

International Migration Programme

Strengthening social protection for African migrant workers through social security agreements

Warren McGillivray

Background report prepared for the extension of social security coverage to African migrant workers (MIGSEC) project

Copyright © International Labour Organization 2010

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to the Publications Bureau (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered in the United Kingdom with the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP [Fax: (+44) (0)20 7631 5500; email: cla@cla.co.uk], in the United States with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923 [Fax: (+1) (978) 750 4470; email: info@copyright.com] or in other countries with associated Reproduction Rights Organizations, may make photocopies in accordance with the licences issued to them for this purpose.

ISBN 978-92-2-123205-6 (print version)
ISBN 978-92-2-123206-3 (web .pdf version)

First published 2010

ILO Cataloguing in Publication Data

McGillivray, Warren:

Strengthening social protection for African migrant workers through social security agreements: background report prepared for the extension of social security coverage to African migrant workers (MIGSEC) project / by Warren McGillivray ; International Labour Office. – Geneva: ILO, 2010-01-19

International Labour Office

Migrant worker / social security / social security agreement / ILO convention / Burundi / Ethiopia / Ghana / Kenya / Mali / Mauritania / Mauritius / Rwanda / Senegal / South Africa R / Tanzania / Uganda / Zambia

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org
Visit our website: www.ilo.org/publns

Printed by the International Labour Office, Geneva, Switzerland

Contents

	<i>Page</i>
Introduction	v
Chapter 1: Social security, migrant workers and social security agreements.....	1
1.1 Social security programmes	1
1.2 Migrant workers	2
1.3 Social security agreements.....	3
1.4 Negotiating, approving and implementing a social security agreement	4
Chapter 2: International Labour Organization conventions	7
Chapter 3: Social security programmes in MIGSEC countries	15
Chapter 4: Sub-regional organizations in Africa.....	25
4.1 Regional economic communities	25
4.2 Regional social security organizations.....	31
4.3 African States' social security agreements	32
Chapter 5: Migration flows and stocks.....	37
Chapter 6: Issues and options for the MIGSEC project	45
References	47
Appendix A:	49
Appendix B: Totalization methods.....	82

Introduction

The ‘Extending social security coverage to African migrant workers and their families project’ (MIGSEC) aims to improve national and regional strategies for the extension of social security coverage to migrant workers and their families through social security agreements, and to strengthen sub-regional mechanisms to effectively prepare or reinforce the compliance with regional social security conventions to accompany the various sub-regional integration processes in Africa.

The MIGSEC project covers Burundi, Ethiopia, Ghana, Kenya, Mali, Mauritania, Mauritius, Rwanda, Senegal, South Africa, Tanzania, Uganda and Zambia.

To assess the feasibility of social security agreements among African countries and to identify the appropriate project strategy, the project has commissioned a preliminary report to gather and analyze information on social security programmes and labour migration in African countries which are participating in the MIGSEC project.

The report contains the following chapters:

- Chapter 1 defines social security protection and migrant workers, and certain aspects of social security agreements.
- Chapter 2 describes the key ILO conventions regarding the social security rights of migrant workers. Tables 2.1 and 2.2 show ratifications of ILO conventions by ILO Member States in Africa. Social security agreements of African countries with each other and with some overseas countries are shown.
- Chapter 3 summarizes the social security programmes of the MIGSEC project member countries. Appendix A contains detailed summaries of the provisions of the social security schemes of each MIGSEC country.
- Chapter 4 describes the sub-regional economic communities in Africa.
- Chapter 5 presents data on stocks of migrant workers from African countries.
- Chapter 6 identifies issues which the MIGSEC project may consider in order to strengthen the social security protection of African migrant workers.

The author is grateful for the assistance provided by Mr. Edward Tamagno, Chief Technical Adviser of the MIGSEC project, Ms. Samia Kazi Aoul, MIGSEC Project Officer, Mr. Tharcisse Nkanagu, Africa Region Social Security Coordinator, ILO Social Security Department; and to Mr. Frank Hempel of the ILO Social Security Department for his helpful comments and his efforts to ascertain the status of bilateral agreements. Errors and omissions in the report are the responsibility of the author.

Chapter 1: Social security, migrant workers and social security agreements¹

1.1 Social security programmes

The ILO defines social security to be:

‘...the protection which society provides for its members, through a series of public measures, against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction of earnings resulting from sickness, maternity, employment injury, unemployment, invalidity, old age and death; the provision of medical care; and the provision of subsidies for families with children.’ (ILO, 1984 Introduction to Social Security)

These branches are:

- medical care,
- old-age benefit,
- invalidity benefit,
- survivors’ benefit,
- sickness benefit,
- maternity benefit,
- employment injury benefit,
- unemployment benefit, and
- family benefit.

A social security agreement can include any of these nine branches. An agreement coordinates the social security programme of two or more countries in order to overcome, on a reciprocal basis, the barriers that might otherwise prevent migrant workers and the members of their families from receiving benefits under the systems of any of the countries in which they have worked. Bilateral agreements involve two countries and multilateral agreements involve three or more countries.

For each social security branch, there are several possible types of programme, differentiated by their financing method, whether they are administered by the public or the private sector, whether they provide periodic cash benefits or lump-sum payments and the extent to which the amount of cash benefits is linked to previous earnings or to current income. It is not unusual for a country to have more than one type of programme within its overall social security system. The types of public social security programme are:

- *Universal benefit schemes* refer to programmes that are financed from general government revenues and that apply to the entire resident population, subject to whatever eligibility requirements may be prescribed in the scheme’s legislation (for example, age, citizenship, minimum period of residence in the country, etc). Cash benefits under a universal benefit scheme are usually flat-rate amounts which are unrelated to previous earnings and which are payable for the duration of the

¹ This chapter has been drawn from Tamagno, E. *Strengthening Social Protection for ASEAN Migrant Workers through Social Security Agreements* (ILO Asian Regional Programme on Governance of Labour Migration), ILO Bangkok, 2008.

contingency. In-kind benefits such as medical care and prescription drugs may be subject to co-payments or user fees.²

- *Social insurance schemes* are earnings-related programmes that are publicly administered and financed primarily by contributions from workers and employers. Additional income may come from the investment of the scheme's reserve funds and, if applicable, from government subsidies. Most cash benefits under a social insurance scheme are determined on the basis of a worker's previous earnings and, in the case of long-term benefits (for example, old-age pensions), on the length of time the worker has been covered by the scheme. Cash benefits are payable for the duration of the contingency (for example, in the case of old-age until the beneficiary's or the beneficiary's survivors' deaths). In-kind benefits may be subject to co-payments or user fees. Social insurance schemes are the most common form of social security.
- *Provident funds* are publicly administered mandatory savings schemes that are financed from contributions by workers and/or employers and from the investment income of the fund. Contributions made by and on behalf of workers are credited to workers' individual accounts along with investment income. When an insured contingency occurs – for example, when a member of a provident fund reaches retirement age – the worker is entitled to withdraw all or part of the balance of her/his account in a lump-sum. Sometimes, the member has the option of using the lump-sum in whole or in part to purchase an annuity which will provide a periodic income. Provident funds also often allow a member to make withdrawals from his/her account before retirement age in prescribed circumstances (for example, for education purposes or to purchase a house).
- *Mandatory retirement savings schemes* (also called individual private accounts or defined contribution individual account schemes) are similar to provident funds except that they are administered by private sector managers who are supervised by a public body. When a member retires, the funds in the member's account are applied to provide some form of periodic benefit.
- *Employer liability schemes* obligate employers to provide benefits or services to their employees when specific contingencies occur – for example, on termination of employment or if a worker suffers an employment injury. Unlike a social insurance scheme, which pools risks, individual employers are fully responsible under employer liability schemes. Employers may be required to purchase private insurance to cover their liability.
- *Social assistance* programmes are similar to universal benefit schemes, except that entitlement to a benefit is subject to a means or income test.

1.2 Migrant workers

The ILO defines a migrant worker to be a person who migrates or has migrated from one country to another in order to seek employment (other than self-employment).³ The definition includes persons who are regularly admitted as migrant workers. It excludes

² The term 'co-payment' refers to the portion of the cost of an in-kind benefit which the insured person pays from his/her own resources. The term 'user fee' refers to the flat-rate amount that an insured person must pay each time an in-kind benefit is provided.

³ See Article 11 of Convention No. 143.

frontier workers, persons who migrate for short periods, persons who migrate for education or training and seafarers.

The United Nations international convention on the *Protection of the Rights of All Migrant Workers and Members of Their Families* takes into account the nationality of the worker. The convention defines a migrant worker to be ‘a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national’.

Seafarers are excluded from the definitions of migrant workers. Specific agreements are concluded to cover seafarers who are employed on a ship registered in a country of which the seafarer is not a national and to which he or she has not been admitted as a resident.

1.3 Social security agreements

In principle, a social security agreement can include any of the six types of scheme described above. Many agreements have been concluded that involve social insurance and universal benefit schemes. In recent years, a growing number of social security agreements have also involved schemes based on mandatory retirement savings schemes and social assistance. To date there is no social security agreement that includes a provident fund.

A social security agreement embodies the principles of coordination and reciprocity.

- *Coordination* means establishing mechanisms through which the social security schemes of the countries which are party to an agreement can work together to achieve mutually agreed objectives – in particular, ensuring that migrant workers have protection that is as complete and continuous as possible – while, at the same time, maintaining and respecting the separate definitions and rules of each scheme. (Coordination does not involve harmonization – replacing the different definitions and rules of each country’s system with common definitions and rules.)
- *Reciprocity* means that all countries which are parties to an agreement undertake to apply the same mechanisms to make their social security benefits more accessible to migrant workers. This results in a reasonable degree of consistency in the obligations that each party assumes in an agreement.

A social security agreement usually has five objectives to protect the social security rights of migrant workers:

- *Equality of treatment* means that each party to an agreement undertakes to treat workers who are nationals of the other parties in the same way it treats its own nationals. Equal treatment is usually extended to a migrant worker’s family members, irrespective of their nationality, with respect to the rights they derive from those of the worker – for example, family allowances, medical care if they fall ill, or survivors’ benefits in the event of the death of the worker. The equality of treatment provision also applies to obligations, for example, the obligation to pay contributions, and the obligation to inform the social security authorities of changes in circumstances that may affect ongoing entitlement to a benefit.
- *Provision of benefits abroad* (export of benefits) means reducing or eliminating restrictions on the payment of benefits and receipt of services when a worker who had previously been covered by a country’s social security scheme is no longer resident in that country. An agreement may provide for export to the territories of other countries that are parties to the agreement, but not to ‘third states’ (countries

not party to the agreement); or to all countries, including third states. Common exceptions to the export of benefits apply to social assistance benefits, when it is considered that these benefits are designed to alleviate domestic poverty.

- *Determination of the applicable legislation* (coverage provisions) means determining which country's social security scheme applies to a migrant worker. In general, a worker who is employed in a country should be subject only to the social security laws of that country. Social security agreements may fill gaps in coverage that leave some migrant workers without protection. Agreements cover certain categories of workers who are especially likely to encounter double coverage or gaps in coverage – detached workers (persons who are assigned by their employer to work in another country for a limited period of time), self-employed persons and seafarers, and they may deal with government employees of one country who perform their duties in another country and local staff employed by foreign governments. There is usually a clause – the 'exception' or 'saving' provisions – allowing the social security authorities of the countries that are parties to an agreement to make exceptions to the rules, by mutual consent, in specific cases when circumstances warrant.
- *Maintenance of rights in course of acquisition* (totalizing) refers to assisting migrant workers and their family members to become eligible for benefits under the systems of the countries in which they have worked through adding together (totalizing) their periods of affiliation in all the countries that are parties to the agreement in order to meet the requirements of a qualifying period. The methods for totalizing: proportional calculation, direct calculation and integration are described in Appendix B.
- *Administrative assistance* is provided by the parties to an agreement in order to assist migrant workers to receive their benefits, and to ensure that claimants are eligible for the benefits for which they are applying and that beneficiaries remain eligible for the benefits they are receiving. The social security institution of a country will normally accept applications from claimants in the institution's country for benefits payable by other countries that are parties to an agreement. Besides physically receiving the applications and forwarding them to the institution(s) of the other country(ies) which must approve the applications, the institution in the first country will also certify information that the institution(s) of the other country(ies) require to reach a decision (e.g. dates of birth or death, marital status, affiliation to the country's social security scheme, medical reports).

While most social security agreements achieve all five objectives, sometimes countries are only able to find mutually acceptable means for achieving some of them. In such cases, an option that is sometimes used is to conclude a limited agreement that provides only for the objectives on which mutually acceptable solutions have been found. Clearly, the most desirable outcome is an agreement that achieves all five objectives. When this is not possible, a limited agreement can at least remove some of the barriers that migrant workers would otherwise face. Moreover, a limited agreement can provide a foundation on which a broader agreement can be built in the future.

1.4 Negotiating, approving and implementing a social security agreement

Generally, the negotiation, approval and implementation of a social security agreement involve:

1. *Preliminary discussions*: Social security experts of the countries concerned meet to exchange information on their respective social security schemes that might be

included in an agreement (for example, the branches of social security that are covered by their systems, the types of benefits paid under each branch, the eligibility requirements for the benefits, the method for calculating the amount of the benefits). The experts also inform each other regarding their countries' preferences regarding the application of the principles underlying social security agreements (equality of treatment, portability of benefits, determining the legislation applicable, totalizing, administrative assistance).

2. *Preparation of a preliminary draft of an agreement:* The countries concerned decide which one will prepare a preliminary draft of an agreement which will serve as the starting point for negotiations. Sometimes it is decided that each country will prepare its own preliminary draft.
3. *Negotiations:* The countries concerned negotiate the text of an agreement. When the complete text of the agreement has been agreed, the head of each country's delegation initials the agreed text.
4. *Review of the agreed text:* The agreed text is reviewed by the relevant authorities of each country (for example, ministries of foreign affairs and justice), in accordance with national law and practice. If, as a result of this review, changes are required in the initialled text of the agreement, the changes must be agreed by all the countries concerned.
5. *Signing of the agreement:* Once the relevant authorities of each country have concurred with the text of the agreement, the agreement is signed.
6. *Approval of the agreement:* Following the signing of the agreement, it must be ratified by each country in accordance with its constitution, laws and/or treaty practices. The approval process often involves submitting the agreement to the legislature of each country.
7. *Conclusion of an administrative arrangement:* The social security agreement establishes the legal framework for the coordination of the social security systems of the countries concerned. It also sets out the principles that will underlie the administrative assistance that the social security authorities and institutions of each country will provide to the authorities and institutions of the other country(ies). A subsidiary instrument, known as an administrative arrangement, describes in greater detail how the administrative assistance will be provided. The administrative arrangement is essential to the implementation and administration of an agreement. It should be concluded and signed before the agreement enters into force. Any forms required for the implementation and administration of the agreement should also be agreed before the agreement enters into force.
8. *Entry-into-force of the agreement:* Once each country has concluded its legal requirements for ratification of the agreement, the agreement enters into force on a date that is determined in accordance with a provision of the agreement.

The time required to complete this eight-step process varies from one agreement to another. It seldom can be done in less than a year and a half, and considerably longer is often needed.

Chapter 2: International Labour Organization conventions

Social security is a basic human right enshrined in major international instruments such as:

- The Universal Declaration of Human Rights, adopted by the United Nations General Assembly (1948);
- The International Covenant on Economic, Social and Cultural Rights, adopted by United Nations General Assembly (1966);
- The Declaration of Philadelphia, Annex to the Constitution of the International Labour Organization (1944);
- The international convention on the Protection of the Rights of All Migrant Workers and Their Families, adopted by the United Nations in 1990.

International labour standards are tools for governments which, in consultation with employers and workers, seek to draft and implement labour law and social policy in conformity with internationally accepted standards. Countries use International Labour Organization (ILO) standards as models for drafting their law and policy. They thus serve as targets for national law and practice in a particular field. The ILO contributes towards adherence to these standards by monitoring laws and practice, and by advising its tripartite constituents on labour policy and administration.

The protection of workers employed in a country other than their own, through formulation of international standards for the treatment of migrant workers, has always been an important activity of the ILO. The Migration for Employment Convention (Revised), 1949 (No. 97) lays the foundations for equal treatment between nationals and migrants in areas such as recruitment procedures, living and working conditions, access to justice, tax and social security. It sets out details for contract conditions, the participation of migrants in job training or promotion and deals with provisions for family reunification and appeals against unjustified termination of employment or expulsion, and other measures to regulate the entire migration process.

In particular, Article 6 of the convention requires a member State to operate its social security programmes without discrimination in respect of nationality, race, religion or sex, and that the programmes must treat legal immigrants no less favourably than nationals of the country. Certain exceptions are permitted, for example, when benefits are financed from general government revenues.

The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) deals with irregular migration in abusive conditions. It sets out requirements for respect of rights of migrants with an irregular status, while providing for measures to end clandestine trafficking and to penalize employers of irregular migrants. Article 9 of the convention states that when laws and regulations dealing with employment of migrants have not been respected and hence a migrant's position cannot be regularized, the migrant shall enjoy equality of treatment in respect of rights arising out of past employment as regards remuneration, social security and other benefits.

The *ILO Multilateral Framework for Labour Migration* provides practical guidance to governments and employers' and workers' organizations regarding the development, strengthening, implementation and evaluation of national and international labour

migration policies.⁴ Four broad themes underlie the framework: decent work for all; management and governance of migration; promotion and protection of migrant rights; and migration and development.

