. In Uganda, no policies cover migration.

Way forward / More Is needed

From the foregoing, it is clear that countries need to do more beyond signing conventions and incorporating them into their national laws. For instance, there is a need to identify challenges that prevent the ILO ILS and conventions from being signed and ratified at Member State level and promote the signing and ratification of the guiding principles. In view of the low levels of ratification of core conventions among Member States, national laws in these countries may not be sufficient to protect the rights of labour migrants resident in these countries as well as those of their own nationals working abroad (see IOM, 2024).

► 4.0 Multilateral Labour Migration Agreements, Policies and Practices

Labour migration has moved to the top of the policy agenda in many countries of origin, transit and destination. Governments at both ends of the migration spectrum are increasing their regulatory capacities to manage labour mobility for the mutual benefit of migrants and societies. Multilateral and bilateral labour migration agreements are increasingly being used by states wishing to better manage labour migration.

The ILO has prepared guidance on BLMAS¹⁶. The document entitled Guidance on Bilateral Labour Migration Agreements (BLMAs) provides a comprehensive framework to help countries of origin and destination design, negotiate, implement, monitor and evaluate bilateral labour migration agreements that are rights-based, gender-responsive and aligned with international human rights and labour standards. Developed by the UN Network on Migration and co-led by the ILO and IOM, the guide emphasizes that BLMAs should promote safe, orderly and regular labour migration while protecting migrant workers throughout the entire migration cycle. It sets out core principles including fair and ethical recruitment, equality of treatment and non-discrimination, access to justice, occupational safety and health, social protection, wage protection, skills recognition, portability of social security benefits and support for return and reintegration. The guidance also highlights the importance of social dialogue, multi-stakeholder participation and policy coherence between labour migration agreements and national migration and employment policies.

Beyond outlining principles, the guide provides practical operational guidance for every phase of the BLMA cycle – from preparation and negotiation to implementation, monitoring, evaluation and revision. It defines the roles and responsibilities of governments, employers' and workers' organizations, civil society, recruitment agencies and other stakeholders and includes checklists, model terms of reference and examples drawn from existing bilateral agreements. Special attention is given to sectors with heightened vulnerabilities, including seasonal agricultural workers, health workers and domestic workers, recommending tailored provisions to address their specific risks and labour-market needs. Overall, the guidance serves as a practical reference for policymakers seeking to establish effective labour migration partnerships that balance labour-market demands with the protection of migrant workers' rights and the promotion of decent work.

The need for policies on labour migration is clearly identified in the international labour standards on Migrant Workers, namely:

- Migration for Employment Convention (Revised), 1949 (No. 97);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- Migration for Employment Recommendation (Revised), 1949 (No. 86); and
- Migrant Workers Recommendation, 1975 (No. 155).

In addition to its international labour standards, the ILO has also developed non-binding principles and guidelines applicable to labour migration that serve to protect migrant workers, including:

Multilateral Framework on Labour Migration: Non-binding Principles and Guidelines for a Rights-Based Approach to Labour Migration: the Multilateral Framework consists of a set of nonbinding principles and guidelines for a rights-based approach to labour migration. It aims to assist governments, social partners and stakeholders in their efforts to regulate labour migration and protect migrant workers by providing a comprehensive set of rights-based guidelines and principles. It is structured around nine areas, including: (1) decent work; (2) international cooperation; (3) knowledge base; (4) management of labour migration; (5) protection; (6) prevention and protection against abusive migration practices; (7) migration process; (8) social integration and inclusion; and (9) migration and development.

General Principles and Operational Guidelines for Fair Recruitment and Definition on Recruitment Fees and Related Costs: The General Principles are intended to orient implementation of fair recruitment initiatives at all levels. The Operational Guidelines address the responsibilities of specific actors

¹⁶ <https://www.ilo.org/publications/guidance-bilateral-labour-migration-agreements>

(governments, employers, labour recruiters) in the recruitment process and include suggested interventions and policy tools that can be applied.

Guiding Principles on the Access of Refugees and Other Forcibly Displaced Persons to the Labour Market set out principles to support ILO Member States on the access of refugees and other forcibly displaced persons to the labour market and to assist those States impacted by these situations in providing responses that meet the needs and expectations of host communities, refugees and other forcibly displaced persons.

Furthermore, in 2014, the ILO stepped up its work on labour migration by setting the Fair Migration Agenda, which aims for labour migration that not only respects the fundamental rights of migrant workers but to also offers them real opportunities for decent work. This means ensuring them a fair share of the prosperity they help to create and building migration regimes that respond equitably to the interests of countries of origin and destination, migrant workers, employers and nationals:

- ▶ Making migration a choice and not a necessity, by creating decent work opportunities in countries of origin.
- ▶ Respecting the human rights, including labour rights, of all migrants.
- ▶ Ensuring fair recruitment and equal treatment of migrant workers to prevent exploitation and to level the playing field with nationals.
- ▶ Formulating fair migration schemes in regional integration processes.
- ▶ Promoting bilateral agreements for well-regulated and fair migration between Member States.
- ▶ Countering unacceptable situations through the promotion of the universal exercise of fundamental principles and rights at work.
- ▶ Promoting social dialogue by involving Ministries of Labour, trade unions and employers' organizations in policymaking on migration.
- ▶ Contributing to a strengthened multilateral rights-based agenda on migration.

In 2017, the 106th Session of the International Labour Conference adopted conclusions to provide further guidance and strategic direction on addressing governance challenges for fair and effective labour migration at national, bilateral, regional and interregional levels and on fair recruitment. The conclusions highlight 10 areas warranting special attention and priorities for action, which similarly warrant special attention during the development of labour migration policies, namely:

- ▶ protection of migrant workers and labour-market integration;
- ▶ skills recognition and development;
- ▶ fair recruitment;
- ▶ social protection;
- ▶ freedom of association;
- ▶ data and statistics;
- ▶ temporary labour migration;
- ▶ irregular labour migration;
- ▶ bilateral agreements; and
- ▶ regional governance frameworks on labour migration (ILO, 2017).

The Global Compact for Safe, Orderly and Regular Migration (GCM) was adopted on the 10 December 2018. The Global Compact is the first intergovernmental agreement covering all dimensions of international migration. It is a non-legally binding, cooperative framework that upholds the sovereignty of States and their obligations under international law. The Global Compact provides an unprecedented opportunity to strengthen migration governance, address the challenges associated with migration in today's world and harness the contribution of migration to sustainable development. The Compact is rooted in the 2030 Agenda for Sustainable Development, in which Member States commit to cooperate internationally to facilitate safe, orderly and regular migration.

The African Union Commission (AUC)–International Labour Organization (ILO)–International Organization for Migration (IOM)–Economic Commission for Africa (ECA) Joint Programme on Labour Migration Governance for Development and Integration (better known as the Joint Labour Migration Programme

or JLMP) in Africa is a long-term joint undertaking between the four organizations and the United Nations Development Programme (UNDP) to implement the fifth Key Priority Area of the Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development adopted by the Assembly of Heads of States and Governments in Addis Ababa, Ethiopia in January 2015. Its strategy focuses on intra-African labour migration and supports achievement of the First 2023 Ten Year Plan of the AU's Agenda 2063 and of the UN Sustainable Development Goals (SDGs). The Joint Labour Migration Programme (JLMP) is a significant response to Africa's implementation of the Global Compact on safe, orderly and regular migration since it is a region-wide programme that contains many of the same priority areas of work as the GCM, including help with fostering regular (and reduce irregular) migration in a fair and effective manner, with respect for human and labour rights. The JLMP has been designed in response to identified challenges in many African countries, such as labour and skills shortages in some sectors and unemployment and a growing youth bulge in others.

The African Union (AU) has formulated the Migration Policy Framework for Africa (MPFA) and Plan of Action (2018-2030) to guide Member States and Regional Economic Communities (RECs). Member States as well as RECs are now integrating migration as one of the main dimensions in their national and their intra- and inter-regional development strategies and are mainstreaming it across policy domains. The East African Community Common Market Protocol (EAC CMP), established in 2010, is the principal document guiding labour migration governance within the EAC. The Protocol provides freedoms and rights along with free movement of goods, capital, services, labour and persons. This has shifted the emphasis from solely liberalizing goods and tariffs with a focus on establishing the rights of workers migrating within the community. The EAC CMP promotes mobility within the regional labour markets, encourages free movement of persons and promotes the abolition of work permits by some EAC Partner States (EAC, 2010). The Protocol aims to deepen economic cooperation among Partner States with the following mandates:

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

The EAC Labour Migration Policy which was adopted in 2024 aims to govern labour migration, protect migrant workers and maximize the benefits of migration for socioeconomic development within the region. It focuses on strengthening labour migration governance, harmonizing policies and ensuring migrant workers have access to social protection and fair recruitment practices. The EAC Gender Policy (2018) includes migration as a priority area focused on facilitating the management of intraregional migration by gender. Partner States are expected to develop mechanisms to respond to irregular migration, develop a response system for victims of trafficking and smuggling and develop gender-sensitive approaches to migrant rights before and after migration. The EAC Secretariat's role is to mainstream gender throughout migration management policies and strategies as well as develop common guidelines for the externalization of labour (EAC, 2018). The EAC Gender Policy is focused on other priority areas related to labour migration, namely trade, business and economic empowerment, where the EAC Secretariat aims to "facilitate the review of regional trade, economic and customs, immigration policies, laws, procedures, regulations and rules to make them gender equity compliant" (EAC, 2018:35).

