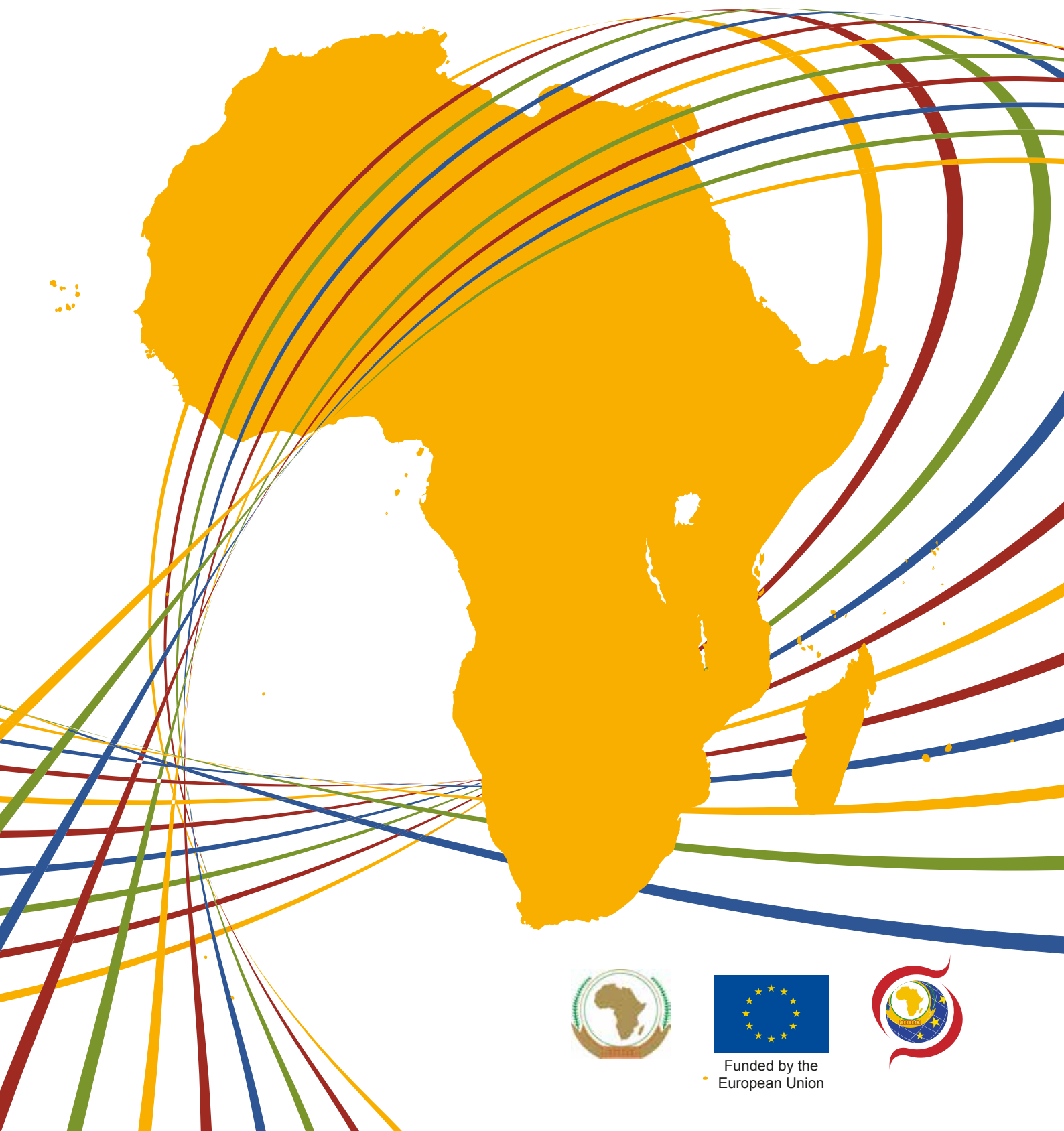


MME on the Move

*A Stocktaking of Migration, Mobility, Employment and Higher Education in
Six African Regional Economic Communities*



Funded by the
European Union

Produced by the Africa-EU Migration, Mobility and Employment (MME) Partnership Support Project

Implemented by the MME Support Project Consortium





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Six African Regional Economic Communities*



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The MME Support Project team wishes to acknowledge the contributions of the European Commission (EC), the African Union Commission (AUC), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC) as well as other partners that provided information for the development of this report, and thank them for their valuable support.

The views expressed in this report can in no way be taken to reflect the official opinion of the EU, the African Union, the Regional Economic Communities discussed in this report, or any other actor.

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FOREWORD

It is my distinct pleasure to present to you MME on the Move: a Stocktaking of Migration, Mobility, Employment and Higher Education in Six African Regional Economic Communities (RECs). This report is a key product of the MME Support Project, and the result of debates and research spanning two years of the life of the project. The Africa-European Union (EU) Migration, Mobility, and Employment (MME) Partnership is driven by a common understanding and commitment to provide comprehensive responses to migration-related priorities in order to create better jobs for Africa and better manage migration flows. The African Union, the European Union, African states and EU Member States, as well as RECs, civil society and international organisations, participate in the MME Partnership, which is currently implementing its second Action Plan (2011-2013). The African Union Commission (AUC) and European Commission (EC) launched the MME Support Project in January 2010 as a means to foster dialogue between African and European counterparts and provide quick responses to capacity-building needs. The International Centre for Migration Policy Development (ICMPD) leads the Support Project with the following consortium partners: the Foundation for International and Ibero-American Administration and Public Policies (FIIAPP) and the African Institute for Economic Development and Planning (IDEP).

The MME work of the RECs reflects the aspirations and collectively crafted regional plans of their Member States and can significantly contribute to achieving the goals of the MME Partnership. Strengthening MME in the RECs requires understanding their MME programmes, policies and strategies, as well as the obstacles they face in rolling out these plans. The AUC and the EC selected six RECs for a Support Project stocktaking exercise, which would capture the state of play of MME in the RECs and pinpoint trends and synergies among them. These RECs are the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC).

Missions were undertaken to the RECs to learn of their work, and information was gathered through desk research and interviews with their partners. A summary of the stocktaking exercise was shared at the meeting on Enhancing Migration, Mobility, Employment and Higher Education in the RECs, which was hosted by the AUC on 5 and 6 July 2012 in Addis Ababa. The meeting gathered MME representatives from the RECs in an effort to facilitate an exchange on MME strategies, experiences and best practices between the RECs, identify common concerns and possible answers and collect further information for the stocktaking.

Overall the stocktaking was conducted between December 2010 and January 2013 and has culminated in this report, which falls under the sole responsibility of the Support Project Consortium. The report opens with a brief introduction to overlapping REC memberships, which characterises African RECs and calls for coordination between RECs and the harmonisation of their initiatives. It also outlines two of the important inter-REC coordination initiatives, so as to support the reading of the individual REC chapters in which they are mentioned. Chapters two to seven are dedicated to each of the six RECs. The REC chapters follow the same structure, as they are envisioned to serve as a reference guide to each of the RECs. These chapters present the REC's vision and mission; the MME landscape in their region; the REC's institutional and regulatory/legal frameworks; and the offices in the REC that work on MME. Subsequent sections in these chapters are dedicated to the three broad thematic areas of the Partnership: migration and mobility; employment; and higher education. The thematic sections in each of the REC chapters contain the same list of topics under which the actions of the RECs in the respective areas are described. If a REC is not active in a certain topic it is not included in the thematic section of the chapter on the respective REC. Unique topics that only one REC is active in are presented under Additional Initiatives at the end of each thematic section. The REC chapters close with a summary of challenges and opportunities in each REC in the areas of MME. The final chapter of the report, chapter eight, looks at trends and synergies among the RECs in terms of each of the common topics that they are active in.

This report aims to provide an overview of the MME vision and actions of the RECs, as well as their shared purpose, challenges and opportunities. It aims to enrich our understanding of the contribution they are making to achieve the goals of the MME Partnership and galvanise collaboration between the stakeholders of the Partnership. It is also envisioned to spark ideas for greater inter-REC cooperation, as a means to overcome some of the obstacles RECs face and enhance the impact of their work.

Ultimately I hope that MME on the Move adds energy to the dynamic arena for dialogue that the MME Partnership provides. More and better partnering for MME will keep MME on the move.

Lukas Gehrke
Director

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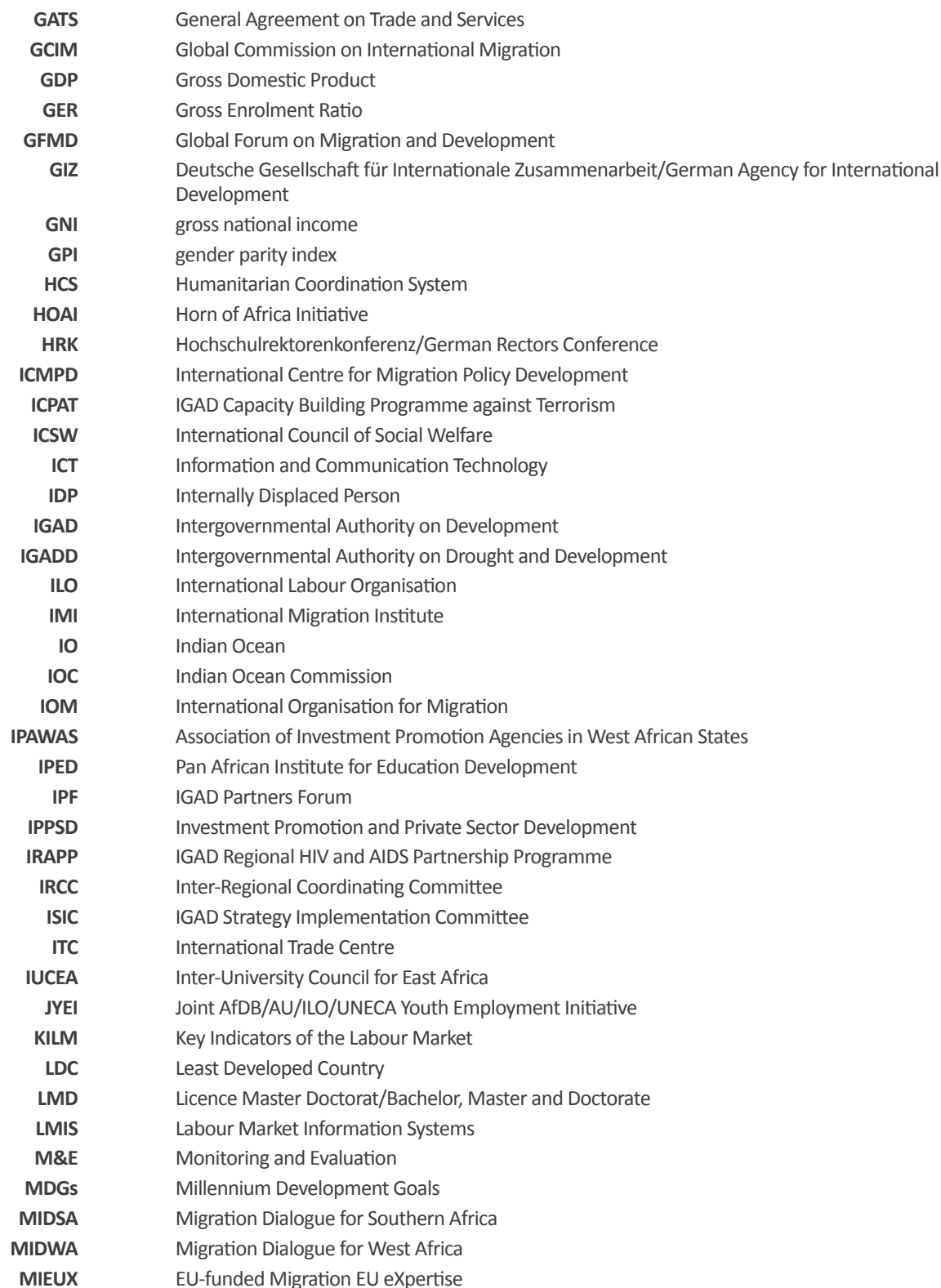
LIST OF ACRONYMS

AAU	Association of African Universities
ABCC	African Business Chamber of Commerce
ACBF	African Capacity Building Foundation
ACP	African, Caribbean and Pacific
ACTEA	Alliance for Commodity Trade in Eastern and Southern Africa
ADA	African Diaspora Association
ADEA	Association for the Development of Education in Africa
AfDB	African Development Bank
AfT	Aid for Trade
AIRD	Agence Inter-établissements de Recherche pour le Développement/Inter-institutional Agency of Research for Development
ATPC	African Trade Policy Centre
AU.COMMIT	African Union Commission Initiative against Trafficking
AU	African Union
AUBP	African Union Border Programme
AUC	African Union Commission
AUST & 2IE	African Institutions of Science and Technology
CAMES	Conseil Africain et Malgache pour l'Enseignement Supérieur /African and Malagasy Council for Higher Education
CAR	Central African Republic
CBC	COMESA Business Council
CBT	Cross-Border Trade
CEEAC	Communauté Economique des Etats de l'Afrique Centrale/Economic Community of Central African States (ECCAS)
CEMASTE	Centre pour l'Enseignement des Mathématiques, des Sciences et de la Technologie en Afrique/Centre for Mathematics, Science and Technology Education in Africa
CEN-SAD	Community of Sahel-Saharan States
CEWARN	Conflict Early Warning and Response Mechanism
CEWERU	Conflict Early Warning and Response Unit
CIP	Cross-Border Initiative Programme
CIPRES	Conférence Interafricaine de la Prévoyance Sociale/Inter-African Social Security Conference
CM	Common Market
CMP	Common Market Protocol
COL	Commonwealth of Learning
ComAid	COMESA Aid for Trade Unit
COMEDAF	Conference of Ministers of Education of the African Union
COMESA	Common Market for Eastern Africa
COMIFAC	Commission des Forêts de l'Afrique Centrale/Central African Forest Commission
COPAX	Conseil de Paix et de Sécurité de l'Afrique Centrale/Security Council for Central Africa
COREP	Comité Régional des Pêches du Golfe de Guinée/Regional Fisheries Committee for the Gulf of Guinea
CoS	Centres of Specialisation
CRIFDAC	Consortium pour la Recherche, l'Innovation et la Formation en Afrique Centrale/Research, Innovation and Training Consortium in Central Africa
CSO	Civil Society Organisation



DAAD	Deutscher Akademischer Austausch Dienst/German Academic Exchange Service
DFID	Department for International Development
DIMAC	Dialogue sur la Migration en Afrique Centrale/Dialogue on Migration in Central Africa
DIPEM	Department for Physical, Economic and Monetary Integration
DLEA	Drug Law Enforcement Agency
DP	Development Partner
DRC	Democratic Republic of the Congo
DSG	Deputy Secretary General
DWP	Decent Work Programme
EABC	East African Business Council
EAC	East African Community
EAC-DWP	EAC Decent Work Programme
EACWARN	EAC Conflict Early Warning and Response Mechanism
EALA	East African Legislative Assembly
EAPCCO	Eastern Africa Police Chiefs Cooperation Organisation
EATUC	East Africa Trade Union Confederation
EC	European Commission
ECCAS	Economic Community of Central African States
ECCAS-BP	ECCAS Border Programme
ECGLC	Economic Community of the Great Lakes Countries
ECOMED	ECOWAS Ministers of Education
ECOPOST	ECOWAS Policy on Science and Technology
ECOWAS	Economic Community of Western African States
ECPF	ECOWAS Conflict Prevention Framework
EDA	ECOWAS Diaspora Association
EDF	European Development Fund
EDULINK	ACP-EU Programme on Higher Education
EERT	ECOWAS Emergency Response Team
EMCCA	Economic and Monetary Community of Central Africa
EMIS	Education Management Information System
ESA	Eastern Southern Africa
ESF	European Social Fund
EU	European Union
EYSDC	ECOWAS Youth and Sports Development Centre
FAMIS	Food and Agriculture Market Information System
FEMCOM	Federation of National Associations of Women in Business in Eastern and Southern Africa
FEWACC	Federation of West African Chambers of Commerce
FEWAMA	Federation West African Manufacturers Association
FIIAPP	Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas / Foundation for International and Ibero-American Administration and Public Policies
FOPAO	Federation of West African Employer Organisations
FTA	Free Trade Area
FWEB	Federation of Women Entrepreneurs and Women in Business






GATS	General Agreement on Trade and Services
GCIM	Global Commission on International Migration
GDP	Gross Domestic Product
GER	Gross Enrolment Ratio
GFMD	Global Forum on Migration and Development
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit/German Agency for International Development
GNI	gross national income
GPI	gender parity index
HCS	Humanitarian Coordination System
HOAI	Horn of Africa Initiative
HRK	Hochschulrektorenkonferenz/German Rectors Conference
ICMPD	International Centre for Migration Policy Development
ICPAT	IGAD Capacity Building Programme against Terrorism
ICSW	International Council of Social Welfare
ICT	Information and Communication Technology
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
IGADD	Intergovernmental Authority on Drought and Development
ILO	International Labour Organisation
IMI	International Migration Institute
IO	Indian Ocean
IOC	Indian Ocean Commission
IOM	International Organisation for Migration
IPAWAS	Association of Investment Promotion Agencies in West African States
IPED	Pan African Institute for Education Development
IPF	IGAD Partners Forum
IPPSD	Investment Promotion and Private Sector Development
IRAPP	IGAD Regional HIV and AIDS Partnership Programme
IRCC	Inter-Regional Coordinating Committee
ISIC	IGAD Strategy Implementation Committee
ITC	International Trade Centre
IUCEA	Inter-University Council for East Africa
JYEI	Joint AfDB/AU/ILO/UNECA Youth Employment Initiative
KILM	Key Indicators of the Labour Market
LDC	Least Developed Country
LMD	Licence Master Doctorat/Bachelor, Master and Doctorate
LMIS	Labour Market Information Systems
M&E	Monitoring and Evaluation
MDGs	Millennium Development Goals
MIDSA	Migration Dialogue for Southern Africa
MIDWA	Migration Dialogue for West Africa
MIEUX	EU-funded Migration EU eXpertise



MIP	Minimum Integration Plan
MME	Migration, Mobility, Employment and Higher Education
MoU	Memorandum of Understanding
MPC	Migration Policy Centre
MRA	Mutual Recognition Agreement
MRI	Meeting of the Ministers Responsible for Immigration Matters
MSME	Micro, Small and Medium Enterprise
NAP	National Action Plan
NEPAD	New Partnership for Africa's Development
NIC	National Implementation Committee
NPO	National Productivity Organisation
NSA/LA	Non-State Actors and Local Authorities
ODL	Open and Distance Learning
OECD	Organisation for Economic Co-operation and Development
OHADA	Organisation for the Harmonisation of Business Law
OHCHR	Office of the High Commissioner for Human Rights
OSBP	One Stop Border Post
OSIWA	Open Society Initiative for West Africa
OVCY	Orphans, Vulnerable Children and Youth
PACER-UEMOA	Programme for Support and Development of Regional Excellence Centres within WAEMU/UEMOA
PAPS	Programme d'Appui en matière de Paix et de Sécurité/Support Programme for Peace and Security
PAU	Pan-African University
PDCT-AC	Central African Consensual Transport Master Plan
PEAC	Pool Energétique de l'Afrique Centrale/Central African Power Pool
PES	Public Employment Services
PETU	Pôles d'Excellence et de Technologie Universitaires/University Centres of Excellence in Technology
PID	Project Implementation Document
PSSC	Public Security Sector Subcommittee
PTA	Preferential Trade Area
QA	Quality Assurance
RAC	Regional Advisory Committee
RADDHO	Rencontre Africaine pour la Défense des Droits de l'Homme /African Assembly for the Defense of Human Rights
RCP	Regional Consultative Process
RDWP	Regional Decent Work Programme
REC	Regional Economic Community
REESAO	Réseau pour l'Excellence de l'Enseignement Supérieur en Afrique de l'Ouest/Centre for Excellence of Higher Education in West Africa
REFORM	Regional Food Security and Risk Management
REPAC	Réseau des Parlementaires de l'Afrique Centrale/Network of Parliamentarians of Central Africa
RETIP	Regional Education and Training Implementation Plan
RETOSA	Regional Tourism Organisation of Southern Africa
RIP	Regional Indicative Programme



RISDP	Regional Indicative Strategic Development Plan
RISP	Regional Integration Strategy Paper
RMCC	Regional Migration Coordination Committee
RMCE	Regional Multi-Disciplinary Centre of Excellence
RMMS	Regional Mixed Migration Secretariat
RMPF	Regional Migration Policy Framework
RPIHSSP	Regional Political Integration and Human Security Support Programme
RPO	Regional Productivity Organisation
RQF	Regional Qualifications Framework
RRFC	Regional Referral Forensic Centre
RSP	Regional Strategy Paper
RTWG	Regional Technical Working Group
SADC	Southern African Development Community
SADCC	Southern African Development Co-ordination Conference
SADC-CNGO	Southern African Development Community Council of Non-Governmental Organisations
SAMP	Southern African Migration Programme
SARUA	Southern African Regional Universities Association
SASU	Southern African Students Union
SATUCC	Southern African Trade Union Coordinating Council
SHD&SP	Directorate on Social and Human Development and Special Programmes
SIPO	Strategic Indicative Plan for the Organ
SSR	Security Sector Reform
STI	Science, Technology and Innovation
STR	Simplified Trade Regime
TCCA	Technical Committee on Certification and Accreditation
THB	Trafficking in Human Beings
TIFI	Trade, Industry, Finance and Investment
TIPs	Trafficking in Persons
TMEA	Trade Mark East Africa
TMSA	Trade Mark Southern Africa
TVET	Technical Vocational Education and Training
UEMOA	Union Economique et Monétaire Ouest-Africaine/West African Economic and Monetary Union (WAEMU)
UK	United Kingdom
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCTAD	United Nations Conference on Trade And Development
UNDESA	United Nations Population Division, Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees/Refugee Agency
UNICEF	United Nations Children's Fund



UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USD	United States Dollar
WABA	West Africa Bar Association
WACSOF	West Africa Civil Society Forum
WAEC	West African Examinations Council
WAEMU	West African Economic and Monetary Union
WAHO	West African Health Organisation
WATUO	West African Trade Union Organisation
WB	World Bank
WFCL	Worst Forms of Child Labour
WGEMPS	Working Group on Education Management and Policy Support
WTO	World Trade Organisation
YERP	UNDP Regional Programme for Youth Employment and Social Cohesion

EXECUTIVE SUMMARY

Africa's Regional Economic Communities (RECs) can contribute significantly to achieving the goals of the Africa-European Union Migration, Mobility, Employment and Higher Education (MME) Partnership.¹ Advancing the four strategic areas of the Partnership - migration, mobility, employment and higher education (MME) - requires understanding the programmes, policies and strategies of the RECs in these areas, as well as the obstacles they face in rolling out these plans. To this end the African Union Commission and the European Commission selected six RECs for a MME Support Project stocktaking exercise, which would capture the state of play of MME in the RECs and pinpoint trends and synergies among them. These RECs are the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS), the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC).

The report follows the following structure. Chapter one introduces the challenges posed by overlapping REC memberships, and outlines two important inter-REC coordination initiatives that have emerged to address these challenges. They are common Regional Strategy Papers and Regional Indicative Programmes and the COMESA-EAC-SADC Tripartite Free Trade Area (FTA) initiative.

Chapter two presents COMESA, which stretches over 19 diverse Member States. Strategies related to migration target COMESA's objective to achieve a common market. Security and socio-economic concerns of Member States have impeded free movement, and the 2001 Free Movement Protocol is not yet in force. COMESA is engaged in a number of trade facilitation initiatives which aid mobility in the region. COMESA has yet to develop employment and higher education strategies and programmes. A COMESA Social Charter is being developed and will provide a strong basis for the promotion of social rights in the region. Higher education efforts are geared towards the harmonisation and mutual recognition of certificates and qualifications and enhancing centres of excellence in the region. MME activities should be tagged to COMESA's regional integration agenda, which is its core mandate. Initiatives stand a chance of moving forward if they are recognised as integral to the integration project.


