



**REPUBLIC OF KENYA
MINISTRY OF LABOUR AND SOCIAL PROTECTION
STATE DEPARTEMENT FOR LABOUR**

**Regional Ministerial Forum on Migration, on Harmonizing Labour Migration Policies in
East and Horn of Africa
A United Approach on Safe, Regular and Humane Labour Migration**

**Regional Ministerial Forum on Migration (RMFM)
OPERATING MODALITIES**

1. Background

The *Regional Ministerial Forum on Migration, on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration (Regional Ministerial Forum on Migration, i.e RMFM)* meeting was held in Nairobi, Kenya on January 21st and 22nd 2020¹. The participating States signed a Communiqué and a Call for Action Priorities (2020-2023)² setting priority actions for effective labour migration policy development and drafting, negotiating, and implementing Bilateral Labour Migration Agreements. Participating States agreed it is imperative to strengthen labour migration governance through regional common approaches and social dialogue in the formulation and implementation of evidence-based, human rights and gender-sensitive harmonized labour migration policies.

The *Regional Ministerial Forum on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration* objectives align with the Sustainable Development Goals (SDGs). SDG 8: to promote inclusive and sustainable economic growth, full and productive employment, and decent work and in particular target 8.8 on the protection of labour rights and promotion of safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment. SDG 10: to reduce inequality within and among countries by facilitating orderly, safe, regular, and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies and in particular target 10.7 to facilitate orderly, safe and regular migration. The Nairobi Process will also contribute to the goals set under the Global Compact for Migration (GCM), particularly strengthening international cooperation and global partnerships for safe, orderly and regular migration (objective 23) as well as facilitation of fair and ethical recruitment and safeguarding conditions that ensure decent work (objective 6) are also resonated in the above-mentioned key themes and supplemented by the Migration Governance Framework (MiGoF).³ There are also clear synergies and complementarities with the Agenda 2063, which is simultaneously being implemented by AU MS. Africa’s Agenda 2063 in its implementation plan highlights incomes, jobs, decent work, social security and protection among its priorities. It also recognizes the important role of its young population and calls on an Africa whose development is people driven and one that is people driven

¹ The 11 participating states include: The Republic of Kenya, The Republic of Burundi, The Republic of Djibouti, The Federal Democratic Republic of Ethiopia, The State of Eritrea, The Republic of Rwanda, The Republic of South Sudan, The Federal Republic of Somalia, The Republic of the Sudan, The United Republic of Tanzania, The Republic of Uganda.

² The objectives identified on the Call to Action priorities (2020-2023) are of primary interest for the participating countries, signatories of the Communiqué, while they are neither considered exclusive nor exhaustive. RMFM Member States can propose new areas for consideration and action.

³ MiGoF is a framework that was adopted by IOM Member States at the IOM Council in December 2015. The Framework provides MS with a comprehensive approach towards good migration governance.

relying on the potential of its people among them its youth. For countries of origin, for instance, remittances, skills and technology transfers can support overall development objectives. For countries of destination, labour migration can satisfy important labour market needs. Labour migration policies and legislation that incorporate appropriate labour standards benefit migrant workers and members of their families, and can have a positive impact on society.⁴ These benefits of migration including social remittances need to be explored for development and growth of East and Horn of Africa.

According to the IOM/UN Migration - 2020 World Migration Report, migration in Africa involves large numbers of migrants moving both within and from the region. Although the focus of migration from Africa tends to concentrate on movements to Europe and North America, the bulk of migration (80%) takes place within the continent of Africa or intra-regionally particularly within the West, East and Southern African regions and is mainly for economic purposes. In 2019, over 21 million Africans were living in another African country, a significant increase from 2015, when around 18.5 million Africans were estimated to be living within the region. The number of Africans living in different regions within Africa also grew during the same period, from around 17 million in 2015 to nearly 19 million in 2019. Since 2000, international migration within the African region has increased significantly. And since 1990, the number of African migrants living outside of the region has more than doubled, with the growth to Europe most pronounced. In 2019, most African-born migrants living outside the region were residing in Europe (10.6 million), Asia (4.6 million) and Northern America (3.2 million). One of the most striking aspects to note about international migrants in Africa is the small number of migrants who were born outside of the region and have since moved there. From 2015 to 2019, the number of migrants born outside the region remained virtually unchanged (around 2 million), most of whom were from Asia and Europe.