At the level of the Southern African Development Community (SADC), the SADC Labour Migration Policy Framework and the adoption of its new Labour Migration Action Plan (2020-2025) constitute major steps forward. The SADC Employment and Labour Policy Framework (2020-2030) was adopted in April 2021. It was developed to guide Member States on key priorities for addressing decent work deficits. Labour migration is one of its five key intervention areas. Labour migration is reflected in Strategic Objective 5 which seeks to "To enhance labour migration governance for safe, orderly and regular labour migration." Strategic Objective 5 seeks to improve labour migration governance for safe, orderly and regular migration, through a whole-of-government/whole-of-society approach to effectively leverage labour mobility as a development enabler. At country level, a number of countries have adopted labour migration policies and others are in the process of developing such policies in accordance with international and regional commitments and labour standards.

► 5.0 Bilateral Labour Migration Agreements, Policies and Practices

Bilateral labour migration agreements (BLMAs) refer to cooperation frameworks between countries of origin and destination to ensure that labour migration is regulated according to agreed principles and procedures. They include all types of agreements between two countries regulating labour migration. According to the International Labour Conference 2017 Report on Addressing governance challenges in changing labour migration landscape, BLMAs cover

the following types of agreements:

- a. Bilateral labour migration agreements (BLMAs): BLAs create legally binding rights and obligations, governed by international law and are usually more specific and action-oriented;
- b. Memoranda of Understanding (MOUs): These are non-binding agreements, which set out a broad framework of cooperation to address common concerns;
- c. Other agreements: These can include specific bilateral agreements between government ministries or agencies in destination and origin countries, dealing with different aspects of labour migration.
- d. Framework agreements or cooperation agreements: These include labour migration along with other migration topics such as irregular migration and readmission, and migration and development.

BLMAs provide concrete means to improve the governance of labour migration and strengthen the protection of migrant workers based on shared responsibility, when they are solidly underpinned by international human rights and labour standards and effectively implemented. BLAs are not new to most African countries. They are used to improve labour migration governance by providing protection to migrant workers based on shared responsibility. These tools and instruments have increasingly been adopted among countries of origin and destination to facilitate labour migration and regulate regular labour migration. The migrant labour system relied heavily on several bilateral agreements signed in the 1960s and 1970s between newly independent African countries and their former colonies. The challenge facing BLAs in Africa has been associated with the lack of provisions on gender, social dialogue and protection of labour migrants in terms of wages and skills recognition, among others (ILO and IOM, n.d.).

In the SADC region, the BLAs are linked to the historical labour migration patterns within the region. The BLAs in the SADC region are dominated by South Africa, which as the principal migrant receiving country in the region and due to its historical migrant labour system in core sectors of its economy. Through bilateral labour agreements with neighbouring SADC countries (such as Botswana, Eswatini, Lesotho, Malawi, Mozambique, Zimbabwe), mineworkers were imported to work on South African mines. However, these agreements posed many challenges, mainly because of their unilateral nature and weak protection of mineworkers' rights.

In 1896, large gold reserves were discovered in South Africa following the diamond discoveries of 1867 (Harington et al., 2004; Schutte, 1977). The discovery of both gold and diamonds transformed South Africa into a mining giant in Southern Africa. The South African mining industry grew and became one of the country's biggest employers (Schutte, 1977). The demand for mine workers could not be met by the local population at the time, resulting in the recruitment of mineworkers from other countries such as Botswana, Lesotho, Swaziland, Malawi, Zambia, Zimbabwe, Angola and Tanzania (Harington et al., 2004; Schutte, 1977; Taylor, 1987; Wilson, 1976). Soon after the Anglo-Boer war of 1899–1901, the South African mines embarked on an expansion programme and needed more mine labourers to increase production that had been disrupted during the war. As a result, the mines mobilized inter-continental migrant labour and recruited more than 60,000 Chinese between 1903 and 1906 (Jeeves, 1986; Richardson, 1977; TEBA, 2002).

South Africa cooperated with Botswana (previously called Bechuanaland) and Lesotho (previously called Basutoland) in the supply of migrant mineworkers beginning in 1906. Botswana and Lesotho under both the colonial and democratic systems were able to cooperate with South Africa throughout the apartheid and post-apartheid periods for the supply of migrant mineworkers. South Africa and Lesotho signed a bilateral labour agreement in 1973 to govern the recruitment and employment of Basotho migrant workers, particularly in the mining sector. The agreement established the process for the recruitment of

migrant workers. The agreement addressed the portability of social benefits, such as pensions, ensuring that migrant workers could access their earnings and benefits in their home country. It also included provisions for the remittance of deferred pay into Lesotho. The agreement was amended in 2006 and in 2013. The 2013 agreement is more specific than previously signed agreements.

South Africa and Malawi signed a Bilateral Labour Migration Agreement (BLMA) in 1967 to facilitate large-scale movement of Malawian workers, particularly to South African gold mines. The BLMA resulted in a 200 per cent increase in circular labour migration from Malawi to the South African gold mines. The agreement allowed workers to embark on two-year contracts in South Africa, requiring them to return home after that time in order to claim the mandated minimum 60 per cent of their earnings as deferred pay. Between 1967 and 1974 while the Treaty was in place, remittances worth US\$53 million were sent back to rural sending communities in Malawi. However, the agreement was abruptly terminated in 1974 following a fatal plane crash involving miners¹⁷.

Zimbabwe has a long history of BLMAs and MOUs with South Africa, which hosts a large population of Zimbabwean labour migrants. Zimbabwe and South Africa entered into a MoU in the field of employment and labour that was signed (2004) and renewed periodically with the latest running from 2017 to 2020; the second one lapsed in 2014. The first MoU signed in 2004 marked an initial bilateral agreement between the two countries to address labour migration. The second MoU was signed in 2010, but it expired in 2014, creating a need for renewal or a new agreement. In 2013, Zimbabwe has entered into a MoU with South Africa to facilitate the recruitment of Zimbabwean workers for South African farms in the Limpopo Province. Agriculture in South Africa is a major employer of foreign migrant labour. While the number of people employed in regular and seasonal employment on commercial farms has declined, there has been an increase in the employment of foreign migrants since 1990. Farms in border areas, in particular, employ foreign migrants, who tend to concentrate in border areas or where major migration routes cross commercial farming districts. Hence migrants from Lesotho are found concentrated in the Free State, Mozambicans in Mpumalanga and in the south and southeast of Limpopo Province – and Zimbabweans in the northern part of Limpopo Province.

South Africa and Mozambique entered into an agreement in 1964, building on a set of earlier agreements with the Portuguese colonial government regulating the provision of temporary labour from Mozambique, initially dating back to the nineteenth century. The agreements specify conditions and obligations on issues such as recruitment, contracts, remittances and deferred pay, taxation, required documentation, unemployment insurance and appointment of labour officials to be stationed in South Africa. A Mauritius–Seychelles MoU of 2017 concerns the recruitment of Mauritian teachers and other professionals to meet the needs of the Seychelles labour market. More broadly, sectoral (labour exchange) arrangements have generally been concluded by individual ministries in several SADC countries in order to procure much-needed skilled professionals.

Similarly, Zimbabwe has concluded MoUs with Malawi and Mozambique; renegotiating a lapsed bilateral (labour) MoU with Namibia and considering the conclusion of MoUs with Botswana and Zambia are some of the priorities of the Government of Zimbabwe. Zimbabwe and Malawi signed a memorandum of understanding in the field of Labour and Employment on the side-lines of the 113th session of the International Labour Conference in Geneva in 2025. Lesotho has concluded a draft MoU with Mauritius. The focus of these arrangements is on cooperation in the fields of employment and labour. Indicated areas of cooperation relevant to labour migration typically include, but are not limited to, social security issues, often specified to cover compensation for occupational injuries and diseases and pension portability; occupational safety and health; and public employment services. In the case of the Zimbabwe–South Africa MoU, labour migration management is also specifically indicated. Notably, unlike the bilateral labour agreements mentioned above, after a stipulated period of time, most of the MoUs are drawn up to renew automatically, unless terminated by either party, usually with six months' written notice.

A number of countries in the SADC have also concluded other types of bilateral arrangements. For example, South Africa has concluded bilateral arrangements to provide for the regulation of movement across country borders. These arrangements, for example with Lesotho in 2007, have subsequently

¹⁷ [https://voxdev.org/topic/migration-urbanisation/international-migration-kickstarted-structural-transformation-malawi#:~:text=Labour%20migration%20to%20other%20countries,Kumchulesi%2C%20and%20Mariotti%20\(forthcoming\)](https://voxdev.org/topic/migration-urbanisation/international-migration-kickstarted-structural-transformation-malawi#:~:text=Labour%20migration%20to%20other%20countries,Kumchulesi%2C%20and%20Mariotti%20(forthcoming))

been subsumed in special permit regimes established by South Africa with Lesotho (2015 and 2019), Zimbabwe (2009, 2015 and 2017) and Angola (2017). Between 2009 and 2019, approximately 336,000 people received special dispensation permits. The primary focus of these permit types, which have been issued to considerable numbers of irregular Lesotho and Zimbabwean citizens in South Africa, was to regularize their stay in the country. The Lesotho permit regime, known as the Lesotho Special Permit, was replaced by the Lesotho Exemption Permit (LEP) in 2019, while the Zimbabwean permit type, referred to as the Zimbabwe Exemption Permit (ZEP), will expire by 2021. A related measure was the introduction, in 1996, of the Border Resident Card, established through a bilateral agreement between Namibia and Angola. The card allows border residents access to a 60-kilometre zone in the neighbouring country without a passport. However, these agreements cannot be seen strictly as a labour agreement.

South Africa introduced special permit regimes to address the large numbers of irregular Lesotho and Zimbabwean nationals in the country with the aim of regularizing their stay. These regimes were the subject of a bilateral understanding with each of the two affected countries. Significant numbers of Zimbabwean and Lesotho nationals have benefited from the permit regimes. Since the purpose of both regimes is to regularize the position of irregular migrants from these countries, neither of them extend any other form of rights protection to these migrants. Nevertheless, the logical implication of regularized stay in South Africa is that such migrants are intended to be covered by, among other things, the labour law and social security frameworks applicable to any short-term migrants in the country.

