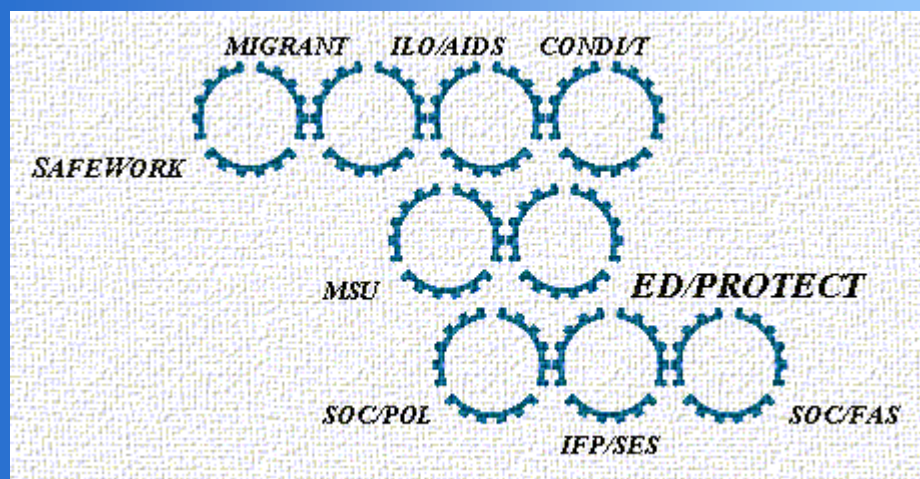




# **SOCIAL PROTECTION SECTOR**



## ***ILO AFRICA LABOUR MIGRATION POLICY INITIATIVE***

***A CONTRIBUTION TO THE NEPAD AGENDA***

**OUAGADOUGOU**

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## “AFRICA LABOUR MIGRATION POLICY INITIATIVE”

### ILO Activity to Assist Integration and Development in Africa

#### **Challenges of Migration in Africa**

At the beginning of the 21<sup>st</sup> Century, the total number of persons living outside of their countries of origin worldwide was estimated at over 150 million, of which the ILO counts some 100 million as migrant workers and their families. According to ILO estimates, **Africa has among the largest numbers of migrant workers, 20 million, one-fifth of the global total.**<sup>1</sup>

Labour migration within and across the **African Continent has a long tradition**, as large-scale migratory movements preceded the colonial division of the region and have ignored national boundaries since political independence. Many African States are now both origin and host countries for migrant workers.

However, many countries of origin have informed ILO of their needs to develop **comprehensive foreign employment policies** to manage the outflow of migrant labour for the benefit of their societies. Similarly, many host countries stress their need for **comprehensive immigration policies** that would help manage irregular inflows and reduce unregulated employment of migrants. Until now, little research, data collection or elaboration of frameworks necessary for development of effective national policies has been done at national or regional levels.

Labour migration will be a key element of promoting sustainable growth in African countries. It is already evident that development of ECOWAS, SADC and other sub-regional economic integration projects requires addressing labour migration. Data from Africa and elsewhere clearly shows that economic and social integration will simply not succeed in the absence of integration of labour markets. Effective management of labour migration intersects with addressing the NEPAD preconditions for development, notably democracy and political governance as well as regional cooperation and integration; managing migration also means human development, particularly skills development.

To address specific labour migration concerns in concert with the NEPAD agenda, ILO is establishing an **African Labour Migration Policy Initiative** aimed at assisting countries in developing policy frameworks and effective practical structures and mechanisms. Particular emphasis will be on improving data on actual conditions and needs, identifying effective model practice, capacity building, and providing technical assistance to tripartite partners, both at national and regional levels.

#### **The impact of globalisation**

The current nature of globalisation and the associated expansion in trade and foreign direct investment has so far produced highly uneven results, intensified by a growing “digital divide” and increased income differentials. Sub-Saharan Africa has not benefited from greater participation in the world economy and is threatened by ever-greater economic marginalization.

Growing economic interdependence of states has been a widely acknowledged component of globalisation. However, effects on global population movements are less easy to determine. According to a recent ILO study, “The evidence points to a likely worsening of migration pressures in many parts of the world.... Processes integral to globalization have intensified the disruptive effects of modernization and capitalist development.”<sup>2</sup> Many developing countries face serious social and

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<sup>1</sup> International Labour Office, *Migrant Workers*, International Labour Conference 87<sup>th</sup> Session, Geneva, 1999, Report III: 4.

<sup>2</sup> Peter Stalker: *Workers without Frontiers – the impact of globalisation on international migration*. ILO. Geneva 2000.

economic dislocation associated with persistent poverty, growing unemployment, loss of traditional trading patterns, and what has been termed a “growing crisis of economic security.”