Africa is a very young continent and it is estimated that on average 50% (if not more as in countries like Burundi and Uganda this percentage can reach close to 70%) of migrants are youth, predominantly male, of an average age of 25 years old. In addition, out of a total 21 million international migrants in Africa almost 48% are female, while for the East and Horn of Africa region this percentage jumps to close 50%. *Women are more vulnerable to risks associated with migration*. This is especially so in case of irregular migration that characterizes a large proportion of migration within and outside the continent of Africa where we observe high numbers of migrant workers being used by transnational criminal networks, smuggled, and trafficked.

While these numbers are impressive, the figures typically omit millions more Africans involved in short term, seasonal and temporary migration, the hundreds of thousands of cross-border commercial and other mobile workers, as well as refugees and forcibly displaced persons joining the labour market. Thus we can say with certainty that these figures indicate that migration within Africa is undisputedly on the rise with almost 19 million migrating mainly in search of better livelihoods and employment; Most migrants from East and Horn of Africa look toward the Gulf Cooperation Council (GCC) Member States and the European Union (EU) given the geographical proximity of these regions, and hope of better economic prospects. Migration can be a positive force for development when supported by the right set of policies. Bilateral labour migration agreements (BLMAs) between the AU Member States as countries of origin (CoOs) and EU/GCC Member States as countries of destination (CoDs) are the primary instruments through which such labour mobility arrangements are effected. However, recent research shows that there are substantive alignment gaps between existing BLAs on the African continent and international standards, especially with respect to the adequacy of social protection available to migrant workers.⁵ This makes better management of migration both within and from Africa critical to the development of the continent.

To enhance migration management on the continent, the Revised Migration Policy Framework for Africa (Revised MPFA) was endorsed by the AU Member States and Regional Economic Communities (RECs) in 2016. The establishment of regular, transparent, comprehensive, and gender-responsive labour migration policies, legislation, and structures at the national and regional levels can result in significant benefits for countries of origin and destination.⁶ The Nairobi Process will pursue initiatives to address common and coordinated approaches in:

⁴ See Revised MPFA.

⁵ Adapted from Segatti, Aurelia, *Regional Guidelines for the Development of Bilateral Labour Agreements in the Southern African Development Community*, International Organization for Migration, 2017, p. xi.

⁶ See Revised MPFA.

Regulation and Enforcement, Regional Cooperation, Migration Governance and Policy, as well as Protection of Migrant Workers, so “no one if left behind”.

PURPOSE

The aim of this initiative is to foster labour mobility and to protect the fundamental human, labour, and social rights of migrant workers migrating within the continent and from Africa to EU, GCC Member States and other countries. The *Regional Ministerial Forum on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration* will provide a platform for East and Horn of Africa countries to:

- Share experiences, lessons learned and good practices on overseas employment.
- Consult on issues faced by overseas workers, labour sending and receiving states, and propose practical solutions for the wellbeing of overseas workers.
- Optimize development benefits from organized overseas employment and enhance dialogue with countries of destination.
- Review and monitor the implementation of recommendations and identify further steps for action.

As agreed in the Communiqué by countries participating in the Regional Ministerial Forum on Harmonising Labour Migration Policies in East and Horn of Africa, the following objectives will underline the RMFM:

2. OBJECTIVES⁷

Objective 1

Support Member States and Regional Economic Communities (RECs) to develop, adopt and implement bilateral and multilateral labour migration agreements (BLMAs), within and from Africa with destination countries, investing in institutional mechanisms and arrangements by establishing appropriate institutional, inter-institutional, and cross-border institutional mechanisms and arrangements to support and facilitate labour mobility agreements which incorporate reference to health and wellbeing of migrants during all phases of migration.