In East Africa, Kenya is actively expanding its bilateral labour agreements to create overseas employment opportunities for its citizens, with recent successful agreements signed with Germany in September 2024 and ongoing discussions for new agreements with countries in Europe and the Middle East. These agreements facilitate labour mobility, provide vocational training and aim to protect workers' rights. The partnership with Germany, in particular, focuses on skills development and the ethical recruitment of Kenyan skilled workers. A number of East African governments have been signing Bilateral Labour Migration Agreements with Gulf Cooperation Council (GCC) States to send labour migrants there. Thus, the pace and rate of African workers moving to the GCC States – particularly among domestic workers, most of whom are women employed in household roles – is steadily increasing. A study by the International Trade Union Confederation (ITUC) indicates that between 1990 and 2017 there was a significant and consistent rise in the number of African migrants in the GCC. According to ITUC, 12 per cent of the 28.1 million migrant workers in the GCC in 2017 were African, with Saudi Arabia, Kuwait and the UAE hosting almost 90 per cent of these African migrant workers. These figures may reflect the fact that these three GCC countries have the largest economies in the region. While several GCC States are implementing measures to reduce abuse of migrant workers – including reforming the Kafala system – the mistreatment and exploitation of migrant workers remains widespread. Some of the most prevalent abuses include physical and sexual violence, restriction of freedom, abusive and coercive employment practices and deceptive, unfair and unsafe work environments.

In addition, in 2017 and 2018 for instance, the Government of Kenya negotiated BLAs with Saudi Arabia and the UAE respectively to help improve the rights of its nationals working in those countries. An earlier agreement, in 2012, was entered into with Qatar. Labour migration to the GCC is mostly for domestic work. Eighty per cent of migrants are from the coastal region of Mombasa where the population is predominantly Muslim. Cultural and religious ties with the Gulf region are an important factor shaping migration decisions. Uganda has also signed BLAs with a number of GCC States, notably Saudi Arabia, UAE and Qatar.

Case study evidence has revealed gaps between existing bilateral agreements and international standards, particularly in the area of social protection. Furthermore, effective implementation of these instruments depends on the quality of data available: gaps in data on migrant workers affect policy formulation and the ability to monitor the effectiveness of these agreements. In addition, social dialogue on labour migration issues has been very limited. In many countries social partners have hardly ever been involved labour migration policy formulation, let alone its implementation. Trade unions, which have historically protected workers' rights, have often been excluded from labour migration institutional and governance processes. This lack of effective involvement leaves workers vulnerable, especially in negotiations over wages and conditions.

► 6.0 Regional Labour Migration Policies and Programmes

At SADC level, the Protocol on Facilitation of Movement of Persons was adopted in 2005. The Protocol is yet to come into force as it is yet to be ratified by two-thirds of SADC Member States, as required by Article 35. The Protocol's overall objective is the progressive elimination of obstacles to the movement of persons. It requires State parties to take measures to facilitate entry, temporary and permanent residence and establishment of citizens of other State parties. These include the adoption of administrative and procedural measures including the provision of travel facilities, standardization of passports, simplification of administrative forms and streamlining of procedures. Despite its ostensible commitment to the progressive elimination of obstacles to free movement, the Protocol does not give full effect to the principle of free movement as envisaged in the SADC Treaty and in the Draft Protocol of 1996. The Protocol requires State parties to provide visa-free entry for up to 90 days per year to visitors from other states.

The SADC Labour Migration Action Plan (LMAP) 2020–2025 is a strategic framework designed to improve the management of labour migration within the Southern African Development Community (SADC) region. The plan is a follow-up to previous SADC labour migration initiatives, aiming to address ongoing challenges related to migration, employment and regional integration. The LMAP 2020–2025 stresses the linkages between migration and development, with a focus on leveraging migration for economic growth. It encourages the use of remittances as a development tool and seeks to enhance skills transfer to benefit the development of sending countries. The key objectives of the LMAP 2020–2025 include:

- **Strengthening Labour Migration Governance:** To enhance the legal, policy and institutional frameworks for the management of labour migration.
- **Enhancing the Protection and Rights of Migrant Workers:** To safeguard the rights and welfare of migrant workers in the SADC region, particularly those in vulnerable sectors such as domestic work and agriculture.
- **Facilitating Safe and Legal Labour Migration:** To reduce irregular migration and ensure that labour migration is safe, transparent and managed effectively.
- **Promoting Skills Development and Employment Matching:** To align labour migration with the region's employment needs, particularly in addressing skills gaps in key sectors.
- **Maximizing the Development Impact of Labour Migration:** To ensure that migration contributes to the socioeconomic development of both sending and receiving countries, especially through remittances and knowledge transfer.
- **Strengthening Data Collection and Research on Migration:** To improve the availability of accurate and up-to-date data on labour migration in the region to inform evidence-based policymaking.

The East African Community (EAC) plays a pivotal role in the region's labour migration policies. The EAC aims to promote economic integration, including the free movement of labour and goods. One of the EAC's most significant initiatives is the Protocol on the Free Movement of Persons, signed in 2016. The Protocol aims to allow citizens of EAC Member States to move freely within the region, without visa requirements, for the purposes of tourism, business and employment. This is a step towards creating a common labour market and fostering economic growth. The Protocol includes provisions for the recognition of qualifications, employment rights and freedom of residence. However, challenges remain in implementation, especially related to the simplification of cross-border movement and the formalization of employment within the region.

The EAC Labour Migration Policy and its Implementation Plan was adopted and approved in June. The EAC Labour Migration Policy was adopted with the primary goal of facilitating labour mobility while ensuring that the rights and well-being of workers are protected. This policy aligns with the broader regional integration agenda of the EAC Common Market, which envisions the free movement of goods, services, capital and people across the Member States.

The key objectives of the EAC Labour Migration Policy include:

- ▶ **Facilitating Free Movement of Labour:** The policy aims to enable the free movement of workers within the region without the need for visas or other restrictions. This is consistent with the Protocol on the Free Movement of Persons, signed in 2016, which seeks to create a regional labour market.
- ▶ **Promoting Regional Economic Integration:** By facilitating labour mobility, the policy seeks to strengthen economic integration and enhance regional competitiveness. Allowing workers to move freely across borders ensures that labour is allocated where it is needed most, contributing to economic growth.
- ▶ **Ensuring Fair Labour Standards and Protections:** The policy emphasizes labour rights protection for migrant workers, including fair wages, decent working conditions and non-discrimination. The protection of vulnerable workers, especially women and youth, is a major focus.
- ▶ **Addressing Skills Gaps:** The EAC Labour Migration Policy focuses on addressing skills shortages in key sectors like construction, health care and agriculture by ensuring that workers with the right skills can migrate freely to fill labour gaps within the region.
- ▶ **Promoting Safe and Ethical Migration:** The policy aims to protect workers from exploitation, human trafficking and abuses. It establishes frameworks for ethical recruitment, pre-departure training and legal support for migrants.
- ▶ **Enhancing Social Protection for Migrant Workers:** The policy seeks to ensure that migrant workers have access to social protection, including health care, pension schemes and other social benefits, both in the country of origin and the host country.

To give practical effect to the policy, the EAC has developed an Implementation Plan that provides a road map for the policy's implementation over time. The Implementation Plan outlines specific actions, timelines and responsibilities for various stakeholders involved in labour migration within the region. The Implementation Plan covers the following issues:

1. Legal and Institutional Frameworks:

- ▶ The plan calls for the harmonization of labour migration laws and policies across EAC Member States to ensure consistency and enforceability. This includes aligning national labour laws with regional standards on migration and employment.
- ▶ The establishment or strengthening of national labour migration focal points in each country will help to coordinate activities related to migration management.
- ▶ The EAC Secretariat will play a key role in facilitating policy coordination and monitoring the implementation of the plan across the region.

2. Capacity-Building and Institutional Strengthening:

- ▶ The plan includes building the capacity of government agencies, recruitment agencies and other stakeholders to manage labour migration effectively. This includes providing training on ethical recruitment, labour-market analysis and migrant rights protection.
- ▶ Training programmes will be developed for both migrant workers and employers to ensure compliance with the new regional standards and to prevent exploitation.

3. Enhancing Data Collection and Research:

- ▶ A critical element of the Implementation Plan is to enhance the collection of migration data. This will involve the establishment of regional migration observatories that collect and analyse data on labour migration trends, patterns and the socioeconomic impact of migration.
- ▶ Improved data will assist in the development of policies tailored to specific migration dynamics, such as skills gaps or the need for seasonal labour in agriculture.

4. Promoting Awareness and Advocacy:

- ▶ The plan involves the creation of **awareness campaigns** to educate both workers and employers about the rights and obligations under the EAC labour migration framework.
- ▶ Public awareness initiatives will focus on key issues such as **migrant rights, safe migration, ethical recruitment practices** and **avoiding human trafficking**.

5. Regulation of Recruitment Agencies:

- ▶ One of the major issues in labour migration in East Africa is the lack of regulation of **recruitment agencies** that often charge **excessive fees**, exploit migrant workers, or engage in **trafficking**. The Implementation Plan calls for the creation of a **regional framework** to regulate recruitment agencies and ensure that they operate in an **ethical and transparent manner**.
- ▶ Countries will be encouraged to enact or strengthen **laws** that regulate recruitment agencies and prevent exploitation.

