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

South Sudan



FMPT

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

An assessment of labour migration and mobility governance in the IGAD region: Country report for South Sudan

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

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An assessment of labour migration and mobility governance in the IGAD region: Country report for South Sudan
Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility

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List of abbreviations and acronyms

AU	African Union
CID	Criminal Investigation Department
CMP	Common Market Protocol
COMESA	Common Market for Eastern and Southern Africa
CRA	Commission of Refugee Affairs
CSO	civil society organization
DNPI	Directorate of Nationality, Passports and Immigration
EAC	East African Community
EAEO	East African Employers Organisation
EATUC	East African Trade Union Confederation
EU	European Union
EUTF	European Union Emergency Trust Fund for Africa
GDP	gross domestic product
IBMC	Integrated Border Management Committee
IDP	internally displaced person
IGAD	Intergovernmental Authority on Development
ILO	International Labour Organization
IOM	International Organization for Migration
JLMP	Joint Labour Migration Programme
LMIS	Labour Market Information System
MGCSW	Ministry of Gender, Child and Social Welfare
MHADM	Ministry of Humanitarian Affairs and Disaster Management
MIDAS	Migration Information and Data Analysis System
MME	Migration, Mobility, Employment Partnership Support Project

MOFA	Ministry of Foreign Affairs and International Cooperation
MOI	Ministry of Interior
MOLPSHRD	Ministry of Labour, Public Service and Human Resource Development
MOU	memorandum of understanding
NAC	National Aliens Committee
NBS	National Bureau of Statistics
NCM	National Consultative Mechanism on Migration
NGO	non-governmental organization
OSH	occupational safety and health
PEA	private employment agency
R-ARCSS	Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan
RCTG	Regional Customs Transit Guarantee
REC	regional economic community
RMMS	Regional Mixed Migration Secretariat
RRC	Relief and Rehabilitation Commission
RTGONU	Revitalized Transitional Government of National Unity
TIP Report	US Department of State <i>Trafficking in Persons Report</i>
TVET	technical and vocational education and training
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNMISS	United Nations Mission in South Sudan
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs

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Foreword

The International Labour Organization (ILO) in close collaboration with the IGAD Secretariat has produced this report titled *Labour migration and mobility governance in the IGAD region: Country report for South Sudan* as part of the project on “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” financed by the European Union. The report forms part of the knowledge-generation component of the project, and aims to generate an evidence base for improving labour migration and mobility governance in the Intergovernmental Authority on Development (IGAD) region, which is characterized by forced displacement, mixed migration flows, and limited options for regular labour migration and mobility.

However, increasing opportunities for labour mobility through an IGAD Free Movement of Persons Protocol is believed to promote regional integration and reduce pressure on national labour markets that are unable to provide sufficient decent work opportunities. In addition, countries of destination within IGAD could benefit from labour and skills that they require for socio-economic development. Furthermore, increased opportunities for legal migration are expected to lead to more migrants migrating safely and enjoying decent work opportunities. The monitoring and enforcement of migrants’ rights are also expected to be improved through the normative framework that such a Protocol will put in place.

In this context, the country report for South Sudan highlights major trends and examines various policy and legal frameworks governing labour migration and mobility in the country using a comprehensive Analytical Framework developed for this study. The findings and recommendations of the study are structured around three major pillars and 12 thematic areas that are building blocks of labour migration and mobility governance. The first pillar, Strengthening Labour Migration Governance, examines national systems and capacities to collect and analyse labour migration data; capacity to develop and implement labour migration policies; the regulating of recruitment agencies; and improving coordination on migration issues at various levels. The second pillar, Advancing Opportunities for Regulated Labour Migration and Decent Work, assesses migrants’ access to labour markets, information, education, and finance, and facilitating the social inclusion and integration of migrants. The third pillar, Enhancing the Protection of Migrant Workers and their Families, reviews migrants’ rights, social security, labour inspection, and reception and return.

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

Alexio Musindo,

Director

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



Executive summary

The International Labour Organization (ILO) is implementing the European Union Emergency Trust Fund-funded project “Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility” in collaboration with the Intergovernmental Authority on Development (IGAD).

The project aims to improve opportunities through the development of models of intervention in the broader context of regional integration. In the long-term it is expected to extend decent work opportunities to current and potential migrants in the region, and further contribute to regional integration.

In this context, the ILO is conducting a series of studies to better understand the migration and labour market dynamics in the region, including the constraints and opportunities for employment creation and the causes of skills shortages. Labour migration and mobility governance assessments have been undertaken of the IGAD Member States, which are captured in country reports and a global report. These assessments should support the development and implementation of the IGAD Free Movement of Persons Protocol.

For these assessments an Analytical Framework was developed, which assesses policies, laws and practices on labour migration and mobility. The Analytical Framework is structured around three pillars that are building blocks for enhancing labour migration in the IGAD region:

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

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

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

The last part of the report contains pivotal recommendations for advancing the governance of labour migration in South Sudan and the IGAD region, which are derived from the Analytical Framework assessment. Data for this assessment was gathered through desktop research and semi-structured interviews with government officials, a workers’ organization, and international organizations (IOs). To this end, a field mission was undertaken to Juba 20–26 January 2019.

Overview of South Sudan's migration trends and migration management

South Sudan is an important country of origin for refugees and asylum-seekers in the IGAD region, with most South Sudanese refugees residing in Uganda. Hundreds of thousands of South Sudanese refugees returned home in 2011, when the country achieved independence, but the 2013–2018 civil war led to large scale internal and international forced displacement and food insecurity. Internally Displaced Persons (IDPs) are at risk of trafficking, especially unaccompanied minors who may be kidnapped for sex or labour trafficking, while government and opposition forces are known to recruit child soldiers. South Sudan's recent and fragile peace spurred some refugee returns, while others are waiting to see whether the peace holds. South Sudanese largely remain in the region, as opposed to joining the migration flows to Europe and the Gulf countries. Data on South Sudanese migrant workers and the diaspora is scant. As refugees in the region, they work in small businesses, supermarkets, agriculture, construction, and as teachers. They also work in Egypt and the Sudan as domestic workers. Many labour migrants in South Sudan originate from countries in the region, especially Kenya, Uganda, Sudan, Ethiopia, Eritrea, and Somalia. They run businesses, or work in construction, the hospitality sector, transport, and banking. South Sudan also hosts approximately 300,000 refugees, mostly from neighbouring countries.

The government ministries and agencies that play a role in migration and mobility governance in South Sudan include:

- ▶ the Ministry of Labour, Public Service, and Human Resource Development (MOLPSHRD);
- ▶ the Ministry of Interior (MOI)'s Directorate of Nationality, Passports and Immigration (DNPI);
- ▶ the Commission for Refugee Affairs;
- ▶ the Ministry of Humanitarian Affairs and Disaster Management;
- ▶ the Relief and Rehabilitation Commission;
- ▶ the Ministry of Gender, Child and Social Welfare;
- ▶ the Ministry of Culture Youth and Sport;
- ▶ the Ministry of Higher Education, Science and Technology; and
- ▶ the South Sudan Investment Authority.

The MOI leads coordination on migration issues. Seventeen government agencies participate in its National Aliens Committee (NAC), whose mandate was expanded to perform the role of the National Coordination Mechanism on Migration (NCM).

The next section below presents an assessment of South Sudan's labour migration and mobility governance in terms of the thematic areas of the Analytical Framework, while offering recommendations that are more fully developed in the final chapter of this report.

Analytical Framework analysis

Pillar I. Strengthening labour migration governance

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

The Government of South Sudan is not regularly collecting and analysing labour market data and lacks a central database on labour demand, supply, and skills gaps. South Sudan plans to undertake its first National Labour Force Survey in 2019. The MOLPSHRD and the National Bureau of Statistics need to be trained on labour market data collection, coordination, and analysis.

Labour migration data is limited to administrative data collected through immigration procedures and the issuing of work permits, and is not analysed or applied to labour migration policy. The Government needs to develop systems to regularly collect and analyse labour market and labour migration data, and to exchange such data with countries in the region. The resulting evidence base should inform processes to enhance labour migration and mobility in the region, and to fill skills gaps.

Thematic Area 2. Coordination on labour migration

The NAC/NCM occasionally discusses labour migration. National coordination on labour migration is impeded by the shortfall of independent MOLPSHRD labour offices, which only exist in ten of South Sudan's 32 states. In some states, labour offices may fall under ministries other than the MOLPSHRD that have representation in the state. Coordination between the MOLPSHRD and its labour offices is weak and hampered by financial constraints. Tripartite consultation is rare and social partners and civil society organizations (CSOs) do not appear to be involved in coordination on labour migration. The Government should bolster inter-ministerial coordination and tripartite consultation on labour migration, with a view toward shaping labour migration policy objectives. This process should be supported by NAC/NCM discussions on labour migration, and social partners, CSOs, and IOs should participate in the NCM. Moreover, the Government should use regional and continental consultations on labour migration in which it participates to obtain data and analyses that will inform the development of its labour migration policy objectives.

Thematic Area 3. Capacity to formulate and implement policy

Building on the knowledge and experience generated by the development of the draft migration policy, South Sudan should consider developing a labour migration policy after the migration policy is adopted. As a first step, the ILO should provide the NAC with comprehensive training on labour migration, including on the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, with a view to obtain South Sudan's accession to these Conventions. The labour migration policy should be developed through a whole-of-government approach and should be informed by research on labour migration

from and to South Sudan, the National Development Strategy, and relevant national policies and international labour standards. Furthermore, the Government should develop policies and instruments to regulate and monitor the labour migration of South Sudanese abroad and offer protection to migrant workers in South Sudan.

Thematic Area 4. Regulating recruitment agency practices

The enforcement of employment contracts needs to be strengthened, including by fully implementing the Labour Act, 2017, and establishing the Commission for Conciliation, Mediation and Arbitration and the Labour Court, which are prescribed in the Act. Private Employment Agencies (PEAs) are yet to be licensed by the MOLPSHRD or to deploy South Sudanese migrant workers abroad. The MOLPSHRD should licence and monitor PEAs and develop the planned PEA regulations that will specify the PEA license renewal process. The Ministry should also require PEAs to facilitate pre-departure training for migrant workers and forbid them from charging migrant workers recruitment and placement fees, directly or indirectly. The ILO should provide the MOLPSHRD with training on the ILO Private Employment Agencies Convention, 1997 (No. 181), and support the ministry with the development of a pre-departure training curriculum for migrant workers.

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

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

The procedures and rules governing labour migration and mobility are shaped by various laws and regulations, which are sometimes contradictory and not always applied in practice as prescribed by the law. The Government should simplify immigration processes through consultations with the private sector and migrant workers, and enhance the transparency of and access to these processes by capturing them in an online portal. The ministries dealing with these processes – including the MOLPSHRD, the MOI, and the Relief and Rehabilitation Commission – should be informed of the updated processes. The online portal should also contain the rules, regulations, and incentives for investment.

National labour is protected by requiring foreign employers to employ at least 80 per cent nationals, at different levels of management. But the Government has no strategy for the transfer of skills from migrant workers to nationals or for attracting critical skills. Future labour exchanges and temporary work schemes to South Sudan should have a skill transfer strategy built into them.

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

The Ministry of Gender, Child and Social Welfare has supported South Sudanese female small cross-border traders by providing them with information on the rules and procedures for trade with neighbouring countries. But there appears to be no activities aimed at disseminating information to migrant workers in South Sudan. While migrants may access the education system at their own cost, technical and vocational education and training (TVET) is highly fragmented, and a streamlined TVET certification process needs to be put in place. Migrants in South Sudan can have their skills recognized through trade tests at vocational training centres, but few seem to do so. The Government, IOs, and NGOs should disseminate information to migrant workers, including on their rights and their access to education, training, skills recognition, and finance.

There is little data on remittances flows to South Sudan, which needs to be studied further to generate government policies that aid remittances flows and improve their contribution to the country's development.

Thematic Area 3. Promoting social integration and inclusion

The spouse and children of a migrant worker are allowed to accompany the worker to South Sudan and to access the education system. The Nationality Act, 2011, aids the integration of migrants by offering pathways to citizenship, while allowing migrants to retain their original nationality. However, there are no efforts specifically aimed at the integration of migrant workers in South Sudan. There are activities geared towards integrating refugees, such as enrolling refugee children in primary schools. The Government should research the contribution that refugees and migrants are making to South Sudan, such as business development and providing scarce skills and skills transfer, as well as means to enhance migrant contributions and social integration. The Government should use this data to raise awareness on the contribution of refugees and migrants among the general public and to develop measures to enhance their contribution and social integration.

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

Thematic Area 1. Protection of migrant workers' human rights

To date, the Human Rights Commission has not addressed the complaints of migrants, and has referred migrant complainants to the MOLPSHRD or the Ministry of Justice. The ILO should train the Human Rights Commission on migrants' rights. While the Labour Act, 2017, in principle applies to migrant workers and promotes the protection of fundamental rights at work, various aspects of it still need to be rolled out, such as the Labour Court. To address forced labour and trafficking, South Sudan should accede to the United Nations (UN) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000, and develop an anti-trafficking law and strategy.

Thematic Area 2. Social security and social protection

A Social Insurance Bill and a draft national social insurance policy are some of the first steps towards developing a social security system in South Sudan. The Government should strive to develop a social security system that applies the principle of equality of treatment between nationals and migrant workers, and put in place bilateral measures that allow for the portability of social security benefits.

Thematic Area 3. Labour inspection for migrant workplaces

Labour inspection is constrained by insufficient resources. The MOLPSHRD highlighted that labour inspectors need training on how to manage labour records and how to handle labour disputes. The ILO should train labour inspectors on the Labour Act, 2017; procedures for labour inspection; and migrants' rights.