Chapter three covers the EAC, which benefits from a relatively strong political commitment from its five Partner States and has a central focus on regional integration. It launched the Common Market in 2010. The Common Market Protocol (CMP) provides for the right to free movement and allows EAC workers to accept employment in EAC Partner States. It calls for the harmonisation of labour policies, programmes, legislation and social security benefits as well as a common employment policy. An ongoing manpower survey is expected to capture present and future skills shortages and surpluses and aid labour demand- and supply-matching at the national and regional levels. In addition, the CMP demands the harmonisation and mutual recognition of academic and professional qualifications. The harmonisation of MME policies and systems is integral to the EAC's regional integration agenda. However, the implementation of the CMP remains fragmented, and the EAC has yet to monitor and evaluate the extent to which it is being implemented.

Chapter four captures the work of ECCAS, which is composed of ten Member States. ECCAS's goals are to promote development in all fields of economic and social activity. Economic disparities, political instability and conflict have constrained the materialisation of its free movement framework. Conflict and insecurity in border areas are addressed through the Border Programme. Migration-related efforts are currently geared towards the development of a Regional Guidance Document for Central Africa on Migration and Development. ECCAS has not yet developed an employment strategy or implemented employment-related activities, although youth employment is considered a priority. ECCAS's Education Programme prioritises centres of excellence and education management information systems. Overall, the implementation of regional decisions is jeopardised by insufficient political will at the national level. Intra-regional dialogue should be promoted to reignite stagnated programmes.

Chapter five focuses on ECOWAS, which includes 15 Member States. ECOWAS was established to promote regional economic integration, and free movement is one of its fundamental aims. The implementation of its free movement regime still faces many challenges, although it has achieved progress in the facilitation of mobility. ECOWAS is renowned for its anti-trafficking efforts, and it has adopted various pertaining instruments. An ECOWAS Humanitarian Policy and Action Plan were adopted in 2012 which addresses mixed-migration and refugee protection. In recent years, ECOWAS has focused on four employment priorities: social protection, youth employment, child labour and social dialogue. The Education Programme aims to enhance access to quality education and training opportunities in the region, as well as harmonise education and training systems and admissions criteria for higher-learning institutions. Structural challenges within the ECOWAS Commission, resource constraints and insufficient political will are some of the challenges affecting ECOWAS's MME work. Raising awareness of ECOWAS policies and mobilising resources remain important strategies to address these shortcomings.

Chapter six details the MME work of IGAD, which brings together eight Member States and is best known for its peace and security efforts in the unstable Horn of Africa region. An IGAD Regional Consultative Process has been leading migration dialogue in the region. IGAD's Regional Migration Policy Framework was adopted in 2012 and is expected to be translated into a five-year action plan in 2013. A free movement of persons regime is planned and considered key to accelerating regional integration; it is also expected to shape IGAD's employment strategy.

1. The official name of the MME Partnership is the Africa-European Union Migration, Mobility and Employment Partnership. As higher education is covered by the Partnership, it is also referred to as the Africa-European Union Migration, Mobility, Employment and Higher Education Partnership.



A regional education strategy, which covers higher education, is foreseen. The IGAD region faces multiple socio-economic and political challenges, which makes it difficult for IGAD to make headway in the areas of MME. IGAD should tackle a few priority MME topics and seek opportunities to collaborate with other RECs on existing MME strategies and programmes.

Chapter seven features SADC, which counts 15 Member States, and aims to promote social and economic development. The opening of borders is hampered by the perception that migration poses security and socio-economic threats, and consequently the 2005 Protocol on the Facilitation of Movement of Persons in SADC has not entered into force. SADC is pushing forward migration-related cooperation through the development of a regional strategy on the prevention of illegal migration, smuggling and human trafficking. Various employment-related policy instruments have been put in place, and a Draft Protocol on Employment and Labour and a SADC Regional Decent Work Programme are expected to be endorsed in 2013. Higher education is a new priority for SADC, and a Strategic Framework for Higher Education and Training is being developed. Diverging interests among Member States and the lack of supra-national decision-making within SADC make it difficult to deliver and implement common decisions.

Chapter eight analyses the trends and synergies among the RECs by looking at the MME topics that were dealt with in chapters two to seven. The RECs are clearly moving forward with formulating overarching migration strategies, and migration dialogues are gaining popularity. Whilst most RECs have free movement agreements, shortcomings remain in their implementation. All RECs aspire to strengthen border management and cooperation, which is important in burgeoning trade and mobility and fighting transnational crime. International protection is an area which requires substantial reinforcement in the RECs, although its importance is recognised in treaties, free movement frameworks and other key REC documents. Anti-trafficking initiatives are gaining ground among the RECs.

Employment is an emerging area for most of the RECs. Decent work, social protection, social dialogue, job creation and productivity and youth employment are priorities for the RECs. Higher education is a nascent area for most RECs. The harmonisation and mutual recognition of academic and professional qualifications are necessary to facilitate labour mobility and are therefore prominent objectives for the RECs that are deepening their regional integration agendas. Centres of excellence, quality assurance, education management information systems and open and distance learning are further priorities for the RECs.

Overall, the RECs share a number of challenges that impede progress. Nevertheless, MME priorities of African states can advance much further if they are addressed in regional fora where common responses can be plotted and resources pooled to address cross-border concerns.

Chapter 1

OVERLAPPING MEMBERSHIPS AND COORDINATION



1. Overlapping Memberships and Coordination

The overlapping memberships of Regional Economic Communities (RECs) in Africa create numerous fundamental challenges. First, most RECs strive for regional economic integration and cannot prosper if their Member States make conflicting, competing commitments to different RECs. In addition, various RECs work in similar areas, which may result in duplicated efforts and wasted resources. A Member State may also choose to support one of the RECs it belongs to at the cost of supporting the plans of another REC in a similar area. Moreover, African countries may see their human and financial resources spread thin if they aim to support multiple plans of the multiple RECs to which they belong. Consequently, little may be achieved.

The spaghetti bowl of regional arrangements that has emerged in Africa calls for coordination among the RECs and the harmonisation of their initiatives. To this end various coordination mechanisms have been put in place, and some RECs participate in common programmes. This chapter outlines two of the important inter-REC coordination initiatives which have arisen to address the challenges posed by overlapping REC membership. They are the common Regional Strategy Papers (RSPs) and Regional Indicative Programmes (RIPs), and the Common Market for East and South Africa (COMESA)- East African Community (EAC)- Southern African Development Community (SADC) Tripartite Free Trade Area (FTA) initiative. These initiatives are focused on as they are particularly relevant to the RECs discussed in this report.


The Cotonou Agreement allows regional organisations with overlapping memberships to participate in common RSPs and RIPs, especially as regards regional economic integration, in order to promote synergies and avoid duplication in projects and programmes to be financed under the European Development Fund (EDF). This approach is in line with the strategic objective of strengthening integration and cooperation among African, Caribbean and Pacific (ACP) countries and regions. One example of such cooperation is the Eastern Southern Africa-Indian Ocean (ESA-IO) RSPs and corresponding RIPs, in which COMESA, the EAC, the Intergovernmental Authority on Development (IGAD) and the Indian Ocean Commission (IOC) have been included for the ninth (2003-2007) and tenth (2008-2013) EDF. In order to support all stages of the project cycle for the ninth and tenth EDF, an Inter-Regional Coordinating Committee (IRCC) was established in 2003. The IRCC Secretariat is based at the COMESA Secretariat, and IRCC officers are posted in the EAC, IOC and IGAD. This IRCC also includes representatives of SADC, which has so far been supported under a distinct RSP/RIP for the Southern African Region,¹ and the European Commission (EC). The African Union Commission (AUC) and the ACP Secretariat, as well as other development partners, can be invited as observers, and EDF National Authorising Officers associated when necessary.

The primary role of the IRCC is to support the four regional organisations of the ESA-IO region in the programming and implementation of their EDF-funded projects and programmes, in line with the regional strategy defined in the RSP. In particular, the IRCC plays a key role in the identification and formulation of projects and programmes to be

funded under the EDF, reviewing all funding requests prior to their presentation to the EC. It is also involved in their implementation (sometimes acting as the Steering Committee for specific projects and programmes), monitoring and evaluation. The IRCC is also expected to contribute to the regional integration agenda by i) providing a forum for the exchange of views and information between RECs on regional integration issues; and ii) facilitating the mobilisation of EDF resources in support of initiatives aiming at harmonising the different trade and integration policies of the broader ESA-IO region (including SADC), such as the COMESA-EAC-SADC Tripartite described below. Similarly, the IRCC is expected to contribute to the mobilisation of resources for negotiation and implementation of other trade arrangements such as Economic Partnership Agreements.² Finally, IRCC terms of reference include the promotion of aid effectiveness, through the alignment of EDF support with regionally owned initiatives such as the regional Aid for Trade strategy for the ESA-IO region.³

Although the IRCC is regarded as a key coordinating instrument, so far it has not been able to fully play its role, particularly in monitoring and evaluating RIP implementation. A 2009 report of the European Court of Auditors analysed shortcomings in these areas.⁴ According to the report, the IRCC monitors the financial implementation of the regional projects, but not the progress made by these programmes against predefined targets and their contribution towards the regional integration process as such. The revision of IRCC terms of reference in 2009 put more emphasis on the IRCC's role in these areas, and the IRCC and participating regional organisations have been working on the development of a comprehensive monitoring and evaluation system for the RIP.

The second initiative refers to the plans of COMESA, EAC and SADC to establish the Tripartite FTA. The envisaged Tripartite FTA should increase market access, harmonise their economic integration agendas and promote deeper integration between their Member States, which should lead to greater development gains. In June 2011 the Tripartite Summit launched negotiations for a FTA Area and adopted a Declaration, Negotiating Principles and a Roadmap to steer this process. The Declaration Launching the Negotiations for the Establishment of the Tripartite Free Trade Area announced that the first phase of negotiations will focus on trade in goods, as well as the movement of businesspersons through a parallel and separate track of negotiations. The second phase will cover the built-in agenda on services and trade-related areas. Trade facilitation and infrastructure development are specific objectives of this process, whereas the movement of people, and its links to trade facilitation and trade in services, is recognised and features in the Tripartite regional integration negotiations. The importance of services to complement trade in goods strategies is increasingly acknowledged, and is an area which requires specific commitments among African countries. However, it is also important to emphasise that the movement of people is important to the trade facilitation agenda, such as the movement of people in transporting goods in the region, and to the investment



agenda - skills transfer and learning are engendered as experts/workers move to the investment location.

The Tripartite initiative is regarded as a key step towards achieving the *African Economic Community [AEC] envisioned in the Lagos Plan of Action and the Final Act of Lagos of 1980, Abuja Treaty of 1991 as well as the resolution of the African Union Summit held in Banjul the Gambia in 2006 that directed the African Union Commission and the RECs to harmonize and coordinate policies and programmes of RECs as important strategies for rationalization; and to put in place mechanisms to facilitate the process of harmonization and coordination within and among the RECs.*⁵

In this chapter two chief inter-REC coordination initiatives have been outlined to guide the reading of the REC chapters in which they are mentioned. Inter-REC coordination offers an avenue to address some of the challenges that hamper regional integration and realising the objectives of the RECs, including in the areas of MME.



ENDNOTES

1. SADC representatives originally had observer status, until the revision of the Inter-Regional Coordinating Committee (IRCC) terms of reference in 2009.
2. Economic Partnership Agreements are agreements between the European Union (EU) and the African, Caribbean and Pacific group of countries that aim to promote trade between the two groups, through trade development, sustainable growth and poverty reduction.
3. IRCC, 2009, Revised Terms of Reference for the IRCC, 2009-2013, approved by the IRCC Meeting of 15 January 2009, Zanzibar, Tanzania.
4. European Court of Auditors, 2009, Effectiveness of EDF Support for Regional Economic Integration in East Africa and West Africa, Special Report No. 18.
5. COMESA-EAC-SADC, 2011, Communiqué of the Second COMESA-EAC-SADC Tripartite Summit, Johannesburg, 12 June 2011.

Chapter 2

COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA



1. COMESA and Contextualising MME

Key data	
States	19
Total Area ¹	11.6 million km ²
Population (2010) ²	451.5 million
GDP (2009) ³	USD 513 billion

1.1 Introduction to COMESA

The Common Market for Eastern and Southern Africa (COMESA) covers 11.6 million square kilometres and is composed of 19 Member States: Burundi, Comoros, Djibouti, the Democratic Republic of the Congo (DRC), Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe. It was established in 1994, replacing the Preferential Trade Area (PTA) for Eastern and Southern Africa States, which had been in existence since 1981. Since 2005, COMESA's population has grown by more than 37 million to reach an estimated 451.5 million in 2010, with children and youth making up 63% of the total population.⁴ Twelve of the nineteen COMESA countries are classified as Least Developed Countries (LDCs),⁵ and poverty levels are high in many COMESA countries, with more than half of the regional population living on less than USD 1 a day.⁶

COMESA was intended to be mainly a trade- and investment-oriented organisation. The mandate of COMESA is the following:

- *To attain sustainable growth and development of the Member States by promoting a more balanced and harmonious development of its production and marketing structures;*
- *To promote joint development in all fields of economic activity and the joint adoption of macro-economic policies and programmes to raise the standard of living of its peoples and to foster closer relations among its Member States;*
- *To cooperate in the creation of an enabling environment for foreign, cross-border and domestic investment including the joint promotion of research and adaptation of science and technology for development;*
- *To cooperate in the promotion of peace, security and stability among the Member States in order to enhance economic development in the region;*
- *To cooperate in strengthening the relations between the*

Common Market and the rest of the world and the adoption of common positions in international fora; and

- *To contribute towards the establishment, progress and the realisation of the objectives of the African Economic Community.*

COMESA therefore envisions a fully integrated, internally competitive Regional Economic Community (REC) within which goods, services, capital and labour are free to move across national borders through the implementation of its Medium Term Strategic Plan 2011-2015. The Free Trade Area (FTA) was launched in 2000 and is a work in progress for 14 COMESA Member States.⁷ A customs union was formally launched in 2009.⁸

Several other regional organisations are in operation in the region, including the East African Community (EAC), the Intergovernmental Authority on Development (IGAD), the Indian Ocean Commission (IOC), the Southern African Development Community (SADC) and the Community of Sahel-Saharan States (CEN-SAD). This results in overlapping memberships, with several countries in the region belonging to three different RECs. To address the consequent need for coordination between the RECs COMESA has concluded Memorandums of Understanding (MoUs) with IGAD, IOC, CEN-SAD, EAC and SADC. COMESA also signed a MoU with the Economic Community of West African States (ECOWAS) to, inter alia, enhance private sector development in the two regions. The establishment in 2011 of a Regional Multi-Disciplinary Centre of Excellence (RMCE) to serve COMESA, EAC, SADC, IOC and IGAD regional development initiatives is an innovative form of inter-REC cooperation. The RMCE offers training and advisory and information services on regional integration matters, including trade policy and facilitation, to senior public policy makers, private sector executives and civil society leaders working to accelerate growth and development in Eastern and Southern Africa and the Indian Ocean (ESA-IO) region.

RECs can participate in common Regional Strategy Papers (RSPs) and Regional Indicative Programmes (RIPs) that are financed by the European Development Fund (EDF). COMESA, EAC, IGAD and IOC have been included in the same ESA-IO RSPs and corresponding RIPs under the ninth (2003–2007) and tenth (2008–2013) EDF. In order

to support all stages of the project cycle for the ninth and tenth EDF, an Inter-regional Coordinating Committee (IRCC) was established in 2003. This IRCC also includes representatives of SADC, which has so far been supported under a distinct RSP/RIP for the Southern African Region.⁹ The IRCC Secretariat is based at the COMESA Secretariat, and IRCC officers are posted in the EAC, IOC and IGAD.

Cooperation with EAC and SADC is particularly important considering the numerous dual memberships in these two RECs: Burundi, Kenya, Rwanda and Uganda with EAC; DRC, Madagascar, Malawi, Mauritius, Seychelles, Swaziland, Zambia and Zimbabwe with SADC. Considering its broad membership, COMESA's role is essential in pushing the COMESA-EAC-SADC Tripartite FTA forward. Negotiations for the FTA were launched in June 2011.¹⁰ Objectives of the FTA are to increase market access by harmonising their economic integration agendas and to promote deeper integration between their Member States.

1.2 MME State of Play in the COMESA Region

Key Statistics¹¹

Country	Country Population (millions) 2010	Human Development Index (HDI) 2010	Average annual net international migration rate (per 1000) 2005-2010	Migrant Stocks (%) 2010	Migrants from COMESA as a share of all international migrants (%) 2010	Female migrants as a share of all international migrants (%) 2010	Refugees as a total share of all international migrants (%) 2010	Remittances as a share of GDP (%) 2011
Burundi	8.5	0.282	9.5	0.7	85.9	54.6	31	2
Comoros	0.7	0.428	-2.9	2	77.4	53.3	0	N/A
Djibouti	0.9	0.402	0	13	11	45.9	7	N/A
DR Congo	67.8	0.239	-0.1	0.7	34.8	53.1	43.4	N/A
Egypt	84.5	0.620	-0.9	0.3	6.2	46.6	37.9	6.2
Eritrea	5.2	N/A	2.3	0.3	52.7	45.9	29.3	N/A
Ethiopia	85	0.328	-0.8	0.6	26.2	47.1	16.6	1.6
Kenya	40.8	0.470	-1	2	43.6	50.8	32.9	2.8
Libya	6.5	0.755	-0.7	10.4	6.2	35.5	0.5	N/A
Madagascar	20.1	0.435	-0	0.2	17.2	46.1	0	N/A
Malawi	15.7	0.385	-0.3	1.8	15.4	51.6	1.2	0.3
Mauritius	1.3	0.701	0	3.3	4	63.3	0	2.2

Rwanda	10.3	0.385	0.3	4.5	76.9	53.9	11	1.6
Seychelles	N/A	N/A	N/A	N/A	11.6	N/A	0	2.5
Sudan	43.2	0.379	0.7	1.7	82.6	48.2	27.8	2.6
Swaziland	1.2	0.498	-1	3.4	N/A	47.7	1.9	1.4
Uganda	33.8	0.422	-0.9	1.9	90.4	49.9	38.7	5.6
Zambia	13.3	0.395	-1.4	1.8	30.2	49.6	50	0.2
Zimbabwe	12.7	0.140	-14.3	2.9	23.5	37.8	1	N/A

N/A: Data not available

Migration

The number of international migrants (including refugees) within the COMESA region was estimated at 5.8 million in 2010, representing 1.4% of the total population, with Kenya (817.747), Sudan (753.447), Libya (682.482) and Uganda (646.548) hosting the highest number of migrants in absolute terms. In relative terms (international migrants as a share of the population), the main countries of immigration were small states such as Djibouti and Seychelles and low-populated Libya. Refugees constituted a high proportion of international migrant stocks in several countries in the region (50% in Zambia, 43.4% in the DRC, 38.7% in Uganda, 37.9% in Egypt and 32.9% in Kenya).¹² As in other African regions, these figures are to be taken with caution given data limitations and the high prevalence of unrecorded movements.

Many countries in Eastern and Southern Africa continue to suffer the consequences of both previous and ongoing conflicts and tensions, which are made worse by extreme poverty and limited capacity and resources. This has led to a net outflow of migrations within and outside the region. Eastern Africa, in particular, has been experiencing massive conflict-induced displacement. Environmental conditions, such as drought and desertification, are also key driving factors of displacement within the region. According to the most recent data from the United Nations Refugee Agency (UNHCR), there are currently some 5.5 million people of concern to UNHCR in the East and Horn of Africa.¹³ Kenya (566.487), Chad (366.494) and Ethiopia (288.844) currently host the highest populations of refugees in the region. Somalia is the country of origin for more than a million refugees, followed by Sudan (half a million) and Eritrea (251.954). The highest number of internally displaced persons (IDPs) can be found in Sudan (2.4 million) and Somalia (1.4 million).¹⁴ In the Southern part of the COMESA region, Zambia is the main host country for refugees (48.000 persons originating from Angola, Burundi, the DRC, Rwanda and Somalia), and Zimbabwe is the only country counting IDPs. Refugee

camps in countries such as Malawi and Zimbabwe are often used as stopping points by migrants moving to South Africa, which puts additional pressure on humanitarian resources.¹⁵

As a matter of fact, although forced migration is predominant in Eastern Africa, migration driven by economic factors can be observed, and the region is characterised by mixed-migration movements. Lack of economic prospects in some COMESA Member States has led to increasing regional migration in search of both formal and informal work. Primary migration routes include the Northern route through North Africa (Libya and Egypt in particular) towards Europe; the Eastern route which also exposes migrants to the dangerous sea crossing into Yemen and the Arabic Peninsula; and the Southern route which increasingly leads to Southern African destinations, such as South Africa, Botswana, Zambia and Angola.

While the volume of cross-border movements and demand for migration services have grown, the corresponding resources at the government level have not kept pace with the changes. Fraud and corruption are among the most serious concerns to be faced. Trans-national organised crime is a growing issue in the region, notably in terms of human trafficking. While the majority of trafficking takes place within the region, women are also trafficked to the Middle East and the Gulf States for domestic servitude, while men are also exploited as low-skilled workers. There is also a small percentage trafficked for sexual exploitation to Europe via Lebanon. In countries such as Mauritius and Malawi, child trafficking is on the increase, primarily for sexual exploitation.

Although rural-urban migration has progressed in recent years, internal migration tends to take place between rural areas, and most COMESA countries have relatively low urbanisation rates (below 40%), with the exception of Libya, Djibouti, Seychelles, Egypt and Mauritius. This is reflected in the average urbanisation rate for Eastern Africa (23.7%) in 2011, compared with other African regions: 41.5% for

“Middle Africa,” 44.9% for Western Africa, 51.5% for Northern Africa and 58.9% for Southern Africa.¹⁶

Employment

COMESA is marked by important disparities among its Member States in terms of labour market indicators. In 2010, labour force participation rates¹⁷ ranged from 86.1% in Zimbabwe to 48.8% in Egypt, while employment-to-population ratios¹⁸ varied between 85.3% in Rwanda and 43.7% in Swaziland. Both indicators were generally significantly lower for youth (15-24 age group) and women.

COMESA is faced with strong demographic growth and the associated challenge of creating jobs for a rapidly increasing labour force. Youth are confronted with a deteriorating employment situation which undermines poverty-reduction efforts and helps to fuel conflicts within the region.¹⁹ Youth unemployment remains a major challenge for COMESA Member States.

The main economic activity in the region is agriculture which employs the majority of workers, and a majority of the population works in the informal economy. Both sectors are characterised by low productivity levels and poor working conditions. Responding to the absence or inadequacy of social protection is also a major challenge for the region.²⁰

In order to address these challenges, COMESA efforts are notably geared towards employment creation through the development of Micro, Small and Medium Enterprise (MSME) sub-sectors²¹ and strengthening the regional skill base through higher education and training to better match labour market requirements and regional development needs.

Higher Education

Participation in higher education in the COMESA region remains generally low. However, there are strong disparities among Member States. Among countries where recent data are available, tertiary gross enrolment ratio (GER) reach 32% in both Egypt and Mauritius. Leaving these countries, which stand as regional exceptions, aside, the highest GER among COMESA countries can be found in Comoros (10%) and Ethiopia (8%). At the other end of the spectrum, GER are particularly low in Malawi (1%), Eritrea (2%) and Burundi (3%). These figures hide gender disparities, with generally lower female GER, although Mauritius constitutes an interesting exception with female GER (37%) higher than male GER (28%). In the cases of Egypt and Ethiopia, for instance, male and female GER are 31% and 34% and 11% and 5%, respectively.²²

Beyond observed disparities, all COMESA countries face similar challenges, ranging from resource constraints to accommodating increasing numbers of prospective students, quality issues in both the public and private sectors and inadequate curricula. As far as inadequate curricula are concerned, COMESA's approach to higher education is very much linked to the promotion of science, technology and innovation as key drivers for regional socio-economic development.