The ILO multilateral framework is rights based. The framework:

- is a comprehensive collection of principles and guidelines on migration policy and management based on international instruments and best practices,
- takes a positive approach to labour migration. It is not limited to protection issues alone. It emphasizes the contribution of migrant workers to the economic growth and development of both source and host countries, and benefits to migrant workers if migration is properly managed,
- recognizes the role of social dialogue and the value of social partner participation in migration policy,
- provides policymakers, stakeholders and analysts with the knowledge, guidance, and guidelines necessary to construct or improve national policy and practice on migration.

The framework is composed of 15 broad principles, derived from existing international conventions and labour standards, and the corresponding policy guidelines to give effect to these principles.

The ILO turned its attention to social security shortly after it was established. *The Workmen's Compensation (Accidents) Convention, 1925 (No. 17)* and *the Equality of Treatment (Accident Compensation Convention, 1925 (No. 19)* have been ratified by a number of African States (see table 2.1). Both conventions deal with industrial accidents. Convention No. 17 requires that compensation 'be paid in the form of periodical payments; provided that it may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised'. Convention No. 19 requires States to provide the same treatment in respect of workmen's compensation for industrial accidents to nationals of other States which have ratified the convention as they do for their own nationals.⁵

⁴ Multilateral framework on labour migration, ILO, Geneva 2006. www.ilo.org/migrant/download/tmmflm-en.pdf

⁵ In modern social security schemes, the term 'workmen's compensation' is replaced by 'employment injury'. Existing workmen's compensation schemes typically pay lump sum benefits in the event of permanent incapacity or death of a worker.

Table 2.1 Ratifications of conventions No. 17 and No. 19 by African States

Country	Convention		Country	Convention	
	No. 17	No. 19		No. 17	No. 19
Algeria	•	•	Malawi		•
Angola	•	•	Mali	•	•
Botswana		•	Mauritania	•	•
Burkina Faso	•	•	Mauritius	•	•
Burundi	•	•	Morocco	•	•
Cameroon		•	Mozambique	•	
Cape Verde	•	•	Nigeria		•
Central African Republic	•	•	Rwanda	•	•
Comoros	•	•	Sao Tome and Principe	•	•
Congo DR	•	•	Senegal		•
Côte d'Ivoire		•	Sierra Leone	•	•
Djibouti	•	•	Somalia	•	•
Egypt	•	•	South Africa		•
Gabon		•	Sudan		•
Ghana		•	Swaziland		•
Guinea-Bissau	•	•	Tanzania	•	•
Guinea	•		Tunisia	•	•
Kenya	•	•	Uganda	•	•
Lesotho		•	Zambia	•	•
Madagascar		•	Zimbabwe		•

The adoption in 1952 of the Social Security (Minimum Standards) Convention (No. 102) was a landmark in the development of international social security legislation. It was based on the concepts of universal and comprehensive coverage, unification of social security schemes and guaranteed income security and medical care for the population. The objective is a basic level of social security that should be attained everywhere in the world, whatever the degree of national economic development. Convention No. 102 is the flagship ILO social security convention. It establishes worldwide agreed minimum standards for all nine branches of social security that cover specific contingencies which prevent workers from providing for themselves and their dependants or create additional expenses. These branches are:

- medical care
- old-age benefit
- invalidity benefit
- survivors' benefit
- sickness benefit
- maternity benefit
- employment injury benefit
- unemployment benefit; and
- family benefit

For all the nine branches, the minimum objectives of the convention relate to the percentage of the population protected by social security schemes, the level of the minimum income replacement benefit to be secured to protected persons, as well as to the conditions for entitlement and period of entitlement to benefits. A State which ratifies the convention is free to develop the scope of its system by extending coverage successively. A ratifying State is not obliged to accept all parts of the convention, and can restrict its ratification to three of the nine branches of social security, provided they include at least one of unemployment, employment injury, old-age, invalidity or survivors' benefit. The convention provides for temporary exceptions for countries whose economy and medical facilities are insufficiently developed. Benefits can be provided through universal schemes, social insurance schemes with earnings related or flat rate contributions (or both), or social assistance schemes .

Requirements of Convention No. 102 include:

- a cash benefit should be periodic payments provided throughout the contingency,
- a benefit should replace previous income to a specified extent,
- the cost of the benefits and administration should be borne collectively by contributions or taxation,
- insured persons' contributions should not exceed 50 per cent of the total contributions payable,
- the State should assume general responsibility for the provision of benefits and proper administration,
- actuarial valuations should be made periodically and benefits should be adjusted following substantial changes in the general level of earnings and/or in the cost of living, and
- representatives of insured persons should participate in the management of a scheme (if only in a consultative capacity) in all cases where the administration is not entrusted to an institution regulated by the public authorities or to a government department.

Part XII of Convention No. 102 deals with Equality of Treatment of Non-national Residents. Non-national and national residents have the same social security rights, except possibly with respect to benefits which are payable from general government revenues. Application of this principle to employees who are members of contributory social security schemes may be subject to concluding bilateral or multilateral reciprocal agreements.

Convention No. 102 has been ratified by 44 countries. Social security schemes comprising all the branches covered by Convention No. 102 are now found in virtually all industrialized countries. Following independence, most developing countries implemented social security schemes which are generally more limited in scope.

Convention No. 102 has been supplemented by conventions setting higher standards for the social security branches in order to offer better protection, and by recommendations that generally include stricter requirements.

- Employment Injury Benefits Convention, 1964 (No. 121),
- Invalidity, Old Age and Survivors' Benefits Convention, 1967 (No. 128),
- Medical Care and Sickness Benefits Convention, 1969 (No. 130),
- Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168),
- The Maternity Protection Convention, 2000, (No. 183).

ILO conventions concerning social security and migrant workers are:

- Equality of Treatment (Social Security) Convention, 1962 (No. 118),
- Maintenance of Social Security Rights Convention, 1982 (No. 157).

In addition, the ILO has adopted conventions dealing with social security for seafarers and fishermen.

- MLC Maritime Labour Convention, 2006,
- Work in Fishing Convention, 2007 (No. 188).

The texts of these conventions and Convention No. 102 are available at:

<http://www.ilo.org/ilolex/english/convdisp1.htm>

The Equality of Treatment (Social Security) Convention, 1962 (No. 118) provides for equality of treatment in all nine branches of social security, and for the export of some benefits. A State ratifying Convention No. 118 may limit the social security branches to which the convention applies. The country must have a scheme operating for these branches. After ratification, a State can subsequently add other branches.

For each branch of social security for which a country accepts the obligations of Convention No. 118, the country guarantees equal treatment with its own nationals to all persons who are nationals of any of the other countries that have ratified the convention or who are refugees or stateless persons. For survivors' benefits, this guarantee of equal treatment extends to the survivors, without regard to their nationality(ies). Within a country, equal treatment applies both to coverage and to the right to benefits. Outside the country, equal treatment applies only to the granting of benefits.

Subject to specific exceptions, the convention's guarantee of equal treatment in regard to a branch of social security applies irrespective of whether the country of which a person is a national has a scheme in operation for that branch or has accepted the obligations of the convention for the branch.

When a country has accepted the obligations of Convention No. 118 for old-age, invalidity and survivors' benefits or for employment injury benefits, the country guarantees the export of those benefits to persons outside its territory who are its own nationals or the nationals of other countries that have accepted the convention's obligations for the same branch or who are refugees or stateless persons. The guarantee of export is unconditional for contributory benefits when eligibility for a benefit is established directly under a country's legislation. For non-contributory benefits, the guarantee of export can be subject to the conclusion of a bilateral or multilateral social security agreement between the country paying the benefit and the country of residence.

Convention No. 118 commits ratifying countries to endeavour to conclude bilateral or multilateral social security agreements between them that provide for totalizing (see Appendix B) to determine eligibility for benefits under all the branches for which those countries have accepted the obligations of the convention. The agreements should also address the export of benefits other than those listed above whose export Convention No. 118 makes mandatory.

The Maintenance of Social Security Rights Convention, 1982 (No. 157) completes the international framework for the protection of the social security rights of migrant workers begun by Convention No. 118. Convention No. 157 builds on the provisions of Convention No. 118 regarding totalizing and export of benefits, and it introduces provisions for determining the applicable legislation and administrative assistance.

Convention No. 157 applies to all nine branches of social security and to all social security schemes, contributory and non-contributory, except for special schemes for civil servants or war victims and social or medical assistance schemes. A country ratifying Convention No. 157 accepts the convention's obligations for all social security branches for which it has a scheme in place. Unlike Convention No. 118, a country cannot designate the branches to which Convention No. 157 will apply. If a country does not have a scheme in place for a branch at the time of ratification of the convention and subsequently implements such a scheme, Convention No. 157 applies automatically to that scheme when it enters into operation.

Some of the provisions of Convention No. 157 are directly applicable as soon as a country ratifies the convention. Most provisions, however, can only be implemented through bilateral or multilateral social security agreements between the countries concerned. When a country ratifies Convention No. 157, one of the country's overriding obligations is to conclude agreements with the other countries concerned which have also ratified the convention if such agreements are not already in force.

One of the directly applicable provisions of Convention No. 157 parallels the provision of Convention No. 118 guaranteeing the export of old-age, invalidity and survivors' benefits and cash employment injury benefits to nationals of the ratifying countries and to refugees and stateless persons. Convention No. 157 extends the guarantee in Convention No. 118 by requiring that benefits paid by a country to persons in another country be adjusted (increased) according to the same rules as those applicable to benefits paid within the paying country. A country can make the adjustment of its benefits paid abroad subject to the conclusion of a social security agreement providing for such adjustments.

Another of Convention No. 157's provisions requires the use of 'third-state totalizing' when this is necessary to determine the eligibility for a benefit of a person who has been subject to the social security systems of three or more countries that have ratified the convention.

Convention No. 157 has provisions regarding administrative assistance among the social security authorities and institutions of the ratifying countries. The assistance includes accepting applications for each other's social security schemes when a person who is residing in one country wishes to apply for a benefit from another country. In such a case, the social security institution of the country where a person is residing accepts the application and forwards it to the institution of the other country.

An annex to the Maintenance of Social Security Rights Recommendation, 1983 (No. 167) contains model provisions for a bilateral or multilateral social security agreement.

Table 2.2 indicates ratifications of ILO conventions dealing with migrant workers and social security by ILO Member States in Africa.

While ILO conventions on social security are flexible as regards the methods of protection, they contain core provisions which are considered essential in any social security scheme. These basic requirements are designed to ensure minimum coverage, levels of benefits and guarantees by the State. The conventions require that persons protected by a scheme receive adequate health care in the event of sickness, and an adequate replacement income in the event of loss of earnings due to specified contingencies. Accordingly, unless there is risk pooling thus ensuring solidarity between those affected by a contingency and those not affected, the aims of the conventions cannot be fully achieved. In particular, schemes providing for lump sum benefits in the event of old-age, invalidity or survivorship does not meet the requirements of the conventions.

ILO conventions continue to have a major influence on the development of social security throughout the world; indeed they are regarded as embodying an internationally accepted concept of social security. When determining their state policy, governments use the ILO conventions as models or reference points, whether they have ratified the conventions or not. Consequently, promotion of the conventions is as important as the numbers of ratifications.

Table 2.2 Ratifications of ILO conventions by African States

Country	C 97	C 143	C 102	C 118	C 121	C 128	C 130	C 157	C 168	C 183
Algeria	•									
Benin		•								
Burkina Faso	•	•								
Cameroon	•	•								
Cape Verde				•						
Central African Republic										
Congo, Democratic Republic of			•	•	•					
Egypt				•						
Guinea		•		•	•					
Kenya	•	•								
Libya			•	•	•	•	•			
Madagascar	•			•						
Malawi	•									
Mali										•
Mauritania			•	•						
Mauritius	•									
Niger			•							
Nigeria	•									
Rwanda				•						
Sénégal			•		•					
Tanzania (Zanzibar)	•									
Togo		•								
Tunisia				•						
Uganda		•								
Zambia	•									
Total ratifications worldwide (8.2.2009)	48	23	44	37	24	16	15	4	7	15

Chapter 3: Social security programmes in MIGSEC countries

Table 3.1 shows the social protection available for private sector employees for eight branches of social security. South Africa and Mauritius offer an unemployment insurance benefit. This benefit branch does not appear in table 3.1, nor do the special schemes in some countries for civil servants and armed forces personnel.

While the table seems to indicate extensive social protection for private sector employees, this is deceptive. Some schemes offer benefits which provide inadequate protection. In some countries, responsibility for social protection is fragmented among several ministries, each with its own social security department or institution which the ministry supervises. This inhibits formulation of a coherent national social protection policy, leads to inconsistencies and gaps in protection, and results in higher administrative expenses. In some branches, protection is in the form of an employer liability under labour legislation which may or may not be enforced. Consequently, often the fundamental issue is not the protection of migrant workers, but the provision of appropriate and adequate social protection for all workers – migrants and nationals.

Table 3.1 MIGSEC countries' social security programmes by branch, 2007

Country	Old-age	Invalidity	Survivors	Medical Care	Sickness/ Maternity	Family Allowances	Employment injury
Burundi	•	•	•			•	•
Ethiopia							
Ghana	•	•	•	•			•
Kenya	•	•	•	•			•
Mali	•	•	•	•	M	•	•
Mauritania	•	•	•	•	M	•	•
Mauritius	•	•	•	•		•	•
Rwanda	•	•	•	•			•
Senegal	•		•	•	M	•	•
South Africa	•	•	•	•	S/M	•	•
Tanzania	•	•	•	•	M		•
Uganda	•	•	•				•
Zambia	•	•	•				•

M = Maternity benefits; S = sickness benefits

Benefits (other than employment injury) payable under labour legislation are excluded

To assess the extent to which the social security schemes protect migrant workers, it is necessary to examine specific provisions of the programmes by branch. The tables in this Chapter are based on information in Appendix A, and reflect deficiencies in the available information. Since old-age, invalidity and survivors' benefits are usually provided by a single scheme, these three benefit branches are considered together. For the same reason, cash sickness and maternity benefits have also been combined.

Old-age, invalidity and survivors' benefits

Table 3.2 categorizes old-age, invalidity and survivors schemes covering private sector workers by type. The invalidity branch provides benefits for disabilities which do not arise from work injuries. The table also summarizes the provisions of the schemes that are of particular importance to migrant workers: whether coverage is limited to nationals and/or permanent residents of the country, whether benefits can be exported (paid to persons living outside the country) and whether there is a minimum qualifying condition for eligibility for benefits.

Table 3.2 MIGSEC countries' old-age, invalidity and survivors' benefits, 2007

Country	Branches covered			Coverage limited to nationals and/or permanent residents	Minimum qualifying period for eligibility	Export of benefits allowed
	Old-age	Invalidity	Survivors			
Burundi	SI	SI	SI		Yes	
Ethiopia					Yes	No
Ghana	SI	SI	SI			
Kenya	PF	PF	PF		No	
Mali	SI	SI	SI		Yes	Yes
Mauritania	SI	SI	SI		Yes	Yes
Mauritius	UB + SI	UB + SI	UB + SI	Yes*	Yes	Yes
Rwanda	SI	SI	SI		Yes	Yes
Senegal	SI		SI		Yes	Yes
South Africa	UB	UB	SI	Yes*	Yes	
Tanzania	SI	SI	SI		Yes	No
Uganda	PF	PF	PF		No	
Zambia	SI	SI	SI		Yes	Yes

* for the UB scheme

UB = Universal Benefit (can be Social Assistance), SI = Social Insurance, PF = Provident Fund

Mauritius and South Africa have universal benefit schemes. The South African scheme is means tested. Ethiopia has a scheme which covers only public servants, military and police personnel and employees of government-owned enterprises. Two countries (Kenya, Uganda) have provident funds.

Provident funds pay a lump sum amount when a member reaches a prescribed age, or if a member becomes disabled or dies before then. It is generally recognized that a lump sum payment is an inadequate benefit to meet the on-going needs of retired or disabled persons or survivors. Ghana, Tanzania and Zambia had provident funds which were converted into social insurance pension schemes in the 1990s. For some years, the possibility of converting the Kenya provident fund into a social insurance scheme has been under discussion. It is understood that this is also the case in Uganda.

The social insurance schemes in Burundi, Ghana, Mali, Mauritania, Mauritius, Rwanda, Tanzania and Zambia provide old-age and disability⁶ pensions when an insured person meets the qualifying conditions for benefits. In Senegal there are old-age and survivors' pensions, but there is no disability pension. If the qualification conditions are met, survivor pensions are paid by the social insurance schemes, except for Ghana where a lump sum survivor benefit is paid. If the qualifying conditions (in particular a minimum period of contributions or coverage) are not met, a lump sum settlement is normally paid.

The means tested social assistance pension in South Africa is payable to males at age 65 (to women age 60) and in case of permanent disability. A survivors' pension for a limited period is payable by the Unemployment Insurance Fund.

Restrictions to coverage based on nationality and/or residence

For migrant workers, restricting coverage to permanent residents of a country can present the same barrier to social security protection as restrictions based on nationality because, in many instances, migrant workers do not have the right to remain in the host country indefinitely and, therefore, are not considered as permanent residents. For this reason, restrictions based on nationality and restrictions based on residence are considered together.

There is insufficient information available to determine the extent to which nationality and residence restrictions bar migrant workers from coverage under the old-age, invalidity and survivors scheme. The means tested pensions in South Africa are financed from general government revenues, and beneficiaries must be citizens. In Mauritius, the pensions are not means tested, and they may be paid to non-citizen residents.

Restrictions to export of benefits

In the social insurance schemes which allow the export of benefits, this is generally on the basis of a reciprocal agreement between the country and the beneficiary's country of residence.