Thematic Area 4. Facilitating reception and return

Return and reintegration efforts have thus far focused on the large IDP population. As South Sudan stabilizes further, more refugee returns are expected to follow. Returnees and host communities will need access to basic services, infrastructure, and livelihood opportunities in order for return and reintegration to succeed.

On-arrival training for incoming migrant workers is not taking place. Given the various challenges in South Sudan, it may be difficult to prioritize such training at present. On-arrival information should be provided to incoming migrant workers, and include their rights; the cultural values in South Sudan; and their access to services, such as education, health and finance, as well as the dispute settlement mechanisms available to them.

1. Introduction

“

This report highlights major trends and examines various policy and legal frameworks governing labour migration and mobility in the country using a comprehensive Analytical Framework.

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

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

This report forms part of the knowledge-generation component of the project and aims to create an evidence base on labour migration and mobility governance in the region. This should contribute to the development of the IGAD Free Movement of Persons Protocol, as well as to building the capacities of Member States to implement the Protocol, once it is adopted. To this end, labour migration and mobility assessments of the IGAD Member States have been undertaken, to gain an overview of how labour migration and mobility are governed by these States, as well as areas that require reinforcement at the national and international level.

The assessments capture:

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

Comprehensive country assessment reports on Djibouti, Ethiopia, Kenya, Somalia, South Sudan, the Sudan, and Uganda have been developed, and follow the same structure and assessment exercise. This enables the identification of areas of commonality and divergence, as well as where capacities need to be strengthened or policies harmonized to pave the way for the implementation of the IGAD Free Movement of Persons Protocol. Moreover, a regional report captures the findings of the country reports; provides an overview of the governance of labour migration and mobility in the IGAD region; and details recommendations for how it can be advanced. The implementation of these recommendations should support the implementation of the IGAD Free Movement of Persons Protocol and aid countries in meeting IGAD and international labour migration governance standards.

The report commences in chapter 2 with an overview of the analytical framework employed in the study. This is followed by an overview of South Sudan and its migration trends in chapter 3. Chapter 4 presents an overview of the roles and responsibilities of the key government ministries and agencies whose work touches on labour migration. Chapter 5 covers South Sudan's National Coordination Mechanism on Migration. Chapter 6 is an overview and assessment of South Sudan's policies, laws, and practices on labour migration and mobility, as per the analytical framework presented in chapter 2.

The last part of the report contains key recommendations for advancing the governance of labour migration in South Sudan and the IGAD region, which are derived from the Analytical Framework assessment. These recommendations, which include policy areas that need to be developed or capacities that need to be built, could be implemented by the *Free Movement of Persons and Transhumance in the IGAD Region: Improving Opportunities for Regular Labour Mobility* project, or by other actors, partners or projects.

2. Methodology

“

The research methodology employed for the assessment conducted in this study consists of interviews with key informants and desktop research undertaken during field mission to Juba.

The research methodology employed for the assessments conducted in this study consists of interviews with key informants undertaken during field missions to the capitals of seven IGAD countries, for which semi-structured interview questionnaires were used. The organizations interviewed include:

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

The field research was complemented by desktop research and interviews via Skype/phone. A field mission was undertaken to Juba, South Sudan, from 20–26 January 2019. Appendix I contains the list of key informants that were interviewed for this assessment.

In addition, an analytical framework was used to analyse the adherence of national laws, policies, practices, and coordination and consultation mechanisms on labour migration and mobility to the provisions of:

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

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

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

Each pillar contains a set of thematic areas with guidelines that contribute towards achieving the respective pillars. These guidelines are derived from the three key documents mentioned above: the ILO Multilateral Framework on Labour Migration; the IGAD Regional Migration Policy Framework; and the draft IGAD Free Movement of Persons Protocol. In order to ease reading of this report, the analytical framework is presented in table 1 below.

In brief outline, the thematic areas of the three pillars are as follows:

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

In table 1, each thematic area contains a set of guidelines that are used to assess the relevant governance structures and mechanisms in the country. Certain thematic areas contain sub-headings, under which a set of related guidelines are captured to facilitate reading of the report.

In chapter 6 below, each thematic area and sub-heading will be expanded upon through "Overview" and "Assessment" passages. The Overview provides the background information that informed each Assessment, such as the relevant laws and policies. The Assessment contains an evaluation of how South Sudan is faring with regards to each sub-heading and its related guidelines. In cases where information is limited, all the information is captured in the Assessment, and an Overview is not provided.

TABLE 1. Overview of guidelines related to the pillars and thematic areas of the study¹

Pillar I. Strengthening labour migration governance
Thematic Area 1. Capacity to collect, analyse, and share labour migration data
<i>Labour market information and data: Guidelines</i>
ILO Multilateral Framework on Labour Migration
5.1. Establishing systems and structures for periodic, objective labour market analyses that take into account gender issues and that include: <ul style="list-style-type: none"> 5.1.1 sectorial, occupational and regional dimensions of labour shortages and their causes, and relevant issues of labour supply; 5.1.2 shortages of skilled workers in both origin and destination countries, including in the public, health and education sectors; and 5.1.3 long-term impact of demographic trends, especially ageing and population growth, on the demand for and supply of labour.
<i>Labour migration data collection and analysis, and applying it to labour migration policy: Guidelines</i>
ILO Multilateral Framework on Labour Migration
3.1. Improving government capacity and structures for collecting and analysing labour migration data, including sex-disaggregated and other data, and applying it to labour migration policy.
<i>Sharing of labour market information and labour migration data and analysis at the regional level: Guidelines</i>
IGAD Regional Migration Policy Framework
4.2. Regional Cooperation and Harmonization of Labour Migration Policies
<i>Recommended Strategies:</i>
iv. Institute routine data collection, analysis and exchange on labour flows, stock and needs in labour-supply vis-à-vis labour-demand countries in IGAD to eliminate skills mismatch and to maintain proper skills audit.
Thematic Area 2. Coordination on labour migration
<i>Coordination of labour migration at national, regional, and continental levels: Guidelines</i>
ILO Multilateral Framework on Labour Migration
2.2. Developing intergovernmental dialogue and cooperation on labour migration policy, in consultation with the social partners and civil society and migrant worker organizations.
2.5. Establishing mechanisms for tripartite consultations at regional, international and multilateral levels.
3.5. Collecting and exchanging profiles of good practices on labour migration on a continuing basis.
4.7. Establishing a mechanism to ensure coordination and consultation among all ministries, authorities, and bodies involved with labour migration.

¹ The numbering of the articles and clauses presented in this table are the same as the numbering in the documents they originate from.

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

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

4.2. Regional Cooperation and Harmonization of Labour Migration Policies

Recommended Strategies:

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

Thematic Area 3. Capacity to formulate and implement policy

Labour migration policy development and implementation: Guidelines

ILO Multilateral Framework on Labour Migration

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

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

ILO Multilateral Framework on Labour Migration

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

Ratification and domestication of international labour migration Conventions: Guidelines

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

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

Thematic Area 4. Regulating employment agency practices

Employment contracts: Guidelines

ILO Multilateral Framework on Labour Migration

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

Licensing and monitoring of private employment agencies: Guidelines

ILO Multilateral Framework on Labour Migration

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

Recruitment and placement fees: Guidelines

ILO Multilateral Framework on Labour Migration

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

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

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

Rules and regulations governing labour migration and mobility: Guidelines

ILO Multilateral Framework on Labour Migration

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

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

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

Circular and return migration: Guidelines

ILO Multilateral Framework on Labour Migration:

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

Labour exchanges and critical skills: Guidelines

ILO Multilateral Framework on Labour Migration:

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

IGAD Regional Migration Policy Framework

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

Recommended Strategies:

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

Establishment and investment: Guidelines

Draft IGAD Free Movement Protocol:

Part B: Rights of Establishment and Residence

Article 6. Rights of Establishment

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

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

Disseminating information to migrant workers: Guidelines

ILO Multilateral Framework on Labour Migration

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

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

ILO Multilateral Framework on Labour Migration

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

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

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

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

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

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

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

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

Facilitating remittances: Guidelines

ILO Multilateral Framework on Labour Migration

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

Thematic Area 3. Promoting social integration and inclusion

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

ILO Multilateral Framework on Labour Migration

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

IGAD Regional Migration Policy Framework

4.1. National Labour Migration Policies, Structures and Legislation

Recommended Strategies:

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

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

ILO Multilateral Framework on Labour Migration

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

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

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

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

Thematic Area 1. Protection of migrant workers' human rights

Protecting the human rights of migrants: Guidelines

ILO Multilateral Framework on Labour Migration

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

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 1. Free Movement of Persons

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

Protecting migrants from forced labour and exploitation: Guidelines

ILO Multilateral Framework on Labour Migration

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

Thematic Area 2. Social security and social protection

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

ILO Multilateral Framework on Labour Migration

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

Social security coverage and portability: Guidelines

ILO Multilateral Framework on Labour Migration

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

Draft IGAD Free Movement Protocol

Part A: Free Movement of Persons and Labour

Article 3. Free Movement of Workers

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

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

Part B: Rights of Establishment and Residence

Article 6. Rights of Establishment

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

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

Thematic Area 3. Labour inspection for migrant workplaces

ILO Multilateral Framework on Labour Migration

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

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

Thematic Area 4. Facilitating reception and return

ILO Multilateral Framework on Labour Migration

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

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

3. Overview of South Sudan and its migration trends

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Mobility is common in South Sudan. People move to build communities for kinship and intertribal marriages, livelihoods opportunities, and to escape insecurity.

South Sudan, born on 9 July 2011, is the world's youngest country. It seceded from the Sudan following decades of war. Efforts to build the country have been shaken by civil war, ignited by clashes between President Salva Kiir's and (former-vice president) Riek Machar's supporters in December 2013. This war has led to more than 50,000 deaths, 1.84 million internally displaced persons (IDPs), 2.2 million refugees, and 5.3 million people facing severe food insecurity (World Bank, 2018a; Williams, 2018; UNOCHA, 2018). At least half a dozen peace agreements have been signed, with some lasting only a few days (Wilson, 2018).

On 12 September 2018 the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) was concluded, which has set South Sudan on a path towards stabilization. As per the agreement, a Revitalized Transitional Government of National Unity (RTGONU) will be tasked with implementing the R-ARCSS. The implementation of the R-ARCSS and the 36-month transition period and term of the RTGONU was scheduled to commence eight months after the R-ARCSS was signed – i.e., May 2019. However, in May 2019 it was decided to extend the deadline for the formation of the RTGONU for six months (Motambu, 2019). As per the R-ARCSS, the RTGONU should hold national elections 60 days before the end of the transition period, to establish a democratically elected government.

South Sudan is blessed with abundant natural resources, including some of the richest agricultural land in Africa and ample water supplies. A landlocked country, it shares borders with the Central African Republic, the Democratic Republic of the Congo, Ethiopia, Kenya, the Sudan, and Uganda. South Sudan has a total area of 644,329 square kilometres and a population of 13,026,129 people. Its gross domestic product (GDP) for 2017, at official exchange rate, stands at US\$2.87 billion, while its real growth rate was -11.1 per cent for 2017 (CIA, 2018). Conflict, oil production disruptions, and low agriculture production have caused the economy to contract, while government debt and inflation have soared. As the most oil-dependent country in the world, oil accounts for around 60 per cent of South Sudan's GDP, and nearly all of its exports (World Bank, 2018a). Oil exports travel through a pipeline to Port Sudan, keeping its economy inextricably tied to the Sudan for the foreseeable future (CIA World Factbook, 2018).

South Sudan has scant infrastructure, with less than 2 per cent of the population having access to electricity. Approximately 80 per cent of the population lives in rural areas and engages in subsistence agriculture, and the majority are dependent on humanitarian assistance. Only 27 per cent of the population is literate, and unemployment stands at 18.5 per cent (CIA, 2018). South Sudan is classified as a low-income country by the World Bank (2018b).

Mobility is common in South Sudan. People move to build communities for kinship and intertribal marriages, livelihoods opportunities, and to escape insecurity. Large annual migrations between South Sudan and the Sudan are undertaken by semi-nomadic pastoralists, such as the Misseriya and Rizeigat, and this has been a trigger for conflict in northern parts of the country. Seasonal human and livestock migration is driven by weather conditions and the search for sufficient water sources. Community and ethnic groups are spread across officially demarcated borders, which contributes to the high levels of informal migration over porous borders. Internal and international migration, especially among the youth population, is further driven by the pursuit of education and employment opportunities. And increasingly, South Sudanese migrate to join families abroad (IOM, 2018a, pp. 9–11).

Forced migration caused by conflict and other crises led to high numbers of IDPs, who seek protection in United Nations Mission in South Sudan (UNMISS) Protection of Civilian sites and in collective centres or informal settlements. International migration to countries in the region is increasingly being chosen above internal displacement in order to reach safety, especially in areas where UNMISS has little presence and cross-border networks are in place. Informal settlements in border areas have been growing, as people try to stay close to their properties – and to safety – in case of heightened conflict. Insecurity in neighbouring countries, especially the Central African Republic, the Democratic Republic of the Congo, and the Sudan, may prevent people from pursuing international protection (IOM, 2018a, pp. 9–11).