1.3 Structure and Coordination within COMESA

i. Institutional Framework

COMESA Organs are listed in the COMESA Treaty (Article 7) and include the Authority; the Council; the Court of Justice; the Committee of Governors of Central Banks; the Intergovernmental Committee; the technical committees; the Secretariat; and the Consultative Committee. In addition, several institutions have been created to promote sub-regional cooperation and development.²³

The **Authority** (Article 8) is the supreme Policy Organ of the Common Market and consists of the Heads of State or Government of the Member States. It is responsible for the general policy direction and control of the performance of the executive functions of COMESA and the achievement of its aims and objectives. The **Council of Ministers** (Articles 9-12) is primarily responsible for monitoring and ensuring the proper functioning and development of COMESA.

The **Committee of Governors of Central Banks** (in the field of finance and monetary cooperation) and the **Intergovernmental Committee** (in all other fields of cooperation) submit reports and recommendations to the Council. Their deliberations are in turn informed by the reports and recommendations of a series of **technical committees** composed of representatives of the Member States (Articles 13-16).

The **Secretariat**, headquartered in Lusaka, Zambia, is the executive organ of COMESA (Article 17), and is currently led by Secretary-General Sindiso Ndema Ngwenya from Zimbabwe.

ii. Regulatory/Legal Framework

The Treaty defines the following COMESA legal instruments:

- *The Authority adopts directions and decisions which are binding, as the case may be, on the Member States, on all other organs of the Common Market other than the Court in the exercise of its jurisdiction and on those to whom they may be addressed under the Treaty. The decisions of the Authority are taken by consensus (Article 8);*
- *The Council of Ministers adopts regulations, directives and decisions. Council of Ministers regulations are COMESA's most commonly used instruments. Regulations, directives and decisions are binding on the Member States, on all subordinate COMESA organs other than the Court in the exercise of its jurisdiction and on those to whom they may be addressed under the Treaty. However, directives are only binding as to the result to be achieved, but not as to the means of achieving it. The Council also adopts recommendations and opinions which are non-binding. The decisions of the Council are taken by consensus; if consensus is not achieved their decisions are taken by a two-thirds majority.*

Directions and **decisions** of the Authority, as well as **directives** and decisions of the Council, take effect upon receipt of their notification²⁴ by those to whom they are addressed or on such date as they may specify. Council **regulations** enter into force on the date of their official publication or on such later date as they may specify.

COMESA's legal framework is further defined by a number of **protocols** and **agreements**, which can only enter into force once ratified by a determined number of Member States. There is no standard rule regarding this number, and each instrument specifies the number of ratifications required for its entry into force. The Court of Justice (Articles 19-44) ensures adherence to the law in the interpretation and application of the Treaty.

COMESA is developing a comprehensive **monitoring and evaluation** mechanism. Currently monitoring the implementation of COMESA decisions takes place through Member States' reports, which feed into an annual Status Report on the implementation of COMESA programmes prepared by the Secretariat. This Report is discussed at ministerial and heads of state and government level. Monitoring also takes place sectorally, through the established technical committees gathering representatives of Member States and sectoral meetings of ministers (such as the Meeting of Ministers Responsible for Immigration matters for instance). However, in the absence of a clearly established supremacy of COMESA law that would be recognised by Member States and enforced effectively at national and regional level, the implementation of decisions agreed upon at COMESA level, irrespective of the type of legal instrument, remains ultimately dependent on the political will of Member States. This weakness in the legal framework, which is common to all African RECs,²⁵ directly impacts COMESA's capacity to achieve its goals.

iii. Offices in the Secretariat That Work on MME

Migration and labour fall under the **Legal and Institutional Affairs Division**. The Division provides legal advisory services to all COMESA programmes and activities, and implements programmes on peace and security, good governance, and the free movement of persons. A new Immigration, Free Movement and Labour Unit has been created to drive the free movement agenda.

The final objective of cooperation in trade, customs and monetary affairs is to achieve a fully integrated, internationally competitive and unified single economic space within which goods, services, capital and labour are able to move freely across national frontiers. The **Trade, Customs and Monetary Affairs Division** is in charge of cooperation programmes in these areas, which bear relevance to different aspects of the MME Partnership. Issues such as the movement of service suppliers and persons employed by service suppliers or the mutual recognition of qualifications are for instance addressed under trade in services initiatives. As regards the COMESA Aid for Trade Strategy, it is placed under the responsibility of a specific Unit.

The **COMESA Aid for Trade Unit (ComAid)** was set up within the COMESA Secretariat in 2008. Its functions and activities are defined to ensure the implementation, by the COMESA Secretariat, of its re-

sponsibilities within the ESA-IO Regional Aid for Trade (Aft) Strategy, formally adopted at the COMESA Council meeting of June 2009. The Strategy, which aims at supporting COMESA Member States' trade reforms and regional integration initiatives, bears relevance for certain dimensions of the MME Partnership, including border management. ComAid works with the relevant operational divisions within the COMESA Secretariat and primarily builds on ongoing programmes and activities and ensures proper coordination to achieve the objectives of the regional Aft Strategy. Because of this coordination role, the Unit is attached directly to the office of the Assistant Secretary-General (Programmes).

Cross-border trade, including small-scale cross-border trade, is under the responsibility of the **Investment Promotion and Private Sector Development (IPPSD)** Division. A specific Cross-Border Trade Desk has been set up with support from the European Union (EU) funded Regional Integration Support Programme (RISP).

The **Gender and Social Affairs Division** steers and oversees the implementation of the COMESA Gender Policy in the Member States and at the Secretariat. The Division has existed since 2009 and has been involved in various agendas, including migration, decent work and education. It also works on issues concerning cross-border traders, which are mainly women. The Federation of National Associations of Women in Business in Eastern and Southern Africa (FEMCOM), a COMESA institution established in July 1993 to promote women in business in COMESA and beyond, is a key partner of the Division for project implementation. As part of its social affairs portfolio, the Gender and Social Affairs Division has also been instrumental in the development of the COMESA draft Social Charter which is relevant to various areas of the MME Partnership.

The **Science, Technology and Innovation Unit** is in charge of the Science, Technology and Innovation programme, which includes higher education activities. The Unit is under the Trade, Customs and Monetary Affairs Division. However, due to its cross-cutting portfolio, it reports directly to the Secretary-General.

2. Migration and Mobility

The **COMESA Model Law on Immigration** was adopted in 2006 in order to harmonise the migration legislation of Member States and further the COMESA integration agenda.

The 1984 **Protocol on Gradual Relaxation of Visa Requirements** is in force, but implementation is uneven.

Economic and security concerns are cited as key obstacles to the ratification of the 2001 **Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence**.

One Stop Border Posts have been repeatedly called for, and one has been successfully constructed at Chirundu, the border between Zambia and Zimbabwe.

COMESA is engaged in a number of **trade facilitation initiatives** which aid mobility in the region.

2.1 Migration Strategy

Strategies related to migration target COMESA's objective to achieve a common market within which goods, services, capital and labour are free to move across national borders. Removing barriers to the free movement of goods and labour is therefore a priority which is anchored in the **Medium Term Strategic Plan 2011-2015**. This is reflected in the will to promote the ratification of the **Protocol on Free Movement** (see below). In addition, a **COMESA Model Law on Immigration** has been adopted with the aim of harmonising the migration legislation of the Member States.

The COMESA Model Law on Immigration was adopted by the COMESA Council of Ministers in May 2006. The Model Law on Immigration regulates the entry and length of stay of immigrants and visitors within the countries of the COMESA Member States and provides for the removal of illegal non-nationals and undesirable persons from the Member States. It covers a wide pool of migration-related issues. These include the powers of the Immigration Department; entry and departure procedures; permits for business, study, visitors, retired persons, workers, cross-border traders and their families and long-term residents; and asylum seekers. The Model Law establishes rules with regard to offences by illegal non-nationals, their detention and deportation, as well as duties and obligations for carriers, employers, learning institutions and persons who wish to aid or abet such persons. Unfortunately, the Model Law does not contain specific provisions for the mobility of citizens from COMESA Member States in accordance with the COMESA Visa and Free Movement Protocols.

Since the adoption of the Model Law, the COMESA Secretariat has promoted the harmonisation of the Member States' laws with the Model Law. A comparative study on the harmonisation of national laws with the COMESA model law has been undertaken in the

framework of the EU-funded Migration EU eXpertise (MIEUX) initiative, which is implemented by the International Centre for Migration Policy Development (ICMPD).²⁶ The outcomes indicate that new legislation in some COMESA Member States approximates the Model Law in some areas. The study also concluded that there is a need to harmonise and standardise national laws in order to further COMESA's integration agenda.

2.2 Migration Dialogue

Seven COMESA Member States participate in the Migration Dialogue for Southern Africa (MIDSA), which is facilitated by the International Organisation for Migration (IOM) and has been in place since 2000. The COMESA Secretariat is regularly invited. In addition, IOM and the COMESA Secretariat have indicated that they may launch a Regional Consultative Process for the COMESA region in 2013.

COMESA has also taken steps to reinforce its own dialogue and co-ordination mechanisms with its Member States. Within the COMESA structure, Chief Immigration Officers are scheduled to meet annually and report to the Council of Ministers. The **Meeting of the Chief Immigration Officers** is theoretically held once a year, prior to the **Meeting of the Ministers Responsible for Immigration Matters (MRI)**. The latest MRI meetings were held in 2008, 2011 and 2012. ICMPD, through the EU-funded MIEUX initiative, is COMESA's main partner in strengthening these structures. MIEUX supported the setting up of two task forces (consisting of five countries) geared at developing a roadmap for the implementation of the Free Movement Protocol and the harmonisation of pertinent national legislation, as well as developing a capacity-building programme in line with the roadmap (see 2.3 Free Movement).

2.3 Free Movement

Article 4 of the COMESA Treaty stipulates that, as part of the measures needed to attain the aims and objectives of the Common Market, the Member States shall *remove obstacles to the free movement of persons, labour and services, right of establishment for investors and right of residence within the Common Market*. The **Protocol on Gradual Relaxation of Visa Requirements** was adopted under the PTA Treaty in Bujumbura in 1984 and is in force. It was designed to make it easier for business people to move between member countries and is an extension of the system operating under the Commonwealth.

Under the Visa Protocol, Member States agreed that *nationals of a Member State holding travel documents shall not be required to obtain visas before travelling to the territory of another State and may be granted visas to enter such territory upon the presentation of such travel documents at an official entry point of that Member State* (Article 2.1).

Within a period to be decided by the Council and not exceeding eight years from the entry into force of the Protocol, *nationals of a COMESA Member State holding travel documents shall be free to enter into*

another country without the requirement of a visa provided that their stay does not exceed ninety days at a time (Article 2.2). Another important Article concerns cooperation: *Member States undertake to cooperate among themselves by exchanging information on such matters that are likely to affect the effective implementation of this Protocol* (Article 5).

Compliance of COMESA Member States with the Protocol is uneven. In practice, most COMESA Member States grant a visa to citizens from other COMESA countries upon arrival at the airport. Some Member States such as Libya or Eritrea only grant visas from their embassies.

In 2001 the **Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence** (Free Movement Protocol) was adopted. The Protocol is aimed at replacing the Visa Protocol and extending its measures to the movement of labour and capital and, in the future, enabling COMESA citizens to reside anywhere within the region.

Member States agreed on the principle of removing all restrictions to the movement of persons, and on the principle of equality of treatment: COMESA citizens should be able to move freely and take up employment in any Member State under similar conditions as national workers, or pursue activities as self-employed persons.

The Protocol foresees the progressive relaxation of visa requirements under similar terms and conditions as the Visa Protocol (Articles 3-4) and, subsequently, the complete elimination of visa requirements within six years of the entry into force of the Protocol (Article 5). Some safeguards exist for the States. Each Member State reserves the right of refusal of entry and expulsion of persons detrimental to national security or public health. A State may temporarily suspend the provision of the Articles on the grounds of public security or influx of persons as refugees arising from disturbances in the territory of another Member State. This latter provision is questionable with regard to the States' obligations under international refugee law.

Further provisions include the free movement of labour within six years of the entry into force of the Treaty, as well as the future adoption of a programme to remove restrictions on the movement of services by 2004. The Protocol further aims to abolish (through progressive stages) all restrictions on the freedom of establishment, according to a general programme which will be decided upon by the Council after the entry into force of the Protocol. States further agree on harmonising their national legislation with regard to the right of residence. The Protocol needs to be ratified by seven countries to enter into force. States can decide to apply the provisions of the Protocol before it enters into force.

COMESA Member States had foreseen a phased approach in implementing the Free Movement Protocol, commencing with the gradual removal of visa requirements. This timeline is no longer valid since the Protocol has not yet entered into force. Only four Member States reported having signed it: Kenya, Rwanda, Burundi and Zimbabwe. Only Burundi has ratified it. The COMESA Secretariat attributes the lack of ratification to security and economic issues within the Member States and hopes to gather the required number of ratifications for

the Protocol to enter into force by 2014. A report submitted to the Fourth Meeting of the Ministers Responsible for Immigration²⁷ identified two types of challenges related to compliance with the Protocol's requirements:

- Macroeconomic constraints (inflation; unemployment; economic, social, infrastructure and technological constraints; public health issues); and
- Administrative constraints (judicial and administrative restrictions to movement; bureaucracy; different border policies and procedures).

The COMESA Business Council (CBC) has been advocating for progress regarding the free movement of business people. The CBC, a COMESA member-based private sector institution established in 2003, has the role and mandate, as per the COMESA Treaty, to represent the private sector as a key policy and advocacy actor. Recent advocacy activities included the organisation in December 2011 of a Private Sector Dialogue on Accelerated Elimination of Visa Fees in the Region, Free Movement of Persons and Deepening Regional Integration in the COMESA Region. The Dialogue resulted in the adoption of a Regional Position on the gradual elimination of visa fees and free movement of business persons in the COMESA region.²⁸ At the institutional level, the Regional Position calls for the formation of dedicated National Monitoring Committees on the Elimination of Visas for Free Movement of Business Persons comprising ministries and key stakeholders involved in the movement of persons, labour and services in the region.

In order for the Visa and Free Movement Protocols to be actualised, COMESA must look at achieving its objectives stage by stage, implying a gradual relaxation of border controls. Trust must be gained among COMESA States in light of recurrent security concerns. This implies improving security and efficiency of border controls, including increased monitoring of borders and inter-services cooperation, both within the national administration and with neighbouring countries.

Member States have agreed to measures aimed at supporting the implementation of the Protocol. The difficulty resides in the political will and capacity of Member States to implement the decisions taken at the ministerial level.

The Fourth MRI, held in March 2011 in Lusaka, Zambia, confirmed the decision to create a COMESA database for effective information sharing on the movement of persons. The meeting also acknowledged the key role played by chief immigration officers in the adoption and ratification of the various protocols, and recommended increasing the frequency of their meetings.

In addition, the Fourth MRI recommended setting up two task forces aimed at:

- Developing a roadmap for implementation of the Protocol on free movement and harmonisation of national legislation; and
- Developing a capacity-building programme in line with the roadmap.²⁹

The two task forces were launched in July 2011 at a workshop in

Swaziland facilitated by the MIEUX facility. In addition to harmonising national law and further ratification of the Free Movement Protocol, it was decided that the task forces would work on improving the efficiency of immigration departments; increasing dialogue among the Member States; identifying the roles of different departments at the border; developing multi-skilled immigration officers; and facilitating trade flows.

A second workshop on cooperation took place in Nairobi in March 2012. Participants agreed on the need to develop mechanisms for information sharing. They recommended using the i-map³⁰ as a model for a regional platform for information sharing. Participants also recommended working closely with civil society, such as the COMESA Business Council, which recommends developing visas for business people (common business visas) as well as lowering visa fees.³¹ The MIEUX facility will further support COMESA in the harmonisation of national laws with COMESA Model Law, through enhanced analysis of available national immigration legislations; and data collection and information sharing, based on a comprehensive assessment of migration-related data collection/management national systems and on available data/information sharing systems.

2.4 Border Management

Of particular importance are the efforts undertaken in the area of border management. COMESA has been receiving support in this area from the EU through the Cross Border Trade Programme and its predecessors. Important support is also provided in the framework of TradeMark Southern Africa (TMSA)³² and TradeMark East Africa (TMEA),³³ as well as the Trading for Peace project funded by the UK Department for International Development (DFID) and the US Agency for International Development (USAID).

The Fourth MRI suggested that border regulations and procedures be further harmonised. The meeting suggested that the COMESA Secretariat hold consultations on this issue with key stakeholders at an inter-regional level, under the umbrella of the African Union. Decisions taken by the Ministers include:

- Develop a Regional Strategic Plan on Border Management Information Systems that includes Regional Standard Operational Procedures on border management;
- Develop harmonised curricula and training modules and undertake training of migration officials across borders;
- Work towards a common and linked border management information system to exchange and evaluate data;
- Work on pilot cross-border projects on border management that involve more than one Member State.

The Fifth MRI restated the crucial importance of strengthening cooperation on border management between COMESA Member States sharing common borders, through regular meetings, staff exchange programmes and the replication of the One Stop Border Post Model. One Stop Border Posts are a key strategic priority under the Medium

Term Strategic Plan 2011-2015, and the experience has been particularly praised by the MRI. So far, such a post has been implemented at the Zambia-Zimbabwe border (Chirundu), with the aim to bring together more than 15 government agencies into a single common control area. Such border posts should not be about goods only but also about improving mobility of people.

The Regional Aid for Trade Strategy developed by COMESA has some principles of interest in fostering mobility of persons. It is not project-based but is results-oriented. It focuses on objectives where the regional organisation has an added value, that is: a coherent package of instruments and regulations aimed at reducing the cost of doing business; and access to adjustments mechanisms, including social costs. The Strategy is supported by a specific Aid for Trade unit (COMAID).

One interesting aspect of this Strategy is the holistic trade corridor approach which brings together multiple stakeholders (including RECs, national governments, the private sector and multilateral and bilateral donors) for the integrated implementation of different types of programmes and projects (infrastructure development and rehabilitation, trade and transport regulation and facilitation, border management, and so on). The approach was originally implemented along the North-South Corridor through a pilot Aid for Trade programme launched in the Tripartite context. It is being mainstreamed within the COMESA Secretariat and is increasingly accepted at the national level.³⁴ Similar approaches are now being taken by the Tripartite RECs and their Member States along other corridors within the region. Policy makers should capitalise on this notion of corridors to facilitate the mobility of persons.

The DFID-funded TMSA is a five-year programme hosted by COMESA which aims at promoting regional integration in East and Southern Africa by working closely with the COMESA-EAC-SADC Tripartite, its 26 Member States and business and civil society organisations.³⁵ The overall objective of the programme is to improve trade performance and competitiveness for sustained, rapid and inclusive growth and poverty reduction. The programme includes activities relevant to border management, under a comprehensive COMESA-EAC-SADC Tripartite trade and transport facilitation programme focusing on time and costs of cross-border trade in the region.³⁶

Within the COMESA FTA, exporters from the 14 State Parties are exempt from the normal customs that might apply to their goods, upon production of a Certificate of Origin stamped by the Customs Authority, usually delivered in capital cities. However, these measures do not correspond to the reality of mostly informal small-scale cross-border trade, which accounts for a significant share of total intra-regional trade (a minimum of 30%, according to some estimates). Informal cross-border trade is a crucial economic activity in terms of livelihoods and job creation. It also plays a critical role in reducing vulnerability and food insecurity for the populations, through the exchange of food and other basic goods. In order to extend the duty-free benefits to small-scale cross-border traders and facilitate their operations, a Simplified Trade Regime (STR) has been put into place. Its current form derives from decisions taken at a COMESA

Council of Ministers meeting held in August 2011.³⁷

Under the STR, which has now been implemented by seven countries (Burundi, Kenya, Malawi, Rwanda, Uganda, Zambia and Zimbabwe), small-scale cross-border traders can use a Simplified Customs Document that does not need to be filled out by an agent, instead of the standard Certificate of Origin. It can be used for a specific STR List of Products and for goods worth USD 1000 or less.

The EU has supported the implementation of the STR through the Cross-Border Trade Component of the Regional Food Security and Risk Management Programme (REFORM/CBT). The programme has supported the establishment of Cross-Border Traders Associations in the Member States (currently in place in eight Member States) and built their capacities in policy advocacy and developing and implementing trade development and promotion programmes. Their regional federation is a recognised COMESA institution, present at the COMESA Council. The project has also supported the establishment of about 18 Trade Information Desks (TIDs) at all implementing borders in the region. These institutions are under direct supervision of the Cross-Border Traders Associations and are responsible for assisting traders in filling out the STR documents and dealing with border formalities as well as monitoring trade data by small traders. The project also worked with FEMCOM and the Gender Division of COMESA by supporting a study on women in informal cross-border trade which informed some of the interventions COMESA is currently implementing.

COMESA has now established a Cross-Border Trade Programme (CBT),³⁸ which builds on the achievements of the REFORM/CBT Programme and is managed by the COMESA Cross-Border Desk. Cooperation with EAC and SADC for the development of a tripartite concept of STR is among its key priorities, as is the gender dimension to address the specific problems faced by women traders. Later developments include the design of a new passenger and cargo manifest, which aims to enhance data collection on small cross-border traders.³⁹

Both the REFORM/CBT and the current CBT programme have been supported financially by the EU under the RISP which ends in June 2013. An appeal to donors is therefore being made to support this initiative.

2.5 International Protection

Under Article 7, subsection 3, of the Free Movement Protocol, *COMESA Member States undertake to cooperate among themselves and with the relevant non-governmental and intergovernmental organisations on assistance and management of refugees in their territories.*

COMESA ministers responsible for immigration agreed in 2008 to develop a policy on the treatment of asylum seekers. The policy has not yet been developed.

2.6 Trafficking in Human Beings

The COMESA Secretariat participated in the MME Support Project technical meeting on Enhancing Trafficking in Persons Criminal Investigation, Prosecution, Victim and Witness Protection among African and European Countries, which took place in Johannesburg in December 2011. The meeting acknowledged that trafficking in human beings is a growing issue in the region which impedes the benefits of free movement.

COMESA convened a workshop on Immigration and Cooperation for Chiefs of Immigration in March 2012, at which participants suggested developing a regional anti-trafficking action plan within the Tripartite framework. A concept note for such an initiative has been developed by the COMESA Secretariat.

The MIEUX facility will organise an expert workshop in 2013 with the objective of building the capacities of relevant institutions and authorities and issuing recommendations for the next steps in the development of a COMESA regional anti-trafficking action plan.

3. Employment

A **COMESA Social Charter** is being developed and will provide a strong basis for the promotion of social rights in the region.

3.1 Employment Strategy

COMESA has a mandate on social affairs conferred by the Treaty, but the REC has yet to develop a specific employment strategy and related programmes. Meanwhile, COMESA's strategic framework in this area is defined by the Treaty provisions, pending the adoption of a COMESA Social Charter currently under development.

As per Article 143 of the COMESA Treaty, the Member States shall promote close cooperation between themselves in the social and cultural fields, with respect to:

- employment and working conditions;
- labour laws;
- vocational training and the eradication of adult illiteracy in the region;
- the prevention of occupational accidents and diseases;
- the right of association and collective bargaining between employers and workers.

The COMESA Treaty directs the Council to adopt a social charter, programmes and regulations, on the better implementation of the provisions mentioned above. In 2009, the COMESA Secretariat, through the Gender and Social Affairs Division, finalised a Concept Paper on

the COMESA Social Charter. The Concept Paper was presented to the COMESA Policy Organs' meetings in 2010. In light of the Concept Paper, COMESA is in the process of finalising the Social Charter. The draft Charter is a fundamental building block for social rights and is inspired by other existing regional charters, such as the SADC Social Charter.