Anticipated growth in the trade of goods and foreign direct investment will not be able to significantly reduce the propensity to migrate in most countries. Rather, both continued demand for low- and high-skilled foreign labour as well as the vast differences in living standards will continue to structure the direction of migration flows and will not be sufficient to replace the movement of people.

Recent comparative ILO research<sup>3</sup> confirms that some developing countries continued to lose 10-30% of qualified manpower through “**brain drain**”. This has negative effects on productivity and economic growth. However, findings also point to positive side-effects: precious foreign exchange through **worker remittances**, new skills brought by returning migrants and migration-induced ‘brain exchanges’ between countries that expand possibilities for the transfer of knowledge or technology.

Migrant labour fills “three-D” jobs, dirty, dangerous and difficult. Migrant labour has long been utilized as a low cost means to sustain economic enterprises and sometimes, entire sectors that are only marginally viable or competitive. Today, migrant labour continues to be used in many countries to ensure low cost provision of agricultural produce, to provide domestic service, to ensure low cost construction labour, and to provide services in the “sex industry”. However, conditions encountered by migrant workers all too frequently compromise their basic rights and dignity. And, as the International Confederation of Free Trade Unions (ICFTU) highlights, **organizing migrants** and immigrants into unions to defend their interests and rights is often extremely difficult.<sup>4</sup>

### **The Opportunity to establish comprehensive migration policies**

These migration challenges present Africa with a critical window of opportunity to put in place comprehensive policies and practices that can make of labour migration a pillar of regional and sub-regional integration, as well as an asset for countries of origin, for host countries and for migrants themselves.

States are confronted with very complex circumstances in addressing migration. Elements include: National labour market demand for both skilled and unskilled migrants in formal and/or informal sectors; domestic unemployment; population density; impact of remittances; loss of skills (“brain drain”); temporary immigration schemes; border control mechanisms; visa policies; exclusion and expulsion systems; return and reintegration policies and structures; humanitarian aspects and human rights policies; refugee policies; family reunification; social, educational and medical structures; migration information systems; cooperation and coordination with other States under regional migration policies; cooperation with non-governmental and international institutions; et al.<sup>5</sup>

Labour migration must remain a central concern for Ministries of Labour/Employment and of social partners, although it also affects concerns of most branches of government, including ministries of Foreign Affairs, Interior, Health, Education, Housing, Welfare and/or Social Affairs.

Experience shows that only a comprehensive and integrated set of measures will work. The **essential components of national and regional policy** include:

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<sup>3</sup> B. L. Lowell & A. M. Findlay: *Migration of Highly skilled Persons from Developing Countries – Impact and Policy Responses, Synthesis Report*, ILO. Geneva. August 2001

<sup>4</sup> see for example, Linard, Andre: *Migration and Globalisation - the New Slaves*. International Confederation of Free Trade Unions. Brussels. July 1998

<sup>5</sup> International Migration Policy Program, *The IMP Reference Manual*, edited by Patrick Taran. Geneva and Bishkek/Issykul, May 2000. Section 9: “National Migration Policies and Structures”

### 1) Provision for a regular immigration/migrant labour admissions system.

Establishing a visible, regular, transparent and accountable immigration process is the essential foundation for both regulating migration and for reducing irregular migration, as well as to combat trafficking and reduce smuggling, which thrive where channels for migration are restricted. The ILO International Migration Branch has developed guidelines and policy models for both countries of origin and host countries of labour migrants.

### 2) Possibilities for labour mobility, especially in regional integration

Freedom of labour to move geographically, transfer jobs and change employers is essential to ensure productive use of labour, including both skilled and less-skilled migrants. Regional mechanisms are needed for more optimal allocation of labour in larger labour markets: freer movement of labour within regional economic cooperation areas is an essential factor in achieving economic and social integration.

### 3) Strengthening the foundation of the rule of law

If migration policy is to be viable, credible and accountable, it must be built on a solid foundation of law, a pillar of democratic and sustainable governance. Several international conventions provide standards and language for necessary national legislation, in particular the ILO Migration for Employment Convention of 1949 -No. 97- (ratified by 9 countries in Africa) and Migrant Workers (Supplementary Provisions) Convention of 1975 -No. 143, ratified by 7 African States. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will soon enter into force; 8 of the 19 States Parties (20 needed for entry into force) are African, as are 6 of the 11 un-ratified signatories. Other ILO Conventions and recommendations provide norms for minimum “decent work” conditions for migrants and nationals.

### 4) Addressing Brain Drain and transfer of resources

Measures to assess and, eventually, to provide compensation for the loss of talent and national resources invested in education and training need to be elaborated. As noted in the MIDA initiative, efforts to retain talent, encourage return, and use remittances for productive purposes are essential. ILO has just concluded a major international study on characteristics and consequences of brain drain.