Provident funds in effect allow export of benefits since a member who emigrates permanently from the country can generally withdraw the entire balance in her or his provident fund account at the time of emigration, irrespective of the member's age.

Minimum qualifying periods

Social insurance schemes normally have minimum qualifying periods (e.g. 20 years' contributions in Ghana and Mauritania, and 15 years in Burundi, Rwanda, Tanzania and Zambia). Qualifying periods are necessary in order to design a scheme which provides adequate and financially sustainable pensions. However, in the absence of social security agreements, long qualifying periods pose significant barriers for migrant workers who return to their country of origin after working for a limited period abroad.

Provident funds do not have minimum qualifying periods for eligibility for benefits, since the benefit is simply whatever has accumulated in a member's account.

⁶ Throughout this report 'disability' and 'invalidity' are used synonymously.

Medical care

Table 3.3 provides information on social security medical care schemes in MIGSEC countries. Medical care refers to benefits in kind (services) provided by hospitals, doctors and other medical practitioners, including those for maternity. State financed public health measures covering the entire population are not included in the table. The medical care branch does not provide benefits when the need for medical care arises from an employment injury.

Table 3.3 MIGSEC countries' social security medical care, 2007 (Public health provisions are excluded)

Country	Type of programme	Persons of working age			Pensioners
		Coverage limited to nationals and/or permanent residents	Must be in covered employment when contingency occurs	Minimum qualifying period for eligibility	(social insurance / non-active members covered for medical care)
Burundi					
Ethiopia					
Ghana	UB/SI	Yes			
Kenya	SI		Yes		
Mali	SI				
Mauritania	SI				
Mauritius					
Rwanda	SI				
Senegal	SI			Yes	Yes
South Africa	Subsidy				Yes
Tanzania			Yes	Yes	
Uganda	SI				
Zambia					

UB = Universal Benefit (can be Social Assistance); SI = Social Insurance

Information on social security medical care is limited.

In Kenya, Mali, Rwanda, Senegal and Tanzania, the schemes are based on social insurance and involve risk-pooling among all insured persons. In Ghana, a universal benefits scheme covers resident citizens, and a portion of the contributions to the Social Security and National Insurance Trust is diverted to partially finance the scheme. Different institutions from the institution administering the old-age, invalidity and survivors' benefit scheme administer the medical care schemes in Ghana, Kenya, Rwanda, Senegal and Tanzania.

The universal benefits medical care scheme in Ghana is restricted to resident citizens of Ghana. There is insufficient information to determine whether nationality-based restrictions, or requirements of permanent residence, apply to other medical care schemes in table 3.3. In the absence of a social security agreement, nationality based restrictions, or requirements of permanent residence bar migrant workers from access to medical care in their host countries.

Social insurance medical care schemes normally require either that a worker who is not yet a pensioner be in covered employment at the time of the illness, accident or incapacity giving rise to the need for care or that the worker have completed a minimum qualifying condition, for example, in Senegal two months of contributions.

In the absence of a social security agreement that provides for totalizing, even a relatively short minimum qualifying condition leaves a migrant worker without coverage for medical care in the host country if the worker or a member of the worker's family suffers an illness or accident soon after coming to the country, and before the migrant worker becomes eligible for medical care under the host country's scheme. In such a situation, the migrant worker and the worker's dependants may have access to the national public health service.

Pensioners in Ghana have access to medical care through the universal benefits scheme. The care of old-age and disability pensioners is subsidized in South Africa, and in Senegal the institution which administers pensions (IPRES) organizes health care for pensioners.

Unless a country has a universal medical care scheme, linking medical care coverage with receipt of a pension is essential for ensuring that medical care remains available to a worker and his or her dependants after the worker's retirement or in the event of the incapacity or death of the worker. However, even when a country links coverage under its national medical care scheme with receipt of a benefit under its national old-age, invalidity and survivors' benefit schemes, this will still not be sufficient for migrant workers who return to their country of origin after employment in another country if they are not eligible for a pension from their country of origin. In such a case, a social security agreement between the former host country and the country of origin can provide the missing link by allowing totalizing of periods under the two countries' pension schemes to establish eligibility for a pension from the scheme of the migrant worker's country of origin.

Sickness and maternity cash benefits

Table 3.4 provides information on cash sickness and maternity benefits. Four countries (Mali, Mauritania, Senegal and Tanzania) have social insurance schemes which only provide maternity benefits. South Africa has cash sickness and maternity benefits. Labour legislation in Burundi, Ghana, Kenya, Mauritius and Rwanda makes employers liable for payment of sickness and/or maternity benefits.

All of the social insurance schemes have minimum qualifying periods. For the cash sickness benefit, 13 weeks of contributions are required in South Africa. Consequently, in the absence of a social security agreement, migrant workers are excluded from coverage during their initial period in the host country until they have fulfilled the minimum period.

Table 3.4 MIGSEC countries' sickness and maternity cash benefits, 2007 (Employer liability benefits payable under labour legislation are excluded)

Country	Type of programme	Coverage limited to nationals and/or permanent residents	Must be in covered employment when contingency occurs	Minimum qualifying period for eligibility	Export of benefits allowed
Burundi	EL – maternity				
Ethiopia					
Ghana	EL – maternity				
Kenya	EL – maternity				
Mali	SI – maternity			Yes	
Mauritania	SI – maternity			Yes	
Mauritius	EL – maternity				
Rwanda	EL – maternity				
Senegal	SI – maternity			Yes	Yes
South Africa	SI			Yes	
Tanzania	SI - maternity			Yes	
Uganda					
Zambia					

SI = Social Insurance; EL = Employer Liability

Family allowances

Social security schemes in most French-speaking countries in Africa offer family allowances. Generally, the insured parent must be currently employed. Like sickness and maternity benefits, receipt of a family allowance from a social insurance scheme depends on a completing a minimum qualifying period of contributions or service, thereby delaying migrant workers' access to family allowances unless there is a social security agreement.

There may also be a requirement that the children reside (or be present) in the state paying the benefits. This requirement is particularly restrictive, since many migrant workers come to the host country without their families, who remain in their countries of origin. Family benefits are of particular significance for women, who usually have the principal (if not sole) task of caring for children.

Table 3.5 MIGSEC countries family allowance benefits, 2007

Country	Type of programme	Coverage limited to nationals and/or permanent residents	Must be in covered employment when contingency occurs	Minimum qualifying period for eligibility	Export of benefits allowed
Burundi	EL		Yes		
Ethiopia					
Ghana					
Kenya					
Mali	SI		Yes	Yes	
Mauritania	SI		Yes	Yes	
Mauritius	SA				
Rwanda					
Senegal	SI		Yes	Yes	Yes
South Africa	SA				
Tanzania					
Uganda					
Zambia					

EL = Employer Liability; SI = Social Insurance; SA = Social Assistance

Employment injury

Employment injury is the oldest branch of social security, and there are schemes in nearly every country. The term employment injury refers to accidents suffered at work and to occupational diseases. Employment injury benefits are a temporary incapacity cash benefit, pensions or lump sums in case of a worker's permanent disability and pensions or lump sums payable to survivors in case of a worker's death. There is normally no qualifying period for eligibility for employment injury benefits. Table 3.6 summarizes the employment injury schemes.

Table 3.6 MIGSEC countries' employment injury benefits, 2007

Country	Type of programme	Occupational diseases included among insured contingencies	Coverage limited to nationals and/or permanent residents	Must be in covered employment when contingency occurs	Minimum qualifying period for eligibility	Export of benefits allowed
Burundi	SI				No	
Ethiopia						
Ghana	EL				Yes	
Kenya	EL				No	
Mali	SI				No	
Mauritania	SI				No	
Mauritius	SI				No	
Rwanda	SI				No	
Senegal	SI				No	Yes
South Africa	SI	Yes			No	
Tanzania	SI				No	
Uganda	EL				No	
Zambia	EL	Yes			No	

SI = Social Insurance; EL = Employer Liability

Originally, compensation for employment injuries was an 'employer liability' set out in national labour legislation. Employment injury compensation is normally financed entirely by employers. Under employer liability schemes, employers can assume the liability themselves or purchase insurance to cover their liability. Sometimes the law obliges employers to purchase insurance.

Employer liability schemes provide unsatisfactory work injury protection since they generally pay lump sums in the event of the permanent incapacity or death of a worker. Also, because employers wish to reduce their expenses and insurance companies contest claims, the schemes lead to litigation which delays claim settlement and creates acrimony between workers and employers.

Consequently, the modern approach has been to set up a social insurance employment injury scheme, whereby employers contribute to the scheme and the settlement of claims is the responsibility of the scheme administration. Social insurance schemes can also finance activities to prevent work injuries. Despite the manifest advantages of a social insurance work injury scheme, for various reasons, in some countries insurance companies, employers and sometimes labour ministries (which do not want to lose control over work injury compensation) have resisted efforts to set up social insurance schemes.

Old style employer liability work injury schemes paying lump sum benefits are found in Ghana, Kenya and Uganda. South Africa has a social insurance system where the risk has to be insured with specified insurers. Other social insurance schemes are in Burundi, Mali, Mauritania, Mauritius, Rwanda, Senegal and Tanzania. Only public sector workers are covered for work injuries in Ethiopia.

None of these employment injury schemes except Ghana's has a minimum qualifying period. If migrant workers are covered by the schemes, except in Ghana, the coverage starts as soon as a worker begins employment.

As in the case of other branches of social security, the principal issue for migrant workers in regard to the employment injury scheme of the host country is whether that scheme has nationality or residence restrictions that exclude foreign workers from coverage. Even if a migrant worker is covered under the employment injury scheme of the host country, the worker may not be entitled to continue to receive benefits if he or she returns to the country of origin. Similarly, if the employment injury results in death, the survivors of the deceased worker may not be entitled to benefits if they are living in the worker's country of origin or if they return to that country after the worker's death. There is insufficient information available on nationality or residence restrictions and the export of benefits under employment injury schemes

Similarly, there is insufficient information available on coverage of occupational diseases by employment injury schemes. If occupational diseases are covered, there is usually a list of recognized occupational diseases and provision for coverage of other diseases on the basis of medical evidence. However, even when occupational diseases are covered under employment injury schemes, often the reality is that there are few cases due to difficulties of diagnosis.

Migrant workers may encounter particular problems in becoming eligible for benefits related to occupational diseases even if export of benefits is permitted under a country's employment injury scheme. Problems arise if, at the time the disease is first diagnosed, the worker is no longer in the host country in which she or he was engaged in the work which was the cause of the disease. In such a case, the worker is unlikely to qualify for a benefit under the employment injury scheme of the country in which the worker is located because the contingency – the occupational disease – was not due to employment in that country. However, the worker also may not qualify for a benefit under the scheme of the former host country because he or she is no longer covered by that country's employment injury scheme or because the deadline for submitting a claim has expired.

Chapter 4: Sub-regional organizations in Africa

4.1 Regional economic communities

Within the African Union, there are multiple regional blocs, also known as Regional Economic Communities, many of which have overlapping memberships.^{7 8} The principal Communities and the sites of their secretariats are:

- Arab Maghreb Union (AMU/UMA) – Rabat
- Community of Sahel-Saharan States (CEN-SAD) – Tripoli
- Common Market for Eastern and Southern Africa (COMESA) – Lusaka
- East African Community (EAC) – Arusha
- Economic Community of Central African States (ECCAS/CEEAC) – Libreville
 - Economic and Monetary Community of Central Africa (CEMAC)
- Economic Community of West African States (ECOWAS) – Abuja
 - West African Economic and Monetary Union (UEMOA) – Ouagadougou
- Economic Community of the Great Lakes Countries (CEPGL)
- Intergovernmental Authority on Development (IGAD) – Djibouti
- Southern African Development Community (SADC) – Gaborone

Table 4.1 shows the distribution of countries in Africa among the Communities, the dates of establishment of the Communities and the total population of member states.

While the regional economic communities are principally concerned with trade and related matters, they generally promote the free movement of workers, and some of them make specific references to social security.

Arab Maghreb Union (AMU/UMA) - <http://uma.leguide.ma>

Member States: Algeria, Libya, Mauretania, Morocco, Tunisia

Traditional rivalries and other issues have blocked meetings of the Union since the early 1990s.

In 1991, the five members of the Arab Maghreb Union (AMU/UMA) adopted a multi-lateral convention which envisaged that the conditions for granting social security benefits, the rules for paying them and the method of reimbursement between the national social security institutions would be set out. It appears that this convention has not been implemented.

⁷ All countries in Africa, except Morocco, are members of the African Union.

⁸ Information on these Communities has been drawn from several sources, notably, http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/microsites/IDMworkshops/free_movement_pf_persons_18190607/idm2007_handouts.doc

Community of Sahel-Saharan States (CEN-SAD)/Communauté des Etats Sahélo-Sahariens - <http://www.cen-sad.org/>

Member States: Benin, Burkina Faso, Central African Republic, Chad, Comoros, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Liberia, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia.

The Treaty states as a main objective the facilitation of the free movement of persons, capital, as well as the freedom of residence, work, ownership and economic activity. It calls for the elimination of all obstacles impeding the unity of its member states through measures that will facilitate the free movement of persons and capital, meet the interest of member states' nationals, and ensure freedom of residence, employment, ownership and economic activity. Additional mobility provisions are included in the Draft Agreement on 'Free Movement and Establishment of Persons within the territory of member states of the Community of Sahel-Saharan States'. The Draft Agreement has not entered into force.

The Draft Agreement states that intra-regional migration is permitted by those in possession of an entry visa, valid passport, medical certificate and a clean criminal record. The right of establishment is guaranteed to member states' nationals subject to the purpose and duration of the stay, and in accordance with the national laws and regulations of the host member state. Non-citizens are subject to national laws.

Common Market for Eastern and Southern Africa (COMESA)
<http://www.comesa.int/>

Member States: Burundi, Comoros, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia, Zimbabwe

COMESA 'Endeavour[s] to achieve sustainable economic and social progress in all member states through increased co-operation and integration in all fields of development particularly in trade, customs and monetary affairs, transport, communication and information, technology, industry and energy, gender, agriculture, environment and natural resources'.

East African Community (EAC) - <http://www.eac.int/>

Member States: Burundi, Kenya, Rwanda, Tanzania, Uganda

The 1999 Treaty calls on the partner states to adopt measures to achieve the free movement of persons, labour and services, as well as ensure the enjoyment of the right of establishment and residence of their citizens within the Community.

The Partner States agree to: harmonize their labour policies, programmes and legislation, including those on health and safety; establish a regional centre for productivity and employment promotion; exchange information on the availability of employment; and make their training facilities available to persons from other partner states. At present, the right of EAC nationals to work within the region is contingent upon the possession of a valid work permit. Non-citizens are subject to national laws.

The partner states undertake to cooperate in the enhancement of the social partnerships between the governments, employers and employees so as to increase the productivity of labour through efficient production.

It is understood that the EAC is proposing a social protection protocol which would have social protection recognized under its own distinct Article in the Charter

specifying social protection goals and strategies for reaching them separate from those under general labour issues. An ILO/EAC Memorandum of Understanding signed in 2001 includes social security, in particular the social security protection of migrant workers.

(See <http://www.ilo.org/public/english/bureau/leg/agreements/eac.htm>)

Economic Community of Central African States (ECCAS)/Communauté Économique des États d'Afrique Centrale (CEEAC) - <http://www.ceeac-eccas.org/>

Member States: Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Sao Tome and Principe

ECCAS 'aims to achieve collective autonomy, raise the standard of living of its populations and maintain economic stability through harmonious cooperation'. The ultimate goal is to establish a Central African Common Market.

The 1983 ECCAS Protocol on Freedom of Movement and Rights of Establishment of Nationals of Member States forms part of the original Treaty, and includes provisions for the freedom of movement, residence and establishment. According to this Protocol, the provisions on free movement and the right of establishment were to be implemented within four and twelve years respectively after the entry into force of the Treaty. A decision related to free movement of some categories of persons was adopted in January 1990 and amended in June 2000. This decision was meant to be effective in March 2005.

The Treaty establishes the right of ECCAS nationals to move and reside freely in any ECCAS member state. Under the Protocol, ECCAS nationals have the right to enter the territory of another member state, contingent upon their possession of an identity card, passport, laissez-passer or international health record of the respective ECCAS member state, and, most recently, a valid visa. According to the Treaty and the Protocol, ECCAS nationals have the right to reside freely within the territory of another member state, provided that they have a sojourn card as presently required. The Protocol allows for the movement of workers and the establishment of self-employed persons, although limitations exist under national legislation and regulations in each ECCAS member state. Neither the Treaty nor the Protocol contains specific mobility provisions with respect to non-citizens. Nevertheless, mobility provisions for non-citizens may be found within certain bilateral free movement agreements between ECCAS member states and third states.

Communauté Économique et Monétaire de l'Afrique Centrale (CEMAC)/Economic and Monetary Community of Central Africa - <http://www.cemac.cf/>

Member States: Cameroon, Central African Republic, Chad, Republic of the Congo, Equatorial Guinea, Gabon (All have a common currency, the CFA franc)

CEMAC's objectives are the promotion of trade, the institution of a genuine common market, and greater solidarity among peoples and towards under-privileged countries and regions. CEMAC is the successor to the Union Douanière et Économique de l'Afrique Centrale (UDEAC),

Economic Community of West African States (ECOWAS)/Communauté économique des Etats de l'Afrique de l'ouest (CEDEAO) - <http://www.ecowas.int/>

Member States: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo

ECOWAS was created in 1975 to promote trade, national cooperation and monetary union for growth and development in West Africa. A Revised Treaty intended to accelerate integration of economic policy and improve political cooperation was signed in 1993. It sets out goals of a common market, a single currency, the creation of a West African parliament, economic and social councils and a court of justice.