6. Promotion of Regional Employment Programmes:

- ▶ The Implementation Plan encourages the development of **regional employment programmes** to enhance job opportunities for East Africans within the region. This could include initiatives such as **cross-border employment fairs, skills training centres** and **internship programmes**.
- ▶ These programmes aim to match the labour force with the needs of specific sectors in different countries, contributing to regional economic development.

7. Protection of Migrant Workers' Rights:

- ▶ The plan emphasizes the need for strong legal frameworks that protect migrant workers' rights, including access to **legal redress** mechanisms in cases of exploitation, abuse, or unfair treatment. This includes the establishment of **migrant worker protection desks** in EAC countries to offer legal support.
- ▶ The **EAC labour migration policy** also focuses on **gender-sensitive migration policies** to ensure that **female migrant workers**, who are particularly vulnerable, are not subjected to abuse or exploitation.

8. Social Protection for Migrant Workers:

- ▶ The Implementation Plan includes specific provisions for establishing social security systems that include migrant workers, both in their countries of origin and host countries. This will ensure that workers are protected in cases of sickness, unemployment, or retirement.
- ▶ Additionally, the plan calls for the creation of mechanisms to facilitate remittance transfers and increase financial literacy among migrant workers.

Many migrants in East Africa are employed in the informal economy, where labour rights and protections are less formalized or enforced. Ensuring that these workers are covered by labour migration policies remains a challenge in East Africa just as it is in many African countries. The significant economic disparities between EAC Member States implies that some countries may be less willing to adopt policies that would allow an influx of migrant workers. Labour migration policies often face political resistance at national level, especially when it comes to opening borders for labour mobility.

► 7.0 Social Dialogue Institutions/Structures on Labour Migration

Labour migration is a cross-cutting issue that involves many stakeholders. In which case, social dialogue among key stakeholders is critical for the development and implementation of national policies as well as regional frameworks. This allows for exchange of ideas and information, negotiation and consultation between and among relevant stakeholders to move forward on a specific agenda. This is particularly important in view of the bureaucratic process in addressing labour migration concerns, the multiple social partners involved, including civil society organizations (CSOs) and NGOs, as well as public perspectives.

As the ILO has rightly observed, social dialogue is meant “to promote consensus-building and democratic involvement among the main stakeholders in the world of work. Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial peace and stability and boost economic progress.”¹⁸

The experience is such that across Africa, different types of social dialogue take place among and between stakeholders in countries at different stages of establishing or managing their labour migration governance structures. At regional level, in SADC and the EAC, social dialogue includes government representatives that handle labour migration matters, usually from the Ministry handling labour issues or from a nominated technical working group or committee engaging with Regional Economic Community officials.

7.1 Regional Social Dialogue on Labour Migration

7.1.1 East African Community (EAC)

Notably, some EAC countries are members of multiple RECs where discussions on labour migration take place.¹⁹ In the context of the EAC, labour migration-related issues are discussed within the EAC Secretariat through representatives from the Ministry of East African Affairs in each Partner State. Social dialogue takes place on labour migration within the EAC at two levels:

- Established under Article 50 of the EAC CMP, the Regional Monitoring Group (RMG) at the top meets every three to six months. The RMG investigates the freedoms set out in the CMP. Labour migration issues are reported in this meeting along with other issues related to the CMP. The RMG includes the National Implementation Committee, which reviews monitoring reports that are not publicly made available until they are signed by the members. This group is exclusively for ministers in charge of East African affairs only.
- The Secretary-General Forum is held twice a year. The forum is attended by regional social partners, the East African Trade Union Confederation (EATUC), the East African Employers Association, the East African Civil Society Organizations’ Forum and trade unions.

On January 20, 2020, the East and Horn of Africa States formed the Regional Ministerial Forum on Migration (RMFM) on “Harmonizing Labour Migration Policies in East and Horn of Africa: A United Approach on Safe, Regular and Humane Labour Migration.” This was in response to challenges faced by labour migrants travelling to the Middle East from the EHoA region. The aim of the RMFM is to harmonize labour-related migration and labour migration policies and laws across the 11 countries of the region, which is home to an estimated 331 million Africans, more than eight million of whom are migrants and

¹⁸ <https://www.ilo.org/topics/apprenticeships/publications-and-tools/digital-toolkit-quality-apprenticeships/system-and-policy-level-key-building-blocks-quality-apprenticeships-system/social-dialogue>

¹⁹ Other social dialogue platforms where selected countries within the EAC are members include the Migration Dialogue for Intergovernmental Authority on Development Region that includes Kenya, South Sudan and Uganda as members from East Africa; and the Migration Dialogue from the Common Market for Eastern and Southern Africa, whose members include Burundi, Kenya, Rwanda, Sudan and Uganda.

migrant workers who travel within the region and abroad. However, the initiative was still at its inception phase until 2023, with targeted objectives agreed upon by Member States.

Thus, the EAC has no specific SDF on labour migration at regional level, with all discussions, including those about labour migration, facilitated and coordinated by the EAC Secretariat. Furthermore, the Regional Monitoring Group (RMG) does not include other social partners, but reviews discussions raised in the Secretariat on all issues in general. The EAC Secretary-General only interacts with social partners on general issues related to regional integration, which includes labour migration; but labour migration is not the primary focus. Hence the establishment of the regional labour migration coordination mechanism would help regional social partners to respond to specific matters related to regional labour migration.

Plans are in store to put in place a regional labour migration coordination mechanism under the EAC LMP for the EAC, which will help facilitate the implementation of the EAC LMP. The EAC officially adopted the Regional Consultative Process on migration (RCP) in April 2022. This adoption took place at ministerial level, with ministers responsible for EAC affairs, labour, home affairs and immigration endorsing its establishment to provide a platform for information-sharing and policy dialogue on migration issues among Member States. The EAC RCP will include all stakeholders relevant to migration in the region for collective action.

With the support of the ILO through the Better Regional Migration Management (BRMM) programme funded by the UK Foreign, Commonwealth and Development Office (FCDO), the EAC hosted two major regional convenings in Uganda focused on social protection and labour migration governance in March 2025. These back-to-back meetings, held from 18 to 21 March and 26 to 28 March in Entebbe and Kampala, respectively, were meant to validate regional instruments that will shape inclusive development and safe labour mobility across the EAC.

The first meeting in Entebbe brought together government representatives, social partners and technical experts from EAC Partner States to validate the draft EAC Social Protection Policy and its accompanying Action Plan. Based on earlier expert meetings and national consultations, this process sought to establish a harmonized regional policy to address socioeconomic vulnerabilities and ensure that all EAC citizens, particularly vulnerable populations that include migrants, refugees and informal workers, have equitable access to social protection systems.

The policy draws from regional frameworks such as the EAC Treaty and the Common Market Protocol while aligning with international labour standards, including ILO Convention 102 and Recommendation 202. One key outcome from the meeting was consensus on establishing a Regional Expert Committee to oversee implementation alongside biannual reporting cycles and a ten-year review process. Importantly, the policy proposes mechanisms to support the portability of social security benefits across borders and urges the negotiation of bilateral and multilateral agreements with key destination countries to operationalize these commitments. Furthermore, the meeting also called for stronger engagement with civil society and specialised institutions to ensure broad-based ownership of the implementation process.

Soon after the social protection policy validation, the EAC hosted the third Regional Validation Meeting on Competency Standards for Domestic Work in Kampala. Since domestic work represents a significant share of employment in East Africa, this initiative responds to long-standing gaps in recognition, protection and formal training for domestic workers, who are predominantly women.

In addition, participants from all Partner States, including representatives from labour, TVET, education, immigration and social affairs institutions, reviewed the draft Regional Model Competency Standards (RMCS) for Domestic Work. These standards seek to harmonize skills recognition across the region, enable mutual recognition of qualifications and facilitate safer, more transparent labour mobility. Furthermore, the meeting requested the EAC Secretariat and ILO to support post-validation interventions, including national consultations, assessor training and translation of materials.

A recommendation was adopted to institutionalize a Technical Working Group to provide oversight and periodic reviews of the standards. The EAC finalized a draft Regional Model Competency Standard (RMCS) for domestic work in mid-2025, which will serve as a regional benchmark for skills training and certification. This initiative is designed to create regional certification systems, harmonize training and

facilitate the mutual recognition of domestic workers' skills across EAC Member States, thereby reducing their vulnerability and promoting decent work.²⁰

7.1.2 The Southern African Development Community (SADC)

The Migration Dialogue for Southern Africa (MIDSA) is among global and African Regional Consultative Processes (RCPs) on migration to emerge since the mid-1990s. These are informal, non-binding, interstate forums for dialogue on migration matters focusing on issues of mutual interest. Founded in 2001 by the IOM and the Southern African Migration Project (SAMP), MIDSA is the oldest of the three Regional Consultative Processes (RCPs) in Southern Africa where Member States regularly engage to enhance interstate cooperation on migration governance.

The range of issues discussed at MIDSA includes border management, combating irregular migration (including smuggling and trafficking of people), migrant health, development, migration governance and data exchange. Via this platform, SADC States share experiences and challenges and jointly develop solutions to improve migration management in the region. A planned outcome of MIDSA is the development of regional institutional capacities to improve migration governance and strengthen the capacity of governments to meet challenges associated with migration. All SADC countries participate in this regional dialogue forum.

To its credit, MIDSA has evolved into the forum that most clearly articulates the relationship between migration and development in regional and national policymaking. It drives the regional migration and development debate within SADC. As reported in ILO (2022), during the period 2001-10, MIDSA convened regular intergovernmental forums which were attended by senior officials from Departments of Immigration and Home Affairs in Member States with other ministries participating on an ad hoc basis.