In the Horn of Africa region, South Sudan is an important country of origin for refugees and asylum-seekers. Unlike migrants and asylum-seekers from other countries in the region, South Sudanese generally do not form part of onward mixed migration movements to Europe, with most seeking refuge in neighbouring countries. Reasons for this include lack of financial resources to finance journeys to Europe, as well as a strong sense of identity and attachment to their cultural lifestyles. Many South Sudanese men have chosen to remain in South Sudan and look after their cattle and belongings, while women and children fled

the fighting (RMMS, 2016). Eighty-five per cent of South Sudanese refugees are women and children (UNHCR, 2018b). United Nations High Commissioner for Refugees (UNHCR) data as of 31 August 2018 points at Uganda hosting the majority of South Sudanese asylum-seekers and refugees (1,073,125 – 43.5 per cent); followed by the Sudan (762,125 – 30.9 per cent); Ethiopia (422,240 – 17.1 per cent); Kenya (114,765 – 4.7 per cent); and the Democratic Republic of the Congo (93,564 – 3.8 per cent) (UNHCR, 2018a). Neighbouring countries have shown solidarity by granting South Sudanese prima facie refugee status (UNHCR, 2018b). South Sudanese refugees have also been resettled to Western countries, mainly the United States, Canada, Australia, and the United Kingdom.

In 2011, when South Sudan achieved independence, hundreds of thousands of South Sudanese returned from neighbouring countries, especially the Sudan. Some settled in urban areas, and many were internally displaced as they could not find durable solutions upon their return (RMMS, 2016).

Despite the volatile situation in South Sudan, the country hosts 293,966 refugees (as of 28 February 2019) (UNHCR, 2019a). Key countries of origin for refugees in South Sudan include the Sudan, the Central African Republic, the Democratic Republic of the Congo, and Ethiopia (Mixed Migration Centre, 2018). South Sudan applies group determination and prima facie refugee recognition for refugees from the Central African Republic, the Democratic Republic of the Congo, and the Sudan (IGAD, 2018, pp. 31–32). However, persons from the Darfur region of the Sudan appear not to obtain refugee status in South Sudan.

The US Department of State *2018 Trafficking in Persons Report* (hereafter, "*TIP Report*") classifies South Sudan as a source and destination country for the forced labour and sex trafficking of men, women, and children. Government and opposition forces have been known to recruit child soldiers in South Sudan. South Sudanese refugees in neighbouring countries and IDPs in South Sudan are at risk of trafficking. This is especially the case for unaccompanied minors who are at risk of kidnapping for sex or labour trafficking. South Sudanese women and girls, especially IDPs or those from rural areas, are vulnerable to domestic servitude. South Sudanese girls are also exposed to sex trafficking in the hospitality sector and brothels in urban areas. Men and women from neighbouring countries, including Eritrea, Ethiopia, Kenya, Somalia, and Uganda, as well as South Sudanese women and children, are recruited by South Sudanese and foreign business owners on the basis of false employment opportunities in hotels, restaurants, and construction, that result in labour exploitation or sex trafficking. Some traffickers reportedly operate in organized networks within South Sudan and transnationally (US Department of State, 2018).

While South Sudan receives migrant workers from its neighbouring countries, conflict has tempered these flows. The demand for goods, services, and skilled labour attract entrepreneurial migrants from the Democratic Republic of the Congo, Kenya, Eritrea, Ethiopia, Somalia, Uganda, and the Sudan's Darfur region. In the period 2011 to December 2013, between 500,000 to 1.2 million labour migrants were estimated to be in South Sudan. When the civil war broke out in December 2013, many returned home. Large numbers of Kenyan and Ugandan labour migrants were also evacuated by their governments following the renewal of conflict in July 2016 (RMMS, 2016).

Other migrant workers have stayed and carved out a niche in a country in need of skills. South Sudan's labour market is characterized by the majority of its workers being engaged in unpaid or low-paid work in subsistence agriculture, as family workers, or self-employed in the informal sector. Low levels of schooling and technical and vocational skills have led to a lack of marketable skills (Eissa, 2013). Security concerns are a major factor preventing skilled South Sudanese from returning home.

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

Research on the regular labour migration of South Sudanese is hard to come by (Marchand, Reinhold, and Dias e Silva, 2017, p. 5). Discussions with informants indicate that most South Sudanese working abroad in the IGAD region are refugees and work in small businesses, supermarkets, agriculture, construction, and as teachers. South Sudanese also work in Egypt and the Sudan as domestic workers. Moreover, labour migration is linked to destination countries with which South Sudanese have existing connections, such as family or the diaspora. The contribution of the diaspora to South Sudan requires further research, and data on remittance flows to South Sudan is scant (Marchand, Reinhold, and Dias e Silva, 2017; Isaacs, 2017).

South Sudan acceded to the East African Community (EAC) Treaty on 15 April 2016 and became a full Member on 15 August 2016 (EAC, 2017). The EAC now counts six Partner States, with the remaining five being Burundi, Kenya, Rwanda, the United Republic of Tanzania, and Uganda. The Free Movement of Persons among EAC Partner States is provided for by the Treaty for the Establishment of the EAC and the Protocol for the Establishment of the EAC Common Market (CMP). The citizens of EAC Partner States may access the labour markets of other EAC countries, and have the right to residence and establishment, according to certain criteria. The Schedule for the Free Movement of Workers (CMP Annex II) contains the types of skilled workers that have market access and to which Partner States, and largely excludes low-skilled workers.

South Sudan is gradually being integrated into the EAC. It has been given three years to prepare and build the necessary capacities to implement the EAC Customs Union and the CMP. After the three-year period, South Sudan is allowed to request additional time to comply with certain requirements, in accordance with EAC laws. It's integration into the EAC will firstly focus on the Customs Union Protocol (implementation of the Common External Tariff and Single Customs Territory) and key provisions of the CMP, such as freedom of movement of capital, services, goods, persons, and labour (Ubwani, 2017).

The benefits that South Sudan should reap from its EAC membership include mobility for labour and educational purposes, access to a larger market for trade, and the ability to better address critical skills gaps in its labour market. Teachers, nurses, and other medical personnel are some of the skilled professions acutely needed in South Sudan. Further benefits include participating in regional knowledge sharing and institutions, which can assist in the country's socio-economic development. One such institution is the Inter University Council for East Africa, an EAC institution mandated to advise EAC Partner States on higher education matters (MME, 2013, p. 45). Its work includes promoting the harmonization of higher education standards in East Africa, and facilitating inter-university student and staff exchanges. Another is the East African Employers Organisation, which South Sudan joined in mid-2018. It brings together employers' organizations from the Partner States and works to promote their interests within the EAC region (Omar, 2018).

In 2016 South Sudan joined the Common Market for Eastern and Southern Africa (COMESA) Regional Customs Transit Guarantee (RCTG) carnet scheme. The RCTG facilitates the movement of goods under customs seals in the COMESA region by providing the necessary customs security and guarantees to transit countries (Mwambingu, 2016). South Sudan is yet to join COMESA as a Member State, which would require the President of South Sudan ratifying the COMESA Protocol (Okello, 2016).

South Sudan became a Member State of IGAD in 2011 (IGAD, 2018a). IGAD has been heavily engaged in peace efforts in South Sudan, and has facilitated its current peace agreement. IGAD has also spurred work on enhancing migration management in South Sudan, and across the region. IGAD is currently developing a protocol to allow for the free movement of persons among its members. IGAD's other Member States are Djibouti, Ethiopia, Kenya, Somalia, the Sudan, and Uganda, while Eritrea's membership is at present still suspended.

4. Overview of the roles and responsibilities of the key ministries and agencies

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Various government ministries and departments play a role in migration and mobility governance and engage in tripartite consultations with the Government in South Sudan.

The Ministry of Labour, Public Service and Human Resource Development (MOLPSHRD)

The role and responsibilities of the MOLPSHRD is set out in the Ministry's Policy Framework and Strategic Plan 2012–2016, which is still being applied. The labour function of the MOLPSHRD is implemented by the Directorate of Labour and Industrial Relations, the Directorate of Occupational Safety and Health, and the Directorate of Vocational Training.

The relevant remit of the Directorate of Labour and Industrial Relations includes to:

- ▶ develop, review, and implement labour laws, policies, plans, and regulations;
- ▶ promote and implement international labour standards;
- ▶ conduct labour inspections;
- ▶ investigate and resolve labour disputes;
- ▶ advise the Government, employers, employees, and trade unions on labour laws and policies, and promote social dialogue;
- ▶ guide and support the states' labour offices on labour issues; and
- ▶ regulate the employment of migrant workers by issuing work permits.

The relevant remit of the Directorate of Occupational Safety and Health includes to:

- ▶ steer the development of policies, laws, and regulations on occupational safety and health (OSH);
- ▶ inspect workplaces to ensure that OSH laws and regulations and standards are met; and
- ▶ investigate workplace accidents to determine liability and compensation.

The Directorate of Vocational Training establishes and oversees the operations of vocational training centres. Migrants can access these centres to undertake training, or take trade tests to have their skills recognized.

The implementation of the R-ARCSS may change the names and roles of the ministries. The MOLPSHRD is expected to be split into two ministries, with one dedicated to labour and another to public service.

The Ministry of Interior (MOI)

The Directorate of Nationality, Passports and Immigration (DNPI) falls within the MOI. Its role is captured in the Directorate's Strategic Plan 2017–2021. The DNPI is responsible for the implementation of nationality, passports, and immigration laws in accordance with the Nationality Act, 2011, and the Passport and Immigration Act, 2011. Its relevant functions include:

- ▶ managing the borders of South Sudan, processing people entering and leaving the country, issuing entry visas and residence permits and registering foreign nationals, and maintaining immigration records;
- ▶ deporting foreign nationals who have not complied with the laws of South Sudan; and
- ▶ combatting cross-border crimes, including human trafficking.

The Commission for Refugee Affairs (CRA) is situated in the MOI, and was established by the Refugee Act, 2012. The CRA coordinates programmes related to refugees, and serves as the secretariat of the Refugee Eligibility Committee, which is also established by the Act and assesses applications for refugee status. The Refugee Eligibility Committee consists of single representatives from the:

- ▶ Ministry of Justice (who serves as chairperson of the Committee);
- ▶ Ministry of Foreign Affairs and International Cooperation;
- ▶ Ministry of Defence and Veterans Affairs;
- ▶ Ministry of Gender, Child and Social Welfare;
- ▶ Ministry of Humanitarian Affairs and Disaster Management
- ▶ Internal Security Organization;
- ▶ the Director General of the DNPI;
- ▶ the Chairperson of the Human Rights Commission or their representative; and
- ▶ a representative of the Director of Border Police of the MOI.

The UNHCR may attend meetings of the Committee in an advisory capacity.

The CRA also advises the Government and the Refugee Eligibility Committee on refugee policy, and issues identity cards for refugees.

The Ministry of Humanitarian Affairs and Disaster Management (MHADM)

The mandate of the MHADM is captured in its Strategic Plan 2018–2020, and includes disaster risk management and implementing early warning systems. The Ministry participates in the formulation of policies on IDPs, refugees, and returnees. It also provides assistance to returnees, such as food and transport.

The Relief and Rehabilitation Commission (RRC) is the operational arm of the MHADM, and coordinates the relief, repatriation, rehabilitation, resettlement, and reintegration of IDPs and returnees, in consultation with the MHADM. The mandate of the RRC is captured in the Relief and Rehabilitation Commission Act, 2016.

NGOs who wish to operate in South Sudan need to register with the RRC in accordance with the NGO Act, 2016, and with the RRC's NGO Registration, Procedures and Regulations, 2016. International organizations (IOs) also need to register with the RRC, and the registration procedures are described in the RRC Regulations. Moreover, NGOs and IOs need to submit applications for residence and work permits for their staff to the RRC, as outlined in the RRC Regulations.

The Ministry of Gender, Child and Social Welfare (MGCSW)

The MGCSW develops and implements laws, policies, and programmes on gender equality, women's empowerment, child protection, and social protection, and mainstreams these topics into national development processes.

The Ministry of Culture, Youth and Sports

The Ministry of Culture, Youth and Sports develops policies and initiatives for the youth population, and tries to address the significant challenge of youth unemployment by facilitating training opportunities for youths. Such opportunities may help to avert irregular migration by youths who are in search of employment opportunities and a better life abroad. South Sudan classifies youths as persons aged between 15 and 35 years. The draft 2012 Youth Policy is still in Parliament, awaiting adoption.

The Ministry of Higher Education, Science and Technology

The Ministry of Higher Education, Science and Technology is in charge of the process to recognize the higher education skills of migrants in South Sudan. It also authenticates the documentation of higher education qualifications obtained in South Sudan for South Sudanese to work abroad.

The South Sudan Investment Authority

The South Sudan Investment Authority was established by the Investment Promotion Act, 2009, and promotes domestic and foreign investment in South Sudan. It should provide investment facilitation services to foreign investors, such as by assisting with obtaining the necessary authorizations and permits for the establishment and operation of an enterprise in South Sudan. Foreign investors need to obtain an Investment Certificate from the Investment Authority in order to invest and operate a business in South Sudan.

The Ministry of Finance and Economic Planning

The Ministry of Finance and Economic Planning prepares the budget and is in charge of resource allocation for the Government of South Sudan. It determines the country's fiscal policy and leads the development of its national development strategy.

5. National coordination mechanisms on migration

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The MOI is the lead agency for the coordination of migration issues in South Sudan, and legally established the NCM through the National Aliens Committee Procedures Regulations, 2013.

The mandate of the National Aliens Committee (NAC) was expanded to take on the role of the National Coordination Mechanism on Migration (NCM). The NAC falls within the Ministry of Interior's DNPI, which was established under section 29(2) of the Passport and Immigration Act, 2011. The MOI is the lead agency for the coordination of migration issues in South Sudan, and legally established the NCM through the National Aliens Committee Procedures Regulations, 2013, amended 2016 (IGAD, 2016, p. 13). The NAC, which consists of about 17 institutions includes the following ministries: the MOI, Foreign Affairs, MOLPSHRD, MHADM, National Security, Tourism, as well as the RRC and the CRA (Government of South Sudan, 2016). The NAC Regulations do not list any CSOs or social partners among its participants. It states that academia will participate upon invitation.