The Labour Programmes Unit of the ECOWAS Department of Humanitarian and Social Affairs is involved in harmonizing labour laws for the purpose of creating industrial peace in the region, promoting the welfare and security of workers for the purpose of regional integration and development and revitalizing the labour sector to make it proactive in the regional integration process.

The ECOWAS Treaty stated as one of its main objectives the establishment of a common market through the removal of obstacles to the free movement of persons between member states, as well as the rights of residence and establishment. In 1979, the Protocol relating to Free Movement of Persons, Residence and Establishment stated that community citizens have the right to enter, reside and establish in the territory of member states.

Each of the member states is to grant to nationals of other member states the right of residence in its territory for the purpose of seeking and carrying out income-earning employment. The right of residence includes the right to apply for jobs and the right to take up employment in accordance with the legislative and administrative provisions governing the employment of national workers.

The Protocol grants community citizens the freedom of establishment within other member states. The right of establishment encompasses access to economic activities and the right to carry out these activities, as well as the right to set up and manage enterprises under the same legislative conditions the host member state applies to its own nationals. Non-citizens are subject to the relevant national laws.

In 1990, a supplementary Protocol refers to 'Fundamental Rights' which are the rights granted to any migrant worker by the Protocol and the conventions of the ILO on the protection of the rights of migrant workers.⁹

Developing common labour standards as well as complementary and universal social security rules at the Community level is an important underlying strategy to protect workers who move between member states. Despite the commitment in Article 61(2)(b) of the Revised Treaty of ECOWAS which states that member states undertake to...harmonize their labour laws and social security legislations, there has been little action on developing shared employment policies and social protection schemes.

Since social security is a matter of national competence, the range of different cross-border working scenarios within an integrated labour market results in the risk that migrant workers can be excluded from work-related benefits unless appropriate

⁹ The following material on ECOWAS is drawn from R. Robert, 'The Social Dimension of Regional Integration in ECOWAS', Working Paper No. 49, Policy Integration Department, ILO, 2004.

legal guarantees are in place between regional partners. Mindful of this risk to the security of migrant workers in West Africa and hoping to facilitate the flow of persons and labour across the sub-region, the Social and Cultural Affairs Commission for ECOWAS adopted the general convention on Social Security in 1993 to ensure the equality of treatment for cross-border workers and the preservation of their rights when living abroad. Drafted in consultation with the ILO, this multilateral treaty represents a synthesis of member states' social security systems and replaces all social security agreements previously concluded between ECOWAS member states. In its particulars, the instrument reflects the substance of ILO conventions 118 and 157. The agreement ensures that individuals residing in a given ECOWAS country have the same rights and obligations under the social security laws as do nationals of that country. The General Convention sets out provisions for determining the applicable legislation depending on the employee's working circumstances.

The scope of the general convention extends to every worker who qualifies for social security benefits including his or her family members and survivors, and is applicable to all national legislation covering the following branches of social security:

- invalidity, old-age and survivors' benefits;
- benefits in respect of occupational injuries and diseases;
- family and maternity benefits; and
- sickness benefits.

Because each member state has its own social security regime, the convention also provides that the competent authorities share information on their domestic systems and assist one another in the application of the convention. This coordination is strengthened by a Committee of Experts which centralizes and disseminates information. The Committee is designed not only to foster cooperation between countries in the field of social security but it is also authorized to give more direct assistance to migrants themselves. This is an important practical dimension to the Committee's work since migrant workers are often poorly informed about the legal protections available in a host country.

Union économique et monétaire ouest-africaine (UEMOA)/West African Economic and Monetary Union - <http://www.uemoa.int/>

Member States: Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal Togo (All have a common currency, the CFA franc.)

UEMOA was established to promote economic integration among countries that share a common currency, the CFA franc. It is a customs and monetary union among some of the members of ECOWAS. ECOWAS and UEMOA have developed a common programme of action on trade liberalization and macroeconomic policy convergence.

Communauté Economique des Pays des Grands Lacs (CEPGL)/Economic Community of the Great Lakes Countries

Member States: Burundi, Democratic Republic of the Congo, Rwanda

CEPGL aims at insuring the safety of member states, favouring the creation and development of activities of public interest, promoting the trade and traffic of persons and the possessions and establishing cooperation in all the domains of political, economic and social life.

In 1980, a general convention on Social Security which provided for portability of benefits of migrant workers came into operation in the CEPGL. It is reported that the convention largely ceased to apply after the mid-1980s.

Inter-Governmental Authority on Development (IGAD)/Autorité intergouvernementale pour le développement - www.igad.org/

Member States: Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda (Eritrea temporarily suspended its membership 2007)

The Agreement establishing the IGAD aims to: harmonize policies with regard to trade, promote the free movement of persons and the establishment of residence, and promote and realize the objectives of the Common Market for Eastern and Southern Africa (COMESA) and the East African Community (EAC).

Reciprocal visa-free entry for limited periods of stay is granted bilaterally by various member states. IGAD member states agree to develop and expand cooperation in order to facilitate the rights of residence of IGAD nationals within the sub-region. Non-nationals are subject to national laws.

Southern African Development Community (SADC) - www.sadc.int/

Member States: Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

One of the main objectives of the original Treaty is the development of policies aimed at the progressive elimination of obstacles to the free movement of persons. In 1995, a Draft Protocol on the Free Movement of Persons within SADC was introduced, but was replaced in 1997 by a more limited Protocol on the Facilitation of Movement of Persons. The protocol has not entered into force.

Member states' citizens are granted visa-free entry into the territory of another member state for a maximum period of ninety days per year in accordance with the laws of the host country. Permission to reside in the territory of another member state is sought through application for a residence permit. Establishment means permission granted by a member state, in accordance with its national laws, to a citizen of another member state for the exercise of economic activity or a profession either as an employee or as a self-employed person. Non-citizens are subject to national laws.

Member states are called on to foster an enabling environment so that every worker in the region has the right to adequate social protection and, regardless of status and type of employment, enjoy adequate social security benefits.

In 2007 the Ministers and Social Partners approved the SADC Code on Social Security and recommended it to the Integrated Committee of Ministers (which is responsible for policy direction planning and implementation) for adoption. Article 17 of the Code deals with migrants, foreign workers and refugees. Article 17(2) states:

Member states should ensure that all lawfully employed immigrants are protected through the promotion of the following core principles. These principles should be contained in both the national laws of member states and in bi- or multilateral arrangements between member states:

1. Migrant workers should be able to participate in the social security schemes of the host country.

-
2. Migrant workers should enjoy equal treatment alongside citizens within the social security system of the host country.
 3. There should be an aggregation of insurance periods and the maintenance of acquired rights and benefits between similar schemes in different Member States.
 4. Member States should ensure the facilitation of exportability of benefits, including the payment of benefits in the host country.
 5. Member States should identify the applicable law for purposes of the implementation of the above principles.
 6. Member States should ensure coverage of self-employed migrant workers on the same basis as employed migrants.’

4.2 Regional social security organizations

East and Central Africa Social Security Association (ECASSA) -
(<http://www.ecassa.org/>)

Members:¹⁰

Burundi: Institut National de Sécurité Sociale

Kenya: National Social Security Fund; Local Authorities Pension Trust; National Hospital Insurance Fund

Rwanda: Social Security Fund of Rwanda; La Rwandaise d’Assurance Maladie (RAMA); Military Medical Insurance

Tanzania: Public Service Pensions Fund; Government Employees’ Provident Fund; National Social Security Fund; Zanzibar Social Security Fund; National Health Insurance Fund; Parastatal Pensions Fund; Local Authorities Pension Fund

Uganda: National Social Security Fund

ECASSA was set up in 2007 with its headquarters at the National Social Security Fund in Nairobi. The principal objective of the Association is the ‘Facilitation of co-operation among members’ schemes and the stakeholders in the promotion and development of social security and matters related thereto in the sub region.’ In particular, the ECASSA ‘promote[s] the development of legal mechanisms that will facilitate the harmonization of schemes’ benefits and qualifying criteria in order to facilitate across border labour mobility’.

Conférence interafricaine de prévoyance sociale (CIPRES) (African Conference on Social Security)

Member States: Benin, Burkina Faso, Cameroon, Chad, Central African Republic, , Comores, Congo, Côte d’Ivoire, Equatorial Guinea, Gabon, Mali, Niger, Senegal, Togo

¹⁰ It was reported that Zambia is also a member of ECASSA, but there is no mention of Zambia on the ECASSA website.

CIPRES developed from the UEMOA, and was founded in 1993. It has four principal objectives:

- Set common rules for the management of social security organizations,
- Set up a system of control of the management of social security organizations;
- Undertake studies and prepare proposals for the harmonization of legislation and regulations applicable to social security organizations and social security schemes; and
- Through specific actions at the regional level, facilitate the implementation of a training policy for social security officials and technicians of social security organizations.

4.3 African States' social security agreements

Table 4.2 shows bilateral social security agreements between countries in Africa, and table 4.3 shows bilateral agreements of African countries with countries overseas. Table 4.4 shows the bilateral agreements of countries in the MIGSEC project. The source of the tables is ILO NATLEX

http://www.ilo.org/dyn/natlex/natlex_browse.subject?p_lang=en&p_classification=23.01

The date shown is the date of the first agreement. Agreements may not be ratified. In table 4.4, where ratification is known, this is shown.

Most countries once administered by France have concluded bilateral agreements with the former metropolitan power. A comprehensive list of social security agreements between France and Arab States is available at <http://fothman.free.fr/indexacc.html>.

In the case of countries once administered by the United Kingdom, most of them have concluded agreements with the United Kingdom concerning public officers' pensions. This is a limited group of former officials who worked in Africa, and these agreements do not appear in the table 4.3.

Agreements may not be comprehensive. For example, some are restricted to seamen, or to students or to medical care only. Agreements are which are restricted to few workers are omitted, for example the South Africa – Canada agreement which applies only to certain local employees of South African diplomatic and consular missions in Canada.

Table 4.1 African countries by regional organization membership

	AMU-UMA	CEN-SAD	COMESA	EAC	ECCAS	COMAC	ECOWAS	UENOA	CEPGL	IGAD	SADC
Year founded	1989	1998	1994	2000	1981	1999	1975	1994	1976	1986	1992
Number of Member States	5	28	19	5	10	6	15	8	3	7	14
Member States total population (millions)			406	125	121		252			188	234
Algeria	•										
Angola					•						•
Benin		•					•	•			
Botswana											•
Burkina		•					•	•			
Burundi			•	•	•				•		
Cameroun					•	•					
Cape Verde							•				
Central African Republic		•			•	•					
Chad		•			•	•					
Comores		•	•								
Congo (Brazzaville)					•	•					
Congo, Democratic Rep.of			•		•				•		•
Côte d'Ivoire		•					•	•			
Djibouti		•	•							•	
Egypt		•	•								
Equitorial Guinea					•	•					
Eritrea		•	•								
Ethiopia			•							•	
Gabon					•	•					
Gambia		•					•				
Ghana		•					•				
Guinea		•					•				
Guinea Bissau		•					•	•			
Kenya		•	•	•						•	
Lesotho											•
Liberia		•					•				
Libya	•	•	•								
Madagascar			•								•
Malawi			•								•
Mali		•					•	•			
Mauritania	•	•									
Mauritius			•								•

	AMU-UMA	CEN-SAD	COMESA	EAC	ECCAS	COMAC	ECOWAS	UEMOA	CEPGL	IGAD	SADC
Morocco	•	•									
Mozambique											•
Namibia											•
Niger		•					•	•			
Nigeria		•					•				
Rwanda			•	•					•		
Sao Tomé and Príncipe		•			•						
Senegal		•					•	•			
Seychelles			•								
Sierra Leone		•					•				
Somalia		•								•	
South Africa											•
Sudan		•	•							•	
Swaziland			•								•
Tanzania				•							•
Togo		•					•	•			
Tunisia	•	•									
Uganda			•	•						•	
Zambia			•								•
Zimbabwe			•								•

Table 4.2 Bilateral social security agreements between countries in Africa

	Algeria	Burkina Faso	Burundi	Congo, DR	Côte d'Ivoire	Libya	Mauritania	Morocco	Rwanda	Senegal	Tunisia
Algeria						1987		1991			1973
Burkina Faso					1992						
Burundi				1978					1978		
Congo, DR			1978						1978		
Côte d'Ivoire		1992									
Libya	1987							1983			1973
Mali							2000				
Mauritania										1972	
Morocco	1991					1983					1987
Rwanda			1978	1978							
Senegal							1972				
Tunisia	1973					1973		1987			

Table 4.3 Overseas bilateral social security agreements of African countries

	Austria	Belgium	Canada	Cyprus	Denmark	Egypt	France	Germany	Italy	Luxembourg	Netherlands	Portugal	Romania	Spain	Sweden	Turkey	Yugoslavia	United Kingdom
Algeria		1968					1964						1981		1987			
Benin							1979											
Cameroon							1990											
Cape Verde							1980		1980	1981	1981	1985			1988			
Congo		1968																
Côte d'Ivoire							1985											
Egypt				1988			1990				2003						1987	
Gabon							1980											
Guinea-Bissau												1993						
Libya									1956				1977			1976	1976	
Madagascar							1967											
Mali							1979											
Mauritania							1965											
Mauritius																		1981
Morocco		1972	1998		1982		1965	1981	1994		1972	1998	1983	1979	1980			
Niger							1973											
Senegal							1974											
South Africa											2001							
Sudan						1975												
Togo							1971											
Tunisia	1989	1975					1965	1984	1984	1980	1978			2001				

Table 4.4 Bilateral social security agreements of MIGSEC countries

	Algeria	Burundi	Mauritania	Rwanda	Senegal	France	Netherlands	United Kingdom
Burundi				1978 R 1979				
Ethiopia								
Ghana								
Kenya								
Mali			2000			1979 R 1983		
Mauritania	1991				1972 1974*	1965		
Mauritius								1981
Rwanda		1978 R 1979						
Senegal			1972 1974*			1974 R 1976		
South Africa							2001	
Tanzania								
Uganda								
Zambia								

R = year of ratification (where known); * Date of law authorizing signature of the President of Senegal

Source: ILO NATLEX

Chapter 5: Migration flows and stocks

Migrants are motivated by a search for better lives for themselves and their families. They may be forced to migrate due to famine, poverty, natural disasters, environmental degradation or as refugees due to conflict or persecution. There were 191 million migrants in 2005, which means that three percent of the world's population had left their countries of birth or citizenship for a year or more.

Countries have different systems for compiling migration statistics, hence comparisons across countries are difficult. When estimating migrant numbers, some countries gather statistics on foreign born residents, while others count foreign citizens resident in the country (thereby ignoring immigrants who have become citizens of the country). Migrants may also cross national borders without being included in any migration records. Few countries report on labour migration flows.

Migrants usually move to nearby countries. Nearly half of all reported migrants move from one developing country to another. While there were 62 million developing country migrants in more developed countries in 2005, almost as many migrants, 61 million, had moved from one less developed country to another.

International migrants, 2005 (millions)		
From countries	To countries	
	More developed	Less developed
More developed	53	14
Less developed	62	61

Sources: United Nations, DESA, Population Division, International Migration Report (2006); UN International Migration 2006 (Wall Chart)

The ILO (2004) has provisionally estimated that in 2000, worldwide there were 174.9 million migrants, of whom 86.3 million were economically active migrants. There were 16.3 million migrants living in Africa (including refugees), of whom 7.1 million were migrant workers (5.4 million excluding refugees).

The University of Sussex Development Research Centre on Migration, Globalisation and Poverty has developed a worldwide database containing the estimated number of migrants by country of origin and country of destination [DRC Migration 2007]. The primary sources of information for the database are national population censuses in the 2000 round. The Development Research Centre has made various assumptions and interpolations to fill gaps in data from the primary sources.

The DRC Migration database looks at the stock of migrants in different countries – the number (stock) of migrants residing in a country at a particular time. It does not differentiate between recent migrants and those who may have arrived years or even decades ago, nor does it differentiate between types of migrants, for example, migrant workers and refugees.

From the DRC Migration database, total migrants are 175.7 million, of which 25.1 million are from Africa, and 13.2 million migrants from Africa have migrated to another country in Africa.

Table 5.1 shows the principal destinations of migrants from African countries.

	Number	Percent
Total migrants from African countries	25,075	
To other African countries	13,182	53
To Europe	7,244	39
To the Middle East	2,239	9
To Canada	1,239	5
To India, Nepal, Pakistan and the Philippines	385	2
To Australia and New Zealand	221	1
To Israel	221	1

Tables 5.2 and 5.3 present the DRC migration data according to the countries providing the largest stocks of migrants and countries receiving the largest flows of migrants. MIGSEC countries are highlighted in the tables.

Table 5.2 illustrates within Africa stocks of migrants. Receiving countries with negligible stocks of migrants are excluded (Lesotho, Mauritius (a MIGSEC project country), Seychelles, Equatorial Guinea, Mayotte, St. Helena, Cap Verde).

Table 5.3 illustrates stocks of migrants from African countries to Europe. European receiving countries with negligible stocks of migrants from African countries are excluded (Albania, Andorra, Armenia, Azerbaijan, Bosnia, Bulgaria, Belarus, Croatia, Cyprus, Czech Rep., Estonia, Faroe, Finland, Georgia, Gibraltar, Hungary, Iceland, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Poland, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Ukraine).