In 2010, MIDSA was scaled up to ministerial level and a Conference was held in Windhoek on Managing Migration Through Regional Cooperation. This was followed by a second Interministerial Conference in Maputo in 2013 on "Enhancing Labour Migration in the SADC region." A third conference was held in Victoria Falls in 2015 on "Addressing Mixed and Irregular Migration in the SADC region: Protection of the Unaccompanied Migrant Child." Thereafter, the 2017 ministerial meeting was held in Eswatini on "Addressing Mixed Migration in Southern Africa: Linking Protection, Immigration, Border Management and Labour Migration." Notably, during the first decade of MIDSA, SAMP sourced funds to start a policy research series that led to the publication of three major reports commissioned by Member States.

In addition, MIDSA developed a Regional Road Map on Enhancing Intraregional Migration for Sustainable Development in 2012. In 2013, the road map was revised and endorsed as an Action Plan at the MIDSA Ministerial Conference in Maputo. The Action Plan is non-binding. However, there is some overlap between its recommendations and those of the SADC Labour Migration Policy Framework, as well as Article 19 of the Protocol on Employment and Labour.

The SADC operates Social Dialogue Forums (SDFs) on labour migration at three levels:

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

In 2021, the SADC Member States agreed to create the Labour Migration Committee under the SADC Employment and Labour Sector to respond specifically to labour migration issues including strengthening the means of access to labour migration. The tripartite social dialogue on labour migration is fully operational and effective at regional level with no distinction between government officials and

²⁰ <https://www.ilo.org/about/newsroom/east-african-community-advance-towards-regional-competency-standards>

other social partners, as the views and perspectives of all are considered. Trade unions across the region are represented by the Southern African Trade Union Coordination Council (an umbrella body affiliated with the SADC) as well as SADC employment agencies representing the 15 Member States at technical and ministerial committee meetings. It has been noted that regional diaspora engagement needs to be strengthened as diaspora issues are handled at Member State level (see IOM, 2024).

The SADC values the contributions of trade unions and employer organizations that help monitor the implementation of activities at Member State level, upholding their respective governments' commitments, especially regarding the ratification of international instruments.

7.1.3 COMESA migration dialogue (MIDCOM)

Launched in 2013, MIDCOM aims to provide a platform for informal and non-binding dialogue on issues and opportunities related to migration management. Its purpose is to improve the capacity of governments to better manage migration, foster network building through regular meetings, including progress towards harmonized data-collection systems and harmonized immigration policy and legislation. The two highlighted areas of focus are labour migration and data collection. At its launch in 2013, many relevant recommendations were made to the COMESA Secretariat and Member States. The first meeting of MIDCOM did not take place until July 2017, in Lusaka, and to date three MIDCOM meetings have been held. However, no overall strategic plan relating to labour migration has been developed along the lines of the MIDSA action plans.

7.1.4 Migration dialogue for the Indian ocean commission (IOC) (MiDIOCC)²¹

In August 2019, an initial meeting was held in the Seychelles to establish the Migration Dialogue for the Indian Ocean Commission Countries (DiMOI). Several themes related to labour migration issues were discussed, including professional mobility and human development; the effects of climate change; migration data; migration and health; and the free movement of people. The intention was to present the resulting Mahé Consensus, which included the Recommendation for the establishment of DiMOI, to the thirty-fourth IOC Council of Ministers in March 2020. The Mahé Consensus committed the four Member States to:

- ▶ Initiate a forum for consultations and regular exchange of information, experiences and good practices on migration and other related issues of interest and common concerns, such as facilitating human mobility; promoting targeted labour mobility; integrated border management and the fight against transnational crimes; effects of climate change and environmental degradation.
- ▶ Enhance knowledge and foster a greater understanding and policy coherence by stakeholders of the migration phenomenon and migration dynamics in the IOC region, as well as policy coordination in this area.
- ▶ Build consensus among IOC Member States on migration and related issues.
- ▶ Enhance national and regional institutional and technical capacities for effective migration management in a collaborative and knowledge-based manner.
- ▶ Identify priority issues of common interest to IOC Member States focusing on technical cooperation, capacity-building, migration-related information collection, dissemination and sharing.
- ▶ Enhance dialogue and cooperation on migration and related issues between the IOC Member States and, where necessary, other States from the region and Regional Economic Communities.
- ▶ Promote Safe, Orderly and Regular Migration in accordance with the United Nations Agenda 2030, the African Union Agenda 2063 and the Global Compact on Migration (GCM) (see ILO, 2022:102).

²¹ The four IOC member states include Comoros, Madagascar, Mauritius, and Seychelles.

7.1.5 The labour migration advisory group (LMAG) for East and the Horn of Africa

The Labour Migration Advisory Group (LMAG) is a platform for stakeholders, primarily from East and Horn of Africa, to discuss and guide regional labour migration policies and projects, such as the [ILO](#) (International Labour Organization)'s Better Regional Migration Management (BRMM) Programme. LMAG meetings facilitate knowledge-sharing, cooperation and capacity-building among governments, social partners (like trade unions) and other relevant organizations to improve labour migration governance, particularly concerning decent work and the rights of migrant workers.

During the period from 9 to 11 April 2025, Mombasa, Kenya hosted the third Labour Migration Advisory Group (LMAG) meeting under the Better Regional Migration Management (BRMM) Programme. Under the theme “Enhancing the Role of Social Dialogue in Improving Labour Migration Governance,” the event brought together 46 participants from seven East and Horn of Africa (EHoA) countries and representatives from regional organizations including the African Union Commission, EAC, IGAD, Business Africa and ITUC–Africa. Over three days, government officials, trade unions, employers’ organizations and key stakeholders convened to assess progress in labour migration governance, exchange promising practices and outline national priorities. The gathering showcased how structured social dialogue, inclusive participation and data-driven strategies can contribute to fairer, safer and more coordinated migration systems.

The meeting also looked at promising practices from the region, including Kenya’s Migrant Workers Welfare Fund, Uganda’s LMIS integration, Ethiopia’s upskilling efforts and South Sudan’s union-to-union agreements. Throughout the sessions, participants emphasized the need to harmonize regional and international frameworks, strengthen protections for informal workers and leverage digital tools for migration governance. It was also noted that the African Union Protocol on Free Movement of Persons, if widely ratified, could significantly enhance mobility and protection across the continent. The 2025 LMAG meeting reaffirmed the region’s collective commitment to improving labour migration governance through inclusive dialogue, evidence-based policymaking and strengthened partnerships.²²

7.2 National Social Dialogue on Labour Migration

At national level, labour migration is discussed at different platforms as follows:

- Level 1- This forum includes solely government officials working with ministries and departments with migration functions (direct/indirect). The SDF is more focused on policy/legal approaches to labour migration.
- Level 2- This is an inclusive group involving other social partners with an employment function/mandate. It is coordinated/led by a selected Ministry handling labour issues.
- Level 3- This is a forum of thematic dialogue groups about a specific issue on labour migration (for example wages, work permits) and may only include selected social partners but not all. These groups may have a national representative that interacts with its local partners on the realities of labour migration at a decentralized level (see IOM, 2024).

Countries from the EAC and SADC with functional SDFs include Burundi, Uganda and Zimbabwe. Social partners include representatives from the following:

- Government ministries and departments lead on the legal landscape and provide guidance on the international, regional and continental frameworks in place and the position of the government in terms of laws and policies (existing and to be considered for development).
- International agencies/organizations, such as the ILO, IOM, the GIZ and the European Union, provide technical and financial support in the labour migration governance structure in the form of programmes or initiatives focused on building the capacity of social partners. In addition, they support the SDFs to

²² See <https://www.ilo.org/about/newsroom/east-and-horn-africa-strengthen-labour-migration-governance-through-social>

ensure that a whole-of-government approach is adopted together with all the social partners, thereby upholding the tripartite agreement.

- ▶ Trade unions provide guidance on issues concerning workplace conditions, wages, protection of workers and social security, among others. They hold the government accountable to its obligations by monitoring the realities of the policy in practice.
- ▶ Employment and private recruitment agencies provide perspectives on the state of recruitment practices of registered agencies. They also collect their own data about labour migrants applying for jobs in selected destinations with which their respective countries have existing BLAs.
- ▶ CSOs participate in selected situations when trade unions provide them with a space to raise emerging issues related to labour migration from the grass roots. This allows the government to understand the challenges and experiences of different types of labour migrants. CSOs represent different migrant groups – from seasonal migrant workers to domestic workers, among others.
- ▶ Diaspora associations are represented in selected countries through associations or organizations but remain underrepresented in the SDFs in most of the Member States. The associations are often composed of nationals working in varied sectors with different demographic profiles. Their issues are, however, highlighted by the Ministry of Foreign Affairs department that handles diaspora issues with an operational Working Group that provides information on the diaspora issues raised in consultation with the associations.