According to the NAC Procedures Regulations, the role of the NAC/NCM includes the following:

- ▶ to drive coordination among migration stakeholders and serve as a discussion platform for actors working on migration and related issues;
- ▶ to serve as the focal point for regional initiatives on migration;
- ▶ to facilitate the implementation of the IGAD Regional Migration Policy framework in South Sudan;
- ▶ to serve as the focal point for regional initiatives on migration;
- ▶ to shape migration policy in accordance with the socio-economic development plan of South Sudan; and
- ▶ to analyse and evaluate the presence of foreign nationals in South Sudan, monitor the application of law that applies to foreign nationals, and provide advice on deportation.

These Regulations also stipulate that the NAC should meet on a monthly basis. Discussions with informants indicate that NCM meetings have been infrequent. The International Organization for Migration (IOM) supported one meeting of the NCM in August 2018 in Juba (IOM, 2018b, p. 6).

A further coordination mechanism on migration is the Integrated Border Management Committee (IBMC), which was established in 2016 to strengthen inter-agency cooperation among border and migration management agencies. In 2018, the IOM, in cooperation with the MOI, facilitated a workshop for the IBMC, during which it was operationalized (IOM, 2018c).

6. Analytical Framework analysis

6.1 Pillar I. Strengthening labour migration governance

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

6.1.1.1 Labour market information and data

Overview

The National Bureau of Statistics (NBS) informed the study team that the Government's institutional capacity for data collection is weak. Statistical units have been established in various government ministries, with a view to facilitate the collection of data that would be used by the NBS. The NBS is raising awareness on the role of these units, but institutional and human capacity remains low, and they are in need of training. Capacity-building strategies should take into account the salaries of government officials. The NBS pointed out that competent government officials in line ministries that have received training on data collection tend to leave their government jobs for more attractive salaries elsewhere.

Labour market data is not systematically collected by the Government. According to the MOLPSHRD, labour market assessments have at times been conducted by IOs, such as the World Bank and the United Nations Educational, Scientific and Cultural Organization (UNESCO). In 2013, the *Manual for conducting market assessments in South Sudan* was developed by Forcier Consulting, in collaboration with the Government, for the Millennium Development Goals Achievement Fund United Nations Joint Programme on Youth Employment, which the ILO was a part of. The manual is aimed at assisting state agencies and development partners in undertaking assessments that identify areas where there is demand for certain goods and services, as well where there is no demand. This should inform the development of vocational and livelihoods training programmes that match market demand and lead to income-generating activities (Forcier Consulting, 2013, p. 1). The lack of marketable skills is a significant challenge in South Sudan. The NBS stated that the manual is not being used by government agencies, which could be due to financial constraints and the lack of the necessary national budget allocations. The fact that this manual was developed to support ministries in undertaking market assessments, but is not being used, points at how difficult it has been to build national capacities in South Sudan. The 2013–2018 civil war is likely to have disrupted many national capacity-building efforts. And as long as government salaries remain low and/or are infrequently paid, the Government will lose staff that have benefitted from capacity-building measures.

According to the MOLPSHRD's Policy Framework and Strategic Plan 2012–2016, which is still being applied, the Directorate of Labour and Industrial Relations in the MOLPSHRD is tasked with establishing and managing a labour market information system (LMIS). An LMIS is yet to be developed. According to the NBS, the Government plans to undertake its first labour force survey in 2019, which will capture data on the formal sector and informal sector in major towns, and will constitute South Sudan's first official data on the labour market. To date the only official labour market data they have is from the last census in 2008, which predates South Sudan's independence.

Assessment

- ▶ There is no central database on labour demand, labour supply, and skills gaps. There is no baseline on available skills, nor is there a strategy to identify skills that are needed. Data on the labour market is not systematically collected or analysed. The Government's capacities for labour market data collection and analysis need to be built. At the same time government salaries or other forms of compensation need to increase for skilled staff to remain in government positions once they are trained. South Sudan's National Development Strategy – Consolidate Peace and Stabilize the Economy July 2018–June 2021 – has as one of its priority actions to “develop a strategy for recruiting and retaining motivated professional staff” within a three-year timeframe. This falls under the Accountability Sector Results Framework, Sector Goal: “a cohesive, efficient and effective accountability sector with strategic objective more transparent and accountable governance arrangements”.

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

Overview

The MOLPSHRD collects data on labour migrants through the issuing of work permits, and has recorded this data on an electronic database since 2015. The database captures the position, qualifications, and countries of origin of regular migrant workers. The MOLPSHRD stated that a maximum of 4,000 work permits were issued in 2018, while it estimates the number of irregular migrants in the country at over 800,000.

Data on refugees and asylum-seekers is collected by registering them through the Biometric Identity Management System, which is jointly managed by the CRA and the UNHCR. Biometric registration and verification of refugees and asylum-seekers takes place every three years in refugee camps (IGAD, 2018b, p. 32).

The MOI is in charge of immigration, which is a Central Government function. The Ministry collects data on regular migrants through issuing them with visas, registering them once they are in the country, and issuing them with residence permits.

The IOM has been training South Sudanese government officials on the IOM's Migration Information and Data Analysis System (MIDAS) since 2011 (IOM, 2016). MIDAS is a customizable border management information system that can collect, process, and analyse data, including the following: biographic data; biometric data (photographs and fingerprints); travel document images; entry and exit data; visa data; and data on vehicles and flights (IOM, date unknown). In 2013 the Government started using MIDAS at Juba International Airport

(IOM, 2016). Today the system is also used at the Nimule border crossing point with Uganda. Other border crossing points record data manually. Many border crossing points are not operational and travelers pass through these sites without any control.

Assessment

The Government's labour migration data consists of data that is collected through immigration procedures and the issuing of work permits. South Sudan does not have data on its diaspora. Labour migration data is not systematically collected and analysed, or applied to labour migration policy.

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

Assessment

South Sudan has a very low literacy rate and skills are lacking in many sectors. Most sectors face a shortfall of qualified and committed workers, which is partly caused by hyper-inflation and low salaries. Discussions with informants confirm that doctors and teachers are especially needed. A solid evidence base of the sectors in which migrant workers are needed in South Sudan is lacking. The Government does not have a skills inventory that compiles data on the skills available in the country, nor does it have a systematic approach to identifying skills shortages. Information on labour migration flows between South Sudan and other IGAD Member States is largely anecdotal, as there is little research in this area. While IGAD and the EAC may at times discuss labour migration, South Sudan has very little labour market information and does not routinely share it at the regional level.

6.1.2 Thematic Area 2. Coordination on labour migration

6.1.2.1 Coordination of labour migration at national, regional, and continental levels

Overview

The NAC occasionally discusses labour migration. Moreover, the Undersecretary for Labour and Industrial Relations indicated in an interview that the MOLPSHRD and the MOI are working on establishing a body to coordinate the issuance of work and residence permits. A work permit issued by the MOLPSHRD is required to obtain a residence permit from the MOI, which calls for regular coordination between the two ministries. The planned body will reportedly also address issues regarding irregular migrants.

The MOLPSHRD lacks representation throughout South Sudan. There are currently 32 states in South Sudan, and MOLPSHRD labour offices in ten states. In some states the labour offices fall under other ministries that have representation in the state, and not under the MOLPSHRD. All state-level labour offices should implement the policies that are developed by the MOLPSHRD and serve as its representative at the state level. Moreover, according to the MOLPSHRD, coordination with the labour offices in the states is weak, as the Ministry lacks the necessary funds to call for coordination meetings with the labour offices in Juba.

Social partners and CSOs do not appear to be engaged in consultations or coordination on labour migration. For instance, South Sudanese social partners have not been involved in the formulation of the draft IGAD Free Movement of Persons Protocol. Tripartite meetings are convened irregularly and on an ad hoc basis when the need arises. The last tripartite meeting in South Sudan took place in 2016, when parties met to discuss raising salaries in the public and private sector. Moreover, there are two competing trade union organizations: the South Sudan National Workers Trade Union and the South Sudanese Workers Trade Union Federation. The MOLPSHRD stated that it has been difficult for them to know whom to collaborate with; though the South Sudan National Workers Trade Union was recently appointed as the official interlocutor of the Government. Trade unions are regulated by the Workers Trade Union Act, 2013, which does not exclude migrants from joining trade unions. Migrants, however, do not participate in trade unions in South Sudan.

Tripartite consultation takes place at the EAC level. The East African Trade Union Confederation (EATUC) is a regional trade union organization with members from the EAC Partner States. South Sudanese trade unions have yet to join the EATUC. In 2018 South Sudan joined the East African Employers Organisation (EAEO), which represents the interests of employers' organizations in the EAC region (Omar, 2018). Labour ministries of the Partner States, the EATUC, and the EAEO participate in tripartite consultations at the EAC, though formal tripartite structures have not been established. The EATUC and the EAEO collaborate on a number of issues, and have collectively brought issues of common concern to the attention of the EAC Secretariat and the East African Legislative Assembly (EALA), through research and advocacy. These include obstacles to the free movement of persons and the recommendation to standardize work permit applications across the EAC.

At the regional level, labour migration is at times discussed in IGAD meetings, such as the Regional Consultative Process, or at EAC meetings, but there are no systems in place to regularly share labour migration data or information between the IGAD Member States or EAC Partner States.

Furthermore, exchanges on labour migration data, policy, and practice takes place at African Union (AU) meetings and meetings of the Joint Labour Migration Programme (JLMP). The JLMP – which is led by the AU and implemented by ILO, IOM, and the United Nations Economic Commission for Africa – promotes migration and development by strengthening capacities for improved labour migration management at national, regional, and continental levels.

The AU has increasingly focused on migration and serves as a useful forum for bringing together origin, transit, and destination countries. In the past two years, the AU has held numerous migration consultations as it reviewed the AU Migration Policy Framework; developed the AU Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Establishment; and cultivated inputs for the Global Compact on Migration. With the implementation of the revised AU Migration Policy Framework for Africa and its Action Plan (2018–2030) having commenced in 2018, and its strong focus on labour migration and the free movement of persons, the AU will continue to serve as central forum for exchanges on labour migration laws, policies, and practice.

Assessment

At the national level, coordination between the MOLPSHRD and labour offices in the states needs to be strengthened, and the MOLPSHRD should work towards establishing independent labour offices in all states. Inter-ministerial coordination on labour migration should be reinforced and take place regularly, with a view to shaping labour migration policy objectives. The NAC/NCM should be used to strengthen such coordination, and social partners, CSOs, and relevant IOs should participate in the NCM. Tripartite institutions should be bolstered, and regular tripartite consultation meetings should be instituted and discuss labour migration policy objectives.

South Sudan should join the EATUC and actively participate in tripartite consultations at the EAC level. The Government should use regional and continental consultations on labour migration, in which it participates, to obtain data and analyses that can inform the development of South Sudan's labour migration policy objectives.

6.1.3 Thematic Area 3. Capacity to formulate and implement policy

6.1.3.1 Labour migration policy development and implementation

Overview

South Sudan's Development Plan 2011–2013 called on the Immigration Service to contribute to security and economic growth by facilitating the legal movement of persons across South Sudan's borders (Government of South Sudan, 2011, p. 270). Its next and current National Development Strategy – the aforementioned Consolidate Peace and Stabilize the Economy July 2018–June 2021 – does not address labour migration.

To date, South Sudan has yet to fully develop a labour migration policy. The NAC/NCM is mandated to guide the development of the migration policy and action plan (IOM, 2018a, p. 24). To this end, the NAC/NCM drafted guidelines for the development of a national migration policy, with the support of the IOM (Government of South Sudan, 2016). In 2017/2018, the IOM conducted a rapid migration trends analysis, which is informing the development of the migration policy. The IOM also plans to support the Government with the development of a "Migration Profile". A draft migration policy has been developed (which will be discussed immediately below), but solid data on migration to inform this process has been lacking.

The Government started developing the current draft migration policy in October 2018, with technical support from the IOM and funding from the EUTF and German Federal Ministry for Economic Cooperation and Development (BMZ)'s Better Migration Management Programme, as well as from the Government of Japan. Government actors participated in a consultative workshop to set the future policy's priorities. The policy was subsequently developed through consultations with the NCM. The draft migration policy was discussed by government agencies and non-state actors during a two-day workshop in Juba, on 20–21 February 2019. Once the policy is finalized, the MOI will present it to the Council of Ministers for their review and endorsement. Then the Ministry of Justice and Constitutional Affairs will

review the policy, before presenting it to Parliament for its final adoption (IOM, 2019). The draft migration policy is not yet available for public review, but it reportedly sets out labour migration issues in South Sudan, as well as labour migration policy objectives.

According to the MOLPSHRD, the Government would like to develop a labour migration policy. It will be important for such a process to build on the experience of developing the migration policy and the labour migration priorities that emerged from the consultation process.

Assessment

The draft migration policy is a first step towards developing clear labour migration policy objectives. Once adopted, a labour migration policy should be developed through a whole-of-government approach, with the active participation of the NAC/NCM, CSOs, social partners, and IOs. According to the MOLPSHRD, important issues to be addressed in a future labour migration policy will be the lack of government presence in many areas of South Sudan and the influx of irregular migrants due to open, uncontrolled borders and weak governance. Labour migration needs to be better regulated and the MOLPSHRD requires a better understanding of the state of labour migration to and from South Sudan in order to do so. A solid evidence base of the labour market and of skills deficits is required to develop a labour migration policy that attracts the necessary skills and allows for the transfer of skills to build national capacities.

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

Overview

South Sudan does not have policies in place to protect migrant workers, nor does it have any bilateral labour agreements with other States. The IOM plans to support the DNPI with the development of a legal framework that addresses the protection of migrant workers and members of their families, and related capacity building (IOM, 2018a, p. 24).