Objective 2

Promote common African policy responses to implement existing legal and policy frameworks; formulate new policy responses where protection gaps have been identified and involve multilateral stakeholders and development partners to improve the human and labour rights protection of African migrant workers in countries of origin, transit and countries of destination.

Objective 3

- Establish or reinforce existing labour market information systems within Africa to identify labour market needs for migrant workers and strengthen the capacity of labour market institutions on labour migration.

Objective 4

- Governments and Regional Economic Communities to identify and evaluate their existing capacity and training needs in the area of labour migration statistics, data collection and management; and introduce harmonised standards and tools for data collection, analysis and monitoring on international labour

⁷ The objectives identified on the Call to Action priorities (2020-2023) are of primary interest for the participating countries, signatories of the Communiqué, while they are neither considered exclusive nor exhaustive. Nairobi Process Member States can propose new areas for consideration and action depending on developments.

migration in Africa to encourage quantitative and qualitative research on labour migration and its inter-correlated issues and facilitate evidence-based labour migration policymaking.

Objective 5

Governments to enhance inter-state, intra and inter-regional cooperation for implementation of the AUC/IOM/ILO Joint Labour Migration Programs.

Objective 6

Governments to support the overall strengthening of social security and welfare institutions in Member States in order to extend social security to migrant workers, promoting in particular the mainstreaming of gender and disability issues, induced mental health and psychosocial issues through access and portability regimes compatible with international standards and good practice.

3. OPERATING MODALITIES

3.1 Membership to the *Regional Ministerial Forum on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration*

The *Regional Ministerial Forum on Migration on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration* is a voluntary, non-binding, regional initiative which draws membership from countries in the East and Horn of Africa, including: The Republic of Kenya, The Republic of Burundi, The Republic of Djibouti, The Federal Democratic Republic of Ethiopia, The State of Eritrea, The Republic of Rwanda, The Republic of South Sudan, The Federal Republic of Somalia, The Republic of the Sudan, The United Republic of Tanzania, The Republic of Uganda, as equal participants. The Process will determine modalities of admitting new member states which can be through consensus or approval by all existing members.

Each Member State of The *Regional Ministerial Forum on Migration on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration”* will designate a National Coordinator, at the level of Minister or Vice Minister/PS/CS, to act as the focal point for their country on all issues concerning the Forum.

3.2 Observers

International Organizations, the UN Network for Migration, Regional Organizations may participate as observers in all sessions of the Nairobi Process upon consensus of Member States- Civil Society representatives may be invited on a case-by-case basis, upon consensus of Member States. The criteria for admitting observers will be determined at the High-Level Ministerial meeting.

3.3 *Regional Ministerial Forum on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration”* (RMFM) Chairmanship

The chairing government will designate a representative at appropriate level for all actions concerning its Chairmanship. Chairmanship to the *Regional Ministerial Forum on Migration on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration”* will be open to all participating States on a voluntary basis, in alphabetical order (English) following the first Chair and will be on a one-year rotational basis. The Government of Kenya as the organizer of the High-Level Ministerial Meeting (20-21 January 2020) undertakes the first Chairmanship of the RMFM from 2020 to 2021.

The Terms of Reference of the Chairperson will be as follows:

- Chair the meetings held within the framework of the RMFM, host the Ministerial review and plan meetings/workshops and conferences;

- Act as focal point for follow-up on RMFM -related initiatives and their implementation throughout the period of the Chairmanship;
- Organize, with assistance of the Regional Secretariat, workshops, consultations and conferences on specific labour migration related topics;
- Represent the RMFM at external events, acting on behalf of and in accordance with decisions of participating States;
- Promote the visibility of the RMFM ;
- With the assistance of the Regional Secretariat mobilize resources needed for the functioning of the RMFM.

3.4 Establishment of Technical Advisory Committees (TAC)

Each country will establish a National Technical Advisory Committee, which will be chaired by Permanent Secretaries/Principal Secretaries/Directors in the Ministries responsible for Labour Migration. The Permanent Secretaries/Principal Secretaries/Directors of the country chairing the RMFM will chair the Regional Technical Advisory Committee.