### 5) Development aid, trade, and investment policies

Growing economic disparities in Africa will not diminish unless economic, trade and development disadvantages are overcome. While these include the legacy of colonialism, concentrations of power, lack of democratic traditions and weaknesses in legal and administrative mechanisms, migration implications must also be addressed, including by policy initiatives at a regional level.

### 6) Challenging discrimination and xenophobia

The recent World Conference Against Racism and Xenophobia recognized discrimination and xenophobia against non-nationals as a major concern, and elaborated –with ILO input– a plan of action that should serve as a basic component of migration management.

Other policy issues include:

- ~~///~~ Reconciling labour market needs, as well as long-term manpower requirements.
- ~~///~~ Regulation of (private) recruitment and orderly admission of migrants.
- ~~///~~ Addressing the increasing feminization of migration with appropriate policies and measures.
- ~~///~~ Creation of specialised institutions for policy coordination, enforcement and monitoring.
- ~~///~~ Encouraging voluntary return and reintegration of migrants into their countries of origin.
- ~~///~~ Combating trafficking and exploitation of migrants by organized crime.

## *The ILO Africa Labour Migration Policy Initiative*

In order to assist governments and social partners in Africa to address the challenges and opportunities of migration for employment, the ILO is launching an Africa Labour Migration Policy Initiative.

### Objectives are:

To assist African States and social partners in defining, elaborating and implementing effective management of labour migration through policy and practice which is:

- based on minimum common international legal standards
- framed by employment, labour market, economic and social conditions and needs
- defined through social dialogue among governments, workers and employers.
- intended to strengthen *decent work* and social protection, including for migrant workers.

### Components of this program initiative are:

- 1) Research and documentation on labour migration conditions, trends and policy issues
- 2) Implementation of international labour standards as basis for sound national policy
- 3) Capacity building on labour migration data collection and analysis
- 4) Elaboration of regional frameworks and guidelines for national policy and administration.
- 5) Provision of direct technical assistance to governments and social partners.

### Recent ILO Activity and Outcomes

- Research studies being published in 2002 on labour migration issues and trends in:
  - West African countries of origin and host countries of migrant workers
  - Southern Africa labour migration (SADC region)
- Contributed to elaboration of international program of action on migration and xenophobia adopted at World Conference Against Racism and Xenophobia at Durban, September 2001.
- Published studies on labour migration into, through and from Maghreb countries.
- Held a seminar on labour migration standards for Indian Ocean held in Mauritius, July 2001.
- Contributed to the International Migration Policy Seminar for West Africa, held in Dakar in December 2001; which recommended focusing on labour migration policy in the region.
- Involved in ratification by 24 African states of international standards on labour migration over last 20 years.

### Next Steps

ILO intends to help build *centers of excellence on labour migration policy* in the respective sub-regions. These will be existing research institutes or specialized migration bureaus that already have migration policy specialists whose competence can be further enhanced through ILO sponsored training. For example, competence in migration law may be enhanced through a fellowship to a consortium of European universities.

To enhance direct capacity, steps are being taken to establish *labour migration programme officers* in sub-regional ILO offices in Africa.

By decision of the ILO Governing Body, **migrant workers** (labour migration) will be the main topic for General Discussion at the International Labour Conference in Geneva in 2004. In order to ensure full consultation with and input from the Africa region, it is anticipated that consultations will be held over the next two years in sub-regions of the continent.

### Projected Activities for 2002

- 1) Participation in International Migration Policy Conference for East Africa, in Nairobi in May
- 2) New initiatives in promotion of Standards in East, West and Southern African countries
- 3) Southern Africa Regional Forum on Labour Migration for 14 SADC countries plus Madagascar, tentatively October 2002.
- 4) A Workshop/Seminar for West Africa, to focus on: a) data collection, b) policy framework, and c) trafficking.

- 5) Technical Assistance Missions, already requested by various governments in Africa.
- 6) Participation in proposed OAU expert seminar to elaborate policy approaches, in September.

#### Initial Projections for 2003 Activities

- 1) A seminar for East Africa/Horn of Africa, possibly to focus on a) data collection, b) relevant standards, and c) policy framework elaboration.
- 2) Indian Ocean seminar or conference, possibly in cooperation with Indian Ocean Commission.
- 3) Technical assistance missions as further requested and prioritised.
- 4) Continued promotion of standards

This initiative recognizes that developing capacity and implementing policy to effectively manage labour migration is a long-term process. ILO is establishing its institutional support to follow through on this activity. Funding sources and cost-sharing options are being explored. Consultation with tri-partite partners in the region has been initiated. The office is seeking to develop staff expertise in its offices in the region. This effort promises to respond to needs raised to ILO by its tri-partite constituents in Africa.

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