Article 69 of the Labour Act, 2017, states that employers are only allowed to deploy a worker abroad or to another location with their written consent. A worker who is deployed more than 100km from the place of recruitment is entitled to:

- a. an additional four day paid leave each year; and
- b. repatriation of an employee and any family members residing with the employee, upon termination of the employment.

This provision, if enforced, offers some benefits to migrant workers.

Various aspects of the Labour Act are yet to be implemented, and the Government's capacities to enforce its provisions remain weak.

Assessment

The Government of South Sudan needs to be supported by partners, such as the ILO, to fully implement the Labour Act and develop policies and instruments to regulate and monitor the labour migration of South Sudanese, as well as to offer protection to migrant workers in South Sudan.

6.1.3.3 Ratification and domestication of international labour migration Conventions

Assessment

South Sudan has not acceded to the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); or the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The migration policy development process and NAC/NCM meetings should be used to raise awareness on these Conventions with a view to achieving their signature.

6.1.4 Thematic Area 4. Regulating employment agency practices

6.1.4.1 Employment contracts

Overview

Article 42 of the Labour Act, 2017, allows for written and oral employment contracts. Article 43 states that the employment contract should contain all information necessary to define the rights and obligations of the parties, including:

- ▶ the name of the employer and employee;
- ▶ the place of employment;
- ▶ nature of the employment;
- ▶ employment position;
- ▶ duration of the contract;
- ▶ notice period for the termination of the contract by either party;
- ▶ remuneration;
- ▶ welfare measures for the employee and their family members; and
- ▶ repatriation, if applicable.

Article 44 on “Statement of Terms of Employment” requires the employer to provide the employee with the content of the employment contract, as prescribed in article 43, in a form that the employee understands. For oral contracts, the employer should provide the employee with a written statement that contains this information, or if the terms of the oral contract are the same as those applying to other employees, a notice should be placed in the workplace explaining this information in a language that the employee understands. In the event of legal proceedings, where an employer fails to provide a written contract or

statement, the burden of proof shall be on the employer. Article 44(7) requires that employers (or a party designated by the employer) explain the information in the employment contract to employees who are illiterate or who cannot understand the language or provisions in the contract. This should occur in the presence of a witness.

Article 48 states that disputes regarding employment contracts may be referred in writing to the Commission for Conciliation, Mediation and Arbitration, and if it is not solved within one month the Labour Court may adjudicate the dispute. However, the MOLPSHRD indicated that the Commission and the Labour Court, which are both defined in the Labour Act, 2017, have not been set up. At present, only the MOLPSHRD and labour offices can intervene to solve labour disputes. Furthermore, the MOLPSHRD highlighted that awareness needs to be raised among workers and employers of what constitutes an employment contract. If an employer has engaged a worker for a period of time, it amounts to an employment contract.

Assessment

The Government should require written employment contracts by law in all cases, and strengthen the enforcement of employment contracts. The Commission for Conciliation, Mediation and Arbitration and the Labour Court referred to in the Labour Act, 2017, need to be established.

6.1.4.2 Licensing and monitoring of private employment agencies

Overview

Chapter 4 of the Labour Act, 2017, addresses the licensing of private employment agencies (PEAs). PEAs need to obtain a license from the Office of the Labour Commissioner, which is valid for two years. The Office of the Labour Commissioner will issue a license if it views the applicant as being qualified to own and manage a PEA, and considers the workplace of the PEA suitable for its activities. A license will specify:

- ▶ the name and premises of the PEA;
- ▶ the area or foreign country where the PEA may operate;
- ▶ the types of employment the PEA may engage in; and
- ▶ any other conditions under which the PEA is allowed to operate.

A PEA should display the licence on its business premises. The Office of the Labour Commissioner will keep a registry of PEAs. The license renewal process will be on the basis of regulations to be issued by the MOLPSHRD. These regulations have not yet been issued.

The Office of the Labour Commissioner can cancel or change the terms of a license if a PEA representative has committed an offence under the Labour Act, or is considered unfit to engage in recruitment. A licence can be suspended during an ongoing investigation by the Labour Inspectorate on the fitness of the PEA to perform the services it was licenced for. The license renewal process is not specified.

The MOLPSHRD informed the study team that no PEAs have been licensed in South Sudan; no inspection of PEAs have taken place; and that PEAs are not currently deploying South Sudanese migrant workers. The MOLPSHRD indicated that they do not yet have the necessary

institutional capacity, regulations, and monitoring mechanisms in place to allow for PEAs to deploy South Sudanese migrant workers. No pre-departure training is currently provided in South Sudan, or required in the Labour Act, 2017. Moreover, South Sudan has not acceded to the ILO Private Employment Agencies Convention, 1997 (No. 181). The MOLPSHRD did reveal, however, they had received a request from a Ugandan company to deploy South Sudanese migrant workers to the Gulf countries, as their knowledge of Arabic is regarded as an asset².

Assessment

The legal framework for the licencing of PEAs has not been operationalized. Moreover, the regulations that will specify the renewal process for PEA licenses need to be developed, and PEAs should be required to ensure that migrant workers receive pre-departure training prior to their deployment. The ILO should provide the Government of South Sudan with training on Convention No. 181, with a view to fully develop the necessary legal framework for the regulation of PEAs, and the institutional capacity to implement it. In the long-term the ILO should also support the Government in the development of a pre-departure training curriculum for migrant workers. A pre-departure training curriculum should include training on migrants' rights; health and safety issues; basic financial literacy; conditions in the country of destination; and information on how migrants can seek help in case of distress.

6.1.4.3 Recruitment and placement fees

Assessment

In accordance with international labour standards, the legal regulatory framework governing PEAs should forbid them from charging migrants' recruitment fees and related costs, directly or indirectly. This is not specified in the Labour Act, 2017, which is at present the only regulatory framework in place to regulate PEAs.

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

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

6.2.1.1 Rules and regulations governing labour migration and mobility

Overview

Entry permits

Certain nationalities can receive a visa on arrival in South Sudan, including EAC nationals and Egyptian, Ghanaian, and Sudanese nationals. Entry visas are granted by the DNPI, and

² Prior to South Sudan's independence, education was largely provided in the Arabic language.

regulated by the Passport and Immigration Act, 2011, and the Immigration Regulations, 2011. Article 14 of the Passport and Immigration Act, 2011, states that a visa will be issued if a foreign national:

- a. has a valid passport for the period of his/her stay in South Sudan;
- b. can demonstrate sufficient financial resources to cover his or her personal expenses while in South Sudan and the return to the country of origin; and
- c. has valid certificates of inoculation or immunization as the Minister of Health may from time to time prescribe.

Chapter 2 of the Immigration Regulations, 2011, covers entry permits, which are granted for visits; education; tourism; medical treatment; work; and missions. All entry permits require:

- ▶ a signed application form;
- ▶ a passport with at least six months' validity;
- ▶ two photos;
- ▶ proof of financial means of support while in South Sudan;
- ▶ a return flight ticket;
- ▶ documentary evidence, such as an employment contract;
- ▶ a South Sudanese guarantor who pledges to take care of the foreign national during their stay in South Sudan; and
- ▶ a yellow fever certificate.

In addition, entry permits for business require proof of the business interest or proof of investment, and proof of the capital of the business venture, where required by the competent authority. An entry permit for work will only be issued if a work permit has been obtained from the MOLPSHRD. The requirements for the entry permit for work are a letter from the employer confirming employment and a work permit. A foreign national who wishes to work as a self-employed person in South Sudan must obtain a work permit prior to entering South Sudan. Such an applicant also needs to provide a certificate of registration of the business/company for whom they will work; a letter from the business/company owners' association; and a memorandum indicating the period of ownership.

Media persons also need clearance from the South Sudanese Media Authority and National Security Service prior to their arrival in South Sudan. This requirement is not specified in any law.

The Financial Act 2018/19, captures the costs related to immigration in schedule 24 on "Immigration, Nationality and Passports". Single entry visas cost between US\$50 and US\$160, and multiple entry visas cost between US\$125 and US\$500, depending on the country of origin.

The Passport and Immigration Act, 2011, specifies that the DNPI will register foreign nationals upon arrival in South Sudan (article 7). Chapter 6 of the Act requires foreign nationals to register with the nearest "Competent Authority", which is defined throughout the Act as an official delegated by the Minister of Interior. This entails an additional cost, which does not appear to be regulated, leaving room for officials to determine the cost at whim.

Work permits

The MOLPSHRD issues work permits, which are valid for a maximum period of one year. Only United Nations (UN) staff and diplomats do not require work permits. The requirements for work permits are not specified in any law or regulatory framework. An application form for a work permit can be obtained from the MOLPSHRD. The application form lists the requirements for obtaining permit, which vary according to the sector for which the work permit is needed.

During an interview for this study, the MOLPSHRD indicated that the following documents are required to obtain a work permit:

- ▶ a passport with at least one year of validity;
- ▶ an employment contract;
- ▶ an entry visa that specifies that the applicant is in South Sudan for work³;
- ▶ a certificate of incorporation for the organization that the applicant is working for, in the case of NGOs a certificate from the RRC is required;
- ▶ a tax certificate of the employer from the Ministry of Finance;
- ▶ a completed application form; and
- ▶ a US\$50 application fee.

In addition, the work permit application form lists additional requirements, including:

- ▶ an application letter from the employer
- ▶ a curriculum vitae
- ▶ academic certificates
- ▶ trade license and operation license
- ▶ membership certificate
- ▶ approval from the Ministry of Health
- ▶ Criminal Investigation Department (CID) clearance certificate

The requirements are not explained on the application form, and an applicant would need to visit the MOLPSHRD to figure out how to fulfil all these requirements. Discussions with informants shed light on how a CID Clearance certificate is obtained. The CID is part of the police, and will do a background check on foreign nationals before a work permit is granted, for which they liaise with Interpol, which checks that the person is not in their crime database. The same process takes place for the renewal of work permits.

The RRC's NGOs Registration, Procedures, and Regulations, 2016, requires NGOs and IOs to submit work permit applications for foreign staff to the RRC. Moreover, the RRC stated that an RRC letter of no objection is required for IO and NGO expatriate staff to obtain an entry visa for South Sudan and a work permit.

³ This practice appears to be the opposite of what is specified in the Immigration Regulations, 2011. As noted above, the Regulations state that an entry permit will only be issued if the foreign national has already secured a work permit. This will be addressed further in the Assessment section below.

The 2019 cost of work permits is captured in an Official Notice to the MOLPSHRD⁴, and are as follows:

- ▶ consultants and managers – US\$2,000 (this has been reduced from the US\$10,000 charged in the 2016/17 financial year);
- ▶ professionals – US\$1,500 (reduced from US\$10,000 in 2016/17);
- ▶ technicians – US\$1,000 (reduced from US\$2,000 in 2016/17);
- ▶ skilled workers – US\$800 (reduced from US\$1,000 in 2016/17);
- ▶ unskilled workers – US\$500.

EAC citizens still currently pay for work permits in South Sudan.

Article 33(f) of the Refugee Act, 2012, and article 67 of the Refugee Status Eligibility Regulations, 2017, entitle refugees to the right to seek employment. Refugees need a UNHCR refugee card to apply for a work permit, and need to complete the same work permit application process and pay the same fees as other migrant workers. The MOLPSHRD stated that very few refugees have been issued with work permits. Refugees who do work, appear to work in the informal sector. In 2017, approximately 3–5 per cent of refugees were employed in the informal sector (IGAD, 2018b, p. 32).

Article 46 of the Labour Act, 2017, deals with Foreign Employers and Employees. It requires a foreign employer to “give priority of employment, at least 80% at different levels of management, to nationals, especially where necessary skills are available”. Foreign employers should also provide their list of employees to the Office of the Labour Commissioner.

The requirements for employing a foreign national are the following:

- ▶ the required qualifications, skills, and experiences are not available locally;
- ▶ the foreign national has a valid work permit;
- ▶ the terms and conditions of the foreign national’s employment contract conform to the Labour Act and have been approved by the Office of the Labour Commissioner;
- ▶ the Labour Commissioner is satisfied that the foreign national has agreed to the contract;
- ▶ the employee is medically fit to fulfil the work required in the contract; and
- ▶ the employee is not contracted to perform other work.

Article 47 states that the employer may need to provide a security bond to the Office of the Labour Commissioner in the prescribed format (which is not further specified), and the amount shall be determined by the Labour Commissioner.

Article 25(3) of the Passport and Immigration Act, 2011, requires an employer who employs a foreign national to inform the “Competent Authority” of it within three days of the commencement of the employment. Upon termination of the employment contract, the employer should inform the Competent Authority of the termination within 48 hours.

The Immigration Regulations, 2011, requires in chapter 6 on “Registration of Aliens”, that employers report foreign employees to the Directorate of Immigration or one of its branch offices, and submit to the Directorate a completed Aliens Employment Information Form.

⁴ The MOLPSHRD informed the study team that the work permit costs in the Financial Act 2018/2019 are incorrect and that the Official Notice to the MOLPSHRD contains the correct fees.

Chapter 4 of the Labour Act, 2017, addresses “Employment Exchanges”. The Competent Authority⁵ will establish employment exchanges and determine which types of employment the exchanges will be concerned with. Employment exchanges are supervised by the Office of the Labour Commissioner. Unemployed persons can register with these exchanges, which will recommend the workers to employers on the basis of their suitability for specific positions. Employers can only issue vacancies once written permission has been obtained from the concerned employment exchange (which is understood to be the employment exchange responsible for a specific sector/profession), and the vacancy should contain the serial number of the permission issued by the employment exchange. Moreover, employers need to request the concerned employment exchange to nominate a person who can fill the vacancy, and must appoint the person nominated by the exchange. An employer is free to hire a worker of their own choice, if the employment exchange informs the employer that they do not have a suitable nominee, or if the employment exchange has not provided the employer with a suitable nominee within 14 working days from date the request was received. The Competent Authority shall ensure that the following work categories are reserved for nationals only: vending, hawking, driving, office support staff, and manual work.