Labour and employment issues are part of the economic opportunity strategic pillar of the draft Social Charter and are addressed under Article III (Employment, Working Conditions and Labour Laws). State Parties are called on to promote a number of rights and principles, including just, safe and healthy working conditions, fair remuneration, freedom of association and right to bargain collectively, right to social security and specific protection for employed women and men in case of maternity/paternity leave. Employers are to be held liable for child labour, and a number of provisions address the protection and specific needs of young workers, such as access to education and technical and vocational education in particular (see 4. Higher Education).

The Charter also includes provisions linked to non-discrimination for nationals of COMESA Member States regarding access to their respective labour market (claiming *de facto* the free movement of labour), although restrictions *based on cogent economic and social reasons* can apply. Migrant workers from COMESA Member States and their families are to be protected and assisted in other States of the Community.

While acknowledging States' sovereignty, the Charter calls for harmonisation of minimum requirements laid down in national labour legislations to ensure basic working and living conditions, with employment conditions being duly stipulated in national law, collective agreements or employment contracts.

Further provisions are included in Article V (Human Resource Development and Youth Empowerment) which calls on States to provide enhanced job opportunities and adequate employment for youth, and in Article XIV (Economic Opportunity and Public Awareness) which requires States to ensure equal access to employment and equal application of labour laws for women, men and disabled persons.

As regards specifically social protection, Article IV of the draft Charter calls for *adequate social protection* and *adequate social security benefits* for workers, the establishment of social insurance programmes such as pension and health insurance schemes and measures that aim to reduce inequalities and improve social integration. Specific attention is given to measures and programmes targeting the most vulnerable groups, including persons with disabilities, the elderly, widows, children (especially street children and orphans) and persons affected and infected by HIV/AIDS. The promotion of access to social protection is further emphasised under Article XV (Social Justice and Rights).

Coordination in the Region

The International Labour Organisation is in discussions with the REC

to gather support for campaigning for the ratification of its eight core conventions, and there are plans to sign a MoU between the two organisations.

4. Higher Education

COMESA has yet to initiate a dedicated higher education programme.

COMESA is introducing initiatives geared at the **harmonisation and mutual recognition of certificates and qualifications** and enhancing **centres of excellence in the region**.

4.1 Higher Education Strategy

COMESA does not yet have a higher education strategy as such. The Treaty provides the REC with a mandate on education, including higher education, but COMESA has not started a proper programme in this area. It plans to strengthen its cooperation with the Jomo Kenyatta University of Agriculture and Technology in Kenya in the context of the Pan-African University initiative. It is also looking at actions undertaken by other RECs and is interested in complementing these actions. It is already undertaking activities in the areas of harmonisation, mutual recognition of certificates and qualifications and centres of excellence.

Education is primarily addressed in Article 156 of the Treaty, under Chapter XXV (Human Resources Development and Technical Cooperation), which stipulates that the Member States agree to undertake concerted measures to foster co-operation in human resources development and greater utilisation of human, technical knowhow and institutional capabilities in all the fields of activity of the Common Market. The Member States shall, in particular:

- Coordinate their human resources development policies and programmes;
- Adopt a regional plan for the joint development and exploitation of human resources in terms of knowledge, skills, technological inventiveness and entrepreneurial abilities;
- Promote the development of a critical mass of well-trained personnel in all sectors relevant to the Common Market;
- Jointly utilise existing regional education and vocational training facilities in the Common Market and, where necessary, establish new ones;
- Harmonise the curricula of training institutions in the Common Market; and
- Encourage technical and student exchange programmes among the Member States.

In addition, Chapter XII (Cooperation in Industrial Development) calls for the development of human resources including training and the development of indigenous entrepreneurs and industrialists for sustained industrial growth. Relevant provisions can also be found in Chapters XVII (Cooperation in the Development of Science and Technology) and XXIV (Women in Development and Business) which call, respectively, for appropriate reforms in primary, secondary and tertiary education in the promotion of science and technology and for changes in educational and training strategies to enable women to improve their technical and industrial employment levels.

The COMESA draft Social Charter (see 3. Employment) includes higher education components. Education, Training and Skills Development is the first of the eight strategic pillars of the Charter. Corresponding provisions are enshrined in Article X, which states that every individual shall have the right to education of good quality; and that multiple forms of education, including formal, non-formal and informal distance learning and lifelong learning to meet the diverse needs of the individual, shall be embraced. Under Article X, State Parties are invited to promote:

- Access to education scholarships;
- Right to free education up to the tertiary level, including technical and vocational education and training; and rehabilitation programmes for persons living with disabilities;
- Education for female children;
- Adult literacy for all citizens;
- Preschool/early childhood education;
- Development of science and technology programmes;
- Special education needs for children with disabilities;
- Gender parity in access to and quality of education.

Other relevant provisions can be found in Article III (Employment, Working Conditions and Labour Laws), which states that appropriate measures shall be taken to adjust labour regulations applicable to young workers for the promotion of their specific development, technical and vocational education and training and access to education. The Article further stipulates that youth shall be entitled to proper technical and vocational training and quality education programmes of a sufficient duration to enable them to adapt to the requirements of their future working lives. Under Article V (Human Resource Development and Youth Empowerment), State Parties are expected to enhance job opportunities for youth through increased investments in education and vocational training.

Coordination in the Region

COMESA has had a MoU in place with United Nations Educational Scientific and Cultural Organisation (UNESCO) since 2005 on cooperation in the fields of education, science, culture and communication.

4.2 Mobility of Qualifications

Article 15 of the 2009 COMESA Regulations on Trade in Services on Mutual Recognition provides for Member States to mutually recognise each other's educational qualifications, experience obtained and competence gained for the purpose of licensing or certification of service suppliers. Relevant professional bodies, qualification authorities or regulators are encouraged to jointly develop criteria and recommendations for mutual recognition. The Committee on Trade in Services is requested to establish a mechanism for such recognition.

4.3 Centres of Excellence

The Science, Technology and Innovation (STI) programme includes higher education activities. The programme was adopted by the COMESA Authority at its Fourteenth Summit held in September 2010 in Swaziland.⁴⁰


Later developments include the launching by COMESA of its own initiative on centres of excellence to support STI development and regional collaboration. Following proposals from the concerned Member States, the following national centres of excellence were selected to become COMESA Regional Centres of Excellence Science and Technology Parks:

- Kenya: Fablab at the University of Nairobi, the Agro-Park Project at Egerton University and the Information and Communication Technology (ICT) cluster in Nairobi;
- Malawi: Malawi University of Science and Technology, the Lilongwe University of Agriculture and Natural Resources and the Biwi Industrial Park;
- Mauritius: The Business Research Incubation Centre and the Centre of Excellence for Biomedical and Biomaterials;
- Swaziland: The Royal Science and Technology Park;
- Egypt: the Technology, Innovation and Entrepreneurship Centre;
- Sudan: Renewable Energy Centre, National Research Centre, and the Applied Science Academy located in the Africa City of Technology; and
- Uganda: e-Government Academy.

The list was approved at the COMESA Council of Ministers meeting at the Kampala Summit (November 2012). A MoU is to be signed between COMESA and each of these institutions for the development of a regional programme/curriculum. COMESA will also support fundraising for these initiatives which will provide much-needed expertise for the development of the region.

COMESA is currently seeking to harmonise its STI activities with related initiatives (AUC, New Partnership for Africa's Development [NEPAD], Economic Commission for Africa, and so on) to ensure better coordination and synergies.

Regarding specifically the Pan-African University initiative, the Jomo



Kenyatta University of Agriculture and Technology in Kenya has been selected for the Basic Sciences, Technology and Innovation thematic area. COMESA does not directly support the Centre but will seek to encourage collaboration with other centres of excellence in the region.

COMESA also plans to organise a meeting of the vice chancellors of the region in 2013 to discuss the strategic contribution of higher education to the socio-economic development of the region. The objective is to find ways of enhancing universities' third mission, defined as the lending of their incubation capacities to spin off start-ups, in order to harness science and technology for economic development.

5. Challenges and Opportunities within COMESA

The insufficient implementation of COMESA decisions at the national level constitutes a major challenge for the REC. The Free Movement Protocol which was adopted in 2001 and is still not in force highlights this dilemma. The geographical scope of COMESA renders the formulation and implementation of common decisions problematic. The 19 COMESA Member States, stretching from Egypt to Swaziland, have greatly varied economic and political landscapes. Their disparate interests make it difficult to identify the lowest common denominator where decisions can be actualised. Greatly varied legal and institutional systems in the region make the implementation of regional decisions arduous and policy harmonisation across the Member States highly complex. The lack of supra-national authority and decision making in the COMESA structures means that implementation cannot be enforced and depends on the political will and capacities of Member States.


Coordination with Member States is weak in numerous areas, and thus monitoring implementation in Member States a challenge. The monitoring and evaluation mechanism that COMESA is developing is an opportunity to spur coordination and monitoring. The revitalisation of the migration focal points in Member States, which is planned within the framework of the ongoing MIEUX action with COMESA, is a further opportunity to enhance coordination. The focal points can play an important role in sustaining dialogue between COMESA meetings by sharing information and priorities with the Secretariat. The Free Movement Protocol will not be implemented anytime soon, but more dialogue between the national and regional levels may help to identify concrete areas in which collaboration is possible. The MIEUX-supported MRI meetings have for example helped to designate data collection and information sharing as areas in which Member States would like to boost cooperation. The next logical step would be to define the types of data that can be collected and shared, and a means to exchange this data. Small steps that produce results should aid trust-building between the Member States and can serve as a foundation for greater migration management efforts in the future.

A number of Member States participate in three different RECs and are therefore juggling competing REC priorities and agendas, which impede achieving COMESA's goals. Various mechanisms have been put in place to address this challenge, such as the shared ESA-IO RSP/RIP and the IRCC and MoUs with a number of RECs. Furthermore, the ongoing Tripartite FTA negotiations present an important opportunity to harmonise the incompatible regional integration agendas of COMESA, EAC and SADC, and possibly to break out of the stalemate which free movement discussions in COMESA have reached. The track of negotiations which deals with the mobility of business persons presents an opportunity to look at incremental steps which can be taken that are of economic interest to all Member States. However, these negotiations will be tricky and have not yet commenced. It remains to be seen whether they will deliver any results.

MME activities should be tagged to COMESA's regional integration agenda. It is its core mandate, and initiatives stand a chance of moving forward if they are recognised as integral to the integration project. The harmonisation of employment policies and legislation will need to move up the agenda if the regional integration agenda is to succeed. Mobility of workers, service providers, students and academics is essential. The mutual recognition of certificates and qualifications is one of the steps which need to be taken to facilitate mobility, and COMESA should prioritise this objective in its higher education efforts. The mutual recognition of certificates and qualifications will also need to be addressed in the context of the Tripartite Movement of Business Persons negotiations, which is another reason to dedicate energy to this area.

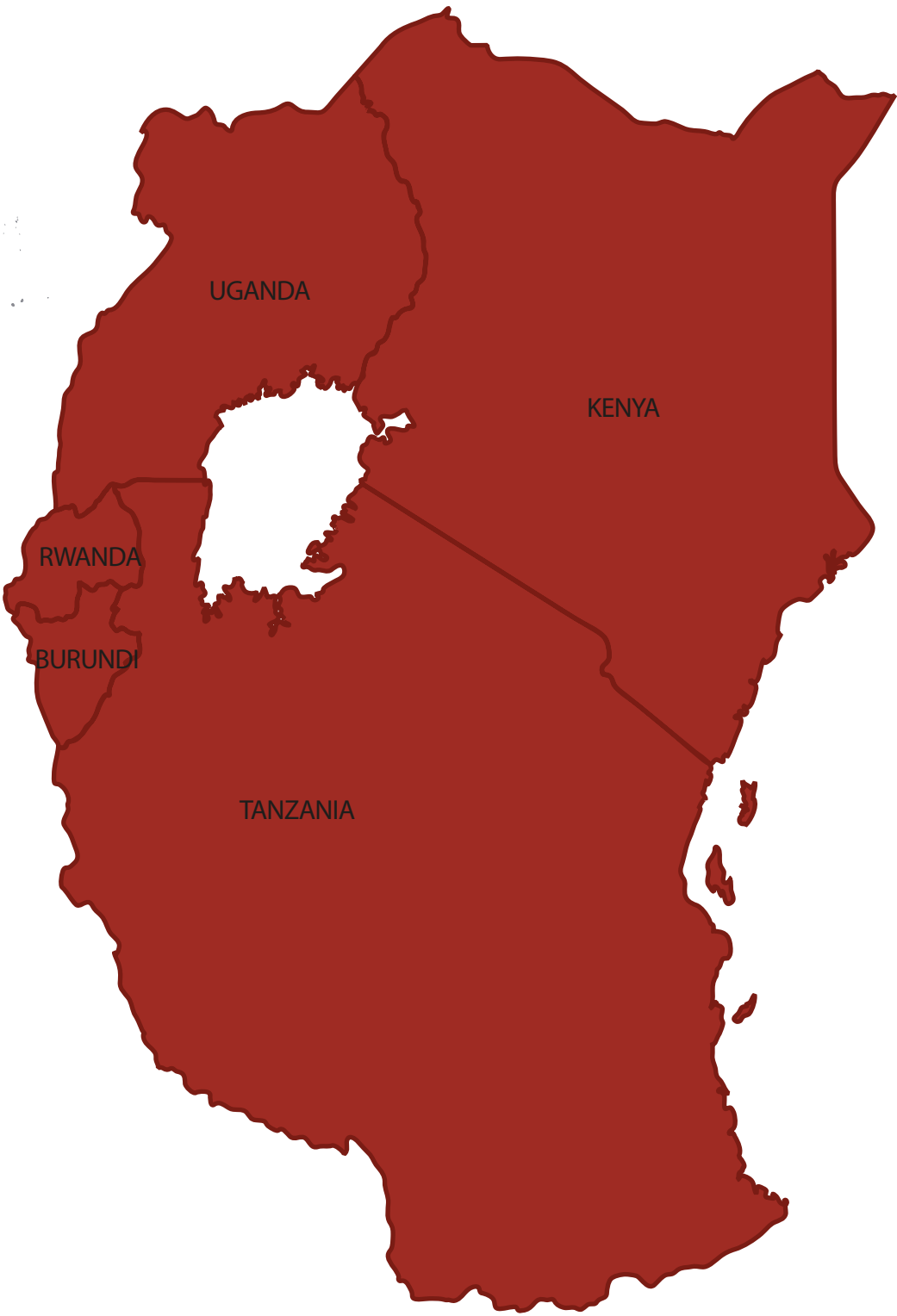
ENDNOTES

1. This figure was calculated on the basis of data gathered from the African Development Bank Group (AfDB), 2012. Data Portal. Available at: <<http://afdbdp.prognoz.com/Default.aspx>> [Accessed 20 February 2013].
2. This figure was calculated on the basis of data gathered from United Nations Population Division, Department of Economic and Social Affairs (UN DESA), 2011. Trends in International Migrant Stock: Migrants by Age and Sex. Available at: <<http://esa.un.org/MigAge>> [Accessed 15 November 2012].
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4. This figure was calculated on the basis of data gathered from UN DESA, 2011. Trends in International Migrant Stock: Migrants by Age and Sex; and UN DESA, 2011. World Population Prospects: The 2010 Revision.
5. Exceptions are Egypt, Kenya, Libya, Mauritius, Seychelles, Swaziland and Zimbabwe. See <<http://www.unohrls.org/en/ldc/25/>> [Accessed 1 December 2012].
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9. SADC representatives originally had observer status, until the revision of the IRCC terms of reference in 2009.
10. COMESA-EAC-SADC, 2011. Communiqué of the Second COMESA-EAC-SADC Tripartite Summit, Johannesburg, 12 June 2011.
11. **Sources:**
Column 2, 5 & 7: UN DESA, 2011. Trends in International Migrant Stock: Migrants by Age and Sex. Available at: <<http://esa.un.org/MigAge>> [Accessed 15 November 2012].
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Column 4: UN DESA, 2011. World Population Prospects: The 2010 Revision. Available at: <<http://esa.un.org/unpd/wpp/index.htm>> [Accessed 15 November 2012].
Column 6: These figures are calculated on the basis of data gathered from the UN DESA, 2012. Trends in International Migrant Stock: Migrants by Destination and Origin. Available at: <http://esa.un.org/MigOrigin/UN_MigStock_Origin.xls> [Accessed 5 December 2012].
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Column 9: World Bank, 2012. World Bank Migration and Remittances Data. Available at: <<http://go.worldbank.org/092X1CHHD0>> [Accessed 18 December 2012].
12. UN DESA, 2009. *Trends in International Migrant Stock: The 2008 Revision*. Available at: <<http://esa.un.org/migration>> [Accessed 21 November 2012].
13. UNHCR's population of concern is composed of various groups of people including refugees, asylum-seekers, internally displaced persons (IDPs) assisted by UNHCR, stateless persons and returnees (returned refugees and IDPs).
14. UNHCR, 2012. *Regional Operations Profile-East and Horn of Africa*. Available at <<http://www.unhcr.org/pages/49e45a846.html>> [Accessed 21 November 2012].
15. UNHCR, 2012. *Regional Operations Profile-Southern Africa*. Available at: <<http://www.unhcr.org/pages/49e45abb6.html>> [Accessed 21 November 2012].
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Chapter 3

EAST AFRICAN COMMUNITY



EAC



1. The EAC and Contextualising MME

Key data	
States	5
Total Area ¹	1.8 million km ²
Population (2010) ²	138.5 million
GDP (2009) ³	USD 89 billion

1.1 Introduction to the EAC

The Treaty for the Establishment of the East African Community (EAC) was signed in 1999 by the three original Partner States: Kenya, Uganda and Tanzania. In 2007 Rwanda and Burundi joined the EAC following accession to the Treaty. South Sudan and Somalia have applied to join the EAC, and their requests are currently being considered. The EAC benefits from a long history of cooperation between the founding states under successive regional integration agreements, which includes a customs union agreement between Kenya and Uganda that dates back to 1917. The first EAC spanned the years 1967 to 1977 and was followed by the East African Co-operation (1993-2000). The EAC Treaty deepened and consolidated regional cooperation.

*The Vision of EAC is a prosperous, competitive, secure, stable and politically united East Africa; and the Mission is to widen and deepen Economic, Political, Social and Cultural integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value added production, trade and investments.*⁴

The EAC's core focus is its regional integration mandate.⁵ It launched the Customs Union⁶ in 2005 and a common market (CM) in 2010 (the CM is expected to be fully implemented by 2015). It aims to become a monetary union, with negotiations for the East African Monetary Union Protocol under way. Ultimately the EAC aims to become the Political Federation of the East African States,⁷ and to work towards this objective a Zero draft of the Model and Structure of the EAC Political Federation has been developed. The EAC is one of the eight Regional Economic Community (REC) building blocks of the African Union (AU)-driven African Economic Community.

The EAC headquarters are based in Arusha, Tanzania. The REC benefits from having a small number of Member States, referred to as Partner States by the EAC, which aid coordination and ownership of the REC. A common culture, identity and language, which are shared by some of the Partner States, also drive political commitment to the REC. The EAC's aspiration to become a political federation reflects its ambition for far-reaching economic, social and political cooperation and in-

tegration. Hence cooperation in the EAC takes place in numerous fields, including trade and investment, free movement of factors of production, infrastructure and services, agriculture and food security, environment and natural resource management, tourism, education, health and social and cultural activities. The founding Partner States, particularly Kenya, remain the economic and political heavyweights in the EAC. Its enlargement to include Rwanda and Burundi has posed some challenges as these are young, maturing democracies.

The EAC covers a surface area of 1.8 million square kilometres, a population in the region of 138.5 million and a combined gross domestic product (GDP) of around USD 89 billion.⁸ In 2011 EAC Partner States sustained an average 5% GDP growth rate, whilst Foreign Direct Investment inflows increased from USD 683 million in 2005 to USD 1.7 billion in 2011.⁹ Poverty remains a significant concern in the region; Burundi, Rwanda, Uganda and Tanzania are on the United Nations (UN) list of Least Developed Countries.¹⁰ Kenya's economy remains dominant in the region, at approximately 35.7% compared to that of the other EAC Partner States.¹¹ Economic growth and the incremental consolidation of democratic processes across the region give rise to optimism and nurture an environment in which regional cooperation can be cultivated. Challenges to the region include protracted conflicts in the Horn of Africa and the Great Lakes region, terrorism, piracy, the proliferation of small arms and the influx of refugees.¹²

The EAC is steered by and currently implementing its fourth Development Strategy¹³ (2011/12-2015/16). Its priorities are to reap the rewards of the Customs Union by enhancing market access and trade competitiveness, implement the CM, establish a monetary union and lay the foundation for a political federation.¹⁴

The EAC shares Member States with the Common Market for Eastern and Southern Africa (COMESA), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC) and therefore faces challenges related to incompatible economic integration agendas and competing priorities. In a bid to address these challenges, it participates in the Eastern Southern Africa (ESA) Indian Ocean (IO) Regional Strategy Paper (RSP)/Regional Indicative Programme (RIP) with COMESA, EAC and the Indian Ocean Commission. The common RSP/RIP has been an important instru-

ment to harmonise programmes and funding across these regions. As part of this process the EAC participates in the Inter-Regional Coordinating Committee, an inter-REC coordination mechanism which has been set up to support the programming and implementation of the

European Development Fund–financed ESA-IO RSP/RIP projects and programmes. The planned COMESA-EAC-SADC Tripartite Free Trade Area should also aid the harmonisation of these RECs' economic integration agendas.