The tables are subject to the data deficiencies mentioned above and refer to migrant stocks, not current migration flows. Does a large stock of migrants in a receiving country from a particular country of origin imply current high levels of migration from the country of origin to the receiving country? Clearly, the answer depends on a number of factors.

Migration to other African countries has led to large stocks of migrants in nearby countries. Some African countries which may have significant current migrant flows are not in the MIGSEC project, for example, Burkina Faso to the Cote d'Ivoire; Mozambique to Tanzania, South Africa, Malawi and Zimbabwe; Guinea to Cote d'Ivoire, Senegal and Burkina Faso; and Niger to Cote d'Ivoire and Burkina Faso.

	Table 5.2: African countries by stocks of migrants in other African countries																				
	Column: African countries sending largest stocks of migrants - descending order, highest to lowest																				
	Row: African countries hosting largest stocks of migrants - descending order left to right																				
	To Africa	Receiving country																			
Origin Country	Total	Cote d'Ivoire	Burkina Faso	Tanzania	Sudan	South Africa	Guinea	Nigeria	Ethiopia	Uganda	Ghana	Zimbabwe	Zambia	Congo, DR	Mozambique	Libya	Kenya	Malawi	Senegal	Cabon	Cambia
Mali	1,437,792	486604	437921	318	0	3377	162921	91150	2041	463	82403	1779	817	22193	935	1501	5628	243	23642	34030	13078
Burkina Faso	1,268,130	977421	0	269	0	2836	148791	7583	650	312	69218	1552	867	18642	790	1268	1792	211	3793	2200	204
Ghana	716,798	305648	93320	195	0	2181	83236	125052	499	240	0	1181	683	14336	572	919	1375	163	2345	1595	157
Mozambique	709,586	6621	2496	193100	0	150369	2588	1619	5047	489	6590	101531	3993	8678	0	731	13919	162407	525	1268	95
Congo, DR	653,763	6507	2467	152	9923	149462	2535	1591	6834	69878	6477	71152	75392	0	447	718	18847	8701	522	1247	95
Nigeria	648,466	8913	26572	209	247420	2192	25885	0	9375	885	53486	1175	585	14405	613	984	25853	160	1225	14790	158
Angola	575,910	6700	2893	4148	0	152057	2985	1642	813	184	6670	116660	153327	8776	461	740	2241	14267	537	1284	96
Benin	527,685	61103	73069	115	0	1222	56533	159683	1242	204	29828	668	372	8033	339	544	3424	91	1497	32193	88
Guinea	526,915	138550	65176	115	0	1214	0	4891	1221	202	29618	664	371	7977	338	543	3367	90	109109	942	38362
Niger	463,297	130387	138293	99	0	1049	53625	59043	367	125	25611	574	320	6898	292	468	1013	78	1379	813	76
Eritrea	444,243	4959	2259	116	1262	1205	1995	1217	349724	758	4937	1501	3135	7918	341	15312	24550	192	479	950	87
Congo	438,335	4484	990	87805	262394	526	1622	1088	9031	704	4463	2555	7378	3457	308	495	24904	307	209	9374	38
Burundi	353,068	3446	1647	204876	0	875	1404	847	7495	83244	3430	1085	2278	5753	237	380	20670	140	348	660	63
South Africa	299,012	6700	3199	2229	0	0	2742	1646	423	189	6669	57861	7299	11117	125884	739	1167	5332	673	1283	122
Sudan	275,346	5374	2533	126	0	1315	2232	1320	11029	156229	5349	639	131	8641	369	16592	12485	88	524	1029	95
Chad	275,142	2459	3612	58	143669	288	3893	18321	5257	408	2448	336	535	1893	169	271	14496	38	163	471	21
Somalia	273,631	4679	2132	3348	32	1137	1882	1148	194116	476	4658	1416	2959	7472	322	14447	14077	181	452	896	82
Senegal	266,823	3992	13908	93	0	979	13594	3326	3306	331	23896	650	673	6436	274	441	9116	87	0	18770	98608
Morocco	236,673	21767	10403	509	0	5326	9175	5347	1169	582	21667	2588	532	35008	1496	67207	3224	355	4315	4170	384
Egypt	228,754	18034	8616	422	24706	4426	7627	6489	1583	528	17951	2130	379	29088	1240	55681	4365	292	1764	3455	319
Rwanda	204,529	2098	1003	67071	0	533	855	515	4261	101257	2088	661	1387	3503	144	232	11750	85	212	402	38
Algeria	196,867	17489	8346	409	0	4276	7368	4296	1081	477	17409	2078	427	28103	1202	53998	2981	285	1705	3350	308
Zambia	193,559	1969	740	57288	0	44809	767	481	1496	145	1959	26372	0	2586	6048	217	4127	23549	156	377	28
Tanzania	193,492	2325	868	0	0	52554	904	568	1573	58725	2315	25297	1631	3033	15208	257	4339	13699	183	445	33
Kenya	189,270	4147	2006	123410	0	1066	1694	1019	738	33571	4128	792	1035	7005	285	458	0	105	424	794	77
Togo	179,531	1650	19233	39	0	404	18953	77353	473	72	9867	222	125	2657	113	182	1305	30	452	14161	29
Zimbabwe	178,146	2604	977	3402	0	59109	1013	636	196	63	2592	0	37763	3411	40132	287	541	16088	206	499	37
Malawi	125,716	1170	439	28491	0	26568	455	286	752	76	1165	19432	28635	1533	9530	129	2075	0	93	224	17
Central African Rep.	92,157	897	191	21	50551	101	323	218	1939	150	893	119	188	666	62	99	5346	13	40	172	7
Mauritania	88,686	904	8981	21	0	221	8838	12068	229	37	900	122	68	1455	62	2793	631	16	39984	173	5566
Cote d'Ivoire	84,193	0	34847	35	0	374	9542	3036	88	41	9123	204	114	2457	104	167	243	28	314	290	27
Cameroon	82,822	1454	3513	34	0	373	3385	16890	1186	121	1447	190	73	2453	100	161	3270	26	193	30216	27
Guinea-Bissau	82,584	1024	7448	24	0	250	7326	3316	482	58	6107	137	77	1645	70	113	1329	19	32628	196	17130
Cape Verde	67,386	1658	4596	39	0	405	4480	2891	141	48	9890	5327	211	2663	16859	183	388	655	12583	318	29
Uganda	64,137	1499	723	40768	1925	384	612	368	1231	0	1492	631	1513	2525	103	165	3396	80	153	287	28
Mauritius	57,255	1421	531	986	0	32149	553	347	101	34	1414	10671	908	1855	98	157	277	1303	112	272	20
Tunisia	56,267	5081	2371	119	0	1243	2087	1248	273	136	5058	604	124	8167	349	15689	752	83	495	973	90
Lesotho	47,579	366	137	878	0	8246	143	90	37	9	365	9914	486	476	23453	40	103	1213	29	70	5
Madagascar	42,227	1246	596	29	0	316	508	306	211	45	1241	6356	924	2080	86	138	583	780	126	239	23
Gabon	40,359	468	534	11	27356	55	596	119	767	61	466	64	102	360	32	52	2116	7	29	0	4
Sierra Leone	38,613	793	4217	19	0	194	4147	2605	83	24	4724	106	60	1272	55	88	228	14	138	152	1574
Liberia	29,888	753	3381	18	0	184	3321	12909	42	20	4485	101	57	1208	52	83	116	14	121	144	13
Ethiopia	24,606	2511	1201	59	5112	638	1023	617	0	79	2499	791	1661	4196	173	277	723	102	254	481	46
Gambia	23,093	422	2671	10	0	103	2625	4367	24	11	2518	57	32	678	29	47	65	8	7945	81	0
Comoros	20,306	406	185	2262	0	99	163	100	345	34	404	123	256	648	28	1253	950	16	39	78	7
Namibia	18,944	186	70	2561	0	4215	73	45	71	9	185	3203	454	243	5627	20	196	392	15	36	3
Libya	12,764	658	352	15	0	166	308	162	67	20	655	80	17	1089	45	0	184	11	66	126	12
Botswana	9,922	130	50	539	0	2989	51	32	19	4	130	1931	477	172	9	14	52	236	10	25	2
Swaziland	8,474	89	33	307	0	2007	35	22	11	2	89	1711	106	116	3353	10	31	209	7	17	1
Djibouti	7,089	145	66	3	0	35	58	35	4538	12	144	44	91	231	10	446	329	6	14	28	3
TOTAL	13,079,830	2,259,911	1,001,812	827,170	774,350	726,102	667,471	639,948	633,677	511,772	501,121	485,037	341,028	315,207	258,848	257,736	254,939	252,495	252,227	186,046	177,412

Origin Country	Receiving country																			
	Congo	Togo	Cameroon	Liberia	Namibia	Niger	Benin	Algeria	Rwanda	Burundi	Mauritania	Central AR	Botswana	Morocco	Sierra Leone	Mali	Chad	Swaziland	Angola	Egypt
Mali	8268	2675	318	4286	231	33673	2965	634	74	1441	8073	353	50	355	945	0	183	395	140	279
Burkina Faso	160	717	1151	486	195	10426	2701	481	63	427	132	72	42	269	17	11136	154	334	122	82
Ghana	122	37898	835	21655	141	4569	8608	415	45	325	222	16	33	232	633	6230	112	242	93	245
Mozambique	75	413	40	120	112	46	39	267	36	3690	62	1	9181	149	9	194	89	21095	8004	19
Congo, DR	107914	406	203	118	110	45	38	296	71313	4995	37	15406	9024	166	14	190	87	189	5609	115
Nigeria	123	18695	87352	5207	151	41379	29911	586	49	6851	102	1093	33	328	1024	1937	12134	259	93	662
Angola	14542	418	15	122	69373	46	45	273	37	578	62	45	9292	153	14	223	90	195	0	28
Benin	7736	71780	538	137	84	9682	0	213	27	891	585	150	18	119	127	4231	66	143	53	54
Guinea	68	307	498	70689	83	34	1008	267	27	876	3274	40	18	150	35950	4812	66	143	52	207
Niger	59	16719	1234	177	72	0	14680	206	23	251	162	308	16	116	78	4013	4110	123	45	111
Eritrea	68	309	60	91	84	34	35	5691	27	6379	8	1	18	3186	7	149	67	144	118	404
Congo	0	280	1649	80	76	31	15	186	24	6628	25	1063	8	104	6	121	174	130	201	31
Burundi	49	215	49	63	59	24	25	155	8563	0	41	20	13	87	5	105	46	100	86	55
South Africa	95	418	13	123	36194	46	49	341	37	280	79	1	9290	191	106	205	90	10589	4561	217
Sudan	74	335	78	98	91	401	39	12064	29	3229	63	1211	20	6753	3	167	4157	156	50	16982
Chad	4989	153	32520	49	42	727	56	218	13	3862	57	29690	4	122	3	291	0	72	27	342
Somalia	64	292	37	85	79	32	33	5782	26	3652	7	9	17	3236	6	141	63	136	112	1537
Senegal	7418	249	419	529	68	817	215	311	22	2412	40670	1206	15	174	357	1017	54	116	51	432
Morocco	300	1358	218	398	370	151	161	26502	119	764	365	20	80	0	11	687	292	633	204	604
Egypt	249	1125	184	330	306	125	133	20173	98	1084	241	32	66	11292	9	571	242	524	168	0
Rwanda	30	131	28	38	36	15	16	107	0	3117	25	26	8	60	3	64	28	61	52	68
Algeria	241	1091	176	320	297	437	129	0	95	718	1729	7	64	13506	9	551	235	509	164	619
Zambia	22	123	12	36	12914	14	11	88	11	1094	18	0	2730	49	3	57	26	57	2079	30
Tanzania	26	145	13	42	39	16	13	154	1154	1148	22	0	3225	86	3	68	31	68	1994	176
Kenya	60	259	30	76	70	29	31	216	23	2743	50	1	16	121	6	127	56	121	62	149
Togo	1363	0	316	545	28	1542	25826	77	9	341	124	128	6	43	21	1418	22	48	17	35
Zimbabwe	30	162	5	47	44	18	15	118	14	137	24	2	3610	66	4	76	35	76	3617	43
Malawi	13	73	6	21	20	8	7	55	6	550	11	0	1623	31	2	34	16	34	1532	25
Central African Rep.	14534	56	3361	16	15	6	3	56	5	1425	5	0	2	31	1	24	9387	26	9	57
Mauritania	1660	56	92	30	15	6	139	1072	5	164	0	43	3	600	69	661	12	26	10	170
Cote d'Ivoire	21	94	152	4751	26	4782	11584	143	8	58	209	104	6	80	36	714	20	44	16	234
Cameroon	4312	91	0	31	25	296	54	111	8	865	418	5103	6	62	4	253	5135	42	15	152
Guinea-Bissau	14	64	105	30	17	7	115	69	6	350	1271	25	4	38	12	548	14	30	11	79
Cape Verde	23	103	166	37	28	11	71	66	9	96	19	8	6	37	3	335	22	48	420	1
Uganda	22	93	9	27	25	10	11	96	3965	897	18	7	6	54	2	46	20	44	50	103
Mauritius	16	89	3	26	24	10	8	60	8	70	13	0	1970	34	2	41	19	41	841	13
Tunisia	70	317	51	93	86	35	37	5735	28	178	263	1	19	3210	3	156	68	148	48	557
Lesotho	4	23	1	7	6	3	2	16	2	26	3	0	508	9	5	11	5	11	782	5
Madagascar	18	78	3	23	21	9	9	69	7	149	15	21	5	38	2	38	17	36	501	55
Gabon	892	29	1656	9	8	3	8	20	3	563	92	137	1	11	2538	45	40	14	5	5
Sierra Leone	11	49	80	17285	13	5	65	48	4	57	9	3	3	27	0	310	11	23	8	47
Liberia	10	47	75	0	13	5	52	46	4	28	9	6	3	26	2171	249	10	22	8	45
Ethiopia	36	157	5	46	43	17	19	325	14	179	30	8	10	182	3	77	34	73	62	636
Gambia	6	26	42	12	7	3	41	31	2	15	5	5	2	17	0	196	6	12	4	40
Comoros	6	25	3	7	7	3	3	626	2	251	1	0	1	350	1	12	5	12	10	482
Namibia	2	12	1	3	0	1	1	159	1	52	2	0	258	89	2	5	2	5	252	424
Libya	9	41	7	12	11	113	5	1591	4	46	148	6	2	890	0	23	1179	19	6	3284
Botswana	1	8	0	2	2815	1	1	7	1	14	1	0	0	4	2	4	2	4	152	5
Swaziland	1	6	0	2	2	1	1	5	0	8	1	0	124	3	1	3	1	0	135	5
Djibouti	2	9	1	3	2	1	1	259	1	85	0	0	1	145	0	4	2	4	3	272
TOTAL	175,828	158,219	133,810	128,420	124,578	109,695	99,034	86,486	86,051	64,039	58,802	56,378	51,460	47,081	44,232	42,570	38,736	37,376	32,654	30,222

Origin Country	Receiving country							
	Djibouti	Reunion	Somalia	Madagascar	Guinea-B.	Eritrea	Comoros	Sao Tome
Mali	492	12	401	47	111	249	62	19
Burkina Faso	146	11	119	40	93	74	52	16
Ghana	111	8	90	29	72	56	40	12
Mozambique	1260	650	1027	30	43	638	24	201
Congo, DR	1706	440	1390	58	43	864	24	9
Nigeria	2339	8	1907	31	72	1185	40	14
Angola	197	721	161	59	44	100	24	2566
Benin	304	5	248	17	40	154	22	7
Guinea	299	5	244	17	4844	151	22	7
Niger	86	4	70	15	35	43	19	6
Eritrea	2178	10	1775	27	40	0	22	9
Congo	2263	16	1845	23	17	1146	10	48
Burundi	1872	7	1526	20	29	949	16	7
South Africa	96	375	78	111	56	48	31	9
Sudan	1103	4	899	5	43	559	24	8
Chad	1319	2	1075	13	9	668	5	3
Somalia	1247	9	0	26	37	632	21	7
Senegal	824	4	671	14	9829	417	18	6
Morocco	261	18	213	22	175	132	97	29
Egypt	370	15	302	117	146	187	81	24
Rwanda	1064	4	867	12	18	539	10	4
Algeria	245	14	200	5819	141	124	78	23
Zambia	374	170	304	9	13	189	7	3
Tanzania	392	162	319	10	15	199	8	3
Kenya	937	5	763	24	35	474	19	7
Togo	116	2	95	6	13	59	7	2
Zimbabwe	47	294	38	12	17	24	9	3
Malawi	188	124	153	5	8	95	4	1
Central African Rep.	487	1	397	4	3	246	2	1
Mauritania	56	1	46	3	570	28	4	1
Cote d'Ivoire	20	1	16	5	12	10	7	2
Cameroon	295	1	241	16	12	150	7	2
Guinea-Bissau	119	1	97	4	0	60	5	108
Cape Verde	33	33	27	6	437	17	7	1951
Uganda	306	4	250	9	13	155	7	2
Mauritius	24	66	19	620	9	12	5	2
Tunisia	61	4	50	5	41	31	23	7
Lesotho	9	61	7	5	2	5	1	0
Madagascar	51	19391	42	0	10	26	5756	2
Gabon	192	0	157	2	2	97	1	630
Sierra Leone	20	1	16	3	6	10	4	1
Liberia	9	1	8	3	6	5	3	1
Ethiopia	61	5	50	14	21	31	12	4
Gambia	5	0	4	1	911	3	2	1
Comoros	86	1	70	10861	3	43	0	1
Namibia	18	20	14	2	1	9	1	0
Libya	16	1	13	66	5	8	3	1
Botswana	5	12	4	2	1	2	0	0
Swaziland	3	11	2	1	1	1	0	0
Djibouti	0	0	24	1	1	15	1	0
TOTAL	23,712	22,715	18,334	18,251	18,105	10,919	6,647	5,770

It would be useful to add a third dimension to the tables, the populations of countries of origin. The migrant stocks from some countries of origin (e.g. Mali) are a significant proportion of their current populations.