7.2.1 Existing social dialogue forums

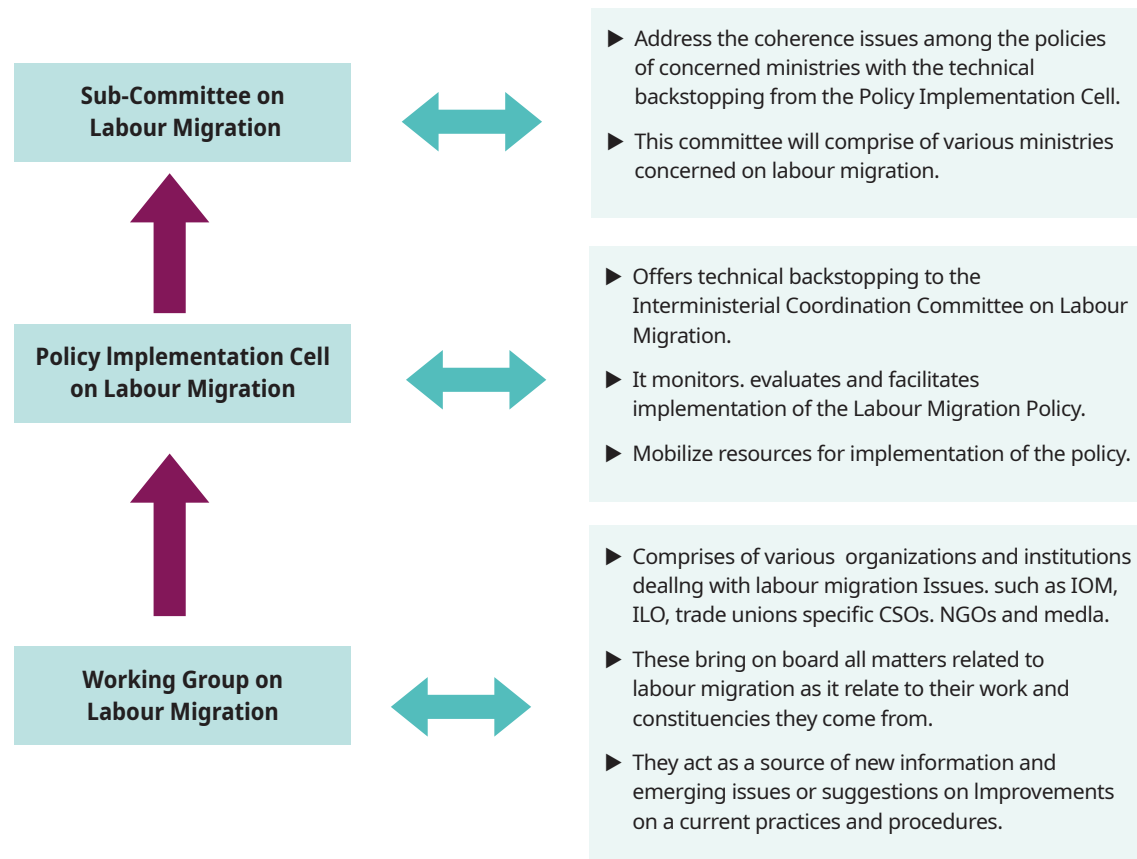
Zimbabwe

Zimbabwe has established four SDFs on labour migration or migration in general. IOM (2024:46-47) identified the following as operational levels of coordination:

- ▶ The Policy Implementation Cell (PIC) on Labour Migration was established under the National Labour Migration Policy (NLMP) as a mechanism for coordination with different ministries handling labour migration issues, including the Ministry of Foreign Affairs. The PIC consists of technical people who monitor and evaluate the effective implementation of the NLMP as well as mobilize resources for implementation.
- ▶ The Subcommittee on Labour Migration is a component of the interministerial committee that looks at the coherence of policies that focus on labour migration. It responds to the inputs of the PIC, working in partnership with other organizations.
- ▶ The Working Group on Labour Migration, created under the NLMP, is made up of social partners including trade unions, employer organizations, private recruitment agencies and CSOs. It outlines strategies or responses to effectively manage labour migration.
- ▶ The Foreign Recruitment Committee, an interministerial committee under the Ministry of Home Affairs and Cultural Heritage, housed under the Department of Immigration, provides advice concerning skills assessment of expatriates to determine the local demand. The committee approves visas for foreign migrants seeking employment opportunities in the country.
- ▶ The Tripartite Negotiating Forum allows Government MDAs to interact with labour organizations, CSOs and employer organizations. This forum assists Government to identify issues and propose solutions for policy response towards production and labour productivity.

Figure 2 outlines how labour migration governance is coordinated in Zimbabwe.

Figure 2: Coordination on labour migration governance in Zimbabwe



Source: IOM (2024:47).).

Border-level SDFs have also been established between the Government of Zimbabwe and neighbouring Member States that receive and send labour migrants. These forums discuss the development of BLAs and address the concerns of their labour migrants informally, as in the case of Zimbabwe–South Africa and Zimbabwe–Namibia.

The Ministry of Foreign Affairs and International Trade (MoFAIT) is responsible for diaspora issues. It acknowledges that Zimbabweans in the diaspora are not a homogeneous group and are organized differently by sector in their destination countries (for example, medical professionals in the United Kingdom and Canada). They emphasize that having knowledge and data on nationals working and living abroad is essential for the development of strategic approaches to engage with the diaspora, particularly on national development programmes. To facilitate this engagement, Zimbabwe is developing a cooperation and engagement framework, the Diaspora Engagement and Remittance Mobilization Strategy Paper (DERMS), which will be integrated into the National Diaspora Policy. The DERMS will respond to key issues relating to diaspora engagement, including the critical issue of building trust.

Burundi

In Burundi, the primary social dialogue is facilitated by the National Social Dialogue Commission, which is a result of the National Social Dialogue Charter. The Commission meets monthly to discuss all labour-related issues. It also handles dispute resolution on a national or sectoral level, contributes to policymaking on health and safety of workers and participates in consultations for formulating relevant regulations and legislation (Danish Trade Union Development Agency, 2021a:12–13). Hosted at the Office of the President, the National Social Dialogue Commission interacts with its social partners on labour migration issues, ensuring there is gender parity. Government, trade unions and employer organizations take it in turn to chair the Commission, rotating every five years.

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

- ▶ National Labour Commission
- ▶ National Recruitment Commission
- ▶ National Social Security Institute
- ▶ National Medical Insurance Board (for civil servants)
- ▶ National Risks and Work Accidents Board
- ▶ National Arbitration Board

7.3 Gaps and Challenges

In some countries, such as Botswana and South Sudan, no specific SDF is in place to handle labour migration. As such, the engagements are more bilateral, between social partners and selected government MDAs. In Botswana, labour migration dialogue is segmented and dependent on bilateral engagements on labour-related issues between social partners where labour migration issues are raised by CSOs that interact with labour migrants. As for the United Republic of Tanzania, the country does not have an SDF platform for labour migration as existing SDFs are more focused on labour issues in general.

Across all Member States, coordination on labour migration issues is a challenge. For instance, in Zimbabwe, while the blueprint for dialogue exists, coordination among social partners needs to be strengthened. Critically, the impact and effectiveness of SDFs is considered subjective, even though those involved considered the platform to be useful, with evidence of tripartism. However, it was questioned whether these forums had achieved their targets. In the case of In Burundi for instance, it was pointed out that labour migration was not well advocated to the tripartite members, making it difficult to engage in training, prevention, management and resolution of social conflicts in the workplace and at national level (see IOM, 2024).

The existence of thematic SDFs in most countries handling some aspects of labour migration within their primary areas (for example, human trafficking) was acknowledged. However, for those in a general migration group, it was not clear whether all labour migration issues can be addressed in a general group that considers all aspects of migration. This makes it difficult to prioritize since the most pressing issue would take precedence, with the response dependent on the resources available for that issue.

At regional and Member State levels, funding to support the SDFs on a regular basis was limited. Additionally, information-sharing was a challenge at regional and Member State levels, as information was only shared on the day of the forums as soft copies and sometimes only on slide presentations. This gave social partners less time to review the information presented for effective feedback. In the case of the EAC, information-sharing was bottom-up and not top-down in the sense that trade unions, CSOs and employment agencies shared information on their concerns and issues with the evidence they had gathered, but selected policy and legal information was brought to the attention of social partners once it was approved by the ministerial committee.

EAC

The EAC has no specific SDF on labour migration at regional level, as all discussions, including about labour migration, are facilitated and coordinated by the EAC Secretariat. The Regional Monitoring Group (RMG) holds a ministerial forum. However, the RMG does not include other social partners, but reviews discussions raised in the Secretariat on all issues in general.

SADC

Although labour migration issues are discussed using the existing SDFs, the proposed Labour Migration Committee needs to be formally established to handle dialogue specific to labour migration for greater impact as well as a more detailed discussion on labour migration issues among Member States.

► 8.0 Strengthening the Role of Trade Unions in Labour Migration (Governance)

Migrant workers have been exposed to some of the most severe decent work deficits in the workspace and their rights have not always been respected or upheld. This is partly due to migrant workers being largely employed in the informal sector where they have had to work under unregulated conditions. In addition, they are often forced to work irregular hours (ILO, 2021).

Trade unions play a vital role in labour migration governance by promoting and protecting migrant workers' rights through collective bargaining, organizing, advocacy and capacity-building initiatives, working to ensure fair recruitment, decent work and social dialogue while building international solidarity for rights-based migration policies. They empower migrants, influence policy and combat exploitation by collaborating with governments, employers and international organizations to achieve equitable and dignified labour migration for all.

Since they have always advocated for workers' rights, trade unions are therefore better placed to play a more active role in protecting the rights of migrant workers. Being in the most vulnerable situation, migrant workers need particular attention in organizing efforts and within collective bargaining processes. It is indeed the mandate of trade unions to protect all workers' rights and promote social justice. Thus, the decent work deficits associated with many workplaces that recruit migrant workers suggest a need to prioritize human and trade union rights and place them right at the centre of the policy debates and initiatives (ILO, 2021).

Trade unions therefore have a crucial role to play in both countries of origin and destination by promoting the ratification of relevant Conventions and Protocols as well as by monitoring compliance in law and practice with international labour standards (ILO, 2021). Furthermore, they play a vital role in mobilizing and organizing migrant workers to enable better defence of their rights and respect for their dignity.

Tripartite social dialogue on labour migration is fully operational at regional level, with governments, employer and workers' representatives participating. At regional level within the EAC and SADC, trade unions are represented by their umbrella bodies, the East African Trade Union Confederation (EATUC) and the Southern African Trade Union Coordination Council (SATUCC), respectively. The SADC expects trade unions and employer organizations to help monitor the implementation of activities at Member State level, ensuring that their respective governments uphold commitments entered into at regional level, including the ratification of international instruments.