Residence permits

Chapter 5 of the Immigration Regulations, 2011, addresses residence permits. Residence permits are issued by the DNPI, and all residence permit applications require:

- a. An application in the form provided as annex 6 A in these Regulations
- b. A valid passport
- c. Proof of legal immigration status in South Sudan in the form of valid entry permit (visa)
- d. A health certificate issued by a medical practitioner confirming that the applicant is not suffering from a contagious disease that would constitute a threat to public health in South Sudan
- e. A photocopy of the passport
- f. Two photos of size 45 millimetres high by 35 millimetres wide
- g. Proof of payment of prescribed fees
- h. Security and Police clearance
- i. Proof of work and residential address (article 27).

All residence permits are renewable and serve as multi-entry visas that allow the resident permit holder to exit and re-enter South Sudan. The validity of a residence permit shall not exceed that of the passport of the applicant, and can include a spouse and children.

Chapter V of the Passport and Immigration Act, 2011, addresses “Residence in South Sudan”. Under the Act, “Ordinary and Temporary Residence Permits” may be granted to:

- ▶ foreign nationals who have continuously resided in South Sudan for at least five years; and
- ▶ foreign nationals who have resided in South Sudan for more than two years and work on scientific, technical and commercial activities determined by the MOI Minister to be valuable to South Sudan (article 20(1)).

⁵ Defined at the beginning of the Labour Act, 2017, as the Minister of Labour and the corresponding ministers at the state level.

An Ordinary Residence Permit is valid for two years and is renewable for additional two-year periods. A Temporary Residence Permit is valid for 12 months and is renewable for additional 12-month periods, and may be granted to foreign nationals not eligible for Special Residence Permits or Ordinary Residence Permits. The Immigration Regulations, 2011, state that Temporary Residence Permits are given for the purposes of work; study; investment; or any other purposes determined by the competent authority.

The Passport and Immigration Act, 2011, states that Special Residence Permits are valid for five years and may be granted to:

- ▶ foreign nationals that have continuously resided in South Sudan for at least three years; and
- ▶ foreign nationals that have resided in South Sudan for more than five years and work on scientific, technical, and commercial activities determined by the Minister of Interior to be valuable to South Sudan (article 19(1)).

The Immigration Regulations, 2011, state in article 31 that the spouse of a South Sudanese national can be given a Special Residence permit if they are married to a South Sudanese; are resident in South Sudan; and both spouses plan to continue residing in South Sudan.

Article 32 of the Immigration Regulations, 2011, state that the competent authority will issue a resident card to the resident permit holder, which should be kept on their person at all times.

Article 21 of the Passport and Immigration Act, 2011, deals with the “Forfeiture of Residence Permits”. A special or ordinary residence permit can be forfeited due to a continuous absence from South Sudan for more than six months, unless a return visa has been obtained prior to departure. A continuous absence from South Sudan of more than one year will cause an ordinary residence permit to be forfeited, even when a return visa has been obtained. These terms do not apply to foreign nationals who have been abroad on a mission for their government. Special and ordinary residence permits can be cancelled if the grounds on which they were granted cease to exist (article 22).

According to Schedule 24(b) of the Financial Act 2018/19, a one-year residence permit costs US\$20; a two-year residence permit costs US\$70; a three-year resident permit costs US\$100; and a five-year residence permit costs US\$170.

Discussions with informants highlight that, in practice, residence permits are hard to obtain, and few foreign nationals acquire them. One informant indicated that migrant workers could live and work in South Sudan for two years with a work permit before a residence permit needs to be obtained. This is not reflected in any known law or regulation.

Assessment

The process for the issuing of work permits is confusing, and appears contradictory. On the one hand an employment contract is required to obtain a work permit from the MOLPSHRD. On the other hand, the Labour Act states that foreign employers may only employ foreign nationals once they already have a work permit. Moreover, the Immigration Regulations,

2011, require a migrant to hold a work permit to obtain an entry permit for work. However, discussions with informants indicate that, in practice, a work permit is obtained once the migrant worker is in South Sudan. The process prescribed by law and the de facto process should be the same. The process should be clarified and captured in one policy document, and clearly outlined on an online portal to facilitate labour migration and mobility. The laws that regulate these processes should be specified, and ministries dealing with labour migration should be informed of the legal framework in order to provide migrant workers and employers with correct and up-to-date information. In addition, while work permit fees have been reduced, they remain high, and should be further reduced to enhance labour migration and mobility. The cost of entry visas should also be reduced to facilitate labour mobility and business development.

The process regarding residence permits should also be clarified and simplified. The many different types of residence permits, and the subjective conditions on which they are issued, are confusing, and pose an obstacle to labour migration. It is also not clear what the reason is for the shortfall in the issuing of residence permits, and whether migrant workers are in some kind of legal limbo if they are not granted residence permits.

Migrant workers are discriminated against by preserving certain jobs for nationals, and by requiring a foreign employer to “give priority of employment, at least 80% at different levels of management, to nationals”. However, given the poverty levels in South Sudan and the need for income-generating opportunities for its population, preserving certain low-skilled job categories for nationals may be a necessity at this stage. But the role that employment exchanges are legally required to play in the recruitment of workers risks imposing stifling bureaucracy on the labour market, and negatively impacting on meeting labour market needs. Such a system can potentially hinder the recruitment of migrants, who could be providing critical skills.

6.2.1.2 Circular and return migration

Overview

The Transitional Constitution of South Sudan, 2011, allows for dual nationality, which is favourable for circular migration. It states in chapter 2 on “Citizenship and Nationality” that South Sudanese nationals may acquire the nationality of another country, and that foreign nationals can acquire South Sudanese nationality through naturalization as shall be prescribed by the law. Circular and return migration, however, remains curtailed by uncertainty regarding South Sudan’s future and the longevity of its peace.

In 2013 the IOM implemented the project “Enhancing South Sudan’s Human Resources for Health through Strengthened Engagement of Health Professionals in the Diaspora”. Through this project the IOM identified and aimed to engage members of the South Sudanese diaspora with health skills, and to facilitate the transfer of these skills to South Sudan’s health-care system, especially its health training institutes and medical colleges (IOM, 2013). A 2014 South Sudan Diaspora Engagement Strategy was also developed, which focuses on the engagement of the diaspora in the health sector.

The IOM's South Sudan's Migration Management Unit is planning on working with the Government on diaspora engagement, with a focus on harnessing the benefits of remittances and human resource mobilization for public sector institutions (IOM, 2018a, p. 24).

Assessment

The Government does not have a comprehensive strategy on diaspora engagement, or a government agency dedicated to diaspora engagement. It also lacks data on the South Sudanese diaspora, which hampers its ability to determine the areas in which the diaspora could contribute to South Sudan and the mechanisms to engage them.

6.2.1.3 Labour exchanges and critical skills

Overview

South Sudan's still fragile peace and security conditions limit its possibilities to engage in labour exchanges, and it does not currently undertake labour exchanges. In the past, technical assistants from Ethiopia, Kenya, and Uganda were brought to South Sudan to provide capacity building to ministries through an IGAD initiative, implemented by the UN Development Programme and the MOLPSHRD, and funded by the Government of Norway. The technical assistants were called "civil servant support officers" and would be deployed for two years to a ministry, following a request from a ministry for a number of experts in a certain area, such as doctors for the Ministry of Health. During the first phase of the programme, 220 civil servant support officers were deployed, and during the second phase, 100. The MOLPSHRD informed the study team that a third phase of this programme is currently being negotiated, but also that the programme lacked skill transfer and the building of national capacities. In practice, the seconded civil servant support officers would simply perform the job that a civil servant would normally perform.

Teachers, doctors, and nurses are occupations that are critically needed in South Sudan. Teachers are needed at all levels of education, and the shortage is partly due to teachers leaving their jobs as a result of low salaries. There have been efforts to address this critical skills shortage by topping up the salaries of teachers.

Assessment

There are currently no mechanisms in place to fill critical skills gaps by attracting migrant labour or through return of members of the diaspora. Moreover, there is no strategy for the transfer of skills from migrant workers to nationals, and it should be a top priority to develop such a strategy. It is essential that future labour exchanges and temporary work schemes to South Sudan have a skill transfer strategy built into them.

6.2.1.4 Establishment and investment

Overview

The Investment Promotion Act, 2009, which is still being applied, established the Southern Sudan Investment Authority, with a view to promote investment, support investors, and enhance the investment climate. The Act requires foreign investors to apply for an Investment Certificate in order to invest in the country. In order to be eligible for the certificate, the investment needs to be considered lawful and beneficial to the country. A number of criteria are listed for an investment to be considered beneficial, such as employment creation, transfer of technology, and contribution to tax revenue (article 22). In issuing the certificate the Authority shall take into account the investment priority sectors specified by the Act, which include agriculture; physical infrastructure, such as roads and bridges; social infrastructure, such as schools and hospitals; mining; and forestry. According to article 24 of the Act, a South Sudanese national investor who does not have an investment certificate can still invest, provided that they register the investment with the Investment Authority.

The Financial Act 2018/19 states that an Investment Certificate for an international company costs US\$250. The Investment Certificate entitles the investor to tax exemptions and other concessions that are detailed in the Investment Promotion Regulations, 2012. During the interview for this study, the Investment Authority pointed out that Investment Certificates are often not applied for, and that more needs to be done to enforce this requirement.

The Investment Promotion Act of South Sudan, 2011, allows foreign investors to own and operate businesses, apart from a few sectors that have been preserved for national investors, such as the postal services and car hire and taxi businesses. A foreign company can fairly easily register a branch in South Sudan, for which an unwritten rule requires a letter from the relevant consulate in South Sudan to be sent to the Ministry of Foreign Affairs, stating that the company is in good standing with the consulate. Explicit legal requirements for South Sudanese to co-own businesses do not exist, but informally it is required, with national ownership ranging between 1 per cent to 30 per cent (Kosar, 2013). The aforementioned requirement that a foreign employer “give priority of employment, at least 80% at different levels of management, to nationals” (article 46 of the Labour Act, 2017) discriminates against foreign employers and poses an obstacle to establishment and investment.

According to the Investment Authority, preferential treatment is accorded to investors from countries with which an investment protocol has been agreed. South Sudan has signed a such a protocol with the Government of Ethiopia, which allows investment in any sector. The Authority is planning on developing further protocols with Eritrea, Kenya, the Sudan, and Uganda. The sectors that will be open to investment will depend on the unique protocol agreed with each country.

The Investment Authority requires reinforcement, such as training on customer service. It requires closer collaboration with investors, and indicated that it is working on a checklist that can be given to investors, so they will be fully briefed of the requirements for investment. Moreover, it needs an investment policy and a dedicated website to promote investment in South Sudan. the Investment Authority is planning on organizing an investment conference to network with prospective investors. Such a conference was held in 2013, but shortly

after the conference took place the 2013 coup occurred, and the benefits of holding the conference could not be reaped.

Assessment

Foreign investors are discriminated against by requiring them to hold an Investment Certificate; by reserving certain sectors for investment by nationals; and by requiring that 80 per cent of their employees are nationals. The Government of South Sudan has concluded a Protocol with the Government of Ethiopia that allows it to invest in all sectors in South Sudan, and plans to conclude similar protocols with other IGAD Member States.

Despite efforts to enhance the business environment, transparent laws, processes, and institutions are yet to be established in South Sudan. The institutional framework falls short of providing protection and certainty to investors, and can also be exploited by entrepreneurs to conduct business without proper monitoring of their affairs. This can lead to unscrupulous practices, including the exploitation of workers (Kosar, 2013). Moreover, the lack of transparent processes, robust institutions, and rule of law can translate into discrimination against foreign investors in practice, and fuel corruption. The legal and institutional environment needs to be strengthened to ensure that investors and workers are protected. In addition, the Investment Authority needs to be strengthened and should have a website that details all the rules, regulations, and incentives for investors.

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

6.2.2.1 Disseminating information to migrant workers

Overview

The Ministry of Gender, Child and Social Welfare (MGCSW), in conjunction with UN-Women, conducted a study on gender and cross-border trade to determine how they can support female entrepreneurs. Following the study, the MGCSW is working with the South Sudanese Women Entrepreneurs Association and supporting South Sudanese female small cross-border traders by providing them with training and information on the rules and laws governing cross-border trade, including tax policies, procedures at the border, custom laws, and charges according to local authorities, such as at the Nimule border crossing point.

Assessment

IOs and NGOs disseminate information to refugees and vulnerable migrants in South Sudan, but not specifically to migrant workers. There do not appear to be any activities aimed at disseminating information to migrant workers in South Sudan.

The MGCSW has provided South Sudanese female small cross-border traders with information to facilitate their trade with neighbouring countries.

6.2.2.2 Education, training, skills recognition, and the harmonization of qualifications

Overview

The UNHCR provides training to refugees, including financial literacy training and tailoring training. Migrants can access vocational training and educational opportunities in South Sudan at their own cost. For a migrant to enter the school system at a certain level, an equivalence test may be required. EAC citizens pay the same fees as nationals at public and private institutions. The Immigration Regulations, 2011, state in article 15 that in order to enter South Sudan to engage in education, a study permit needs to be obtained prior to entering the country. This entry permit requires an admission letter from an accredited learning institution and proof of financial support for the period of the study.

In a country greatly in need of reinforcement of its education sector, the priority is to roll out quality education to all its citizens, and there are therefore no efforts at present aimed at enhancing the educational and training opportunities of migrant workers.