1.2 MME State of Play in the EAC Region

Key Statistics¹⁵

Country	Country Population (millions) 2010	Human Development Index (HDI) 2010	Average annual net international migration rate (per 1000) 2005-2010	Migrant Stocks (%) 2010	Migrants from EAC as a share of all international migrants (%) 2010	Female migrants as a share of all international migrants (%) 2010	Refugees as a total share of all international migrants (%) 2010	Remittances as a share of GDP (%) 2011
Burundi	8.5	0.282	9.5	0.7	52.7	54.6	31	2.0
Kenya	40.9	0.470	-1	2	42.9	50.8	32.9	2.8
Rwanda	10.3	0.385	0.3	4.5	48.1	53.9	11	1.6
Tanzania	45	0.398	-1.4	1.5	49.3	50.4	69.9	0.3
Uganda	33.8	0.422	-0.9	1.9	30	49.9	38.7	5.6

Migration

The EAC population has experienced rapid growth in recent years. Since 2005, the region's population has grown by almost 20 million.¹⁶ Children and youth make up the largest section, with 44% of the population aged under 15 years. The median age of the total population in the region is just 18 years. Rural-urban migration has also steadily increased in recent years, although urbanisation rates remain generally lower than in much of Africa. One of the key challenges for the future will therefore be absorbing this expanding workforce into the job market and in rapidly growing urban centres and leading rural areas.¹⁷

Refugees make up a significant proportion of the migrant population in the region, particularly in Burundi and Kenya where refugees and people in refugee-like situations accounted for almost 50% of the total number of international migrants in 2010.¹⁸ In absolute terms Kenya hosts the largest refugee population with some 400,000 refugees,

of which more than 350,000 originate from Somalia. Congolese refugees are an important presence in the region: in 2010 the International Organisation for Migration (IOM) and the United Nations Refugee Agency (UNHCR) reported that approximately 60,000 each were living in Tanzania, Uganda and Rwanda, while over 20,000 were living in Burundi.¹⁹ Furthermore, refugee flows from EAC countries are also a significant phenomenon: according to the UNHCR, at the end of 2009 there were 287,000 Burundian refugees worldwide and 72,000 Rwandan refugees in the Congo, the Democratic Republic of the Congo (DRC) and Uganda.²⁰

According to IOM, international and internal human trafficking strongly affects Eastern Africa.²¹ The most important corridors of human trafficking passing through EAC countries are: from Tanzania towards Kenya, Burundi, Malawi, South Africa, United Kingdom (UK), Europe, Oman and the Middle East and the Gulf; from Kenya towards Tanzania, UK, Europe, the Middle East and the Gulf region; from South Asia towards Tanzania, Kenya and Uganda. Ethiopian women

are trafficked through Kenya and Tanzania to Europe and the Middle East, Somali women to South Africa. Chinese women are trafficked for sexual exploitation and women from Bangladesh for forced labour through Kenya.²²

EAC countries have experienced strong growth over the last two decades, which has been an important stimulus to both regular and irregular labour migration in the region, with almost 50% of migration flows in 2010 taking place within East Africa.²³ Mobility between EAC countries is high, with frequent travel particularly between Kenya, Tanzania and Uganda, where business networks and infrastructure are more fully developed.²⁴ While the overall majority of emigrants from the EAC countries continues to reside in the region, there are important variations between the EAC countries, with greater numbers of emigrants from Kenya and Uganda moving to high-income countries (55% and 60%, respectively).²⁵ This trend is reflected in the higher rates of remittance inflows received by Kenya and Uganda.²⁶

The EAC is also an important transit region with significant mixed-migration towards the Mediterranean, Gulf States and Southern Africa. The development of mixed-migration flows of Ethiopians and Somalis to the Gulf and Southern Africa is a relatively recent phenomenon that has escalated rapidly with more than 43,000 people reaching Yemen in the first four months of 2012 alone.²⁷ The mixed, composite character of migration flows is one of the main challenges posed to migration management in the EAC today.²⁸

Employment

There is limited labour market information available for EAC countries. Labour force participation rates²⁹ provide an indication of the size of the supply of labour. They have remained relatively stable for EAC countries in recent years. In 2010 the labour force participation rate was 89% in Tanzania, 86% in Rwanda, 83% in Burundi, 78% in Uganda and 66% in Kenya.³⁰ These high labour force participation rates are indicative of widespread poverty.³¹

Agriculture and related activities still contribute in a significant way to the GDP in EAC countries: according to the African Economic Outlook 2012, the contribution of agriculture, forestry, fishing and hunting to the national GDP represented in 2011 36.4% in Burundi, 25.2% in Kenya, 34.9% in Rwanda, 28.1% in Tanzania, 22.9% in Uganda.³² Nonetheless, the tertiary sector appears to dominate EAC economies: service activities accounted in 2011 for 42.2% of the GDP in Burundi, 57.6% in Kenya, 49.1% in Rwanda, 49.5% in Tanzania, 55.5% in Uganda.³³ Within the tertiary sector, activities related to wholesale and retail trade, hotels and restaurants are generally the most important in terms of contribution to the GDP (representing for instance 22% of the GDP in Uganda).³⁴

Official information on unemployment is scarce, but youth unemployment is a significant problem and youth employment creation is a priority for EAC countries.³⁵ In the context of the Millennium Development Goals (MDGs), EAC countries monitor the employment-to-population ratio with particular focus on youth employment. Most recent International Labour Organisation (ILO) estimates reveal a

very different picture for EAC countries, with the proportion of youth employed ranging from 29% of women and 35.9% of men in Kenya, to 74.6% of women and 71.4% of men in Rwanda.³⁶

Availability of appropriate and quality data for policy planning is among the challenges faced by the region. The ILO estimates that fewer than one in ten people in the EAC region has access to adequate social protection coverage, with those working in the informal economy and the poorest and migrant workers particularly vulnerable.³⁷ To inform labour market policy development in relation to skills needs and gaps at national and regional levels, the EAC has initiated a manpower survey in the region.

Higher Education

Approximately 450,000 students were enrolled in higher education institutions in the EAC countries in 2009.³⁸ Enrolment levels vary considerably between EAC countries. The gross enrolment ratio (GER)³⁹ ranges from 2% in Tanzania (2010) to 5% in Rwanda (2010). Female enrolment rates in the region follow this general pattern.⁴⁰ The number of higher education institutions in the region has increased by approximately 160% since 2000 with membership of the Inter-University Council for East Africa (IUCEA), an EAC institution mandated to advise the EAC Partner States on higher education matters, growing from 33 in 2000 to 87 in 2011. There has been correlating growth in the number of students over a similar period with an approximate 150% increase in the number of students enrolled in higher education between 2000 and 2009. This rapid increase in the number of students has resulted in challenges to ensure adequate qualified academic staff in acceptable ratios to student numbers.⁴¹ This is a particular challenge in the context of limited state budgets and considerable funding needs. In 2009, public expenditure on education, as a percentage of total government expenditure, ranged from 15% in Uganda to 23.4% in Burundi.⁴²

The promotion of natural sciences and engineering-related subjects to encourage industrial development and employment creation is high on the agenda of all EAC countries⁴³ and IUCEA has joined forces with the East African Business Council with the aim of enhancing links between the private sector and universities. Together they organised the first higher education forum in 2012 and have pledged to make this an annual event.

Differences in the levels of training of the labour force have been a significant factor influencing political resistance to labour mobility in the region. Countries have expressed fears regarding migrants from countries with higher numbers of graduates, notably Kenya, flooding the labour markets of neighbouring countries. This factor may have contributed to the increase in the number of universities in the EAC region in recent years. Differences in the cost of education, availability of scholarships and the type of education system operating have also encouraged renewed mobility between EAC countries. However data on mobility in higher education between EAC countries is limited.

1.3 Structure and Coordination within the EAC

i. Institutional Framework

Article 9 of the EAC Treaty defines the EAC's institutional framework. The executive arm consists of the **Summit of the Heads of State**, which is charged with providing overall strategic guidance. It makes decisions by consensus. The **Council of Ministers**, which also makes decisions by consensus, is the main decision- and policy-making body, and the **Secretariat** is the executive organ of the EAC and its institutions. **EAC Affairs Ministries** in Partner States coordinate EAC Affairs nationally and participate in the Council of Ministers meetings. The **East African Legislative Assembly (EALA)** constitutes the legislative arm and the **East African Court of Justice** the judicial arm. The Treaty, protocols and Rules of Procedures prescribe the mandates, functions and operational structures of these organs.⁴⁴

The work of the Council is supported by the **Co-ordination Committee**, which is composed of Permanent Secretaries from the Partner States. The Co-ordination Committee oversees and coordinates the activities of the various **sectoral committees** that work on different issue areas. The sectoral committees set priorities for their sector, design and monitor programmes and report to the Co-ordination Committee. Sectoral committees are established by the Council on the recommendation of the Co-ordination Committee.

The Secretariat is led by a Secretary-General who is appointed by the Summit for a five-year term. The incumbent Secretary General, Dr. Richard Sezibera from Rwanda, was appointed in 2011. He is supported by the Deputy Secretaries General and the Counsel to the Community, who is the principal legal adviser to the EAC.⁴⁵

Institutions of the EAC include the Lake Victoria Basin Commission; Civil Aviation Safety and Security Oversight Agency; the Lake Victoria Fisheries Organisation; the IUCEA; and the East African Development Bank.⁴⁶

ii. Regulatory/Legal Framework

Article 62 of the EAC Treaty stipulates that **legislation** is enacted through bills that are passed by the Assembly after having been approved by the Heads of State, and are then styled an act of the Community. Article 23 of the Treaty states that the Court shall be a judicial body which ensures compliance with the law.

Article 151 addresses annexes and **protocols**: protocols can be concluded in any area of cooperation and are approved by the Summit on the recommendation of the Council. It indicates that *[e]ach Protocol shall be subject to signature and ratification by the parties hereto. The Annexes and Protocols to this Treaty shall form an integral part of this Treaty.* Each Protocol has its own provision that deals with matters of entry into force. Both the Protocol on the Establishment of the EAC Customs Union and the Protocol on the Establishment of the EAC Common Market require ratification by all

Partner States for them to enter into force. Partner States and the EAC Secretariat are supposed to monitor the implementation of protocols. There is currently no specific **protocol monitoring** and evaluation mechanism in place. The Council discusses progress regarding the implementation of protocols and can issue directives to the Partner States on implementation if it is lacking.

Article 14(d) of the Treaty states that the Council *make[s] regulations, issue[s] directives, take[s] decisions, make[s] recommendations and give[s] opinions in accordance with the provisions of this Treaty.* **Regulations and directives** issued by the Council are published in the Gazette and enter into force on the date of publication unless stated otherwise. Article 16 states that Council regulations, directives and decisions are binding on all Partner States, organs and institutions of the Community, except for the Summit, the Court and the Assembly in their areas of jurisdictions.

iii. Offices in the Secretariat That Work on MME

The **Labour and Immigration Department** works on migration, mobility and employment issues and falls in the Directorate of Social Sectors, which is overseen by the Director of Social Sectors and is under the overall authority of the Deputy Secretary General (DSG) for Productive and Social Sectors.⁴⁷ Its work primarily focuses on the implementation of the provisions of the CM Protocol, which is discussed in the thematic sections of this report. One Stop Border Posts are dealt with by the Directorate for Infrastructure, which falls under the DSG for Planning and Infrastructure; and the Directorates of Customs and Trade.

Higher Education, in terms of university education, is entrusted to the **IUCEA**. The IUCEA is an EAC institution and became part of the EAC operational framework with the adoption of the 2009 IUCEA Act. Its vision is to serve as a strategic EAC institution, which promotes, develops and coordinates human resources development and research in the region. Its mission is to aid strategic and sustainable development of higher education systems and research, which fosters East Africa's socio-economic development and regional integration. It coordinates inter-university cooperation in East Africa; aids the development of member universities; and promotes higher education standards and systems that are in-line with regional and international benchmarks. IUCEA has a membership of 91 universities from all EAC Partner States. IUCEA reports to the EAC Council of Ministers through the Sectoral Council on Education, Science and Technology, Culture and Sports.⁴⁸

2. Migration and Mobility

The **Common Market Protocol (CMP)** constitutes the legal framework for migration and mobility. It provides for the right to free movement and allows EAC workers to accept employment in EAC Partner States.

The CMP calls for common identification and travel documents; an electronic ID card will be the future document for regional travel, whilst a biometric EAC passport is expected to be used for future international travel.

The implementation of the CMP remains fragmented and is expected to be partly remedied by the development of an institutional framework and implementation mechanism, the implementation of a monitoring and evaluation framework, and the harmonisation of national laws with the CMP.

An **EAC tourist visa** and **shared consular services** are foreseen.

Various **One Stop Border Posts (OSBPs)** initiatives are ongoing, and the OSBPs Bill has been finalised.

Forced migration and human trafficking are treated largely as security concerns, rather than as protection issues. A planned regional asylum policy points to a possible shift towards a more protection-focused approach.

2.1 Migration Strategy

The **Protocol on the Establishment of the EAC Common Market (CMP)**, which entered into force on 1 July 2010, is the legal framework which pertains to migration and mobility. It aims to enhance the free movement of goods, labour, services and capital and provides for the rights of establishment and residence. A **draft EAC Immigration Policy** has been developed, which will guide the harmonisation of immigration practices in the region and is expected to be endorsed in 2013. Its various areas include trafficking in human beings (THB), smuggling, refugees, the rights of illegal migrants, border management, EAC citizenship and travel documents. Once the Policy is adopted an immigration act and strategy are expected to follow. Partner States need to provide their inputs to the Policy, before it is deliberated by the Chiefs of Immigration.

The EAC is in the process of concluding a Memorandum of Understanding (MoU) with the Intra- African, Caribbean and Pacific (ACP) Migration Facility, which will inter alia support it in developing a **model labour migration policy**. The policy should guide the Partner States in formulating their respective labour migration policies.

2.2 Migration Dialogue

The setting up of a migration dialogue process for the EAC has been discussed, but there are at present no funds available to initiate such a process.

The Chiefs of Immigration are heads of immigration departments or directorates in Partner States and form the Sectoral Committee on Immigration, which advises the EAC policy organs on immigration issues.⁴⁹ In addition, a Regional Advisory Committee (RAC), which consists of two Senior Immigration Officials from each Partner State's Immigration Department or Directorate, IOM and the Directorate for Social Sectors, advises the Chiefs of Immigration on the implementation of the migration management aspects of the CMP. Furthermore the establishment of a Sectoral Council on Immigration, Labour/Employment and Refugee Management was proposed at the Chiefs of Immigration and Heads of Tourism Boards meeting in March 2012 in Moshi, Tanzania, to support the implementation of the CMP.

2.3 Free Movement

The EAC has achieved the most progressive and extensive system of free movement in the region. The **Right to Free Movement**, as captured by the CMP and its Annex on the Free Movement of Persons, provides for the right to enter the territory of a Partner State without a visa; the right to move freely within the territory of a Partner State; the right to stay in the territory of a Partner State; the right to exit without restrictions; and the right to full protection by the laws of a Partner State.⁵⁰ The CMP calls for the establishment of a common system of national identification and travel documents, which constitutes the foundation for free movement. The CMP and its annexes distinguish between three main categories of citizens: persons (visitors, students, medical patients, persons in transit), workers and the self-employed, which are covered by different rules and procedures for entry, stay, work, establishment and residence. Workers and the self-employed, as well their spouses and children, have the right to residency in the Partner States; residency is however limited to the duration of the worker's work permit or the validity of his or her common standard travel document.⁵¹ The Schedule for the **Free Movement of Workers** in Annex II details the categories of workers that have market access and to which Partner States and covers different skilled categories of workers. Annex V contains schedules on the **Free Movement of Services**.

The implementation of the CMP is fragmented; different aspects of it are implemented by the Partner States to varying degrees. The CMP does not have an implementation framework at present, and the EAC Secretariat and Partner States are finalising a comprehensive institutional review of the CMP, which is expected to deliver an institutional framework and implementation mechanism for the CMP. The Council has designed a **monitoring and evaluation (M&E) framework** to review the implementation of the provisions of the CMP and direct policy interventions where necessary to hasten implementation of the Protocol.⁵² The RAC has developed a separate M&E framework for the migration-related aspects of the CMP which is being reviewed

by the Chiefs of Immigration and envisioned to be amalgamated with the overall M&E framework for the CMP.

Partner States have been called on to expedite the harmonisation of their respective national laws with the CMP to accelerate implementation of the CMP. In addition, the Sectoral Council of Ministers responsible for EAC Affairs and Planning directed Partner States to establish National Implementation Committees (NICs) under the chairmanship of the Ministries responsible for EAC Affairs. The NICs should include representatives of the following ministries and institutions: EAC Affairs; Immigration; Labour and Employment; Trade; Education; Finance; Planning; the Attorney General's chambers; Revenue Authorities; Central Banks; Bureaus of Statistics; Private Sector Foundations and civil society.⁵³ At the EAC Council of Ministers meeting in September 2012 it was reported that Partner States are in the process of establishing NICs to closely monitor progress of the implementation of the CMP.⁵⁴

The implementation of the free movement of labour aspects of the CMP is a priority intervention area for the financial year 2012-2013.⁵⁵ GIZ, the German Agency for International Development, has a well-established partnership with the EAC, and has been supporting the EAC-driven regional integration process in East Africa since 1996, and also supports the implementation of the CMP.⁵⁶ It has undertaken sensitisation activities concerning the labour mobility aspects of the CMP in Partner States. Partner States have also undertaken national information campaigns on the CMP.

The joint EAC-IOM-Trade Mark East Africa (TMEA) **Capacity Building in Migration Management programme** ran from 2010 to 2012 and aimed to build the capacity of EAC Partner States in mainstreaming migration issues in the implementation of the CMP. TMEA is a not-for-profit organisation, which has a MoU with the EAC, and provides technical expertise on trade and markets to the EAC Secretariat and actors in East Africa. Its headquarters are in Nairobi, Kenya, and its offices in Arusha, Tanzania, work closely with the EAC Secretariat.

Through the Capacity Building in Migration Management programme the IOM African Capacity Building Centre conducted pre-implementation border assessments at six selected border points to assess how to support the implementation of the CMP. Training was provided to government entities from Partner States on the migration-related aspects of the CMP, as well as regular and irregular migration. Technical assistance to support the harmonisation of the relevant legal frameworks of Partner States was also provided. A draft immigration manual and training manuals on migration-related topics of the CMP have been developed and are being reviewed by the EAC Counsel to the Community. In order to raise awareness about migration-related aspects of the regional integration process, an immigration web portal has been put in place, which is to be interfaced with the Partner States' websites.⁵⁷ A Migration Desk, staffed by a migration expert, was also established at the EAC Secretariat, but since the project ended in late 2012, it seems that this position has fallen away.

The UK has cooperated with East Africa for a long time and has supported the regional integration process of the EAC. In 2008

it concluded a MoU with the EAC in which it committed to make core financing contributions to the EAC Partnership Fund, a basket funding mechanism of the EAC. It has financially supported the Capacity Building in Migration Management programme and has also convened a number of migration management seminars with immigration officials from the EAC Partner States. In these seminars the UK inter alia relayed its approach to human trafficking, document fraud, asylum claim processing and the biometric visa; how technology could support the identification of people; and immigration investigations and prosecutions, in a bid to support the establishment of the CM.⁵⁸

EAC citizens currently use different **travel documents** for travelling inside the EAC. An **electronic ID card** has been endorsed as the future travel document for East Africans in the region. Identity cards are usually issued free of charge to nationals over the ages of 16 to 18 years by their governments for registration and documentation purposes, according to their national laws. Article 9(2) of the EAC CMP allows Partner States to use national machine-readable and electronic national Identity cards. Partner States have not yet started using identity cards for border crossings, as they are at different stages of developing machine-readable and electronic national Identity cards. To date, only the Republic of Rwanda has issued a machine-readable and electronic national Identity card.⁵⁹

The **East African passport** was officially launched on 1 April 1999.⁶⁰ It is being used by the EAC founding states, Kenya, Tanzania and Uganda, for travel within the EAC. Rwanda and Burundi nationals use national passports or a laissez-passer document to travel in the EAC. Plans are under way for the development of one common international EAC passport, which could be used by all Partner States for travel within and outside the EAC. A new-generation biometric East African passport has been designed, and a phase-in programme for the new passport and phase-out programme for the old generation of national passports are foreseen.⁶¹

The EAC is looking into reintroducing the **EAC Inter-State Pass**. In the past it was used for EAC citizens, and issuing it for citizens from other countries that are residing in the EAC is now being considered. It would ease business impediments that arise because a work permit issued in one state may not necessarily be recognised in another Partner State.

Negotiations are ongoing between the Partner States for an **EAC tourist visa**. It is envisioned to grant tourists access to all EAC countries. A Task Force, consisting of experts from Partner States, conducted a study on the readiness of Partner States to introduce the EAC tourist visa. They found that Partner States were not prepared for it and recommended further studies on initiating the visa.⁶² In order to launch the visa Partner States will need to agree on its exact modalities and harmonise their visa requirements.

A multi-Sectoral working group, which operates under the Sectoral Council on Foreign Policy Coordination and engages experts from Immigration/Home/Internal Affairs; Security; Foreign Affairs; Justice/Constitutional Affairs; and Finance/Trade, has been tasked with developing a proposal on Partner States providing visa and

consular services on behalf of each other. The group recommended that further studies be conducted that investigate the management of preliminary visa application information; harmonisation of visa application data and visa issuance procedures; visa categories and formats; and management of visa fees and database development and management.⁶³ Discussions on the EAC tourist visa and the Partner States providing visa and consular services on behalf of each other have delivered similar queries and need to proceed in tandem. In March 2012, the Joint Meeting of the Chiefs of Immigration and Heads of Tourism Boards requested a study that looks into both these areas. It should also gather information on relevant best practices; security and immigration guidelines; indicative financial estimates for providing these services, and propose modalities and a road map for the implementation of the pertaining Council decisions.

In November 2012 the EAC Secretary General launched the EAC Rome chapter. It consists of EAC Partner State diplomatic missions based in Rome and was formed to coordinate common foreign policies. It is regarded as a first step towards the sharing of consular facilities and the provision of visa and consular services on behalf of each other, which is especially envisaged to take place in the future in countries where not all Partner States have physical diplomatic missions.⁶⁴

E-immigration, including a common visa policy and automated customs and immigration information systems, is provided for in the CMP and is an important tool for its implementation. To take this work forward an EAC Regional E-immigration Technical Working Group has been established, and the development of an e-immigration policy is ongoing, as is a common web portal for e-immigration. E-immigration is a strategic priority of the EAC Regional e-Government Strategy Framework, which was adopted by the 13th Council of Ministers in November 2006.⁶⁵

The EAC, COMESA and SADC are negotiating the establishment of a common **Tripartite Free Trade Area (FTA)**. Promoting the movement of business persons is being discussed in the first phase of these negotiations. A Tripartite Unit in the Customs and Trade Directorate has been set up in the EAC Secretariat. The EAC has developed a Strategy for the negotiation of the Tripartite FTA, which spans July 2011 to June 2014. The Strategy should be implemented through annual work plans that are agreed upon by the Multi Sectoral Committee of Experts and endorsed by the EAC policy organs. The Multi Sectoral Committee of Experts consists of the EAC Secretariat Customs and Trade Directorate and five to six experts per Partner State, including civil society and sector organisations. They prepare the EAC's common negotiating position and participate in the negotiations. They have not yet worked on the movement of business persons track of the negotiations.

A Working Group on the Movement of Business Persons has been set up in the Secretariat, which mainly consists of the Labour and Immigration Department, in the Productive and Social Sectors Directorates, and in which the Customs and Trade Directorate will also participate. The Working Group will prepare the EAC negotiating position in this track of the negotiations. They are expected to start their work in the first half of 2013. The Strategy does not elaborate on the EAC's position in terms of the movement of business persons

track of the negotiations and merely states that their strategic interest is the development and implementation of a Tripartite framework for the movement of business persons. This should entail a facilitation framework, including an enabling environment, for the cross-border movement of four categories of business persons: business visitors, traders and investors, professionals and intra-company transferees. The facilitation framework will be the implementation modalities of Annex 10 of the draft Tripartite FTA agreement. Resource mobilisation for the preparation, participation and completion of these negotiations has been cited as a challenge that may impede negotiations and quality of the agreements reached.

According to Article 7 of the Tripartite Annex on the Movement of Business Persons, a Sub Committee on Movement of Business Persons should oversee the implementation of the Annex and develop regulations to facilitate the implementation of the Annex. The Terms of Reference for the Sub Committee have been developed by a Tripartite Task Force and circulated to the Sectoral Councils at the Tripartite Level. The Sub Committee, which consists of immigration and other relevant experts from the Tripartite Member States, has not yet met. These negotiations will need to be fast-tracked if they are to meet the set deadline of 2014.

2.4 Border Management

The EAC encourages the implementation of One Stop Border Posts (OSBPs) to aid trade facilitation and cut delays at the border crossing points of major transport corridors in the region. Various OSBP initiatives are ongoing between the Partner States, such as at the Nemba/Gasenyi (Rwanda-Burundi) border, Rusumo (Rwanda-Tanzania) border and Busia (Kenya-Uganda) border (approximately 15 are being developed). A multi-sector committee has been set up in the Secretariat to work on OSBPs. It consists of the Labour and Immigration Department, the Directorate for Infrastructure and the Directorate of Customs and Trade.

Each Partner State has an OSBP coordinating and management committee, in which customs and immigration departments, as well as border agencies and legal and Information and communications technology experts, participate. The coordinators of these committees are the main interlocutors of the EAC Secretariat on OSBPs in Partner States.

The OSBP Bill has been finalised and will become the EAC OSBP Act once it is cleared by the Council of Ministers and EALA. It is expected to be endorsed by the end of 2013. Once the Act is adopted, OSBP regulations and procedures will be developed, including Standard Operating Procedures. Until now border cooperation has been based on bilateral agreements between countries. Partner States will be trained on EAC OSBPs once they are approved by the Customs Committee and are validated by the Partner States. The procedures will be generic and may need to be adapted to local contexts. As part of their mandate, the Customs and Trade Directorates will monitor the implementation of OSBP procedures through, inter alia, visits to OSBPs in the Partner States. At present they monitor whether borders

in the EAC comply with the EAC Customs Union. The African Development Bank, IOM, Japan International Cooperation Agency, TMEA and United States Agency for International Development have supported the development of OSBPs.