Collaboration between social partners has largely taken place through the SADC Employment and Labour Sector, which is tripartite in nature. Regional labour migration issues have been discussed and adopted in the SADC Employment and Labour Sector, including guidelines on portability of social security benefits in December 2020. The thrust of the guidelines is to ensure equal treatment of nationals and migrant workers under the social security legislation, as well as the portability of cross-border payments on social security benefits (SADC, 2020). Trade unions also play a role in disseminating information on regional commitments thereby providing an opportunity for a grass roots perspective on the impact of government strategies on labour migration and related issues.

As indicated above, in countries with functional SDFs such as Burundi, Uganda and Zimbabwe, social partners include representatives from trade unions. In the case of Zimbabwe where four SDFs were set up on labour migration or migration in general, social partners – including trade unions, employer organizations, private recruitment agencies and CSOs – only participate in the Working Group on Labour Migration, set up under the NLMP. Similarly, in Uganda which has three levels of social dialogue on labour migration, the Labour Advisory Board engages with labour unions and employer organizations while the NCM involves state and non-state actors in migration issues in general, including labour migration. In the case of Burundi, the National Social Dialogue Commission, which meets monthly to discuss all labour-related issues, interacts with its social partners on labour migration issues, ensuring there is gender parity. Notably, chairmanship of the Commission rotates every five years between Government, trade unions and employer organizations. Furthermore, Burundi has established SDFs at provincial level through social dialogue committees with representatives from workers, employers and Government.

Social partners from government, employer organizations and trade unions meet regularly on all labour-related issues and provide relevant information to the National Social Dialogue Commission. Other bipartite and tripartite organs include the following: (i) National Labour Commission; (ii) National Recruitment Commission; and (iii) National Social Security Institute. Interestingly, social partners such as trade unions felt that their perspectives were considered during the implementation and monitoring of labour migration policies. A process is under way to develop a labour migration policy that may lead to the development of an SDF specific to labour migration (ILO, 2022).

Social partners are engaged in existing SDFs in the United Republic of Tanzania and Zanzibar, including government officials, trade unions – such as the Zanzibar Trade Union Congress and the Trade Union Congress of Tanzania – and employer organizations, such as the Association of Tanzania Employers and the Employers Association of Zanzibar. However, the implementation of the legal framework guiding social dialogue in mainland United Republic of Tanzania and Zanzibar has been limited and ineffective due to enforcement issues and irregular meetings. Botswana's SDF structure is very informal and the dialogue is very siloed (see ILO, 2022).

The ILO (2022) highlighted gaps and challenges with both migration governance and social dialogue that undermine effective social partner participation. Information-sharing was seen as a challenge at both regional and Member State levels. It commented that information was only shared on the day of the forums in soft copy form and sometimes only on slide presentations, giving social partners less time to review the information presented for effective feedback. Notably, coordination on labour migration issues is considered a challenge across all Member States.

While the blueprint for dialogue exists in Zimbabwe, coordination between social partners needs to be strengthened. Most countries have established thematic SDFs dealing with some aspects of labour migration within their primary areas (for example, human trafficking). For those with a general migration group, it is not clear whether all labour migration issues can be addressed in such a set-up. In such instances, prioritization becomes very difficult, as the most pressing issue tends to be addressed first.

The case of Uganda is interesting in that the African Regional Organization of the International Trade Union Confederation (ITUC-Africa) currently runs a programme, started in 2020, that raises awareness of the rights of migrant workers among trade unions. However, there has been limited focus on the rights of Ugandans working abroad since Government is focused on labour migrants within Uganda. Be that as it may, trade union representatives have gained insights into the rights of migrant workers, who have registered with the national trade union in Uganda.

Social partners, such as trade unions and CSOs, do run smaller programmes targeting specific areas identified through interaction with labour migrant communities. The challenge lies in securing the right resources to facilitate the programmes and ensure sustainability beyond the programmes. In the case of Botswana where the Government regulates economic migration through its BLAs with different countries in the SADC, including South Africa, the negotiation process excludes social partners such as trade unions.

The general picture that emerges across the regions is that the BLA negotiation process is not inclusive, as key social partners, such as trade unions and private recruitment agencies that engage with labour migrants in international destinations, are excluded from the process. Not surprisingly, therefore, insufficient transparency exists between social partners and government officials when negotiating BLAs. In the case of Botswana, BLAs are only announced through the media. In Uganda, BLAs are not public, denying other interested parties the opportunity to provide critical feedback on the agreements that would enhance the protection of their migrants.

It has been pointed out that existing BLAs between Burundi, Nigeria, Uganda and Zimbabwe and GCC countries make it difficult for migrant workers to join trade unions in destination countries. For instance, Ugandan labour migrants find it easier to seek guidance from trade unions in their home country on labour-related issues in the country where they reside. Moreover, there is little evidence of regular monitoring and evaluation activities being conducted on the BLAs and neither are they accessible to key social partners. The BLAs are therefore considered weak as they do not sufficiently protect the needs of their migrant workers in destination countries. There is limited focus on labour migrants resident in countries in the region due to lack of registration of foreign workers with their trade unions and the fact that many foreign workers are in the informal sector (see ILO, 2022).

► 9.0 Conclusion and Recommendations: Strengthening the Role of Trade Unions

The following recommendations are suggested as a logical consequence of the foregoing analysis and in particular the identified gaps and challenges. It is important to note that, apart from direct recommendations strengthening the role of trade unions in labour migration issues, interventions to strengthen labour migration governance as well as social dialogue at regional and Member States levels will greatly enhance the visibility and role of trade unions. Such measures will enable them to play a more effective role in promoting safe, orderly and regular migration as well as safeguarding and protecting the rights of migrants as set out in international, continental, regional and national instruments.

9.1 Labour Migration Governance

To achieve effective labour migration governance, the participation of Government, Employers' Organizations and Trade Unions is needed at national, regional and global levels. Each actor has an important role to play (ILO, 2021).

9.1.1 Regional level

East African Community (EAC)

- The draft EAC Labour Migration Policy (LMP) needs to be finalized and adopted to help Partner States harmonize their national laws and policies to respond to labour migration needs.
- There is a need to promote greater awareness about labour migration among key actors involved in labour migration, including trade unions to ensure the right instruments are in place at regional level to respond to labour migration.
- A dedicated regional labour migration expert position should be created with a team to coordinate and facilitate interactions on labour migration issues with Member State representatives. This is important in that it will help with the harmonization and implementation of the EAC LMP once it is complete.
- A budgeting system should be adopted for labour migration issues that can guide Member States to adopt a similar approach at national level.

Southern African Development Community (SADC)

- The Protocol on Employment and Labour should be finalized to help address issues and gaps related to labour migration. This will strengthen the regional framework to respond to local labour migration.
- A team of labour migration experts should be put together to facilitate all engagement on labour migration at regional level. Given its limited resources, for the time being SADC could rely on Southern African Migration Management (SAMB) and the Southern African Migration Programme (SAMP) projects where expertise has been developed and tested as it develops its own internal capacity.
- Fast-tracking the formation of a dedicated Labour Migration Committee to complement the Technical Committee on Labour Migration under the Employment and Labour Sector structure, including guiding principles on how its establishment should be coordinated.
- An assessment of the state of gender mainstreaming and labour migration at regional level to identify bottlenecks and best practices to be scaled up at a regional level. This will help SADC identify entry points where gender issues need to be addressed. Gender aspects will also need to be reviewed and revised within the Protocol on Employment and Labour.

9.1.2 Member States

At Member State level, it is necessary to mainstream gender as a cross-cutting issue. Furthermore, regular monitoring and evaluation of gender and labour migration activities should be undertaken by Member States. In addition, all Member States should come up with a strategy to allocate budgets for labour migration-related activities to improve planning and sustainability on a long-term basis.

Member States need to address the bottlenecks that have prevented them from signing and ratifying the relevant international labour migration instruments to ensure the protection of labour migrants. An audit of existing frameworks and their alignment with national standards will help to identify the limitations and get the Member States to sign and ratify the frameworks. Member States and social partners should also adopt lobbying strategies to push for ratification of international instruments.

Labour migration policies in countries like Burundi should be reviewed and revised to respond to the current state of labour migration before being adopted. Resource needs should be identified for implementation of the policies (technology, infrastructure, personnel and finances). In the case of Uganda, the development of an NLMP needs to be prioritized and fast-tracked. In the case of Botswana and the United Republic of Tanzania, a joint discussion needs to be held with social partners on labour migration to explore the development of an NMP or an NLMP. Benchmarking with other Member States with the support of the JLMP can help the social partners identify best practices and lessons learned from the policies on migration.

Regular assessments of the existing institutional frameworks need to be undertaken to identify areas of non-compliance with regional and international instruments. Aspects that should be investigated include working permit issuance and requirements and respective national employment services; implementation of similar and common labour migration coordination mechanisms – and ensuring safe and regular mobility of labour migrants across countries. Such assessments can help identify additional gaps in Member States' laws and policies that should be reviewed and revised to respond to existing labour migration needs.

Member States should undertake a review of national instruments, such as labour laws, codes and policies, from the perspective of migration to help monitor gaps and challenges identified during implementation. Furthermore, a resource audit should be undertaken to determine the needs and inform policy reviews.

Selected Member States, such as South Sudan and Zimbabwe, need to develop or launch a road map of activities to implement their labour migration policies. In the case of South Sudan, the National Comprehensive Migration Policy is in place, but policy implementation is dependent on the peace accord. Alternative ways of operating should be considered, including virtual consultations with social partners on potential activities to be undertaken on labour migration and on developing the policymaking process once the peace accord is upheld. The process should include social partners, particularly as regards implementation. In Zimbabwe, the Action Plan for the NLMP should be officially launched, highlighting planned activities on labour migration, including social partner engagement.