Of the 13.2 million migrants from Africa, 6.2 million came from MIGSEC countries, and 4.1 million of the migrants from MIGSEC countries moved to another African country. Table 5.4 indicates the extent of MIGSEC countries' national diasporas compared to national populations in 2000. In some countries, large population movements took place in the second half of the 20th century (e.g. Morocco, Burundi, Rwanda).

Table 5.4 Populations and diasporas of MIGSEC countries

Country of origin	Population 2000* (1000s)	Migrants abroad** (1000s)	Migrants/Population %
Burundi	6,668	389	6
Ethiopia	69,388	285	0
Ghana	20,148	958	5
Kenya	31,252	456	1
Mali	10,004	1,579	16
Mauritania	2,566	117	5
Mauritius	1,186	175	15
Rwanda	8,176	240	3
Senegal	10,334	476	5
South Africa	45,358	785	2
Tanzania	33,849	287	1
Uganda	24,690	171	1
Zambia	10,451	247	2
Total	274,070	6,165	2

* World Population Prospects 2006, <http://esa.un.org/unpp/> (medium variant); ** DRC Migration 2007, version 4

For past migrants from MIGSEC countries, table 5.5 shows the main countries and regions to which they have migrated. Only countries or regions with migrant populations of 3% or more from MIGSEC countries are shown. The approximate number of migrants in a country or region out of 100 past migrants from each MIGSEC country of origin is shown.

There has been substantial migration from certain MIGSEC countries to industrialized countries. From 40 to 60 percent of migrants from Kenya, Senegal, South Africa, and Uganda are in Europe, Canada, USA, Australia or New Zealand. For Ethiopia and Mauritius, the percentages are 65 and 74 respectively.

It is important to bear in mind that stocks of migrants in receiving countries arise from past migrations, and hence may not reflect current migration patterns. From the data in ILO 2004, in general, migrant workers are 40 to 50 percent of the migrant stock, but this can vary greatly from country to country and can depend on the reason for migration.

Table 5.5 Destinations of 100 past migrants from MIGSEC countries

(The total number of past migrants is shown below each country of origin. The table shows receiving countries/regions with three or more migrants out of 100 past migrants from the country of origin. The number of migrants to African countries out of 100 past from the country of origin in parentheses next to Africa.)

from Ethiopia to (285,000)		from Ghana to (958,000)		from Mali to (1,579,000)		from Mauritania to (117,000)		from Mauritius to (175,000)		from Senegal to (476.000)		from South Africa to (785,000)	
Canada/USA	31	Europe	12	Europe	3	Europe	18	Europe	50	Europe	40	Europe	31
Europe	22	Canada/USA	9			Australia	10	Canada/USA	3	Canada/USA	14		
Israel	21		Canada/USA			5		Australia/NZ	14				
Saudi Arabia	8												
Jordan	3												
Africa (9)		Africa (75)		Africa (91)		Africa (76)		Africa (33)		Africa (56)		Africa (39)	
		Cote d'Ivoire	32	Cote d'Ivoire	31	Senegal	35	South Africa	18	Gambia	21	Mozambique	16
		Nigeria	13	Burkina Faso	28	Nigeria	10	Zimbabwe	6	Mauritania	9	Zimbabwe	8
		Burkina Faso	18	Guinea	10	Burkina Faso	8		Ghana	5	Namibia	5	
		Guinea	9	Nigeria	6	Guinea	8		Gabon	4			
		Togo	4		Gambia	55	Burkina Faso		3				
									Guinea	3			
				East African Community									
From Zambia to (247,000)				From Kenya to (456,000)		From Uganda to (171,000)		from Tanzania to (287,000)		from Rwanda to (240,000)		from Burundi to (389,000)	
Europe	14			Europe	38	Europe	45	Europe	18	Europe	9	Europe	5
Canada/USA	4			Canada / USA	15	Canada / USA	14	Canada / USA	11				
Africa (78)				Africa (42)		Africa (38)		Africa (68)		Africa (%)		Africa (91)	
Tanzania	23			Tanzania	27	Tanzania	24	Uganda	20	Uganda	43	Tanzania	54
South Africa	18			Uganda	7		South Africa	18	Tanzania	28	Uganda	22	
Zimbabwe	11				Zimbabwe		9	Kenya	5	Kenya	5		
Malawi	10				Mozambique		5						
Namibia	5				Malawi		5						

Source: Estimates based on DRC Migration 2007, version 4

Chapter 6: Issues and options for the MIGSEC project

The purpose of this background document is to provide information on social security principles, social security programmes in certain countries in Africa and on African migration.

The following observations may be useful to those taking decisions on implementation of the MIGSEC project.

Social security considerations

In order to conclude a bilateral social security agreement, a potential partner scheme must meet certain basic prerequisites, for example:

- The scheme must offer at least a minimum range of social security benefits, for example old-age, invalidity and survivors' benefits and/or employment injury benefits. (There would be little point concluding an agreement with a scheme which offers few benefits.)
- The cash benefits payable by a scheme must be adequate. (There would be little point concluding an agreement with a scheme which offers inadequate benefits.)
- The administration of the national scheme must be effective. (If a scheme is unable to pay benefits to its members correctly and on time, it is unlikely to be able to implement a social security agreement successfully.)
- The board of the scheme must recognize the desirability of concluding a social security agreement(s). Presumably, any legal obstacles to paying benefits abroad can be overcome.

In addition, schemes must be sufficiently compatible for an agreement to be concluded. For example, a provident fund pays a lump sum equal to the accumulation of contributions made to a member's personal account. In the event of permanent migration, provident funds normally pay the accrued balance in the member's account to the migrating member. In order to have access to their balances, migrating workers claim that their migration is permanent.

A social insurance scheme provides a pension based on a member's period of contributions or service covered by the scheme and the earnings of the member. It is not clear what arrangements can be made when a worker who is covered by a provident fund emigrates to a country which has a social insurance pension scheme and vice versa. Whether the two model provisions for a social security agreement that are annexed to ILO Recommendation No. 167 are practicable is uncertain.

While medical care may be the most important social security benefit, few countries covered in this report have social health insurance benefits. Nor do many of the countries have social security cash sickness and maternity benefits.

Every country provides employment injury benefits, either through a social insurance scheme or through an employer liability scheme. Most of the countries covered in this report have ratified ILO Conventions No. 17 and 19. In employer liability schemes lump sum benefits are often paid on the uncertain and usually mistaken presumption that lump sum benefits will be properly utilized as is allowed under Convention No. 17. It may also be observed that migrant workers who suffer employment injuries are sometimes simply sent back to their home countries with no or inadequate benefits.

Conclusions about social security schemes in MIGSEC countries

The limited number of medical care and sickness and maternity cash benefit schemes means that there is little scope for social security agreements dealing with these benefits.

Countries with limited schemes and/or restricted coverage (e.g. Ethiopia) have limited possibilities for concluding social security agreements. Rather, the focus should be on providing protection to all workers in the country.

Provident funds (e.g. Kenya, Uganda) present difficulties for social security agreements. (The Kenya provident fund also has an inadequate earnings ceiling.)

The prevalence of employment injury schemes, and the need to ensure protection for injured migrant workers may make social security agreements between/among these schemes a useful and promising approach.

A social security agreement may help a country manage labour migration. With reference to migrants' social protection, the Southern Africa Trust observed in 'Crossing the Threshold of Regionalism: Can We Meet the Social Cost of Integration in Southern Africa?' that '...a migrant worker who is certain of returning to his home country at some point but may not be able to keep his benefits...has a strong incentive to avoid paying social security contributions during his stay in the host country. In consequence, such migrant workers may seek to participate in the informal sector of the host country instead of the formal sector, making their economic activity extremely difficult to monitor and regulate. Enhancing the portability of long-term social security benefits may therefore be a very useful tool for host countries to encourage migrants to participate in the formal sector and discourage irregular migration.'

Migration patterns

The private sector social security schemes protecting employees generally protect ten to 20 percent of the workers in the countries covered in this report. However important their social security protection may be, in most of these countries the number of migrant workers who will benefit from social security agreements is small.

While information is available on migrant stocks, not on current migration flows, from the tables in Chapter 5, in order to benefit the largest number of migrant workers it seems desirable to focus on social security agreements between neighbouring countries with compatible social security schemes.

This could involve a sub-regional approach, for example, in the East African Community and the Southern African Development Community. In the East African Community, it is likely to be necessary to focus on schemes in Burundi, Rwanda and Tanzania since Kenya and Uganda have provident funds. (This may have the ancillary effect of encouraging reforms to the provident funds in Kenya and Uganda.)

References

- Chaabane, M. *Towards the universalization of social security: The experience of Tunisia*, ESS Paper No 4, ILO, Geneva.
- DRC Migration 2007, version 4. Global Migrant Origin Database, Development Research Centre on Migration, Globalization and Poverty, University of Sussex, 2007.
- Fultz, E. & Pieris, B. *The Social Protection of Migrant Workers in South Africa*, ILO/SAMAT Policy Paper No. 3, ILO/SAMAT, Harare, 1997.
- Fultz, E. & Pieris, B. *Employment Injury Schemes in Southern Africa: An Overview of Proposals for Future Directions*, ILO/SAMAT Policy Paper No. 7, ILO, Harare, 1998.
- Fultz, E. & Pieris, B. *Social security schemes in Southern Africa: An overview and proposals for future development*, ILO, Harare, 1999.
- Gillion, C. et al (eds). *Social Security Pensions: Development and Reform*, ILO, Geneva, 2000.
- Hamidou B. *Legislation on migrant workers in West Africa*, International Migration Papers No. 80E, ILO, Geneva, 2006.
- <http://www.oit.org/public/english/protection/migrant/download/imp/imp80.pdf>
- Holzmann, R. Koettl, J. & Chernetsky, T. *Portability Regimes of Pension and Health Care Benefits for International Migrants: An Analysis of Issues and Good Practices*, Social Protection Discussion Paper No. 0519, World Bank, 2005.
- ILO. *Introduction to social security*, ILO, Geneva, 1984.
- ILO. *Towards a fair deal for migrant workers in the global economy*, Report VI International Labour Conference, 92nd Session, 2004.
- Kaseke, E. *The social security context of migration*, Paper presented at the International Conference on Migration and Social Security in SADC: Prospects and Challenges, University of Johannesburg, 3-4 October 2007.
- Kulke, U. *Filling the Gap of Social Security for Migrant Workers: ILO's Strategy*, in *Globalization, Migration and Human Rights: International Law under Review*, Vol. II, Chetail, V. ed., Bruylant, Brussels, 2007.
- Olivier, M. *Regional Overview of Social Protection for Non-Citizens in the Southern African Development Community (SADC)*, Paper presented at the conference on Migration and Social Protection: Exploring Issues of Portability and Access, University of Sussex, November 2008.
- Robert, R. *The Social Dimension of Regional Integration in ECOWAS*, Working Paper No. 49, Policy Integration Department, ILO, 2004.
- http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_079141.pdf

Social Security Programs Throughout the World: Africa, 2007. United States Social Security Administration, Washington, 2007.

Southern Africa Trust, *Crossing the Threshold of Regionalism: Can We Meet the Social Cost of Integration in Southern Africa?*, Policy Brief No. 3, September 2008.

<http://www.southernafricatrust.org/docs/Policy%20Brief%20Sept%202008.pdf>

Tamagno, E. *Strengthening Social Protection for ASEAN Migrant Workers through Social Security Agreements*, ILO Asian Regional Programme on Governance of Labour Migration, ILO, Bangkok, 2008.

Appendix A:

Social security programmes in MIGSEC countries by branch, 2007

The tables in Appendix A summarize aspects of the social security programmes of MIGSEC countries that are of particular relevance to migrant workers. There is a separate table for each of the following branches of social security: old age, invalidity, survivors', medical care, sickness and maternity cash benefits, family allowance benefits and employment injury. Information in the tables was primarily obtained from the publication *Social Security Programmes Throughout the World: Africa, 2007* which is published by the United States Social Security Administration based on surveys conducted by the International Social Security Association.

The tables take into account only programmes for workers in the private sector. They do not include special schemes for groups such as civil servants and armed forces personnel. Universal public health provisions are not shown. Where the information was available provisions in labour legislation relating to sickness and maternity leave and medical care are noted.

Empty cells mean there was no information available. The text is highlighted where information is incomplete, should be verified and/or is inconsistent.

Appendix A should be regarded as an indication of the benefits offered and the conditions pertaining. A complete and accurate summary is possible only with reference to the relevant legislation and implementing regulations in each country.

Table A1 Old age benefits

Table A1 - Old age benefits				
Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Burundi (Institut national de sécurité sociale)	Social insurance	- Salaried workers covered by the labour code - Military personnel - Civil service and public utility contract workers	<i>Pension</i> - Age 60 - Age 55 if prematurely aged - Age 45 if in arduous work and with 15+ years of coverage - Retirement not necessary <i>Lump sum (settlement)</i> - Age 60+ and not qualified for a pension	<i>Exclusions::</i> - Self-employed persons <i>Voluntary coverage</i> - Persons previously insured for 6+ consecutive months - Old-age and survivor pensions can be received simultaneously. - Greater of old-age and EI pension plus ½ of smaller pension can be received simultaneously - Premature ageing old-age pension and disability pension cannot be received simultaneously - Reciprocal agreements for paying benefits abroad have been concluded.
Ethiopia (Social Security Agency)	Social Insurance	- Public sector employees only - Military and police personnel	<i>Pension</i> - Age 60 with 10 years of contributions - Age 55 with 25 years of contributions <i>Lump sum (settlement)</i> - Age 60 and not qualified for a pension	
Ghana (Social Security and National Insurance Trust – SSNIT)	Social insurance	Employed persons	<i>Pension</i> - Age 60 with 20 years of contributions - Age 55 for underground mine workers, quarry workers, steel workers, workers in hazardous employment with 20 years of contributions <i>Lump sum (grant)</i> - Age 60 and not qualified for a pension	<i>Exclusions::</i> - Armed forces (special system) <i>Voluntary coverage</i> - Self-employed persons - Unemployed persons who were previously covered 25% of pension can be commuted - Pensions are not payable abroad

Table A1 - Old age benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Kenya (National Social Security Fund)	Provident fund	- Employed persons (including traders) - Self-employed persons - Some informal sector workers (including farmers)	<i>Lump sum payment</i> - Age 55. - Retirement necessary - Age 50 if not in insured employment - On permanent emigration	<i>Exclusions::</i> - Public sector employees (special system) - Some casual workers <i>Voluntary coverage</i> - Possible
Mali (Institut national de prévoyance sociale)	Social insurance	Employed persons	<i>Pension</i> - Age 58 (53 if prematurely aged) with 13 years of contributions - Early pension at age 53 with 13 years of contributions - Age 60 with 15 years of contributions if voluntarily insured - Early pension at age 55 with 15 years of contributions if voluntarily insured - Retirement necessary <i>Allowance</i> - Age 53 with 6 years of coverage and not qualified for a pension - Age 60 with 10 years of coverage and not qualified for a pension if voluntarily insured	<i>Exclusions::</i> - Civil servants (special system) - Armed forces (special system) <i>Voluntary coverage</i> - Self-employed persons - Pensions payable abroad if there is a reciprocal agreement
Mauritania (Caisse national de sécurité sociale - CNSS)	Social insurance	Wage earners (including temporary/occasional workers, seamen, domestic workers, trainees, apprentices, technical college students)	<i>Pension</i> - Age 60 (men)/55 (women) with 20 years of coverage including 60 months of contributions in the last 10 years - Age reduced to 55 (men)/50 (women) if prematurely aged - Retirement necessary <i>Lump sum (settlement)</i> - Age 60 (men)/55 (women) and not qualified for a pension	<i>Exclusions::</i> - Civil servants (special system) - Armed forces (special system) - Self-employed persons <i>Voluntary coverage</i> - Persons previously insured for 6+ consecutive months - Pension payable abroad if there is a reciprocal agreement

Table A1 - Old age benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Mauritius (Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions)	Universal benefit (Basic Pension)	Residents	<i>Pension</i> - Age 60 - Citizens – residence in Mauritius for 12 years after age 18 (no residence requirement after age 70) - Non-citizens – residence in Mauritius for 15 years after age 40 including the last 3 years before claiming pension - Retirement not necessary	- Pension payable abroad if there is a reciprocal agreement. - Payable abroad for absence not exceeding 6 months
	Social insurance (Earnings- related pension)	Public and private sector employed persons over age 18	<i>Pension</i> - Until 2018, retirement between ages 60 and 65; after 2018, retirement at age 65. - No minimum qualifying period - Contributions paid in year preceding claim - Retirement not necessary	<i>Exclusions::</i> - Special systems for public-sector and parastatal employees <i>Voluntary coverage</i> - Self- and non- employed persons - Payable to beneficiaries residing abroad
Rwanda (Social Security Fund)	Social insurance	Salaried workers including civil servants	<i>Pension</i> - Age 55 to 65 with 15 years of coverage - Payable below age 55 if prematurely aged - Retirement necessary <i>Lump sum (settlement)</i> - Age 55 (younger if prematurely aged) and not eligible for a pension	<i>Voluntary coverage</i> - Self-employed persons - Persons previously insured for 6+ consecutive months who had mandatory coverage in the last 12 months - Greater of old-age and another pension plus ½ of smaller pension can be received simultaneously - Pension payable abroad if there is a reciprocal agreement
Senegal (Institution de prévoyance retraite du	Social insurance	Employed persons including domestic and seasonal workers	<i>Pension</i> - Age 55+ (60 for managers) with 400+ points (Pension age is being gradually increased to 60.) - Points are increased for up to 3 children	<i>Exclusions::</i> - Civil servants (special system) - Self-employed persons <i>Voluntary coverage</i> - Persons aged 40+ previously insured with 5 years of