Infrastructure development is one of the three pillars on which the Tripartite FTA will be built. Under this pillar RECs have been assigned responsibilities according to their areas of expertise. Due to the EAC's experience in developing OSBPs it has been asked to lead this thematic area, for which RECs are to choose a border post as a model and develop harmonised processes which could be replicated across other border posts.⁶⁶

Most OSBP designs have not factored in the effect of OSBPs on communities living at the borders and the disruption they cause to lives and businesses. Difficulties in this area include lack of access to schools and health facilities, as well as trade being impeded because traders find it harder to move across the border to sell their goods. Some female border traders, for example, no longer have access to travellers to sell their goods to. These limitations have caused growing concern, and initiatives to address them are being looked at. One such initiative is a simplified certificate for small traders, which is being undertaken with COMESA. Under this initiative countries develop a common list of the most traded products. If the trader's merchandise is valued below USD 2,000 then the standard certificate can be issued at the border and a certificate of origin does not have to be provided. It therefore benefits the communities around the borders.

Other border management initiatives include the planned development of a single window system, a platform through which traders submit information and which Rwanda is expected to launch soon. RADEX, a database to interface the customs systems between two countries and relay information, will also be launched.

2.5 International Protection

Conflict, poverty and drought have led to large numbers of internally displaced persons (IDPs) and refugees in East Africa and the Horn of Africa. Article 124(4) of the EAC Treaty and the not-yet-concluded Peace and Security Strategy call for the establishment of common mechanisms for the management of refugees. The CMP Annex on the Free Movement of Persons states that the movement of refugees shall be governed by the relevant international conventions. The EAC Protocol on Peace and Security also addresses refugee and internal displacement issues and was approved by the Summit in November 2012. It is expected to be signed by ministers responsible for internal security in early 2013. The Fourth EAC Development Strategy (2011/2012-2015/2016) indicates that common practices for the management of refugees and IDPs should be established by 2014.

In May 2012 the EAC Chiefs of Refugee Management meeting called for the development of a five-year programme which will deliver and implement a **regional asylum policy**. The regional policy should facilitate the harmonisation of the policies of the Partner States. A technical working group will be formed, which will provide technical

inputs to the policy development process and consist of experts from the Partner States and the EAC Secretariat.

Furthermore the EAC is developing a **Conflict Early Warning and Response Mechanism (EACWARN)** which will address migration, human trafficking, refugee and internal displacement issues as conflict indicators. Indicators and an implementation road map have been developed for EACWARN. The road map is currently being assessed by the Council to the Finance and Administration Committee for evaluation of its financial implications. The EAC also works with other RECs on Early Warning and Response under the AU coordination framework.

The Directorate of Social Sectors deals with refugee issues in the EAC Secretariat. The Sectoral Council on Interstate Security oversees cooperation in interstate security as detailed in the EAC Peace and Security Strategy. The Sectoral Council discusses refugee, internal displacement and human trafficking concerns as they pertain to interstate security. Historically the influx of refugees in the region has been linked to instability. Ministers who work on internal security issues, such as police matters, immigration, counter-terrorism, intelligence, arms management and refugees, participate in this Sectoral Council, which meets twice a year and provides policy guidance to the EAC policy organs. As mentioned in Section 2.2, Migration Dialogue, the establishment of a Sectoral Council on Immigration, Labour/Employment and Refugee Management is being considered. It is expected that such a Council would look at refugee issues from a broader perspective, including protection concerns.

The UNHCR has a MoU with the EAC, and a Senior Liaison Officer is based at the EAC Secretariat. They work with the EAC on asylum issues, mixed-migration and the promotion and protection of human rights, whilst their priority is the development of a regional asylum policy for the EAC.

In September 2012 an inaugural East African Community Child Rights Conference themed Addressing the Issues That Negatively Impact on the Realization of Child Rights in the East African Community, took place in Bujumbura, Burundi. The conference enjoyed the participation of ministers of various Partner States ministries, EALA, the United Nations Children's Fund, Save the Children, Plan International, World Vision and the African Child Policy Forum, among others, and adopted the Bujumbura Declaration and Recommendations on Child Rights and Wellbeing in the EAC.⁶⁷

The Declaration is driven by Article 120(c) of the EAC Treaty which commits to *the development and adoption of a common approach towards the disadvantaged and marginalised groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of, among others, foster homes, health care, education and training.*

The Declaration takes note of the situation of vulnerable children such as **IDPs, refugee children, children in emergency situations** and children living and working on the streets. Partner States commit to ratifying, adopting and domesticating all international and regional instruments which pertain to the protection of children in the region;

to harmonise national child-related laws with these standards; and to initiate mechanisms which ensure the necessary implementation, enforcement, monitoring and reporting of these laws and instruments. As part and parcel of this approach the EAC Partner States commit to developing a comprehensive **EAC Child Policy** which fosters the realisation of children's rights.⁶⁸

2.6 Trafficking in Human Beings

Trafficking in human beings (THB) is regarded as a threat which may grow as the region integrates and opens its borders, hence close co-operation between Partner States to fight this crime is sought. One of the fora through which THB is addressed is the **East Africa Police Chiefs Coordination Committee**. It is a technical team that advises the Ministers for Security and Internal Affairs on policing matters. The Secretariat has initiated joint training programmes, joint operations and collective use of scientific crime management assets.⁶⁹ The East Africa Police Chiefs Coordination Committee supports the establishment of a Regional Referral Forensic Centre (RRFC), which will strive to ensure that EAC countries have harmonised forensic centres and strengthen forensic services in the region, including through the pooling of resources and capacities.⁷⁰

Closer cooperation with Interpol is also sought to, inter alia, fight THB. Interpol and the EAC are expected to sign a MoU soon.⁷¹ The EAC Partner States already participate in the Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO), which was established during the first meeting of Eastern African Police Chiefs in February 1998. It has 11 member countries and was formed to unite police efforts against transnational and organised crime. The Interpol Sub-Regional Bureau in Nairobi serves as its Secretariat.⁷² The MoU should enable EAPCCO and the EAC to participate in each other's technical working groups and decision-making processes, and enable the joint implementation of projects and programmes.⁷³

The **Sectoral Council on Gender, Youth, Children, Social Protection and Community Development** looks at THB from a protection viewpoint, whilst the November 2010 EAC Strategic Plan for Gender, Youth, Children, Social Protection and Community Development recognises the problem of child trafficking. The Action Plan for Social Protection which forms part of the Strategic Plan calls for various measures which could aid the provision of protection services to trafficked persons in the region, such as the establishment of a social protection unit at the Secretariat and the development of social protection guidelines for Partner States.

A desk review of anti-trafficking initiatives in the EAC and IGAD regions was undertaken in 2010 and presented at the EAC and IGAD AU Commission Initiative against Trafficking (AU.COMMIT) campaign launch in December 2010. In May 2011 the EAC participated in the AU.COMMIT workshop Awareness Raising as a Tool for Prevention and Protection Against Trafficking and Smuggling of Human Beings, which mapped out regional awareness-raising strategies.

3. Employment

The Common Market Protocol calls for the harmonisation of labour policies, programmes, legislation, social security benefits and a **common employment policy**.

The EAC Decent Work Programme presents **three priorities for 2010-2015: youth employment creation, extending social protection and enhancing the capacity of social dialogue**. Youth unemployment is a growing concern, and self-employment is key in addressing it.

In the EAC social protection is predominantly articulated as social assistance to counter extreme vulnerability. Disparities in social security across the region impede mobility and improvement in labour conditions. A CMP Annex on Social Security Benefits has been developed.

National and regional level social dialogue structures are in place and require reinforcement.

An ongoing manpower survey is expected to capture present and future skills shortages and surpluses and aid labour demand and supply matching at the national and regional levels.

3.1 Employment Strategy

Article 104 of the EAC Treaty instructs Partner States to maintain common employment policies and harmonise their labour policies, programmes and legislation, whilst the CMP captures the EAC's employment strategy.

Article 5 of the CMP addresses the scope of cooperation in the Common Market and states in 5(c) *remove restrictions on movement of labour, harmonise labour policies, programs, legislation, social services, provide for social security benefits and establish common standards and measures for association of workers and employers, establish employment promotion centres and eventually adopt a common employment policy*.

The Fourth EAC Development Strategy acknowledges that the labour conditions stipulated in the CMP have only partially been implemented.

Coordination in the Region

The East African Business Council (EABC) was established in 1997 and is an apex body for business associations from the Partner States. It has observer status at the EAC, which enables it to participate in relevant EAC activities and deliberations. EABC's overall objective is to foster an enabling business environment and to promote private sector's regional and global competitiveness in trade and investment. It offers a regional platform through which the business community

can present its interests at the EAC policy level. It encompasses 54 associations and 102 corporate members, which include three employer associations, two women associations, and the Confederation of Informal Sector Associations of East Africa. The Secretariat is based in Arusha, and is supported by national focal points that are all national private sector apex bodies.⁷⁴

The EABC has established platforms to meet its objectives. The East African Professional Services Platform aims to *foster a single integrated and vibrant market for professional services in East Africa*.⁷⁵ The East African Women in Business Platform, which was established with the support of TMEA in 2011, endeavours to put in place mechanisms that address the challenges faced by women-owned businesses in the region. It involves national apex bodies; associations and networks of business women, which include associations of formal and informal cross-border traders and professional women associations; and civil society organisations that work for the advancement of business women and women's socio-economic development.⁷⁶ Another platform, the East African Employers Organisation, brings together national employers' organisations and other actors that are concerned with implementation of the CMP and its clauses which deal with the free movement of labour; labour standards; regulatory environments; skills development and mutual recognition.⁷⁷

In 1988 the East African Trade Union Confederation (EATUC) was established and its members are the Central Organisation of Trade Unions, the National Organisation of Trade Unions of Uganda, Zanzibar Trade Union Congress, the Trade Union Congress of Tanzania and the National Trade Union Federations from Burundi and Rwanda. Its main objective is to promote workers' interests in East Africa and advance social and economic justice by ensuring the participation of workers' organisations in regional integration processes. EATUC has observer status with the EAC and works for the engagement of workers in its regional integration agenda and the initiation of tripartism as a key instrument for consultation and dialogue, the ratification of international labour standards by the Partner States, involving youth and women in all aspects of socio-economic development, augmenting the decent work agenda, harmonisation of labour laws and policies across the region and spurring the free movement of factors of production in the region.⁷⁸

The ILO's work with the EAC hinges on a MoU that was signed in 2001 and focuses on areas of employment policy, vocational training, facilitating labour mobility, harmonising labour laws, social dialogue, social security and productivity. The ILO collaborates with the EAC through the conduit of the EAC-Decent Work Programme (EAC-DWP), which contains three priorities for 2010-2015: youth employment creation, extending social protection and enhancing the capacity of social dialogue. It is envisioned to complement Decent Work Country Programmes. Due to limited funds, not all elements of the EAC-DWP have been rolled out. The activities undertaken in the framework of the EAC-DWP include the ongoing manpower survey (see 3.4 Job Creation and Productivity) and harmonising occupational safety and health standards.

3.2 Social Protection

The EAC Treaty addresses social protection and social security as part of social welfare, rather than as rights. Article 120 is dedicated to social welfare.⁷⁹

The Partner States undertake to cooperate with respect to:

- a. *employment, poverty alleviation programmes and working conditions;*
- b. *vocational training and the eradication of adult illiteracy in the Community; and*
- c. *the development and adoption of a common approach towards the disadvantaged and marginalised groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of, among others, foster homes, health care education and training.*

The CMP addresses the harmonisation of social policies in Article 39, but does not express social security as a right. The Partner States commit to harmonising their social policies in order to *promote and protect decent work and improve the living conditions of the citizens of the Partner States for the development of the Common Market in the areas of, among others (a) good governance, the rule of law and social justice; (b) promotion and protection of human and peoples' rights; (c) promotion of equal opportunities and gender equality; (d) promotion and protection of the rights of marginalised and vulnerable groups. To this end they agree to implement programmes to, among others, (h) expand and improve social protection.*

The November 2010 East African Community Strategic Plan for Gender, Youth, Children, Social Protection and Community Development also treats social protection in a limited way, which is perhaps better defined as social assistance by the state and other actors in cases of extreme vulnerability and poverty. It puts forward numerous social protection mechanisms to counter vulnerability, such as social safety nets, social security mechanisms and human development actions. The EAC seems to still be in the process of determining how to deal with social security and social protection and the focus currently falls on social assistance to counter vulnerability.⁸⁰

Disparities in social security are recognised as a challenge to improving labour conditions in the EAC in the Fourth EAC Development Strategy.⁸¹ Under Priority Interventions for the Development of Social Sectors during the period 2011/12-2015/16, Priority Area five is *Strengthening Immigration capacities to enhance free movement of persons, workers and service; and management of refugees*. One of the strategic interventions in this area is the coordination and modernisation of social security systems. The ILO has advocated for the ratification of social security-related conventions that would facilitate harmonisation of the pertaining systems in Partner States. It has also supported social security stakeholders, including national social security institutions, governments and employers' and workers' organisations of the Partner States in articulating social security issues in the EAC context.

For the principle of free movement of persons and labour and the rights of establishment and residence to be realised, the portability of social security benefits needs to be addressed. A CMP Annex on Social Security Benefits has been developed, but is not yet endorsed. The proposed social protection interventions of the EAC-DWP include protecting the social security rights of migrant workers by actualising the Annex on Social Security; and an EAC model social protection floor implementation strategy, which should spur access to basic social protection for the whole population and help to improve the quality of coverage provided by social security schemes that already exist.

3.3 Social Dialogue

The EAC-DWP recognises as one of the great achievements of the EAC effective national- and regional regional-level social dialogue structures. The role and significance of social dialogue and collective bargaining should however be boosted. It acknowledges that EATUC is still weak, and that the network of East African employers and the Sectoral Council of Ministers of Labour and Employment still need to be established. Furthermore, the majority of workers operates in the informal economy and do not participate in the established social dialogue structures. Mechanisms must be found to include organisations which represent the youth, rural and informal workers in the social dialogue process of the region.

The EAC-DWP activities in the area of social dialogue include: building the technical capacity of EATUC, the EABC secretariat and the affiliated national apex bodies, with a particular focus on building collective bargaining and negotiation skills; and targeted capacity-building activities for all three social partners.

3.4 Job Creation and Productivity

The EAC takes a holistic approach to fostering human capital. In the EAC Development Strategy, under the broad priority areas for 2011 to 2020, it states it will build human capital by advancing the quality and reach of education and health and by engendering an economic environment which succors job creation and the absorption of new entrants into the labour market.⁸²

Article 104 of the EAC Treaty instructs Partner States *to establish a regional centre for productivity and employment promotion and exchange information on the availability of employment. Partner States should also cooperate in the enhancement of the social partnership between the governments, employers and employees so as to increase the productivity of labour through efficient production.* The EAC Development Strategy lists under achievements in the area of Labour and Immigration the harmonisation of policies for employment creation and the development of an East African Human Resource Development and Utilization strategy.

The EAC has been undertaking a manpower survey since 2008. ILO has supported the EAC in the development of the necessary tools and the data collection process. The survey is envisioned to generate

data on the stock and traits of skilled manpower and vacancies, which should facilitate the matching of demand and supply at the national and regional levels and indicate present and future skills shortages and surpluses. The output of the survey is vital for national and regional policy development that addresses skills needs and gaps. It will also aid in the creation of an accessible human resource database.⁸³

The East African Manpower Survey Regional Technical Working Group (RTWG) held its fourth meeting in Nairobi, Kenya, in October 2012. They reviewed the status of the manpower survey in the Partner States, exchanged best practices and lessons learnt in conducting the national manpower surveys, discussed the funding of the remainder of the exercise and put together a road map for the completion of the manpower survey. The RTWG is composed of technical experts from the Partner States' ministries that deal with Labour and Employment, East African Community Affairs, Finance and Planning, National Planning Authorities/Commissions and National Statistics Bureaus/Offices.⁸⁴ In all Partner States the exercise has been hampered by insufficient funds. The RTWG is concerned about the comparability of the results of the survey if all states do not undertake and complete the survey within a reasonable time period. Comparability concerns were also raised with regards to the informal sector module and the unemployment registration module. The RTWG concurred that Partner States had for most of the modules used the methodologies that were agreed on earlier. In terms of the administration of the informal sector module different approaches have, however, been utilised. In some states the household approach has been applied, whilst in others the area/establishment approach was used. Methodological problems were experienced with the implementation of the unemployment registration module. This obstacle and the different time periods over which the survey has and will be implemented were cited as impeding the comparability of results in this area.⁸⁵

3.5 Youth Employment

Growth in youth unemployment is recognised in the EAC-DWP as one of the greatest threats to peace and stability in East Africa. The September 2010 draft EAC Youth Policy cites unemployment and skills underdevelopment as one of the ten main issues common to youth in EAC Partner States. Employment is listed as one of the nine priority areas of cooperation in the Youth Sector. Gainful employment for youth is defined as the right to *I. freely choose a lawful occupation; II. receive equal pay for equal work; III. work under equitable and satisfactory conditions that respect their dignity, for maximum working hours with daily and weekly rest periods and annual period of paid leave; and IV. be protected from unfair and, or, unjustified dismissal.* Youth unemployment and underemployment is also a key concern addressed in the August 2010 EAC Social Development Framework and the November 2010 EAC Strategic Plan for Gender, Youth, Children, Social Protection and Community Development 2011-2015, and is a priority issue for the Sectoral Council on Gender, Youth, Children, Social Protection and Community Development.

The formal sector however does not have sufficient capacity to create

jobs, and therefore the youth employment creation priority area of the EAC-DWP focuses on self-employment. Three interlinked sets of activities are proposed in this area: fostering a conducive policy environment for youth and self-employment; enhancing skills; and promoting entrepreneurship activities. Actions to support these sets of activities include the crafting of a sub-regional youth employment strategy which builds on national action plans; a manpower survey; and aiding entrepreneurship through an East African Entrepreneurship and Cooperative Promotion Capital Facility which would offer soft loans and subsidies to entrepreneurs and cooperatives that are geared towards youth self-employment.

In April 2011 EALA convened a workshop on Formulating Strategies to Combat Youth Unemployment in Kigali, Rwanda. They called on Partner States to heighten youth entrepreneurship and raise awareness of employment opportunities in order to counter youth unemployment and under-employment in the region. High youth unemployment, a fast-growing labour force, under-employment, the working poor and gender inequality in employment were challenges highlighted at the meeting.⁸⁶

The East African Regional Youth Conference was convened in Kampala, Uganda, in August 2012, and brought together representatives from the EAC Partner States, the DRC and Ghana. It aimed to garner support for a regional policy and institutional framework which addresses youth concerns, especially unemployment. At the meeting the Joint East African Community Youth Programme of Action was developed. It inter alia proposes actions geared at sharpening skills development and addressing the mismatch between skills and labour market requirements; actions which focus on spurring policy, legal frameworks and programmes that aid youth employment; as well as actions that augment youth employment through business and trade. These actions include: reviewing and restructuring education and training curricula with the participation of the relevant stakeholders, such as the private sector; improving formal job creation in Partner States by enhancing the competitiveness of skills and actualising entrepreneurial opportunities; initiating guidelines for Small and Medium Enterprises and informal sector enterprises to strengthen their management capability and bolster access to financial services and business opportunities; and putting in place national employment information centres in countries where they do not yet exist.⁸⁷

4. Higher Education

The Common Market Protocol (CMP) demands the **harmonisation and mutual recognition of academic and professional qualifications**. A CMP Annex on Mutual Recognition of Academic and Professional Qualifications has been developed.

Various professional bodies in the region are developing **Mutual Recognition Agreements** to enable labour mobility and trade in professional services.

The Inter-University Council for East Africa (IUCEA) has developed an **East African Qualifications Framework** to aid in the harmonisation of education and training systems, as well as skills competencies and qualifications.

Quality assurance (QA) is a priority for the IUCEA, in its promotion of superior and comparable higher education standards across the region. It has launched a QA framework and various QA tools with a view to harmonise QA systems in the region.

4.1 Higher Education Strategy

The priorities of the Education Department of the EAC Secretariat are captured in the EAC Development Strategy, which sets out the strategic interventions for Education, Science and Technology that are designed to boost human resources. The pertinent interventions which relate to higher education are: reviving and strengthening all former EAC research institutions; developing an EAC education sector HIV/AIDS policy and strategy; identifying and supporting centres of excellence in the region; facilitating the operationalisation of the CMP (which refers to the development of Mutual Recognition Agreements [MRAs] to facilitate the free movement of professionals in the region and developing benchmarks for the recognition of foreign qualifications); promoting e-learning in the education system; and collaborating with regional and international centres of higher learning.

The higher education agenda of the EAC, in terms of university education, is entrusted to the IUCEA. The IUCEA is currently implementing its Rolling Strategic Plan 2011/12-2015/16. The revised draft IUCEA Bill was adopted by ministers responsible for education, science and technology, culture and sports at the First Extraordinary Sectoral Council on Education, Science and Technology meeting, which took place in November 2012 in Kigali, Rwanda. The IUCEA Act (2009) was envisioned to mainstream the IUCEA into the EAC. A review of the Act highlighted that problems experienced with its implementation were due to inconsistencies with the EAC Treaty, the institutional position of IUCEA in the EAC and new trends in the provision of higher education. The new Bill is envisaged to remedy these challenges and should repeal the 2009 IUCEA Act. The next step in this process is for the Bill to be approved by the Council of Ministers.⁸⁸

Coordination in the Region

The broad remit of the EAC Sectoral Council on Education, Science and Technology includes higher education, on which it advises the Council of Ministers. Ministers from education, science and technology, culture, sports and youth affairs participate in the Sectoral Council.

The East African Higher Education Forum was convened for the first time in October 2012 in Arusha, Tanzania, and was a joint activity of the IUCEA and EABC. It was titled Linking Universities to Industry for Building Knowledge-Based Economies and Regional Integration in East Africa. In the future it will take place annually and gather higher education managers, researchers, the business community and policy makers to discuss the role of universities in engendering regional integration, as well as shaping knowledge-based economies in the Partner States through university and industry partnerships. Its main objective is to serve as a platform for higher education stakeholders and facilitate information exchange and discussions on the development of effective higher education systems, which are connected to industry and contribute to socio-economic development and regional integration.⁸⁹

4.2 Mobility of Qualifications

Article 11 of the CMP deals with the Harmonisation and Mutual Recognition of Academic and Professional Qualifications, which is deemed necessary for the free movement of labour. Partner States will (a) *mutually recognise the academic and professional qualifications granted, experience obtained, requirements met, licences or certifications granted in other Partner States; and (b) harmonise their curricula, examinations, standards, certification and accreditation of educational and training institutions.* This article is to be implemented through the annexes that are adopted by the Partner States. A CMP Annex on Mutual Recognition of Academic and Professional Qualifications has been developed and is still being negotiated. The targets of the IUCEA Strategic Plan for 2011-2016 include the development of a system for mutual recognition of academic qualifications and the establishment of a regional higher education accreditation system.