Advocacy on existing NLMPs or NMPs needs to increase at national and decentralized levels, guided by a communication plan designed in consultation with social partners.²³ Awareness-raising material and activities on labour migration should be prepared and made available at national and decentralized levels using a range of cost-effective platforms (namely print, social media, radio, television) to ensure that knowledge and information is transferred to a decentralized level. Member States lacking migrant resource centres should identify key locations within the country to support advocacy activities related to migration.

Finally, capacity-building for social partners should be an ongoing process in all Member States to ensure greater awareness of labour migration policies. In Lesotho, capacity-building programmes are in place for government staff and social partners to raise the general knowledge and understanding of international labour migration standards and national Labour Code regulations regarding labour migration as well

²³ The programme on raising trade union awareness of the rights of migrant workers in Uganda under ITUC-Africa that started in 2020 is instructive and exemplary and hence should be sustained and scaled up across the two regions.

as to strengthen capacity through the acquisition of robust standard, analytical and operational labour migration management skills.

9.2 Social Dialogue on Labour Migration

The following recommendations apply to SDFs at regional and Member State levels:

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

9.3 Labour Migration Programmes and Bilateral Labour Migration Agreements

Programmes have proven most helpful in implementing government policies on labour migration. Programming activities must therefore be scaled up at regional and Member State levels by incorporating lessons learned as well as adopting best practices. This must be facilitated by regional and government budgeting to ensure that financial resources are available for the programming.

9.3.1 Labour migration programming

Collective engagement in programming: To foster shared ownership and buy-in, it is important to ensure collective engagement of social partners in the design and implementation of labour migration-related programmes. This means that trade unions should participate in designing and implementing programmes to ensure inclusiveness and sustainability. Participation will indirectly build their capacities and provide them with the right tools and approaches to respond to emerging labour migration situations. For programmes to be effective, relevant MDAs should share information on projects

and receive in return feedback from social partners on the practical aspects of implementing certain programmes.

Sustainability of programmes: Importantly, labour migration-related programmes should be sustainable with lessons learned and positive impacts systematically captured and disseminated. It is also essential to allocate a dedicated budget aligned with programme objectives. To ensure national ownership, national interests as opposed to donor interests must drive programme agendas. Programmes should also factor in the varied interests of stakeholders. Notably, all programmes should have a gender component and a gender-sensitive approach must inform programme design and implementation.

9.3.2 Bilateral labour migration agreements

Strengthened collaboration between social partners: It is important to ensure collaboration with trade unions, employer organizations and private recruitment agencies, especially when negotiating BLMAs with destination countries. This will help ensure that the right protective measures are included in the BLMAs for labour migrants. This type of stronger collaboration between social partners is necessary to foster an inclusive approach that brings all key actors in the labour migration governance structure into the process. In this way, the State will benefit from evidence from CSOs, trade unions, private recruitment agencies and employer agencies that interact directly with migrant workers.

Collaboration will be enhanced when the capacities of the government officials and social partners are strengthened. This will offer the benefit of engendering greater awareness in existing and emerging legal instruments at international, continental, regional and national levels about the state of BLMAs, international labour conventions and new laws and policies affecting labour migrants.

It is also important for Member States to develop a BLMA review strategy to assess the utility of existing BLMAs at Member State level. This will enable them to assess the extent to which they meet international and national protection standards for their nationals working abroad. A continuous process of activity monitoring and evaluation should be integrated into the strategy to identify gaps and draw lessons from BLMAs in other countries. Social partners should enhance the process with information and experience they gather from working with migrant workers which will ensure that the right protective measures are included in the strategy.

A national BLMA database should be developed that is accessible to social partners – providing them with information on MoUs that are ongoing or under development with destination countries. This will assist with the review process, as social partners will be well informed of the initial BLAs and will be able to address associated challenges. This will help build a repository that will allow Government to review best practices from previous or ongoing BLMAs.

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

9.4 Strengthening the Role of Trade Unions in Labour Migration Governance

As highlighted above, trade unions have a crucial role to play in labour migration governance in origin and destination countries by, among other things, promoting the ratification of relevant Conventions and Protocols and monitoring legal and practical compliance with international labour standards. Furthermore, they play a central role in mobilizing and organizing migrant workers to better defend their rights and ensure respect for their dignity. Trade unions must actively engage in advocacy work to enhance the rights and protection of migrant workers and their access to justice.

The critical role of trade unions in labour migration governance is most evident when unions advocate for migrant workers' rights through collective bargaining and social dialogue with employers and governments and also provide essential services such as awareness campaigns and legal assistance. They champion [fair recruitment practices](#), combat exploitation and unethical practices and work to ensure migrant workers are integrated into national labour laws and systems, thereby promoting conditions of dignity and equality for all (see ILO, 2021).

Going forward, this role could be strengthened as follows:

9.4.1 Trade unions in Countries of origin

- ▶ Develop the capacity to participate more effectively in policy dialogue on labour migration and better ensure that migrant workers' rights are protected.
- ▶ Facilitate safe labour migration by offering services for pre-departure training as well as country-specific information about conditions of employment, social security and relevant international labour standards.
- ▶ Advocate for the use of model contracts and recruitment processes based on ILO standards of decent work.
- ▶ Establish links with diaspora communities abroad and participate in the development of appropriate policies and programmes for the socioeconomic reintegration of returnee migrant workers.
- ▶ Establish empowerment programmes, access to skills development, access to decision-making; and
- ▶ Establish special programmes for women migrant workers, especially protection against gender-related discrimination and forced labour.

9.4.2 Trade unions in Countries of destination

- ▶ Establish a programme for monitoring working conditions of migrant workers and for protecting their rights.
- ▶ Help organize migrant workers or arrange for their membership in trade unions and provide the required services and benefits to them.
- ▶ Lobby for the repeal of provisions in working contracts or working permits that discourage migrants from joining trade unions.
- ▶ Discuss the situation of migrant workers with employers' organizations, including migrant workers in collective bargaining agreements and encourage employers' organizations to provide migrant workers opportunities for skills upgrading; and,
- ▶ Campaign for non-discriminatory treatment of migrant women and for adequate protection against sexual or other abuses.

9.4.3 Trade unions in both Countries of Origin and Destination

- ▶ Collaborate, where appropriate, with workers' organizations in foreign countries or cooperate with other agencies / bodies / associations (private or public) to advance the common interest of upholding and protecting the rights of migrant workers.
- ▶ Advocate for ratification of international labour standards applicable to migrant workers, in general the fundamental principles and rights at work (FPRW) Conventions and Protocol and especially Conventions No. 97, No. 143, No. 181, No. 189 and No. 190.
- ▶ Take appropriate action to protect the human and labour rights of migrant workers, eliminating all forms of exploitation.
- ▶ Ensure solidarity between foreign and national workers, particularly in terms of preventing a "race to the bottom approach" concerning working conditions (for example, working time, wages, leave entitlements, among others).

- ▶ Promote access to association for women migrant workers, within the trade union as a central topic; and,
- ▶ Assist migrant workers in obtaining accurate and comprehensive information about employment opportunities and workers' rights.

In a nutshell, it is important to depend on and strengthen the key roles and functions of trade unions in protecting the rights of migrant workers as follows:

▶ **Protecting Rights and Representation:**

Trade unions advocate for and defend the fundamental rights of migrant workers, including freedom of association (they empower migrant workers to exercise their right to form unions and join existing ones, providing them with a collective voice to address challenges in the labour market) and collective bargaining, ensuring fair wages, safe working conditions and job security.

▶ **Organizing and Mobilizing:**

They actively organize migrant workers, regardless of legal status or sector, to build their collective voice and empower them to overcome challenges in the labour market.

▶ **Promoting Fair Recruitment:**

Unions work to combat unethical recruitment practices by raising awareness and promoting fair and ethical recruitment strategies, such as those outlined by the [ILO](#).

▶ **Social Dialogue, Advocacy and Policy Influence:**

Through social dialogue and [tripartite consultations](#), trade unions influence national and international policies on labour migration, contributing to the development of rights-based approaches and fair labour migration policies and practices.

▶ **Capacity-Building:**

Unions conduct training and awareness campaigns to equip both their members and migrant workers with the knowledge to claim their rights and navigate the challenges of migration. They also work to build their own capacity to effectively reach and support migrant workers, including developing gender-sensitive approaches that recognize the specific challenges faced by women migrants.

▶ **International Solidarity, Networking and Collaboration:**

Unions collaborate with other civil society organizations, charities and international bodies, such as the [International Labour Organization \(ILO\)](#), to strengthen their impact on labour migration policies and migrant worker welfare. They foster collaboration with national and international trade union networks, such as the [International Trade Union Confederation \(ITUC\)-Africa](#), to strengthen working-class solidarity and advocate for global migration governance. Trade union networks like the African Trade Union Migration Network (ATUMNET) coordinate efforts to share best practices and work collectively on migration governance.

▶ **Service and Support:**

Trade unions provide practical support, such as counselling, training programmes and assistance during crises, helping migrant workers access justice and decent work. They use both national and international laws to defend migrant workers' rights and work to protect them from deportation when they report labour law abuses.

▶ **Empowerment:**

Unions empower migrant workers to claim other rights and overcome labour-market challenges by exercising their right to association.

▶ **Inclusive Labour Markets:**

Their efforts contribute to more inclusive and revitalized labour markets that benefit both migrant and national workers.

▶ **Combating Exploitation:**

Trade unions are instrumental in exposing and tackling exploitation, including contract substitution, excessive recruitment fees and abusive labour practices.

▶ **Dignified Migration:**

By ensuring a collective voice for migrant workers, unions help achieve the broader goal of fair labour migration governance that upholds human dignity.

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