The Terms of Reference for the Committee are:

- i) Identification of immediate, short-term and long-term interventions in the agreed communiqué as per priority actions for effective labour migration management;
- ii) Establishment of a road map for implementation of the identified interventions;
- iii) Development of mechanisms for collaboration and partnerships with the stakeholders;
- iv) Designing mechanisms for resource mobilization for the implementation of the proposed interventions;
- v) Carrying out mid-term reviews on progress made in implementation of the initiatives in the agreed communiqué and identify areas requiring immediate attention;
- vi) Ensuring adequate preparation for the Annual High-Level Ministerial meetings;
- vii) Development of a monitoring and evaluation framework to assess the implementation of the identified interventions; and
- viii) Provision of periodic reports and feedback on the implementation of the proposed interventions.

The technical committee is at liberty, to establish mechanisms (subcommittees, advisory working groups, etc) for the furtherance of this mandate.

3.5 Regional Secretariat in support to the *Regional Ministerial Forum on Migration on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration”*(RMFM)

The Regional Secretariat ensures the functioning of the *Regional Ministerial Forum on Migration “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration (RMFM)*. The Regional Secretariat functions and management will be performed in the interim by the IOM Regional Office for East and Horn of Africa through its current structures in Nairobi, Kenya and in close coordination with IGAD, through an IOM/UN Migration seconded liaison officer in its current structures in Djibouti city, Djibouti and the EAC in Arusha, Tanzania. Close cooperation and coordination is also envisaged with ILO and other relevant UN agencies within the UN Network on Migration and other international and regional partners and upon request of the RMFM Member States.

The Regional Secretariat acts upon the directives of the Chair and carries out the tasks outlined below (non-exhaustive):

- Functions as the institutional memory of the RMFM , maintains the archives and manages the RMFM web portal (in English).
- Supports the Chairmanship in all organizational matters, including conferences/meetings/seminars, pertaining to its role;

- Assists the Chair in the collection, translation and distribution of materials prior to/after conferences/meetings/seminars etc and prepares compilations of related materials for publication as a follow-up to the meetings;
- Supports the Chair in ensuring effective information-sharing between participating States in order to promote synergies on the full-range of labour migration issues of concern to the RMFM countries;
- As required by the Chair analyses information and conducts research on labour migration issues;
- Supports the Chair in monitoring media, developing regular joint information sheets and joint briefings and gathering information pertinent to the RMFM ;
- Assists the Chair in drafting project proposals to mobilize resources for implementation of activities contained in the Call of Action (2020-2023) and future roadmaps and/or action plans;
- Supports the Chair in fostering links with related national and international programmes and other Regional Consultative Processes on Migration, as well as regional actors such as the AU, IGAD, EAC, COMESA and others, as deemed necessary.

Funding: As needed, IOM Regional Office for East and Horn of Africa, IGAD, EAC and RMFM Member States will assist with obtaining funding to support the Nairobi Process ministerial, senior officials' and technical meetings, as well as for any recommended follow up actions/initiatives/programmes/projects. Pending further decision, Nairobi Process member states will pay a voluntary fee, and support joint funding, for administrative costs related to the Regional Secretariat.

Office Premises: The Regional Secretariat will be located in the city of Nairobi, Kenya. In the interim, the premises will be provided by the IOM/UN Migration, pending further decision.

3.6 Schedule of Meetings

The RMFM shall comprise of:

- Annual High-Level Ministerial meeting; Special High-Level Ministerial meetings may be convened as need arises;
- Bi-Annual Technical Advisory Committees Meetings; and
- Senior Officials Meetings may be convened as need arises.

4. DECISION MAKING PROCESS

All decision regarding the *Regional Ministerial Forum on Migration on “Harmonising Labour Migration Policies in East and Horn of Africa – A United Approach on Safe, Regular and Humane Labour Migration”* will be made on the basis of consensus. The operating modalities for the RMFM may be amended at the High-Level Ministerial meeting.