The Council established a Technical Committee in November 2011 to lead the harmonisation of education systems and training curricula under the CMP. Partner States have agreed on a standardised framework to guide the development of MRAs for professionals.⁹⁰ Various professional bodies in the region are working on MRAs to enable the movement of labour and trade in professional services. On 7 December 2012 the Registrars for Professional Engineers of Kenya, Uganda and Tanzania signed a MRA which enables engineers from these countries to offer their services throughout the EAC. Burundi and Rwanda have to undertake professional conformity assessments and set up the necessary legal and institutional framework before they can append the MRA. Some of the benefits that are expected to flow from the MRA are mutual learning, the harmonisation of engineering services, higher professional standards and increased access to professional engineering services.⁹¹

The IUCEA has commenced the development of an East African Qualifications Framework, which will serve as a platform for the harmonisation of education and training systems, as well as skills competencies and qualifications, and is therefore expected to ease the lack of mutual recognition of qualifications in the region. It is seen as a building block towards realising an East African common higher education area that has comparable, compatible, coherent and harmonised higher education systems.⁹²

In 2009 a study on the harmonisation of East African education systems, which also covered higher education, was undertaken by the IUCEA and culminated in a March 2011 Report on the Harmonisation of the East African Education Systems. In this report the results of 13 workshops which were convened with various stakeholders in the Partner States to provide feedback on an earlier version of the report were incorporated. The recommendations of the report are, inter alia, harmonising curricula at the various levels of education by obligating the study of core subjects in all Partner States, and aligning examination and grading systems for the sake of comparability. In addition, basic agreed principles should inform the competencies that are reached at every level of education.

4.3 Quality Assurance

Maintaining high and comparable academic standards in higher education regionally, with a particular emphasis on advancing QA and quality management, is a core function of the IUCEA. Over the past ten years the region has seen an expansion of higher education, which called for special efforts to ensure that this expansion does not compromise the quality of higher education. In 2005 the IUCEA Governing Board decided to initiate a regional QA system for its member universities, in collaboration with the national higher education regulatory agencies of the founding EAC Partner States. The IUCEA now includes member universities from Burundi and Rwanda after the two countries joined the EAC in 2007. It found that QA systems in universities lacked coherence and benchmarks for comparability across the region. To work towards this goal the IUCEA requested assistance from the German Academic Exchange Service (DAAD). DAAD connected the IUCEA to German institutions, such as the German Rectors Conference (HRK), German accreditation agencies, and German universities, which have solid QA systems. A workshop in Nairobi in 2005 on Curriculum Design helped to promote the concept of curricula as a quality improvement and QA tool and stressed the importance of the evaluation of programmes. DAAD support also included a January 2006 sponsored visit of 30 senior university managers from Kenya, Tanzania and Uganda to German universities and institutions. This resulted in a resolution to introduce an East African QA framework. A workshop on Supporting a Regional Quality Assurance Initiative in East Africa followed in Nairobi in June 2006, which launched the concept of QA in the region. The workshop highlighted the need to involve university managers and leaders in order to realise these systems. Thus the IUCEA, regulatory agencies and DAAD engaged vice-chancellors, deputy vice-chancellors and deans of faculties, through national and regional workshops.⁹³

The IUCEA has developed a regional QA framework with a view to harmonise higher education quality assurance systems across the region. As part of this process it has crafted regional QA standards, procedures and guidelines, benchmark standards of study programmes, a credit system and a regional qualifications framework. In doing so it has been supported by DAAD and HRK.⁹⁴

The IUCEA Rolling Strategic Plan 2011/12-2015/16 also records the following achievements during the implementation period of the IUCEA Rolling Strategic Plan 2006/2011: a QA unit has been set up; approximately 47 QA coordinators have been trained to lead and mainstream QA processes in universities; 10 officers from Higher Education National Regulatory Agencies were trained on the regional QA framework; a long-term regional strategy to ensure the holistic implementation and sustainability of QA was developed; dialogue and QA sensitisation workshops were convened for key university staff; external evaluation instruments were created and piloted in 45 programmes; and a total quality management guide was developed and piloted in three universities.

More recently, at the second IUCEA Annual Meeting in March 2011 it launched volume one and two of the QA Higher Education Handbook. Volume one contains self-assessment guidelines at the programme level and volume two details external assessment guidelines at the programme level. Through the ACP-EU Programme on Higher Education's (EDULINK) project, Sustainable Quality Culture in East African Institutions through Centralized Units, a handbook on academic programme assessment was drafted, and the project dissemination conference was held in February 2011. The IUCEA participated in this initiative with the University of Alicante in Spain, Mzumbe University in Tanzania, Moi University in Kenya, Makerere University in Uganda, the Association of African Universities in Ghana and the German Accreditation Council in Germany.⁹⁵

A QA coordinators network for East African universities has been set up, and it held its first meeting as part of the regional QA conference themed East African Quality Management and Quality Assurance Coordinators' Networking, which was organised by the IUCEA, DAAD and the Kenyan Commission for Higher Education in Nairobi on 23-27 May 2011.⁹⁶

5. Challenges and Opportunities within the EAC

The EAC's economic integration process is driven by a relatively strong political commitment from its Partner State. This process is aided by a history of regional cooperation, as well as a common culture, identity and language, which are shared by some of the Partner States. It also benefits from the fact that it involves only five countries, as few members lighten the complexity of integration. Furthermore this process is facilitated by a fair level of coordination between the Partner States and the EAC Secretariat, which is led by the EAC Affairs Ministries in the Partner States.

The harmonisation of MME policies and systems are integral to the EAC's regional integration agenda. Hence there is a real opportunity to develop and implement common strategies in these thematic areas. Nevertheless much work remains to be done. The EAC has yet to monitor and evaluate the extent to which the Common Market is being implemented.

Whilst the impetus for regional economic integration creates opportunities for cooperation in migration management, it prioritises security concerns at the cost of protection priorities. Refugee flows, internal displacement and human trafficking are addressed in various peace and security fora and policies, which are primarily geared at securing political stability and fighting crime. This stance should be complemented by a human rights-based approach. The Capacity Building in Migration Management project supported the development of a more holistic migration management perspective. Now that this project has ended, and the Migration Desk position which it funded at the EAC Secretariat has fallen away, it seems likely that such a holistic perspective will wane. Progress cannot depend on individual projects that are driven by international organisations and their funding. In order to sustain a comprehensive migration management agenda it needs to be owned by the Partner States and the EAC Secretariat. A migration programme could then form part of a longer-term strategy and potentially benefit from the EAC Partnership Fund, a basket funding mechanism which can facilitate longer-term funding.

The social protection aspects of the EAC's employment agenda are particularly in need of reinforcement. Social assistance and security disparities in the region challenge the harmonisation of social protection systems. Launching the CMP Annex on Social Security Benefits is an important step towards achieving this goal.

With regards to higher education, the harmonisation and mutual recognition of academic and professional qualifications are gaining ground, with MRAs being negotiated and a CMP Annex on Mutual Recognition of Academic and Professional Qualifications in the pipeline. These initiatives are key to the success of the integration project, but rolling out these systems will be complex and take time.

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Chapter 4

ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES



1. ECCAS and Contextualising MME

Key data	
States	10
Total Area ¹	6.6 million km ²
Population (2010) ²	137.3 million
GDP (2009) ³	USD 213 billion

1.1 Introduction to ECCAS

The Economic Community of Central African States (ECCAS) covers 6.6 million square kilometres and is composed of ten Member States: Angola, Burundi, Cameroon, the Central African Republic (CAR), Chad, the Democratic Republic of Congo (DRC), Equatorial Guinea, Gabon, Congo and Sao Tomé and Príncipe. Most of the ten ECCAS countries - except Cameroon, Gabon and Congo - are classified as Least Developed Countries,⁴ and close to 45% of the region's population lives on less than USD 1 a day.⁵ ECCAS's population has grown by almost 17 million since 2005 to reach an estimated 137.3 million in 2010, with children and youth (the section of the population aged under 25) making up almost 65% of the total population.⁶

The Treaty which established ECCAS was signed in 1983. The overall goals of the Community as set out in Article 4 of the ECCAS Treaty are *to promote and strengthen harmonious cooperation and balanced, self-sustained development in all fields of economic and social activity, more particularly in industry, transports and communication, energy, agriculture, natural resources, trade, customs, monetary and financial affairs, human resources, tourism, education, culture, science and technology and the movement of persons.* In order to achieve these goals, several objectives are further detailed, including the elimination of customs duties between Member States; the abolition of quantitative and other barriers to trade; the establishment of a common customs external tariff and a common trade policy vis-à-vis third parties; the progressive abolition of obstacles to the free movement of persons, goods, services and capital and to the right of establishment; the harmonisation of national policies on the above-mentioned economic and social areas; and the creation of a Development and Cooperation Fund.

ECCAS was revived in the late 1990s, following a period of inactivity linked to economic and political instability. The ECCAS mandate was extended to issues of sub-regional peace and security following an Extraordinary Meeting of Heads of State and Government in Libreville in February 1998. A Peace and Security Council for Central Africa (*Conseil de Paix et de Sécurité de l'Afrique Centrale, COPAX*) was created in 1999, and Member States signed a Mutual Assistance Pact

in 2000. These developments transformed ECCAS into a political and security forum as much as an economic integration organisation.

ECCAS launched its Free Trade Area in 2004, with a view to establish the Customs Union by 2008. In addition, ECCAS adopted its Vision 2025 in 2007, which focuses on the following priorities: peace and security, infrastructures, energy, water and the environment.

The region is characterised by overlapping memberships with various regional organisations, including the Economic Community of the Great Lakes Countries (ECGLC), the Common Market for Eastern and Southern Africa; the Community of Sahel-Saharan States; the East African Community; the International Conference of the Great Lakes Region; and the Southern African Development Community. The biggest challenge in terms of overlapping membership is presented by the Economic and Monetary Community of Central Africa (EMCCA),⁷ which has similar goals and includes Cameroon, CAR, Chad, Equatorial Guinea, Gabon and Congo.⁸

ECCAS, EMCCA and the United Nations Economic Commission for Africa (UNECA) signed a memorandum on the harmonisation of their policies and programmes. The ECCAS Thirteenth Conference of Heads of State and Government decided in October 2007 to create a Steering Committee in order to speed up policy coordination and harmonisation. However, progress to date has been limited. The organisation and functioning of the Steering Committee were only officially endorsed by a January 2012 joint ECCAS/EMCCA decision.⁹

1.2 MME State of Play in the ECCAS Region

Key Statistics¹⁰

Country	Country Population (millions) 2010	Human Development Index (HDI) 2010	Average annual net international migration rate (per 1000) 2005-2010	Migrant Stocks (%) 2010	Migrants from ECCAS as a share of all international migrants (%) 2010	Female migrants as a share of all international migrants (%) 2010	Refugees as a total share of all international migrants (%) 2010	Remittances as a share of GDP (%) 2011
Angola	18.9	0.404	0.9	0.3	50.1	53	19.2	0
Burundi	8.5	0.282	9.5	0.7	38	54.6	31	2.0
Cameroon	19.9	0.460	-0.2	1	36	45.7	24.2	0.5
Central African Republic	4.5	0.315	0.2	1.8	85.7	46.6	12.4	N/A
Chad	11.5	0.295	-1.4	3.4	23.5	48	74.8	N/A
Congo	3.8	0.489	2.6	3.8	74.4	49.4	32.9	N/A
DR Congo	67.8	0.239	-0.1	0.7	38.1	53.1	43.4	N/A
Equatorial Guinea	0.7	0.538	6.1	1.1	23.5	47	0	N/A
Gabon	1.5	0.648	0.7	18.9	42.4	43	3	N/A
Sao Tomé and Príncipe	0.2	0.488	-8.2	3.2	42.6	48	0	2.8

N/A: Data not available

Migration

International migrants' stock (including refugees) within the ECCAS region was estimated in 2010 at 1.7 million, representing 1.2% of the total population, with the highest number of migrants found in the DRC (444.672), Gabon (284.127) and Cameroon (196.570). As in other African regions, these figures are to be taken with caution given data limitations and the high prevalence of unrecorded movements.

Conflict continues to be a key migration driver in the region, resulting

in massive forced displacement. In 2010 important numbers of refugees were hosted in Chad (accounting for 75% of the international migrants in the country), the DRC, Cameroon and the Congo.¹¹ According to recent United Nations Refugee Agency (UNHCR) data, DRC is currently the main country of origin for refugees in the region (almost 500.000). Internal displacement is also massive in the DRC, which counts 1.7 million internally displaced persons (IDPs).¹²

Economic migration patterns have been changing in recent decades, with some traditional immigration countries such as the DRC and

Cameroon simultaneously becoming emigration countries. This is due to economic trends and political challenges, including armed conflict in the DRC. Meanwhile, more stable countries and those enjoying relative economic prosperity, like oil-producing Angola, Equatorial Guinea and Gabon, have become important magnets for migrant workers.¹³

Compared to other African regions, intra-regional migration remains limited within Central Africa, partly due to natural geographic barriers and poor transport connections within the region. According to recent estimates, 21% of Central Africans migrate in the region, while 20.8% migrate to other African destinations and 58.2% to destinations outside of Africa.¹⁴ As a matter of fact, West African migrants outnumber Central African migrants in various countries in the region. ECCAS is also becoming a transit area for West African migrants heading towards Southern African destinations.

Central Africa is also affected by trafficking in human beings (THB), particularly of women and children. Trafficking for forced labour has been reported in various countries and sectors, inter alia, plantations and domestic work in Gabon, oil in Equatorial Guinea and mines in the DRC. Children are also trafficked to become child soldiers in various countries including CAR, Chad and the DRC. Victims are also trafficked to destinations outside of the region and have been identified in European countries.¹⁵

Finally, Central African States are characterised by important internal migration movements and high rates of urbanisation. 41.5% of the region's population lives in cities, with the urbanisation rate peaking at 86.2% in Gabon.¹⁶ These urban populations tend to live in the capital city and in one or two other big cities in the country, which puts considerable pressure on infrastructure and the job markets. As a result reverse migration trends towards secondary cities and rural areas are starting to be observed.

Employment

In terms of gross domestic product (GDP), the economy of many ECCAS countries is based on oil extraction. In 2011 mining and quarrying activities accounted for 46.7% of the GDP in Angola, 30.5% in Chad, 70.5% in Congo, 88% in Equatorial Guinea, and 51.8% in Gabon.¹⁷ For some countries agricultural activities are still the mainstay of their economies: in 2011 the contribution of agriculture, forestry, fishing and hunting to the GDP was 36.4% in Burundi, 55.2% in the CAR, and 39.4% in the DRC.¹⁸

Knowledge of the labour market in the ECCAS region is limited due to data constraints. Labour force participation rates¹⁹ range from 86.7% in Equatorial Guinea to 59.4% in Sao Tomé and Príncipe, while employment-to-population ratios²⁰ vary between 80.1% in Equatorial Guinea and 50.3% in Gabon. Both indicators are significantly lower for youth (aged 15 to 24 years) and women.

As in other African regions, ECCAS's demographic trends put strong pressure on the labour market. Creating employment for the nearly 1.5 million people entering the labour market every year is a major challenge. Unemployment (estimated at more than 20% in 2008, and

probably 30% in urban areas) severely plagues the region.²¹

Formal employment is provided primarily by the public sector, while the informal economy employs more than 50% of the active population (with significantly higher proportions in countries such as the DRC, Chad and Congo).²²

In view of these challenges, promoting employment within the ECCAS region, particularly for youth, is a priority, as is improving the regional skills base to better match labour market requirements and regional development needs.

Higher Education

Participation in higher education in the ECCAS region remains generally low. However, there are important disparities between Member States. Among countries where recent data are available (post-2009) Cameroon has the highest tertiary gross enrolment ratio (GER), at 12%, while the lowest figures are found in Chad (2%), CAR (3%) and Burundi (3%). Gender disparities remain high. The above-mentioned countries are a case in point, with male and female GER 14% and 11%, respectively, in Cameroon, 4% and 1% in Chad and CAR, and 2% and 4% in Burundi.²³

Higher education institutions face serious challenges in all countries in the region, starting with a lack of resources and capacities to ensure access to quality education and resulting in high staff-student ratios and poor efficacy. An increase in private higher education institutions in various countries has raised additional challenges in terms of quality.

In terms of sectors of study, social sciences continue to attract the majority of students; raising the number of graduates in business, engineering and sciences is an important regional priority.

1.3 Structure and Coordination within ECCAS

i. Institutional Framework

ECCAS's supreme decision-making body is the **Conference of Heads of State and Government**, responsible for achieving the objectives of the Community. To this end, the Conference defines the general policy and key orientations of the Community and orients and harmonises the socio-economic policies of Member States. The Conference is institutionally scheduled to meet once a year in ordinary session. Extraordinary sessions can also be organised.

The second-most important political institution is the **Council of Ministers**, responsible for ensuring the functioning and development of the Community. Thus the Council formulates recommendations addressed to the Conference on actions aimed at realising Community objectives, in the framework of the general policy and key orientations defined by the Conference. The Council of Ministers is to meet twice a year in ordinary session, with the possibility of

organising extraordinary sessions.

Council of Ministers meetings are informed by the work of the **Consultative Commission**, which is composed of experts from the Member States (Articles 23-25). The Commission makes recommendations to the Council based on its examination of the reports of the **Specialised Technical Committees**, created by applying protocols annexed to the Treaty or decisions of the Conference based on recommendations of the Council (Article 26).

The **General Secretariat**, headquartered in Libreville, Gabon, is the executive organ of the Community. The ECCAS Secretary General is elected for four years and leads the General Secretariat. Nassour Guelengdouksia Ouaidou from Chad has been filling this role since February 2012. The Secretariat is responsible, inter alia, for preparing and executing the decisions and directives of the Conference and the regulations of the Council and promoting the development programmes and projects of the Community. The ECCAS Secretariat was restructured following a 2009 Decision of the Heads of States and Government.²⁴

A **network of parliamentarians** (*Réseau des Parlementaires de l'Afrique Centrale*, REPAC) was created through a 2002 Protocol. REPAC plays a consultative role and is composed of five members of parliament from each ECCAS Member State.

The Treaty also foresees the creation of a Court of Justice (Articles 16-18). The Court is to ensure the adherence to law in the interpretation and application of the Treaty and settle disputes under its jurisdiction as per the Treaty provisions. The Treaty states that the Court's judgements are binding on Member States and institutions of the Community. The composition, procedure, statute and other issues related to the Court are to be defined by the Conference. The Court is not yet in operation.

Finally, ECCAS counts a number of specialised bodies, including the Central African Power Pool (*Pool Énergétique de l'Afrique Centrale*, PEAC); the Central African Forest Commission (*Commission des Forêts de l'Afrique Centrale*, COMIFAC); and the Regional Fisheries Committee for the Gulf of Guinea (*Comité Régional des Pêches du Golfe de Guinée*, COREP).

ii. Regulatory/Legal Framework

The Conference acts by **decisions** which are binding on Member States and institutions of the Community and **directives** which are binding on the institutions to which they are addressed.²⁵ Decisions and directives are normally adopted by consensus (Articles 8-11 of the ECCAS Treaty). In addition, the Conference can adopt non-binding declarations to take positions on specific issues. The Council enacts regulations which are binding on the Member States and institutions of the Community²⁶ to which they are addressed. **Regulations** are normally adopted by consensus (Articles 12-15 of the ECCAS Treaty).

The ECCAS legal regime also relies on **protocols** and **conventions**, which need to be ratified by a minimum of six Member States to enter into force.

iii. Offices in the Secretariat That Work on MME

The Department for Human Integration, Peace, Security and Stability includes a **Human Security Directorate**, which is supposed to comprise the following services: Election and Good Governance; Justice and Human Rights; the Fight against Crime; and Free Movement of People. In addition, the Directorate is expected to host a unit tasked with coordinating the fight against THB in Central Africa. The Directorate is however understaffed. The Free Movement Service and the THB Unit are not yet operational. The Head of the Electoral Unit has been acting as a focal point for migration, the free movement of persons and THB.

Migration and development issues are placed under the Department for Physical, Economic and Monetary Integration. The **Directorate for Macroeconomic Policies, Trade and Industry**, in particular, acts as a focal point for the Intra-ACP (African, Caribbean and Pacific Group of States) Migration Facility (see 2.1 Migration Strategy).

The organisational chart of the Department for Socio-Cultural Integration includes an **Employment Unit** directly attached to the Deputy Secretary-General. The Unit is not yet operational.

Higher education is addressed by the **Directorate for Education, Science and Culture** of the same Department. The Directorate normally includes two services: Education and Culture and Science and Technology. However, the Science and Technology Service is not yet operational.

In order to improve dialogue between the Secretariat and Member States, notably on peace and security issues, the Heads of State and Government decided to create a Committee of Ambassadors at their Fourteenth Conference held in Kinshasa in October 2009. However, this body has not yet been able to fully perform this liaison role.

2. Migration and Mobility

A **Regional Guidance Document for Central Africa on Migration and Development** is being developed.

The ECCAS Treaty, Protocol VII, which is annexed to the Treaty, and various ECCAS decisions serve as ECCAS's free movement framework. Implementation is limited, however, and **free movement** is only applied between four ECCAS Member States - Cameroon, CAR, Congo and Chad - which are in fact applying an EMCCA (Economic and Monetary Community of Central Africa) Protocol.

The **ECCAS Border Programme** was adopted in 2009 and aims to reduce conflict and insecurity in border areas.

The lack of transport infrastructure severely curtails mobility and trade in the region. A NEPAD (New Partnership for Africa's Development) Central African Consensual Transport Master Plan was adopted in 2004 to address this challenge.

The joint **ECCAS/ECOWAS** [Economic Community of West African States] **Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central Africa**, was adopted in 2006.

2.1 Migration Strategy

ECCAS does not have a migration strategy as such. Until now migration has been considered from a free movement perspective in the context of the regional integration project (see 2.3 Free Movement).

However, the Regional Economic Community (REC) is focusing on the development of a **Regional Guidance Document for Central Africa on Migration and Development**, with the assistance of the Intra-ACP Migration Facility project. In the context of this project, which is funded by the European Development Fund (EDF), migration expertise is seconded to the ECCAS Secretariat. The Intra-ACP Migration Facility technical assistant is based within the Directorate of Macroeconomic Policies, Trade and Industry in the Department for Physical, Economic and Monetary Integration (DIPEM). This assistance is deployed for two years (May 2011-June 2013) and primarily focuses on the elaboration of the future Regional Guidance Document. This is done through a participatory process, which relies on the activities of two working groups. The Institutional Working Group, made up of executive staff of the ECCAS Secretariat working directly or indirectly on migration and development related issues, has been set up and meets regularly. The Regional Civil Society Organisation working group, constituted of civil society organisations (CSOs) identified through a mapping study, held its first meeting in June 2012.

In order to feed into the future regional document, papers have been drafted on nine thematic priorities: diaspora and development; free

movement of persons and challenges of integration; cross-border migration and regional cooperation; migration and human rights; research and management of migration data; refugees and displaced persons; migration and gender relations; trafficking and smuggling of migrants; and migration, environment and climate change. The Regional Guidance Document is expected to be finalised in the first quarter of 2013 and presented at a regional forum. Migration policy development training is also being provided to ECCAS Member States representatives and the two working groups during the first quarter of 2013.

2.2 Migration Dialogue

A regional meeting on inter-state and intra-regional cooperation on migration was held in Brazzaville in February 2012, with support from the International Organisation for Migration (IOM). The meeting was attended, inter alia, by ECCAS and nine of its Member States. It was recommended to set up a **Dialogue on Migration in Central Africa** (*Dialogue sur la Migration en Afrique Centrale*, DIMAC) that would facilitate the formulation of common migration policies and collective responses to migration challenges within the region.²⁷

ECCAS has also taken steps to reinforce its own dialogue and coordination mechanisms with its Member States. In 2002 an ECCAS Decision created a **Meeting of Member States Heads of Immigration**, tasked with supporting the General Secretariat in monitoring immigration-related measures within the sub-region. The meeting also aims to reinforce cooperation between ECCAS Member States in order to promote a regular exchange of information and legislative harmonisation and to build immigration staff capacities. ECCAS Heads of Immigration are scheduled to meet at least twice a year. The 2002 Decision was modified in 2009 to provide for the participation of EMCCA and ECGLC in the meetings in a consultative role.²⁸

Finally, dialogue with civil society is being reinforced within the context of the Intra-ACP Migration Facility. The project strengthens the capacity of Central African CSOs to participate in dialogue on migration at national and regional levels and influence policy formulation and implementation processes. This is being done through the creation and facilitation of the activities of the above-mentioned regional CSO working group. At their first meeting in June 2012, participating CSOs decided to prioritise the implementation of free movement commitments and decisions taken by ECCAS Heads of State and Government for their advocacy activities.