Table A1 - Old age benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Sénégal – IPRES)			under age 21 Retirement necessary	contributions Reciprocal agreements for paying benefits abroad have been concluded.
South Africa (Department of Social Development)	Social assistance	Citizens	<i>Pension</i> Means tested pension at age 60	<i>Exclusions::</i> Public sector employees (special system)
Tanzania (National Social Security Fund – NSSF)	Social insurance	Employed persons	<i>Pension</i> - Age 60 with 15 years of contributions - Reduced pension payable from age 55 with 15 years of contributions - Retirement necessary <i>Lump sum (grant)</i> - Age 60 without 15 years of contributions - Retirement necessary - Any age if emigrating	<i>Exclusions::</i> - Private sector employees in firms covered by Parastatal Pension Fund - Self-employed persons covered by the Parastatal Pension Fund - Civil servants covered by Public Service or Local Authorities Pension Funds - Domestic workers - Armed forces personnel (special system) <i>Voluntary coverage</i> - Possible - Pensions are not payable abroad
Uganda (National Social Security Fund)	Provident fund	Employees aged 15 to 54 in firms with 5+ employees	<i>Lump sum</i> - Age 55. - Age 50 if retired from full-time employment - Withdrawal of balance permitted if covered by approved alternative scheme	<i>Exclusions::</i> - Public sector employees (special system) - Temporary employees <i>Voluntary coverage</i> - Possible, including self-employed persons who formerly were members of the NSSF
Zambia	Social insurance	Employed persons aged 16 to 55 including civil servants, agricultural	<i>Pension</i> Age 55 with 15 years of contributions	<i>Exclusions::</i> Civil servants employed before February 2000

Table A1 - Old age benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
(National Pension Scheme Authority)		workers, urban domestic servants.	- Reduced pension payable from age 50 with 15 years of contributions - Retirement necessary <i>Lump sum (grant)</i> - Not qualified for a pension	- Armed forces personnel <i>Voluntary coverage</i> - Self-employed persons - Certain informal sector workers who were previously covered for 5 years - Benefits payable abroad if there is a reciprocal agreement

Table A2 Invalidity benefits

Table A2 – Invalidity benefits				
Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Burundi (Institut national de sécurité sociale)	Social insurance	Same as for old-age	<i>Pension</i> • 66+% loss of physical or mental capacity • 3 years of coverage • 6 months contributions in the last 12	<i>Exclusions::</i> Same as for old-age • Disability and survivor pensions can be received simultaneously. • Higher of disability and EI permanent disability pension is paid • Premature ageing old-age pension and disability pension cannot be received simultaneously • Reciprocal agreements for paying benefits abroad have been concluded.
Ethiopia (Social Security Agency)	Social Insurance	Same as for old-age	<i>Pension</i> • Incapable of normal gainful employment • 10 years of contributions <i>Lump sum (settlement)</i> • Not qualified for a pension	
Ghana (Social Security and National Insurance Trust – SSNIT)	Social insurance	Same as for old-age	<i>Pension</i> • Permanently disabled and incapable of any gainful employment • 12 months of contributions in last 36 months <i>Lump sum (grant)</i> • Not qualified for a pension	<i>Exclusions::</i> Same as for old-age • Disability must be certified by qualified and recognized medical officer and the regional medical board • Pensions are not payable abroad
Kenya	Provident fund	Same as for old-age	<i>Lump sum</i> • Total incapacity for performing any work	<i>Exclusions::</i> Same as for old-age

Table A2 – Invalidity benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
(National Social Security Fund)				Disability is assessed by the insured's doctor, a National Social Security Fund doctor and the Director of Medical Services at the Ministry of Health
Mali (Institut national de prévoyance sociale)	Social insurance	Same as for old-age	<i>Pension</i> - Loss of 1/2 of earnings capacity 8 years of coverage (10 if voluntarily insured)	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age Pensions payable abroad if there is a reciprocal agreement
Mauritania (Caisse nationale de sécurité sociale - CNSS)	Social insurance	Same as for old-age	<i>Pension</i> 66+% loss of earning capacity 5 years of coverage 6 months contributions in the last 12 - No qualifying period if disability is the result of a non-occupational accident	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age. Reciprocal agreements for paying benefits abroad have been concluded
Mauritius (Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and	Universal benefit (Basic Pension)	Residents aged 15 to 60	<i>Pension</i> 60% disability expected to last 12+ months - Citizens – no residence requirement - Non-citizens – residence in Mauritius for 5 years in last 10 including the year before claiming pension	- Disability is assessed by medical board by the Ministry - Payable abroad for absence not exceeding 6 months

Table A2 – Invalidity benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Reform Institutions)	Social insurance (Earnings- related pension)	Same as for old-age	<i>Pension</i> 60% disability expected to last 12+ months	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age Payable to beneficiaries residing abroad
Rwanda (Social Security Fund)	Social insurance	Same as for old-age	<i>Pension</i> - Loss of 50%+ of earning capacity 5 years of coverage 6 months of contributions in the year preceding onset of disability - No qualifying period if disability is the result of a non-occupational accident	<i>Voluntary coverage</i> Same as for old-age Reciprocal agreements for paying benefits abroad have been concluded
Senegal				No social security benefits
South Africa (Department of Social Development)	Social assistance	Same as for old-age	<i>Pension</i> - Means tested pension paid to disabled aged 18-59 assessed as incapable of providing adequate self-support for 6 months - Pension is considered permanent if pensioner is assessed as incapable of providing adequate self-support for 12 months - Means tested pension paid from age 35 in case of a terminal illness	<i>Exclusions::</i> Same as for old-age
Tanzania	Social insurance	Same as for old-age	<i>Pension</i> Loss of 2/3+ of earning capacity	<i>Exclusions::</i> Same as for old-age

Table A2 – Invalidity benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
(National Social Security Fund – NSSF)			15 years of coverage, or 3+ years of contributions including 12 months' contributions in the 36 months preceding onset of disability <i>Lump sum (grant)</i> - Not qualified for a pension	<i>Voluntary coverage</i> Same as for old-age - Disability is assessed by medical board appointed by Ministry of Health - Pensions are not payable abroad
Uganda (National Social Security Fund)	Provident fund	Same as for old-age	<i>Lump sum</i> Permanent total disability for any work, or permanent partial disability resulting in a serious loss of earning capacity	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age
Zambia (National Pension Scheme Authority)	Social insurance	Same as for old-age	<i>Pension</i> - Permanent incapacity for any work 5 years of coverage 12 months' contributions in the 36 months preceding onset of disability <i>Lump sum (grant)</i> - Not qualified for a pension	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age Benefits payable abroad if there is a reciprocal agreement

Table A3 Survivors' benefits

Table A3 – Survivors' benefits				
Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Burundi (Institut national de sécurité sociale)	Social insurance	Same as for old-age.	<i>Pension</i> - Deceased member was a pensioner or had 15 years of coverage. <i>Lump sum (settlement)</i> - Deceased member was not qualified for a survivors' pension	<i>Exclusions::</i> Same as for old-age - Eligible survivors are the spouse, unmarried orphans under age 16 (18 if an apprentice, 21 if a student, no age limit if disabled), parents (if no surviving spouse or children) - Old-age and survivor pensions can be received simultaneously - Reciprocal agreements for paying benefits abroad have been concluded.
Ethiopia (Social Security Agency)	Social Insurance	Same as for old-age	<i>Pension</i> - Deceased member was a pensioner or qualified for an old-age pension <i>Lump sum (settlement)</i> - Deceased member had less than 10 years contributions and was not eligible for a pension	Eligible survivors are the spouse and orphans under age 18
Ghana (Social Security and National Insurance Trust – SSNIT)	Social insurance	Same as for old-age	<i>Lump sum</i> - No minimum contribution requirements for deceased contributors - Deceased member was a pensioner under age 72	<i>Exclusions::</i> Same as for old-age - Eligible survivors are dependants named by the deceased - Survivor benefit is not payable abroad
Kenya (National Social	Provident fund	Same as for old-age	<i>Lump sum</i> - Death of the member - Funeral grant paid if deceased had made	<i>Exclusions::</i> Same as for old-age Eligible survivors are spouse and orphans; failing

Table A3 – Survivors' benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Security Fund)			three months' contributions	these, other dependent relatives
Mali (Institut national de prévoyance sociale)	Social insurance	Same as for old-age	<i>Pension</i> - Deceased was a pensioner or qualified for a pension at the time of death <i>Allowance</i> - Deceased had less than 13 years coverage at the time of death (15 years if voluntarily insured)	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age - Eligible survivors are the spouse if married to the deceased for 2 years, orphans under age 14 (18 if an apprentice, 21 if a student or disabled) - If there is more than one widow, pension is split equally among them - Pensions payable abroad if there is a reciprocal agreement
Mauritania (Caisse national de sécurité sociale - CNSS)	Social insurance	Same as for old-age	<i>Pension</i> - Deceased member was a pensioner, qualified for a disability or old-age pension or had 15 years of coverage <i>Lump sum (settlement)</i> - Deceased member was not qualified for a survivors' pension	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age - Eligible survivors are the spouse and orphans under age 15 (18 if an apprentice, 21 if a student; no age limit if disabled) - Reciprocal agreements for paying benefits abroad have been concluded.
Mauritius	Universal benefit (Basic Pension)	Residents		- Eligible survivors are widows under age 60; up to 3 orphans under age 15 (20 if student) - Non-citizens – widow or deceased must have resided

Table A3 – Survivors' benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
(Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions)	Social insurance (Earnings-related pension)	Same as for old-age	<i>Pension</i> Deceased was a pensioner or qualified for a pension at the time of death	in Mauritius for 5 of last 10 years before claiming pension - Pension ceases on remarriage - Payable abroad for absence not exceeding 6 months <i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age - Pensions payable abroad subject to conditions
Rwanda (Social Security Fund)	Social insurance		<i>Pension</i> - Deceased member was a pensioner, qualified for a disability or old-age pension or had 15 years of coverage Lump sum (settlement) - Deceased member was not qualified for a survivors' pension	<i>Voluntary coverage</i> Same as for old-age - Eligible survivors are spouse, orphans under 18 (25 if a student, no age limit if disabled); failing these, parents - Reciprocal agreements for paying benefits abroad have been concluded
Senegal (Institution de prévoyance retraite du Sénégal- IPRES)	Social insurance	Same as for old-age	<i>Pension</i> Deceased was a pensioner or qualified for an old-age pension	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age - Eligible survivors are - A widow aged 50+ or caring for 2 dependent children under age 21, and who was married to the deceased for 2+ years; - A widower aged 55+ (53+ if disabled) who was

Table A3 – Survivors' benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
				married to the deceased for 2+ years; (c) Orphans under age 21 - If there is more than one widow, pension is split equally among them - Reciprocal agreements for paying benefits abroad have been concluded
South Africa (Unemployment Insurance Fund, Department of Labour)	Social insurance	Employees	<i>Pension</i> - Claim must be submitted within 6 months after death of the insured person - Deceased worker was not receiving a monthly State old-age pension, a benefit from the Compensation Fund or from any other unemployment fund	<i>Exclusions::</i> - Employees working less than 24 hours a month and/or not registered under the UI Act - Government employees - Foreign workers under an employment contract - Eligible survivors are spouse or life partner; failing this, dependent child under age 21 (25 if a student)
Tanzania (National Social Security Fund – NSSF)	Social insurance	Same as for old-age	<i>Pension</i> - Deceased member qualified for an old-age or disability pension <i>Lump sum (grant)</i> - Deceased was an old-age or disability pensioner <i>Funeral grant</i> - Deceased was employed and had 1+ month's contributions	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age - Eligible survivors are spouse, orphans under age 18 (age 21 if a student, no age limit if disabled); failing these, parents may be eligible. Pension ceases on remarriage. - Surviving spouse's pension is payable for 2 years if survivor is under age 45 or does not have a dependent child under age 15 at date of insured's death - If there is more than one widow, pension is split equally

Table A3 – Survivors' benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
				among them Survivor benefits are not payable abroad
Uganda (National Social Security Fund)	Provident fund	Same as for old-age	<i>Lump sum</i> Death of the member	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age Eligible survivors (in order of priority) are spouse and dependent orphans; parents and brothers or sisters of the deceased; grandparents or other relatives; persons who paid for the funeral
Zambia (National Pension Scheme Authority)	Social insurance	Same as for old-age	<i>Pension</i> - Deceased was a pensioner or had 5 years contributions <i>Lump sum (grant)</i> - Not qualified for a pension <i>Funeral grant</i> - Deceased had contributed for at least 1 year in 3 years before death	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age - Eligible survivors are spouse, orphans under age 18 (age 25 if a student, no age limit if disabled) - Surviving spouse caring for a child of the deceased receives pension until death or remarriage - Surviving spouse's pension is payable for 2 years if survivor is under age 45 and does not care for a dependent child of the deceased - Benefits payable abroad if there is a reciprocal agreement

Table A4 Medical care benefits

Table A4 – Medical care benefits				
Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Burundi	Employer liability under labour code			• Special scheme for civil servants and armed forces personnel • Medical assistance programme for low income persons
Ethiopia				No social security benefits
Ghana (National Health Insurance)	Social insurance (members of SSNIT) + Universal benefit	• Resident citizens of Ghana		<i>Exclusions::</i> • Armed forces and police personnel • Benefits are provided to workers and dependants
Kenya (National Hospital Insurance Fund)	Social insurance	• Employed persons • Public sector employees • Self-employed persons	• Earnings of at least Kenya shillings 1000 per month • No qualifying period	<i>Voluntary coverage</i> • Persons earning less than Kenya shillings 1000 per month • Voluntarily covered persons must have 60 days coverage to be eligible for medical benefits and 6 months coverage to be eligible for maternity medical care • Dependants of insured persons are covered • Maximum duration of benefits is 180 days per year • Free care in Government hospitals; cost sharing elsewhere
Mali (Institut national de prévoyance)	Social insurance	Same as for old-age		<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i>

Table A4 – Medical care benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
sociale)				Same as for old-age Medical benefits for insured persons and dependants provided through the joint interemployer medical service programme operated by the National Social Insurance Institute
Mauritania (Caisse national de sécurité sociale - CNSS)	Social insurance	Employed persons covered under the labour code and their dependants		Employers provide medical services for employees and their dependants through the employer medical service programme or through the joint interemployer medical service programme for firms with fewer than 750 workers.
Mauritius				No social security benefits
Rwanda (Rwanda Health Insurance - RAMA)	Social insurance	Public sector employees		<i>Voluntary coverage</i> - Private sector employees who are members of the Social Security Fund and who voluntarily join - Benefits are cost shared - Special scheme for military personnel - Mutual benefit societies are available
Senegal (Health Institutes)	Social insurance	Employed persons (including apprentices, seasonal workers and temporary workers) who work at least 3 months a year for the same enterprise, and their dependants	2 months of contributions - Old-age and survivor pensioners are eligible for benefits from IPRES	<i>Exclusions::</i> - Civil servants, military personnel(special system) - Self-employed persons - Benefits are cost shared - No limit to duration of benefits - Eligible dependants are a spouse and dependent children over age 2 and under age 15 (age 18 if an apprentice, age 21 if a student or disable)

Table A4 – Medical care benefits

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
				Mutual health insurance companies provide medical benefits to informal sector workers in certain areas
South Africa (Department of Social Development)	Universal benefit		Old-age and disability pensioners and their dependants receive subsidized medical care	
Tanzania (National Social Security Fund – NSSF)	Social insurance	Same as for old-age	3 month's contributions immediately before onset of medical contingency	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> - Possible - Old-age pensioners - Eligible dependants are the spouse and up to four of the insured's children under age 18 (21 if a student)
Uganda				No social security benefits
Zambia				No social security benefits

Table A5 Sickness and maternity

Table A5 – Sickness and maternity				
Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Burundi	Employer liability under labour code		<i>Periodic maternity cash benefit</i> 6+ months of service before expected date of birth	No cash sickness benefit
Ethiopia	Employer liability under labour code			No social security benefits Public Service Amendment Proclamation (2002) and Labour Proclamation (2003) provide for paid sick leave and paid maternity leave
Ghana	Employer liability under labour code			
Kenya	Employer liability under labour code			<i>Sickness and maternity cash benefits:</i> Full wages for 2 months (Ref. 1976 Employment Act)
Mali (Institut national de prévoyance sociale)	Social insurance	Same as for old-age	<i>Cash maternity benefit</i> Mother had 9 consecutive months of insured employment (two 6 month periods for self-employed)	No cash sickness benefit <i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age
Mauritania (Caisse national de sécurité sociale - CNSS)	Social insurance	Employed women	<i>Periodic maternity cash benefit</i> 12+ months of coverage and 54 days or 360 hours of employment in the 3 months before taking maternity leave	No cash sickness benefit