Twenty-one government bodies are involved in the governance of the technical and vocational education and training (TVET) sector. Most TVET service provision is by non-governmental actors. TVET certification is fragmented, with agencies following their own certification processes, which has caused confusion regarding the validity of certifications in the workforce and labour market. There is a strong need to establish a streamlined certification process (UNESCO, 2018). The lack of such a process could hamper the integration of migrant workers into the labour market if they have obtained TVET qualifications in South Sudan that are not necessarily recognized. It will also hamper the labour migration of South Sudanese if the certification they have obtained is not considered credible.

UNESCO is encouraging the Government to develop a comprehensive TVET policy, as the ministries of labour and education currently have their own policies and appear to work in parallel to one another. UNESCO is also considering supporting the Government with the development of a National Qualifications Framework at a later stage.

Migrants can obtain recognition of their skills through trade tests that are conducted at the MOLPSHRD's vocational training centres, of which there are six. Migrants need to pay an administrative fee and for the cost of the material, which differs by centre, and according to the MOLPSHRD, few migrants are using these skills recognition systems.

In terms of skills recognition for higher education, the process is the following: The Ministry of Higher Education, Science and Technology has memoranda of understanding (MOUs) with various countries whose educational certificates it automatically accepts, including Egypt, Ethiopia, Kenya, the Russian Federation, the Sudan, and Uganda. The Ministry's Directorate of Admission, Evaluation and Authentication of Foreign Certificates equates the educational certificates of foreign nationals that are in the process of applying for a work permit. In the absence of an MOU, a technical team, generally on the subject matter at hand, will conduct an investigation and make recommendations on how to equate an educational certificate, and whether an equivalent certificate should be issued.

The Ministry indicated that it plans to work on developing a standardized system for the recognition of refugees' skills across all IGAD Member States, within the context of the Djibouti Declaration on Refugee Education, which was adopted by IGAD Member States in December 2017. Commitments made in the Djibouti Declaration include: ensuring that refugees, returnees, and host communities have access to quality education; and that the qualifications of refugees and returnees – across all levels of education – are recognized.

It is expected that South Sudan will, over time, work towards the harmonization of its education and training systems with those of EAC Partner States, as part of its integration into the EAC. At present, South Sudanese are, for example, facing challenges with accessing the education system in Kenya, a popular destination for South Sudanese who wish to study abroad. Discussions with the Ministry of Higher Education, Science and Technology highlighted that South Sudanese need to complete secondary school in Kenya if they wish to go to university in Kenya. But steps are underway to foster integration into the EAC region. For example, Kiswahili has been introduced as a secondary language in the national school system in South Sudan. The harmonization of South Sudan's higher education system with the rest of the region could be supported by the Inter University Council for East Africa.

Assessment

While migrants are allowed to access education and training at their own cost, the education system is weak in terms of human and institutional capacities, and the TVET system needs to be harmonized and streamlined. A comprehensive TVET policy needs to be developed, and a streamlined certification process put in place. The skills obtained by migrants through such an improved system should aid them in accessing the labour market in South Sudan or abroad. There are mechanisms in place for migrants to have their skills and education recognized in South Sudan, and the Government should provide migrants with information on these systems.

6.2.2.3 Facilitating remittances

Overview

There is little data on remittances flows to South Sudan. One statistic that could be found is US\$24.6 million having been remitted to South Sudan from Australia in 2012 by South Sudanese Australians. Remittances support diverse needs in South Sudan, including access to clean water, food, shelter, and funding marriage dowries and business enterprises (Mamer and Maher, 2013).

Anecdotal information suggests that the volume of remittances flows to South Sudan is significant, and increasing as the value of the South Sudanese pound has fallen. Direct transfers to remote parts of South Sudan are difficult due to the absence of banking facilities. The "near diaspora" in countries in the region, such as Kenya and Uganda, who have access to mobile banking networks, perform a bridging role. They can more easily cross into the country and access informal networks through which remittances can be transferred. Anecdotal evidence suggests that armed groups are supported through similar financial flows. South Sudanese diaspora communities are often ethnically and politically divided, and remittances may be fuelling conflict (Carver, 2017).

Assessment

The remittances systems and flows to South Sudan need to be studied to understand their possible positive and negative effects, and how remittances can be harnessed to positively impact on the country's development. There do not appear to be any government policies in place to promote remittance transfer, nor any attention paid to the costs paid by migrants or the diaspora to complete such transfers.

6.2.3 Thematic Area 3. Promoting social integration and inclusion

6.2.3.1 Promoting migrants' integration, including public education and awareness-raising campaigns on the contribution of migrants

Overview

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

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

Assessment

There are no efforts specifically aimed at the integration of migrant workers in South Sudan, nor are there public education or awareness-raising campaigns regarding the contribution that migrant workers are making to South Sudan. The CRA has requested research on the contribution that refugees and migrants are making to South Sudan.

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

Assessment

The spouse and children of a migrant worker are allowed to accompany the worker to South Sudan. Article 23 of the Passport and Immigration Act, 2011, states that "a residence permit shall extend to the alien, his or her spouse or spouses, children and dependents".

Family members, however, need to acquire their own work permits if they wish to engage in employment. Children may access the education system.

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

6.3.1 Thematic Area 1. Protection of migrant workers' rights

6.3.1.1 Protecting the rights of migrants

Overview

Human rights are enshrined in the Transitional Constitution of South Sudan, 2011, which in principle should apply to all persons in South Sudan. Chapter four of the Constitution establishes a Human Rights Commission, which should investigate claims of human rights abuses; monitor, enforce, and promote human rights; and recommend to the National Legislative Assembly measures to promote human rights. The Human Rights Commission is also governed by the Southern Sudan Human Rights Commission Act, 2009.

At the end of 2018, it was decided to divide the Human Rights Commission into ten thematic committees, one of which will be dedicated to migrants and asylum-seekers. Human rights monitors will be placed under each committee. The Commission plans to operationalize the committees in 2019. To date the Commission has not dealt with the complaints of migrant workers. Migrant workers who submitted complaints to the Commission were referred to the MOLPSHRD or the Ministry of Justice. The Commission indicated that they conduct general awareness raising on human rights, but there have been no awareness-raising campaigns aimed at informing migrants of their rights, and the Commission did not see the need for such campaigns.

The Labour Act, 2017, should in principle also apply to regular migrant workers in South Sudan. In chapter two it promotes the protection of fundamental rights at work, including:

- ▶ non-discrimination against an employee or job applicant in a work practice or policy, including on the basis of race; tribe or place of origin; colour; sex; religion; political opinion; pregnancy or childbirth; national extraction; marital status, and age;
- ▶ equal work for equal pay;
- ▶ freedom of association;
- ▶ freedom from sexual harassment; and
- ▶ and freedom from forced labour.

The Labour Act, 2017, also promotes other workers' rights, including:

- ▶ standards for employment contracts;
- ▶ health and safety at work;
- ▶ working conditions, such as working hours (a maximum of 8 hours per day and 40 hours per week);
- ▶ overtime pay (one and a half times the normal hourly rate);
- ▶ at least one day of rest per week; and
- ▶ annual leave, sick leave, and maternity and paternity leave.

According to the Act, disputes regarding fundamental rights at work or working conditions should be reported to the Commission for Conciliation, Mediation and Arbitration, which is established in section 22 of the Act, and which should have offices in the states. The Commission is tasked with solving disputes. If a dispute remains unresolved, the Labour Court could be turned to for adjudication. During the interview for this study, the MOLPSHRD indicated that the Labour Court and other dispute settlement mechanisms foreseen in the Labour Act are yet to be established. Currently only the MOLPSHRD and labour inspectors can intervene to resolve labour disputes.

Assessment

The enforcement of migrants' rights needs to be strengthened. The Human Rights Commission should be trained on migrants' rights, and the labour dispute mechanisms foreseen in the Labour Act, 2017, should be established. Moreover, the MOLPSHRD pointed out that various regulations that would supplement the Labour Act need to be developed, such as regulations for casual work.

6.3.1.2 Protecting migrants from forced labour and exploitation

Overview

The Labour Act, 2017, forbids forced labour in article 10: "No person shall engage in the recruitment or use of forced labour or assist any other person to engage in such activities" (article 10(1))

The following types of labour are not considered forced labour under the Act (article 10.2):

- ▶ compulsory military service, but the recruitment of children for armed conflict will count as forced labour;
- ▶ work that forms part of the normal civic obligations of citizens in South Sudan;
- ▶ work that is performed due to a judicial conviction, under the supervision of a public authority, and the person should not be working for the benefit of a private person, company or association;
- ▶ work performed during an emergency, such as during war or a natural disaster; and
- ▶ minor work for the community, that is in the direct interest of the community, for which the community representatives or members were consulted.

Article 10(3) forbids using forced labour for:

- ▶ political coercion;
- ▶ economic development;
- ▶ labour discipline;
- ▶ punishment for participating in strikes; or
- ▶ to discriminate against persons on the basis of grounds listed in article 6 of the Act (including race; colour; sex; religion; political opinion; pregnancy or childbirth; and membership of a trade union or participation in a trade union's activities).

The penalties prescribed by the Labour Act for forced labour convictions are up to five years imprisonment, a fine, confiscation of property, cancellation of a business license, or closure of a business, or a combination of these penalties (article 126).

126. In case of any contravention of this Act, the offender shall be punished by one or more of the following:

1. Imprisonment for a prison term of up to five years;
2. A fine commensurate with the offence;
3. Both of the above;
4. Confiscation of any instrument used in such contravention;
5. Cancellation of a license; or
6. Closure of the premises for a period of up to 2 years.

The Transitional Constitution of South Sudan, 2011, forbids in article 13 slavery, the slave trade, and forced or compulsory labour, except as a penalty following a judicial conviction.

The Child Act, 2008 criminalizes certain types of child labour in article 12, including: mining and quarrying; heavy agricultural labour; construction work; and herding that jeopardizes the interests of the child.

The Penal Code Act, 2008, also criminalizes forced labour, and imposes a prison term of up to two years and/or a fine (article 277). Abduction or kidnapping for the purpose of exacting forced labour will result in a prison term of up to seven years and/or a fine (article 278).

The Human Rights Commission issues an annual human rights report that highlights human rights challenges in South Sudan and provides recommendations to address these challenges. The report contains a section on human trafficking that records human rights violations in this area. The report appears to draw heavily on the findings of the US State Department's *TIP Report*. Nevertheless, recognition of such crimes and the fact that it is being looked at by the Commission is a positive development.

The IOM is finalizing a mapping of anti-trafficking activities in South Sudan to gain a better overall picture of anti-trafficking activities in the country. The mapping identifies gaps in anti-trafficking efforts, and is envisioned to ultimately support the development of an anti-trafficking legal framework and the programming of anti-trafficking activities.

Over the last year the Government did not report any investigations, prosecutions, or convictions for trafficking crimes. Law enforcement is generally hampered by the lack of capacity of the justice sector, and knowledge of human trafficking needs to be reinforced throughout the justice sector (US Department of State, 2018).

Assessment

South Sudan should accede to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000. The NAC/NCM should develop an anti-trafficking strategy that addresses the prevention, protection, and prosecution of human trafficking. The Government should also develop an anti-trafficking law.

6.3.2 Thematic Area 2. Social security and social protection

6.3.2.1 National labour laws and social protection laws apply to migrant workers

Assessment

According to the MOLPSHRD, the only law that offers protection to workers is the Labour Act, 2017, which also applies to regular migrant workers.

6.3.2.2 Social Security coverage and portability

Assessment

Social security provisions are still being developed in South Sudan, and therefore neither nationals nor migrant workers benefit from social security (which also eliminates any possible portability of benefits). The Government should ensure that the social security system it develops applies to migrant workers, and strive to put in place measures that allow for the portability of social security benefits. A Social Insurance Bill is currently being studied by the Ministry of Justice, but it is not in the public domain and could not be reviewed for this study. In addition, there is a draft national social insurance policy, which is also not publicly available.

6.3.3 Thematic Area 3. Labour inspection for migrant workplaces

6.3.3.1 Labour inspection for migrant workplaces

Overview

The Labour Inspectorate was established in section 26 of the Labour Act, 2017, and should have offices in each state. They are authorized to enter a workplace at any time during working hours and without prior notification to inspect any work, material, or machinery; question any person; and examine documents.

According to the MOLPSHRD, there are independent MOLPSHRD labour offices in ten states. The labour inspectors in the states do inspect the workplaces of migrant workers to review working conditions and to check whether migrant workers have work permits. However, the inspectors are constrained by insufficient resources (US Bureau of International Labour Affairs, 2014, p. 739). The MOLPSHRD stated that labour inspectors need training on how to manage labour records and how to handle labour disputes.

Assessment

Labour inspection needs to be reinforced. Independent MOLPSHRD labour offices should be set up in all states, and labour inspection should take place in all states. Coordination between the MOLPSHRD and the labour offices should be bolstered, and the labour inspectors should be trained on the Labour Act, 2017 and on procedures for labour inspection.

6.3.4 Thematic Area 4. Facilitating reception and return

Overview

The Ministry of Humanitarian Affairs and Disaster Management (MHADM) plans to expand the National Framework for Return, Reintegration and Relocation of Displaced Persons: Achieving Durable Solutions in South Sudan, which was adopted in 2017, to include support for the return and reintegration of refugees. The Framework seeks to provide IDPs and host communities with lasting solutions, including the reconstruction of conflict affected areas and supporting the return of IDPs to these areas. The MHADM plans to form a working group in which the MOI, the MGCSW, the Office of the President, the Ministry of Land and Housing, the UNHCR, UN Office for the Coordination of Humanitarian Affairs, IOM, and the World Food Programme will participate to discuss expanding the Framework to include refugees.