Table A5 – Sickness and maternity

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Mauritius	Employer liability under labour code			No social security benefits - For employees who have been employed for 12+ continuous months, the Employment Rights Act 2008 provides for: - 15 days paid sick leave - 12 weeks paid maternity leave - 5 days paternity leave
Rwanda	Employer liability under labour code			No social security benefits Labour Code requires - Paid sick leave of 30 days per year - Paid maternity leave of 2 months
Senegal (Caisse de sécurité sociale)	Social insurance	- Employed women - Non-employed women married to an insured man	<i>Maternity daily cash benefit</i> 3 consecutive months of employment (of 18 days or 120 hours per month)	No social security cash sickness benefit <i>Exclusions::</i> - Civil servants, military personnel (special system) - Self-employed persons - Benefit payable abroad if there is a reciprocal agreement
South Africa (Unemployment Insurance Fund, Department of Labour)	Social insurance	Employees	<i>Weekly cash sickness benefit</i> 13 weeks of contributions in the year preceding sickness - Illness must have lasted 14 days - Claim must be submitted within 6 months of onset of illness	<i>Exclusions::</i> - Employees working less than 24 hours a month and/or not registered under the UI Act - Government employees - Foreign workers under an employment contract - Workers who receive a monthly State old-age

Table A5 – Sickness and maternity

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
			Weekly maternity cash benefit - Mother must have contributed for 13 weeks in year preceding expected date of birth - Claim must be submitted 8 weeks before date of birth	pension, a benefit from the EI Compensation Fund or from any unemployment fund
Tanzania (National Social Security Fund – NSSF)	Social insurance	Same as for old-age	<i>Weekly maternity cash benefit</i> 36 months of contributions including 12 months' contributions in the 36 months preceding the expected date of birth - Benefit payable to an insured woman once in a 3 year period	<i>Exclusions::</i> Same as for old-age <i>Voluntary coverage</i> Possible No social security cash sickness benefit
Uganda				No social security benefits
Zambia				No social security benefits

Table A6 Family allowances

Table A6 – Family allowances				
Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Burundi	Employer liability	Salaried workers	<i>Monthly family allowance</i> - Unmarried child under age 16 (21 if a student or apprentice, no age limit if disabled) - Wife not in paid employment 4 hours work per day by insured person necessary for full benefit	<i>Exclusions:</i> - Self-employed persons - Special system for civil servants
Ethiopia				No social security benefits
Ghana				No social security benefits
Kenya				No social security benefits
Mali (Institut national de prévoyance sociale)	Social insurance	Employed persons	<i>Monthly family allowance</i> - Child older than 12 months and younger than age 14 (18 if an apprentice, 21 if a student or disabled) - Preschool children must undergo a medical examination - Insured parent must have 9 consecutive months of insured employment - Insured parent must currently work 18 days or 120 hours per month - Voluntary insured parent must have	<i>Exclusions:</i> - Civil servants (special system) <i>Voluntary coverage</i> - Self-employed persons

Table A6 – Family allowances

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
			6 months of coverage Prenatal allowance payable to insured woman or wife of insured man - Mother must undergo medical examination Birth grant payable to insured woman or wife of insured man - Mother must undergo medical examination Marriage allowance - Payable to insured person on first marriage (voluntary insured persons are ineligible)	
Mauritania (Caisse national de sécurité sociale - CNSS)	Social insurance	Employed persons	<i>Monthly family allowance</i> - Child under age 14 (21 if an apprentice, student or disabled) - Insured parent must work 18 days per month or be the widow of a beneficiary <i>Prenatal allowance payable to insured woman or wife of insured man</i> - Mother must undergo medical examination <i>Birth grant payable to insured woman or wife of insured man</i> - Mother and child must undergo medical examinations	<i>Exclusions:</i> - Civil servants and armed forces personnel (special system) - Self-employed persons

Table A6 – Family allowances

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Mauritius (Ministry of Social Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions)	Social assistance (income-tested benefits)	Residents	<i>Monthly family allowance</i> 3 or more children under age 15	
Rwanda				No social security benefits
Senegal (Caisse de sécurité sociale)	Social insurance	- Employed persons - Social insurance beneficiaries - Unemployed persons for 6 months after leaving insured employment	<i>Monthly family allowance</i> - Child older than 2 and younger than age 15 (18 if an apprentice, 21 if a student or disabled) - Allowances paid for up to 6 children - Insured parent must have 3 consecutive months of insured employment - Insured parent must currently work 18 days or 120 hours per month <i>Maternity allowance payable to insured woman or wife of insured man</i> - Payable until child is age 2 - Mother and child must undergo medical examinations <i>Prenatal allowance payable to insured woman or wife of insured man</i> - Mother must undergo medical examination - Payable without limit on number of	<i>Exclusions:</i> - Civil servants (special system) - Self-employed persons - Benefits payable abroad if there is a reciprocal agreement

Table A6 – Family allowances

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
			children • Payable for 9 months	
South Africa (Department of Social Development)	Social assistance (means-tested benefits)	• Resident citizens	<i>Family allowances</i> (1) <i>Foster child grant</i> (2) <i>Child support grant</i> • Children between ages 1 and 14 • Payable for up to 6 children (3) <i>Care dependency grant</i> • Child aged 1 to 18 who is disabled and requires permanent care Only one family benefit payable at a time	
Tanzania				No social security benefits
Uganda				No social security benefits
Zambia				No social security benefits

Table A7 Employment injury

Table A7 – Employment injury				
Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Burundi (Institut national de sécurité sociale)	Social insurance	- Salaried workers covered by the labour code (including agricultural workers, apprentices, trainees) - Military and police personnel - Civil service and public utility contract workers	<i>For a daily benefit for temporary disability, a monthly benefit for permanent disability, a monthly survivor benefit, a lump sum funeral grant and medical benefits:</i> - No minimum qualifying period - Commuting accidents covered	<i>Exclusions:</i> - Self-employed persons - Greater of old-age and EI pension plus ½ of smaller pension can be received simultaneously - Higher of non-work disability and EI permanent disability pension is paid - Eligible survivors are spouses, orphans under age 16 (21 if a student, no limit if disabled); failing these, parents/grandparents
Ethiopia (Social Security Agency)	Social insurance	- Public sector employees only - Military and police personnel	<i>For a lump sum for temporary disability, a monthly benefit for permanent disability, a monthly survivor benefit, a lump sum funeral grant and medical benefits:</i> No minimum qualifying period	Eligible survivors are spouses (until remarriage), orphans and dependant parents.
Ghana (Ministry of Mobilization and Social Welfare (Labour Department))	Employer liability	Employed persons	<i>For a periodic or lump sum benefit for temporary disability, a lump sum for permanent disability, a lump sum survivor benefit, a lump sum funeral grant and medical benefits:</i> 6 months of coverage minimum qualifying period	<i>Exclusions:</i> - Armed forces personnel, casual workers, employers' family members, agricultural workers in enterprises with less than 5 employees - Eligible survivors are dependants at the discretion of the court
Kenya (Ministry of Labour and Human Resource)	Employer liability	Employed persons in public and private sectors	<i>For a periodic benefit for temporary disability, a lump sum for permanent disability, a lump sum survivor benefit, a lump sum funeral grant and medical benefits:</i>	<i>Exclusions:</i> - Non-manual employees earning more than Kenya shillings 4,000 per month - Casual workers

Table A7 – Employment injury

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Development)			No minimum qualifying period	- Family labour - Disability is assessed by the insured's doctor, a National Social Security Fund doctor and the Director of Medical Services at the Ministry of Health - Eligible survivors are 'fully dependent survivors'
Mali (Institut national de prévoyance sociale)	Social insurance	Same as for old-age	<i>For a monthly benefit for temporary disability, a monthly benefit for permanent disability, a monthly survivor benefit, a lump sum funeral grant and medical benefits:</i> - No minimum qualifying period - Commuting accidents are covered	<i>Exclusions:</i> Same as for old-age <i>Voluntary coverage</i> Same as for old-age - Eligible survivors are spouses, orphans under age 14 (18 if an apprentice, 21 if a student or disabled), dependent parents and grandparents. - Spouse's pension ceases on remarriage if there are no dependent orphans - If there is more than one widow, pension is split equally among them
Mauritania (Caisse national de sécurité sociale - CNSS)	Social insurance	Same as for old-age	For a daily benefit for temporary disability, a monthly benefit for permanent disability, a monthly survivor benefit, a lump sum funeral grant and medical benefits: No minimum qualifying period	<i>Exclusions:</i> Same as for old-age Eligible survivors are a widow or disabled widower, orphans under age 14 (21 if a student, apprentice or disabled), dependent parents and grandparents.
Mauritius (Ministry of Social	Social insurance	Employees age 15+	<i>For a monthly benefit for temporary disability, a monthly benefit for permanent disability, a monthly survivor benefit, a lump sum funeral grant</i>	<i>Exclusions::</i> Special systems for public sector employees and

Table A7 – Employment injury

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Security, National Solidarity, and Senior Citizens Welfare and Reform Institutions)			<i>and medical benefits:</i> No minimum qualifying period	certain occupations - Disability is assessed by medical board set up by the Ministry - Eligible survivors are widows, permanently disabled widowers, orphans under age 15 (18 if a student), a dependant residing in the same house (in the absence of a spouse survivor). - Spouse's pension ceases on remarriage - Funeral grant is paid if there are no dependants
Rwanda (Social Security Fund)	Social insurance	Employed persons	<i>For a daily benefit for temporary disability, a monthly pension for permanent disability, a survivor's pension, a lump sum funeral grant and medical benefits</i> No minimum qualifying period	<i>Exclusions::</i> - Self-employed persons <i>Voluntary coverage</i> - Not possible - Eligible survivors are spouse, orphans under 18 (25 if a student, no age limit if disabled); failing these, dependent parents
Senegal (Caisse de sécurité sociale)	Social insurance	Employed persons	<i>For a daily benefit for temporary disability, a monthly pension for permanent disability, a survivor's pension, a lump sum funeral grant and medical benefits</i> - No minimum qualifying period - Commuting accidents are covered	<i>Exclusions::</i> - Civil servants <i>Voluntary coverage</i> - Certain categories of self-employed persons, including farmers - Social Security Fund doctors assess disability

Table A7 – Employment injury

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
				based on recommendation of insured's doctor - Eligible survivors are (a) spouse(s), (b) orphans under age 15 (18 if an apprentice, 21 if a student or disabled), (c) dependent parents and grandparents - If there is more than one widow, pension is split equally among them - Spouse's pension ceases on remarriage if there are no dependent orphans - Pension is payable abroad if there is a reciprocal agreement
South Africa (Compensation Fund - Department of Labour)	Social Insurance	Employed persons including casual workers	<i>For a weekly benefit for temporary disability, a pension for permanent disability, a survivor's pension, a lump sum grant and medical benefits</i> - No minimum qualifying period - Claims must be submitted within 12 months after the occurrence of a contingency	<i>Exclusions::</i> - Domestic workers - Military and police personnel - Construction and mining industry workers are insured through mutual associations - Compulsory insurance with a public carrier - Occupational diseases list exists - Eligible survivors are spouses, unmarried orphans under age 18 (no limit if disabled) - Survivor's pension is payable after remarriage. - Commutated pensions payable to beneficiaries resident abroad
Tanzania (National Social	Social insurance	Same as for old-age	For a daily benefit for temporary disability, a monthly pension for permanent disability, a survivor's lump sum, a funeral grant and medical	<i>Exclusions::</i> Same as for old-age

Table A7 – Employment injury

Country	Type of programme	Mandatory coverage	Qualifying conditions	Notes
Security Fund – NSSF)			benefits No minimum qualifying period	Voluntary coverage Same as for old-age
Uganda (Ministry of Gender, Labour and Social Development)	Employer liability	Employed persons (including government employees)	<i>For a benefit for temporary disability, a lump sum for permanent disability, a survivor's lump sum and medical benefits</i> Permanent incapacity or incapacity lasting at least 3 days	<i>Exclusions::</i> - Armed forces personnel - Compulsory insurance - Eligible survivors are fully dependent survivors
Zambia (Workers' Compensation Fund Control Board)	Employer liability	Employed persons	For a daily benefit for temporary disability, a monthly pension for permanent disability, a survivor's pension, a funeral grant and medical benefits No minimum qualifying period	<i>Exclusions::</i> - Public sector employees (special system) - Compulsory insurance with public carrier - Disability is assessed by a government institution or private clinic. Occupational diseases are assessed annually. - Eligible survivors are widows, disabled widowers and orphans - Survivor's pension ceases on remarriage

Appendix B: Totalization methods

Suppose that four countries, designated A, B, C and D, are all parties to an agreement, and that the legislation of each country requires a minimum of 10 years of contribution to be eligible for an old age pension. Suppose further that a migrant worker has contributed for 20 years to the pension scheme in country A, 8 years to the scheme in country B, 5 years to the scheme in country C, and 3 years to the scheme in country D.

In the absence of a social security agreement between the four countries, the worker would only be eligible for an old age pension from country A. He or she would not be eligible for a pension from countries B, C and D because the worker has not completed the minimum qualifying period of 10 years. Through the totalizing provisions of an agreement, however, the worker becomes eligible for pensions from all these countries because his or her combined period of contribution in the four countries is, in the example, 36 years, well above the minimum of 10 years required by each country's system.

Once eligibility for a country's benefit is established through totalizing, the amount of the benefit payable is usually determined in relation to the length of the period of affiliation to the country's social security system. The exact method for making the calculation is set out in the agreement. Two methods are commonly used: proportional calculation and direct calculation. In some social security agreements a different calculation method, known as integration, is used.

Proportional calculation

Proportional calculation involves first determining the theoretical amount of the benefit that would be payable if the totalized periods under the social security systems of all the countries taken together had been completed under the system of each country alone. In determining the theoretical benefit, the social security institution of each country applies the benefit-calculation rules specified in its own legislation. The actual benefit that an institution pays is determined by multiplying the theoretical benefit by a fraction that represents the ratio of the periods completed under the system administered by that institution and the totalized periods completed in all the countries taken together.

To return to the example just given, the institution of country B would calculate the theoretical benefit to which the worker would be entitled if she or he had completed 36 years in country B's social security system. The institution would then multiply the theoretical benefit by 8/36 to determine the benefit that it would pay to the worker (since, in the example, the worker had completed eight years under country B's social security system). The institutions of countries C and D would proceed in a similar manner, first by calculating the theoretical benefits payable under their respective systems if the worker had completed 36 years in each, and then multiplying the theoretical benefits by the appropriate ratios, resulting in 5/36 in the case of country C and 3/36 in the case of country D. Since the worker had already met the requirements of the qualifying period under the system of country A, without the need for totalizing (in the example, country A's system requires a minimum of 10 years and the worker has completed 20 years), the institution of country A would usually calculate its benefit directly under its legislation.

It can sometimes occur that a worker's totalized periods exceeds the maximum period to be taken into account under a country's social security law. In such a case, the maximum period, not the totalized period, is used in the calculation for that country. Returning again to the example, suppose that, under the system of country B, 35 years of contribution gives entitlement to a full pension. Then the theoretical benefit under the

system of country B will be based on 35 years, and the ratio used in calculating the actual benefit payable will be 8/35.

Direct calculation

Under the method of direct calculation, as the name suggests, the institution of each country calculates the benefit it will pay using the rules specified in its legislation, without the need for determining a theoretical benefit. Since direct calculation is a one-step process that is simpler to administer than proportional calculation, it is the preferred option for many countries.

Direct calculation works well when the benefit formula provides for a uniform rate of accrual of a benefit for each period of affiliation – for example, two percent of final earnings for each year of contribution. However, it can result in disproportionately large benefits in relation to the period of affiliation when the benefit formula includes a flat-rate amount (an amount that is payable irrespective of the length of previous affiliation) or if the benefit formula involves a variable rate of accumulation (for example, three percent of final earnings for each of the first 10 years of affiliation, and two percent for each of the next 20 years).

The decision whether to use proportional calculation or direct calculation in a social security agreement will depend largely on the way in which benefits are calculated under the systems of the countries that are parties to the agreement. An agreement does not have to specify the exclusive use of one calculation method for all the parties. Different parties can use different methods, as long as all agree that the principle of reciprocity – the comparability of obligations – is respected.

Integration

Instead of each country paying a partial benefit calculated in relation to the time a worker has been affiliated with its social security system, some agreements employ a third method for determining the amount of benefit payable when eligibility is determined through totalizing. This method is usually referred to as integration.

Under integration, the institution of one country pays a full benefit calculated according to its rules and taking into account the periods completed in all the other countries that are parties to the agreement. The other countries pay no benefits at all. The paying country is usually the one to whose system the worker was last affiliated or the one in which the worker and/or family members are residing at the time of the occurrence of the contingency giving rise to the benefit.

Integration can be an effective solution in the case of short-term benefits (for example, cash sickness and maternity benefits). However, for long-term benefits such as pensions for old age, invalidity and survivors, integration is generally only considered among countries in which the formula for calculating benefits, and hence the resulting amount of benefits, are similar and there is an approximately equal flow of migrant workers between them. If any of these conditions does not apply, integration will likely result in some countries incurring far higher costs than others. For this reason, integration is seldom used in relation to long-term benefits.

In the case of benefits in kind (medical care, and rehabilitation and other services that may be linked with cash benefits for invalidity and employment injuries), there is no practical alternative to integration. One of the key issues in a social security agreement is to determine which country's system will be responsible for providing the benefits in kind and the rules for apportioning the costs of those benefits – for example, whether the institution providing the services will pay the full costs, or whether those costs will be charged in whole or in part to the other systems to which the worker has been affiliated.

The issue of the apportionment of the costs of benefits in kind can be particularly difficult to resolve, especially when the quality and cost of the services in question vary substantially between countries seeking to conclude a social security agreement.