As of 15 February 2019, there were 2.2 million South Sudanese refugees in the region, mostly in Ethiopia, the Sudan, and Uganda (UNHCR, 2019b). Refugee-returns to South Sudan are at this stage still largely individuals returning unassisted. The UNHCR stated in December 2018 that “it does not yet view the current environment in South Sudan as being conducive for the safe return of refugees” (*UN News*, 2018). The IOM is planning on supporting returnees with services and skills development, and it is currently in the programming phase of these activities.

South Sudanese are not engaging in labour migration through PEAs and pre-departure training is not taking place. On-arrival training for incoming migrant workers is not taking place. Given the various challenges in South Sudan, it may be difficult to prioritize such training at present.

Assessment

South Sudan's further stabilization and successful implementation of its peace agreement will be important for facilitating refugee returns, as well as the return of the diaspora and other migrants. Moreover, investment in government services, and ensuring that both returnees and host communities have access to basic services, infrastructure and livelihood opportunities, will be important for sustainable return and reintegration.

As the Government develops its framework to regulate PEAs, it should also develop pre-departure training for South Sudanese migrant workers, and make such training a requirement for workers to migrate for work through PEAs.

On-arrival information or training should be provided to incoming migrant workers, including on their rights, on cultural values in South Sudan, and on their access to services, such as education, health, and finance, as well as the dispute settlement mechanisms available to them.

7. Recommendations

Pillar I. Strengthening labour migration governance

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

- ▶ The ILO should train relevant government ministries and agencies, including the MOLPSHRD and the National Bureau of Statistics, on labour market data collection, coordination and analysis.
- ▶ The Government of South Sudan should put in place systems to regularly collect and analyse labour market data. It should develop a central database of available skills, labour demand, and skills gaps. This should serve as a basis for determining which sectors South Sudan should open up for labour market access under the upcoming IGAD Free Movement of Persons Protocol, and to develop measures to attract critical skills. It could also serve to lay the foundation for developing an LMIS.
- ▶ The Government should consider increasing the salaries (or other forms of compensation) of government officials, and put in place a strategy to retain skilled and trained staff.
- ▶ The Government should commission research on labour migration flows between South Sudan and the IGAD Member States, to better understand these flows and the opportunities for increased labour mobility and labour migration.

Thematic Area 2. Coordination on labour migration

- ▶ The Government should establish independent MOLPSHRD labour offices in all states and strengthen coordination between the labour offices and the MOLPSHRD.
- ▶ The Government should bolster inter-ministerial coordination on labour migration, and ensure that it takes place regularly, with a view toward shaping labour migration policy objectives. This process should be supported by NAC/NCM discussions on labour migration, and social partners, CSOs, and IOs should participate in the NCM.
- ▶ The Government should reinforce tripartite institutions and institute regular tripartite consultation meetings, and also discuss labour migration policy objectives during these consultations.
- ▶ Trade unions in South Sudan should join the EATUC and actively participate in tripartite consultations at the EAC level. South Sudan should use the regional and continental consultations on labour migration in which it participates to obtain data and analyses that will inform the development of its labour migration policy objectives.

Thematic Area 3. Capacity to formulate and implement policy

- ▶ Once the migration policy is adopted, the Government should develop a labour migration policy through a whole-of-government approach, with the active participation of the NAC/NCM, CSOs, social partners, academia, and IOs. The policy should take into account and ensure coherence with the National Development Strategy, as well as employment, education,

and other relevant national policies, in recognition of the wide social and economic implications of migration and the need to have synchronized mutually reinforcing policies. As a first step in the development of the labour migration policy, it is recommended to implement a comprehensive training programme for the NAC that covers all aspects of labour migration (including BLAs, employment agencies, migrants' rights, protection, social integration, remittances, and diaspora engagement) as well as ILO Convention No. 97; ILO Convention No. 143; and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (also with a view to work towards accession to these Conventions). This should help the NAC members to arrive at a shared, solid understanding of labour migration policy issues. On this basis, a common policy vision can be crafted, and the contribution, roles, and responsibilities of the government ministries and agencies, as well as other actors, can be defined.

- ▶ The Government should commission research on labour migration to South Sudan, including the profile of labour migrants; the obstacles they face to work and invest in South Sudan; and the contributions they make to South Sudan, such as providing critical skills, creating employment, and boosting business.

Research should also be undertaken on South Sudanese labour migration, including where South Sudanese migrate to; what work they do; what protection challenges they face; how their labour mobility opportunities can be enhanced; and the contribution they make to South Sudan's development. The role of the diaspora in South Sudan, diaspora remittances, and how the positive impact of remittances can be enhanced should form part of this research. The research that is produced should serve as an evidence base for developing the labour migration policy. The policy should comprehensively address the protection concerns of incoming and outgoing migrant workers.

- ▶ The Government, with the support of the ILO and IOM, should develop policies and instruments to regulate and monitor the labour migration of South Sudanese, and offer protection to migrant workers in South Sudan.

Thematic Area 4. Regulating employment agency practices

- ▶ The Government should require written employment contracts by law, and strengthen the enforcement of employment contracts, including by establishing the Commission for Conciliation, Mediation and Arbitration and the Labour Court, which are prescribed in the Labour Act, 2017.
- ▶ The MOLPSHRD should operationalize the legal framework for the licencing of PEAs and develop PEA regulations that will specify the PEA license renewal process and a monitoring mechanism for PEAs. Such regulations should also require PEAs to ensure that migrant workers receive pre-departure training prior to their deployment, and should forbid PEAs from charging migrants recruitment and placement fees, directly or indirectly.
- ▶ The MOLPSHRD should put in place bespoke complaint mechanisms through which migrants can raise complaints they may have with the PEAs or their employers.
- ▶ The ILO should provide the Government of South Sudan with training on the Private Employment Agencies Convention, 1997 (No. 181), with a view to fully develop the necessary legal framework for the regulation of PEAs, and the institutional capacity to implement such a framework. In the long term, the ILO should also support the Government in the development of a pre-departure training curriculum for PEAs. A pre-departure training

curriculum should include training on migrants' rights; health and safety issues; basic financial literacy; conditions in the country of destination; and information on how migrants can seek help in case of distress.

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

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

- ▶ The Government should consult the private sector and migrant workers on further simplifying the administrative requirements, procedures, and processes that govern entry, work, residence, and establishment in South Sudan.
- ▶ The Government should ensure that immigration processes are transparent; the same in law and in practice; and enforceable, in order to facilitate both the free movement of persons and the development gains such movement holds.
- ▶ The Government should capture the processes for entry, work, residence, and establishment in one succinct policy document and on an online portal to facilitate labour migration and mobility. The laws that regulate these processes should be specified. The ministries dealing with these processes – including the MOLPSHRD, the MOI, and the RRC – should be informed of the legal framework and of any updated immigration processes, in order to provide migrant workers and employers with correct and up-to-date information.
- ▶ The Government should consider reducing work permit fees and entry visa fees to facilitate labour mobility/migration and business development.
- ▶ The MOLPSHRD should revise the role that employment exchanges are legally required to play in the recruitment of workers, so that they only connect potential employees to employers. Employers should not need to have their vacancies authorized by employment exchanges or to hire candidates that the exchanges propose, as this would lead to inefficiencies in the labour market.
- ▶ The Government should consider abolishing the requirement that a foreign employer “give priority of employment, at least 80% at different levels of management, to nationals” (Article 46 of the Labour Act, 2017), as it discriminates against foreign employers and poses an obstacle to establishment and investment. The Government should engage in the development of effective skills transfer strategies to develop the national labour force.
- ▶ The Government should include diaspora engagement in its future labour migration policy and assign a government agency to lead diaspora engagement.
- ▶ The MOLPSHRD should develop a strategy for the transfer of skills from migrant workers to nationals. It is essential that future labour exchanges and temporary work schemes to South Sudan have a skill transfer strategy built into them.
- ▶ The Government should bolster the Investment Authority and its capacity to interact with investors, including through developing an investment policy and developing a website that details all the rules, regulations, and incentives for investment.
- ▶ The Government needs to enhance the investment environment and the protection of investors and workers by ensuring that transparent laws, processes, institutions and rule of law govern investment in South Sudan.

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

- ▶ The Government, IOs, and NGOs should disseminate information to migrant workers, including on their rights and their access to education, training, skills recognition, and finance.
- ▶ The Government should develop a comprehensive TVET policy and a streamlined TVET certification process.
- ▶ The Government should work towards harmonizing its education, training, certification, and skills recognition systems with other countries in the region.
- ▶ The Government, with the support of partners, should research remittances systems and flows to South Sudan to better understand their possible positive and negative effects, and how remittances can be harnessed to positively impact on the country's development.

Thematic Area 3. Promoting social integration and inclusion

- ▶ The Government, with the support of partners, should research the contribution that refugees and migrants are making to South Sudan, such as business development and providing scarce skills and skills transfer, as well as means to enhance their social integration. The Government should use this data to raise awareness on the contribution of refugees and migrants among the general public and to develop measures to enhance their social integration and contribution.

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

Thematic Area 1. Protection of migrant workers' rights

- ▶ The ILO should train the Human Rights Commission on migrants' rights.
- ▶ The MOLPSHRD should develop the various regulations that should supplement the Labour Act, such as regulations for casual work.
- ▶ The Government should strengthen the justice sector and rule of law to aid the protection of migrants' rights.
- ▶ South Sudan should accede to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000, and develop an anti-trafficking law.
- ▶ The NAC/NCM should develop an anti-trafficking strategy that addresses prevention, protection, and prosecution.

Thematic Area 2. Social security and social protection

- ▶ The Government should strive to develop a social security system that applies to migrant workers, and put in place measures that allow for the portability of social security benefits.

Thematic Area 3. Labour inspection for migrant workplaces

- ▶ The Government should establish labour offices in all its states, and provide these offices with the necessary resources to undertake regular labour inspection.
- ▶ The MOLPSHRD should strengthen coordination with its labour offices.
- ▶ The ILO should train labour inspectors on the Labour Act, 2017; on procedures for labour inspection; and on migrants' rights.

Thematic Area 4. Facilitating reception and return

- ▶ The Government and partners should ensure that basic services, infrastructure, and livelihood opportunities are available to returnees and hosting communities in the areas of return, to ensure that return and reintegration is sustainable.
- ▶ Pre-departure training for migrant workers should form part of the requirements for PEAs to send migrant workers abroad.
- ▶ On-arrival information should be provided to incoming migrant workers, and include their rights; the cultural values in South Sudan; and their access to services, such as education, health, and finance; as well as the dispute settlement mechanisms available to them.

Appendix I. – List of key informants

Commission for Refugee Affairs

Hon. John Dabi, Deputy Commissioner

Human Rights Commission

Beny Gideon, Commissioner

Fidensia Charles Ladu, Commissioner

Victor Ladu, Executive Director

Intergovernmental Authority on Development

Ambassador Tesfaye Negassa, Acting Head of IGAD Liaison Office for South Sudan

Charles Obila, Migration Officer

International Organization for Migration

Jo Rispoli, Regional Labour Migration Specialist

Isaac Munyae, Programme Manager, Migration Management Unit

Mading N. Cienggan, Senior Project Assistant, Migration Management Unit

Ministry of Culture, Youth and Sport

Agum Rin Mabeny Adut, Undersecretary

Ministry of Finance and Economic Planning

Moses Mabior, Acting Director General for Macro Economy and Aid Coordination

Ministry of Gender, Child and Social Welfare

Esther Ikere Eluzai Ladu, Undersecretary

Ministry of Higher Education, Science and Technology

Dr. Benjamin G. Apai, Director General

Elizabeth Dicho, Education Attaché

Ministry of Humanitarian Affairs and Disaster Management

Hon. Gatwech Peter Kulang, Undersecretary

Ministry of Interior

Major General Charles Boza Eywa, Deputy Director General of DNPI

Brigadier Panchol Jongkuc Kur, Acting Director for General Administration, DNPI

Brigadier John Madut, Assistant Director, Immigration Dept

Ministry of Labour, Public Service and Human Resource Development

Mary Hillary Wani Pitia, Undersecretary Labour and Industrial Relations

Hon. Juma Yoane Kebi, Undersecretary Public Service

Reverend John Chol Daau, Director General of Vocational Training

National Bureau of Statistics

Margaret Labanya, Director of Administration and Finance

Daniel Bul Kuir, Labour Statistician

Bol Gabriel Gbriel Ajok, National Account Officer

John Opiti Nyibil, CPI Statistician

Edward Isaac Saeed, Trade Statistician

Yacoub Wall Juma, National Account Officer

Genaro Joseph, Principle of Price Analysis

Relief and Rehabilitation Commission

Dr. Manese Lomole, Chairperson

Mark Lotang Thomas, Director for Relief, Food Security and Livelihoods

David Aleu, Deputy Registrar

South Sudan Chamber of Commerce, Industry and Agriculture

Losidik Lukak Legge, Acting Chairperson

Salwa Bakony Montuil, Deputy Chairperson

Dut Dut Yel, Deputy Secretary General

William Akwoch Lwong, Finance and Administration Secretary

Garang Gout Chol, Adviser

Alfred Makur, Adviser

Santino Garang Aping, Information Secretary

Angelo Ladu Gore, General Manager

Juma Charles Simon, Finance and Administration Manager

Khemis Kennedy, Member

South Sudan Investment Authority

Hon. Dr. Abraham Maliet Mamer, Secretary General

Joseph Hassan Daniel, Director General, Directorate of Administration and Finance

South Sudan National Workers Trade Union

Daniel Wani Lugga, Secretary General

Manut Adim, Secretary for Organisation

South Sudan NGO Forum

Pius D. Ojara, Secretariat Director

United Nations Educational, Scientific and Cultural Organization

Hai Tiet, Education Project Officer

Bharati Sharma Pokharel, Education in Emergency Specialist

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