2.3 Free Movement

Free movement is among the fundamental aims of the ECCAS Treaty, which foresees in its Article 4 the progressive abolition of obstacles to the free movement of persons, goods, services and capital and to the right of establishment. Under Article 40, Chapter V, of the Treaty (Free Movement, Residence and Right of Establishment), State Parties agree to progressively facilitate the movement and establishment of Member State nationals, considered Community citizens, in line with

the provisions of Protocol VII, annexed to the Treaty.

This **Protocol relating to the free movement and right of establishment of ECCAS Member State nationals** stipulates that nationals of a Member State may freely enter another Member State's territory, travel and establish their place of residence within this territory, and exit at any time. In addition, nationals of Community Member States travelling, residing or established in another Member State are to enjoy the same rights and freedoms - except political rights - as nationals. The Protocol also defines valid travel documents within the Community, which include national ID cards, laissez-passer or passport, in addition to the international health certificate. The Protocol applies to specific categories of nationals: tourists (with a maximum three-month stay), business persons and independent professionals. However, Article 3 contains provisions on the free movement of workers, including the right to accept employment offered in another Member State and to reside in this Member State for this purpose.

The provisions concerning free movement were intended to become effective four years after the date the Treaty enters into force and those concerning the right of establishment eight years later.²⁹ During the transition period, Member States were expected to progressively abolish obstacles to free movement; coordinate and harmonise their social and commercial legislation as a basis for implementing common policies in these areas; and facilitate access and free exercise of independent professional activities through the recognition of certain professions. Meanwhile, the General Secretariat was to propose measures aimed at effectively realising the free movement of workers in various areas, including, inter alia, cooperation between national administrations; intermediation between job offer and demand; elimination of administrative procedures and practices conflicting with the principles of free movement and non-discrimination of workers within the Community; and social security coordination.

The current legal framework is further defined by a number of decisions adopted by successive Conferences of the Heads of State and Government. The main Decision, relating to the free movement of certain categories of nationals of Member States within the ECCAS, was adopted in 1990 and revised in 2002.³⁰ It provides for the freedom of movement of the following groups of persons: students, trainees, researchers and teaching staff, whose period of residence may exceed three months, based on the duration of their studies, internship or research project; and tourists, professionals and people residing in border areas (frontaliers) whose period of residence is limited to a maximum of three months. Free movement within ECCAS therefore remains limited to the above-mentioned categories, and no progress has been made towards the more encompassing free movement and right of residence for workers as envisaged in the Protocol. In addition, the use of national ID cards as travel documents within the Community was definitely ruled out in 2002. ECCAS Member State nationals need either a passport or specific ECCAS travel documents such as a free movement card for people residing in border areas and a free movement certificate for the other categories.³¹

In practice, implementation of the Treaty, Protocol and subsequent

decisions taken at the ECCAS level has been lagging, in spite of their theoretically binding character. Entry into force of the free movement provisions has been repeatedly delayed. Originally foreseen in 1988, it was postponed to 1991-1992 for tourists with the 1990 Decision and to 2003-2004 for tourists with the 2002 Decision. Meeting in Kinshasa in October 2009 for their Fourteenth Conference, the Heads of States and Government adopted yet another calendar for the removal of administrative obstacles to free movement of nationals of Member States within ECCAS, with most of the foreseen actions to be implemented between 2009 and 2010. The Fifteenth Conference, held in N'Djamena in January 2012, observed once again that the free movement of certain categories of nationals of ECCAS Member States was not yet effective. The Conference invited Member States to:

- Ratify or adhere to the Cooperation agreement in the area of criminal police and the 2006 ECCAS Convention on Cooperation and Mutual Legal Assistance between Member States;
- Systematically create ECCAS gates at border posts and operationalise them;
- Share between themselves and with the General Secretariat their national legal and regulatory acts relating to officially recognised border posts.

In addition, the Conference urged Member States to apply all decisions and rules relating to the free movement of persons in view of the 2012 deadline set by the Minimum Integration Programme of the African Union.³²

In conclusion, the rights and freedoms granted to citizens of ECCAS Member States under the Treaty and the Free movement and Right of Establishment Protocol are far from a reality. Thirty years after signing these founding instruments, several Member States - Angola, Gabon, Guinea Equatorial and Sao Tomé and Príncipe - still require a visa from nationals of other ECCAS Member States. Free movement is only applied between four of the ten ECCAS Member States - Cameroon, CAR, Congo and Chad - which are in fact applying an EMCCA Protocol.³³ ECCAS-specific travel documents, such as a free movement card for people residing in border areas and free movement certificate, are not yet in circulation. In practice, ECCAS citizens continue to endure red tape, harassment and corruption at border posts within the region, sometimes accompanied by human rights violations.³⁴

Restrictions to free movement can be explained in certain cases by the protectionist attitude of relatively better-off countries such as Angola, Gabon, or Equatorial Guinea, which are keen on controlling immigrants attracted by work opportunities in their extractive industries. Bilateral agreements tend to be the preferred instruments of such destination countries. However, security concerns are the main reason invoked by most Member States in delaying implementation of ECCAS free movement provisions. In recent decades, Central Africa has been the theatre of recurrent conflicts that have left a legacy of powerful mistrust between Member States. In this context, free movement is seen as a threat to national security, while border control is perceived as an essential element of national security and protection against incursions of criminals and armed groups (see

2.4 Border Management). In 2006, an ECCAS Convention on Cooperation and Mutual Legal Assistance (Convention de Coopération et d'Entraide Judiciaire entre les Etats membres de la CEEAC [Communauté Economique des Etats de l'Afrique Centrale]) was adopted. The Convention was expected to facilitate the implementation of existing ECCAS provisions relating to the free movement of persons. However, ratification of this instrument has been lagging and the Convention does not seem to have overcome the reluctance of certain Member States to grant visa-free entrance to the citizens of other ECCAS Member States.

More generally, it is questionable whether political will exists among ECCAS Member States to realise the envisaged integration agenda. Free movement is not the only area in which ECCAS Member States fail to implement commonly taken decisions. Little progress has taken place since 2004 in operationalising the Free Trade Area. The Customs Union, which was initially due to take effect in 2008, is yet to see the light of day, due to a number of political and financial reasons, among others.³⁵ Acknowledging delays in achieving their economic integration objectives, the Heads of State and Government agreed during their January 2012 Conference to start implementing the Free Trade Area in July 2012, in view of its effective application by 2014.

Some of the difficulties encountered by ECCAS are due to the coexistence of several integration processes within the region. EMCCA in particular is a smaller and more homogeneous organisation. Its Member States share a common currency and a common language.³⁶ As a result, EMCCA has achieved a higher degree of integration in a relatively short period (it became operational in 1999). The free movement of persons, although not fully effective, is among the areas where EMCCA is more advanced than ECCAS.

Consultations between the two organisations have been taking place within the framework of an EMCCA free movement of persons Monitoring and Evaluation Committee established in 2007 in which ECCAS participates as an observer. The Committee is tasked with monitoring the execution of EMCCA decisions in the area of free movement and proposing measures to promote their implementation. Strengthening consultations with both EMCCA and ECGLC were among the recommendations of the Fourteenth ECCAS Conference of Heads of State and Government (2009), with the objective of building on progress achieved within these two frameworks in the area of free movement.

2.4 Border Management

Some border management issues have been discussed in a free movement promotion context (see 2.3 Free Movement), such as the establishment of a list of approved border posts, the creation of specific ECCAS gates at border posts, or the adoption of provisions for people residing in border areas. ECCAS's legal regime foresees the issuance of a specific free movement card for the facilitation of cross-border movements of this category of people. The card is only valid in the border area where it is issued. However, border management within the region is still primarily dealt with as a security issue. The European Union (EU) is ECCAS's main international partner in this

area through its PAPS Programme (*Programme d'Appui en matière de Paix et de Sécurité*). Relevant activities are also being undertaken by various partners – including the EU, the African Development Bank (AfDB), the World Bank (WB), the International Trade Centre (ITC) and the African Capacity Building Foundation (ACBF) - through projects aimed at facilitating transport, trade and economic integration within the region.

ECCAS Heads of State and Government adopted a **Declaration on Cross-Border Security in Central Africa** at their Thirteenth Conference held in Brazzaville in October 2007. The Declaration acknowledged the humanitarian and security consequences of a number of cross-border phenomena such as forced population movements, criminal armed activities, illegal circulation of small arms and light weapons, illegal exploitation of natural resources, THB, drug trafficking and smuggling of all kinds. Noting that cross-border insecurity constituted a major obstacle to the consolidation of regional integration and sustainable development, the Declaration called for peaceful and cooperative border management. In order to reduce insecurity and promote the free movement of goods and services, Heads of States and Government made commitments in various areas, including the strengthening of inter-services cooperation, the elimination of obstacles to cross-border trade and the promotion of cross-border cooperation. In addition, the ECCAS Secretariat was tasked with the development of a sub-regional Border Programme consistent with the African Union (AU) Border Programme (AUBP).

In preparation for the future programme, a study was conducted with support from the EU PAPS Programme, focusing on selected border areas throughout the region. In spite of the geographic, economic and socio-political specificities of each border area, the study revealed strong similarities: borders within the region are often poorly defined, delimited and demarcated; insecurity is a permanent feature of border areas; these areas are characterised by a lack of services and infrastructure to support cross-border interactions and adequate border management; natural resources in border zones fuel conflict; and institutional actors bear a strong responsibility in the current situation, as most required actions fall under the competence of public authorities.³⁷

The findings of the study informed the conception of an **ECCAS Border Programme** (ECCAS-BP) which was adopted by the Heads of State and Government during their Fourteenth Conference in 2009. Within the broader framework of the AUBP, ECCAS-BP aims at reducing conflict and insecurity in ECCAS border areas. Expected results are the delimitation and demarcation³⁸ of borders throughout the sub-region and the establishment and implementation of a cooperation framework between ECCAS Member States to manage border areas and fight insecurity. Activities include a detailed topographical survey; capacity building for border delimitation and demarcation; the creation of a database on regional borders; the promotion of integrated national border management policies, the elaboration of a common ECCAS policy in this area; and a sensitisation campaign on provisions applying to the movement of persons and goods within the region, targeting both public agents and the general public.

The development and implementation of ECCAS-BP have been supported by the EU through its PAPS Programme under the Ninth (PAPS I, 2007-2010) and Tenth EDF (PAPS II, 2011-2015). The general objective of PAPS II is to reduce conflict and insecurity in Central Africa by reinforcing ECCAS capacity and engagement in consolidating peace and security in Central Africa.³⁹ PAPS II foresees the implementation of the following activities in relation with ECCAS-BP: sensitisation of Member States on issues of delimitation and demarcation of borders; mobilisation and training of Member States and civil society on the fight against cross-border criminality; support for actions implemented by States and CSOs in the fight against cross-border criminality; border delimitation/demarcation and cross-border cooperation. Implementation of the ECCAS programme has so far been lagging, but it is expected to be revitalised in 2013 with the support of expertise seconded by PAPS II.

In addition, PAPS has been focusing on border management through its **Security Sector Reform** (SSR) activities. *Clarifying roles and responsibilities for border control* was a key topic discussed during a sub-regional seminar on SSR organised in Kinshasa in October 2009 with the support of PAPS. Participants from regional governments, parliaments and civil society discussed key challenges in this area, including the length of frontiers within the region; lack of equipment; inadequate training; lack of professionalism, harassment and corruption, partly linked with low salaries; conflicts of responsibilities and duplications between services (both internally and between States); and document insecurity and fraud. As noted in the workshop report, *the balance between border security and the promotion of the legal movement of goods and persons is at the very heart of the difficulty encountered by ECCAS member countries in implementing a true regional integration policy favouring economic exchanges and the free movement of people*. SSR in border areas therefore appears as a *prerequisite for regional integration*.⁴⁰

Activities undertaken with the support of various partners in the area of trade and transport facilitation are also worth mentioning.⁴¹ Central Africa is the least integrated region on the continent. Intra-regional trade represents less than 2% of total trade in the sub-region.⁴² The lack of transport infrastructure is one of the key constraints to trade and the movement of people within the region. In a region where land transport represents 80% of the total transport of persons and goods, less than 20% of the regional network is asphalted. A NEPAD (New Partnership for Africa's Development) Central African Consensual Transport Master Plan (PDCT-AC) was adopted in 2004 to address these challenges.⁴³ Within this context, the AfDB supports road development between the two capital cities of Brazzaville (Congo) and Yaoundé (Cameroon) with the objective of providing a completely paved corridor by 2014. The project supports the establishment of a One Stop Border Post at the border between Cameroon and Congo.

2.5 Trafficking in Human Beings

ECCAS became more heavily involved in fighting THB in 2006. The United Nations Children's Fund (UNICEF) has been a very important partner in this area (the two organisations concluded a Memorandum of Understanding [MoU] in 2003).

A ministerial meeting on THB was held in Abuja in July 2006, resulting in the adoption of a political resolution to combat trafficking, a multilateral cooperation agreement (*Accord d'Abuja*) and a joint ECCAS/ECOWAS [Economic Community of West African States] Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central Africa. The joint Plan of Action included the following intervention areas: legal framework and policy development; protection and support to victims; prevention and awareness-raising strategies; collection, exchange and analysis of information; specialisation and training; travel and identity documents; and monitoring and evaluation of the Plan of Action. The Plan foresaw the creation of a dedicated THB Coordination Unit in both RECs, to support the implementation of the Plan by their Member States and carry out monitoring and evaluation.

Meeting in Brazzaville in October 2007 for their Thirteenth Conference, ECCAS Heads of State and Government adopted three decisions as a follow up to the Abuja meeting. Those decisions aimed to create a dedicated unit tasked with coordinating the fight against THB, particularly women and children, in Central Africa; adopt the joint ECCAS/ECOWAS Action Plan; and create a regional fund for the fight against THB.⁴⁴

UNICEF, which had been involved in the development of the ECCAS/ECOWAS multilateral cooperation agreement and joint Action Plan, provided support for the establishment of the THB Unit within ECCAS in 2009. However, the Unit has been unstaffed since mid-2010. As a result, no progress has been made to date at the ECCAS level in the implementation of the multilateral cooperation agreement and joint Action Plan, as well as subsequent ECCAS decisions. This was noted during a workshop on the Fight Against THB in Central Africa, a Human Rights-Based Approach, organised in Yaoundé in January 2012. The workshop, in which ECCAS did not participate, was organised by the Centre for Human Rights and Democracy in Central Africa of the Office of the High Commissioner for Human Rights (OHCHR). Recommendations were made to enhance the implementation of these instruments, starting with the operationalisation of the ECCAS THB Unit.

Other UNICEF activities have included the production of a Handbook on Adapting and Implementing UNICEF's Guidelines for the Protection of the Rights of Child Victims of Trafficking at National Level in West and Central Africa.⁴⁵ In addition, the organisation supported the launch of a THB prevention campaign targeting six countries within the sub-region, in January 2012.

The African Union Commission Initiative against Trafficking (AU.COMMIT) campaign launch for the Central and North Africa Member States as well as a workshop on Operationalising the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, took place in Libreville in December 2012.

3. Employment

Youth employment is a priority, but ECCAS has not yet developed an employment strategy or implemented employment-related activities.

3.1 Employment Strategy

Employment, particularly for youth, is an important concern for ECCAS, but the REC is yet to develop a strategy or policy framework in this area, which corresponds with its other sectors of activity.

Employment is addressed under Chapter XII of the ECCAS Treaty (Cooperation in the Areas of Human Resources and Social Affairs). Article 60 in particular stipulates that Member States should inter alia promote the exchange of experience and information on literacy, vocational training and employment and progressively harmonise their labour legislation and social security systems.

Within the ECCAS Secretariat, employment falls under the responsibility of the Department for Socio-Cultural Integration. However, the Employment Unit foreseen in the Secretariat organisational chart has not yet been staffed.

ECCAS signed a MoU with the International Labour Organisation (ILO) in 2006, covering various areas of cooperation, including:

- The strengthening of ECCAS's role in coordinating and monitoring the implementation of the Ouagadougou Action Plan on Employment and Poverty Alleviation in Africa;
- The promotion of decent work policies and programmes at the national and sub-regional levels;
- The promotion of approximation and harmonisation of social legislation respecting fundamental rights and principles at work;
- The identification and diffusion of good practices in the areas of workers' rights, employment creation, social protection and social dialogue;
- The formulation and implementation of advocacy and sensitisation campaigns on the role of employment in fighting poverty;
- The integration of the gender dimension in all above-mentioned areas.

4. Higher Education

ECCAS's Education Programme was adopted in 2009 and recognises higher education as a key driver for economic, social and cultural development. **The two main strategic priorities are centres of excellence and education management information systems.**

A **Protocol on Cooperation in the Fields of Human Resources Development, Education, Training and Culture between ECCAS Member States** is annexed to the Treaty.

4.1 Higher Education Strategy

ECCAS's strategic framework on higher education is defined by the Treaty provisions and the Education Programme adopted in 2009. In recent years ECCAS has focused on two main strategic priorities: centres of excellence and education management information system (EMIS).

Cooperation and policy harmonisation in the areas of education, science and technology are among the objectives defined in Article 4 of the ECCAS Treaty. Education and training are part of ECCAS's Strategy for the Development of Human Resources (Article 59, Chapter XII) and are addressed as such under Chapter XIII of the ECCAS Treaty (Cooperation in the Areas of Education, Training and Culture). Under Article 61, Member States agree to develop a common education policy taking into account the economic and socio-cultural realities of the region, with the ultimate objective of promoting social progress and development within the region.

A Protocol relating to Cooperation in the Fields of Human Resources Development, Education, Training and Culture between ECCAS Member States is also annexed to the Treaty. As all protocols originally annexed to the Treaty, it forms an integral part of the Treaty and entered into force in 1984, at the same time as the Treaty itself.⁴⁶

The Protocol includes provisions relating to policy harmonisation, programme coordination and the development of common projects; non-discriminatory access to education and training institutions for nationals of other Member States; creation of common education and training institutions in specific fields considered as priorities for community development, such as technical and management studies; and exchange of students, teaching and academic staff and researchers. In addition, Member States commit to:

- Recognise tertiary certificates, diplomas and degrees delivered by other Member States' education and training institutions and conclude a multilateral agreement relating to their equivalence;
- Recognise certificates and diplomas and professional norms of professional associations accredited in other Member States; recognise members of these associations and their right to exercise their profession within the Community.

The creation of a Specialised Technical Committee in the fields of education, training and culture is also foreseen.

Relevant activities also take place within the ECCAS mandate in the areas of science and technology (Chapter X on the ECCAS Treaty, Articles 51-53). The overall objectives are the development of an autonomous science and technology basis supporting sectoral development in numerous areas (agriculture, transport, communication, industry, health and hygiene, energy, education and human resources, environmental protection); sustaining socio-economic changes; and ultimately improving the quality of life within the region. In line with commitments made in the fields of education and training, Member States commit inter alia to harmonising their policies and national development plans; coordinating their programmes; coordinating their positions on scientific and technological issues; exchanging information; creating regional networks and databases; developing common education and training programmes; promoting exchanges of researchers and specialists; and developing and implementing a common programme for scientific research and technological development. A Protocol relating to Cooperation in the Fields of Science and Technology between ECCAS Member States, annexed to the Treaty, further defines ECCAS's objectives and cooperation priorities and provides for the creation of a science and technology committee.

Operationalisation of these various provisions started in 2009, with the adoption of ECCAS's Education Programme by Heads of State and Government. The programme casts higher education as a key priority conditioning the economic, social and cultural development of the sub-region. Given resource and capacity constraints within the sub-region, pooling institutional, human and material resources and fostering the mobility of students and staff are essential parts of the strategy. The Programme is implemented by the Directorate of Education, Science and Culture under the Department for Socio-Cultural Integration. To date, progress has generally been limited due to staffing constraints.⁴⁷

Coordination in the Region

ECCAS's main development partners in education, training, science and technology include the United Nations Organisation for Education, Science and Culture (UNESCO), the Association for the Development of Education in Africa (ADEA) and the AfDB.⁴⁸

4.2 Centres of Excellence

Since 2010 ECCAS has been working on the creation of **University Centres of Excellence in Technology** (Pôles d'Excellence et de Technologie Universitaires, PETU), in cooperation with various partners, including UNESCO, ADEA and the AfDB. A regional study of existing institutions within the region was undertaken, with the objective of developing comparison criteria for the assessment of centres of excellence as well as data-gathering tools in Member States. Following an expert meeting, ECCAS Ministers of Higher Education gathered in Yaoundé in June 2012 and adopted an Action Plan and a Declaration of Commitment on the Creation of University Centres of Excellence

in Technology in Central Africa. PETU were further discussed at an expert meeting held in Libreville in November 2012 with the objective of operationalising their creation.⁴⁹ The item should be submitted for adoption at the next Conference of ECCAS Heads of State and Government.

Various other initiatives support the emergence of centres of excellence within the region. The creation of a Centre for Mathematics, Science and Technology Education in Africa (Centre pour l'Enseignement des Mathématiques, des Sciences et de la Technologie en Afrique, CEMASTE) in Gabon is worth mentioning. The project, which has achieved significant progress, was initiated in 2009 by the NEPAD/AU. The new centre is expected to serve all Francophone countries within the continent, based on the experience of the already existing Anglophone CEMASTE centre in Nairobi, Kenya.


In addition, a Partnership Agreement was signed in November 2012 between ECCAS and the French group of research institutions AIRD (*Agence Inter-établissements de Recherche pour le Développement*) for the creation of a Research, Innovation and Training Consortium in Central Africa (*Consortium pour la Recherche, l'Innovation et la Formation en Afrique Centrale*, CRIFDAC). The objective is to promote cooperation in science, technology and innovation in various areas, including the monitoring and protection of forests, agriculture and agro-forestry, public health and the fight against emerging diseases, industry, energy and transport, economic and social sciences and education and training.⁵⁰

In the framework of the AU Pan African University initiative, the University of Yaoundé II (Cameroon) was selected for the Governance, Humanities and Social Sciences thematic area, with Sweden as lead thematic partner. ECCAS participated in the selection process in Central Africa at the pre-selection stage, but the final decision among pre-selected Central African universities was made at the AU level. The modalities of coordination and cooperation between ECCAS and the initiative for the implementation phase are yet to be defined.

4.3 Education Management Information Systems

ECCAS activities in the area of education management information systems (EMIS) aim to address the lack of data on education in Member States, and subsequently reinforce planning and monitoring of education systems' performance, in line with the African Union Plan of Action for the Second Decade of Education for Africa (2006-2015), which includes EMIS as a priority. ECCAS has been working in this area since 2009-2010, primarily with UNESCO, ADEA and the AfDB. An EMIS Assessment Report covering ECCAS countries (with the exception of Sao Tomé and Príncipe) was produced in 2010 by ADEA's Working Group on Education Management and Policy Support (WGEMPS), which aimed to inform the development of capacity-building strategies and provide inputs to the harmonisation of EMIS across the region.

Following up on conclusions reached at the June 2012 Meeting of



ECCAS Ministers of Higher Education, experts gathered in Libreville in November 2012 to operationalise cooperation in this area. The meeting focused on the findings of the regional EMIS assessment, the regional action plan for the strengthening of EMIS in the ECCAS region and the AfDB activities for statistical capacity building in the ECCAS space.

5. Challenges and Opportunities within ECCAS

ECCAS faces various challenges which have affected the development and integration of the region, and which have prevented it from fully exploiting its resources and strategic position at the crossroads of the continent. Economic disparities, political instability and conflict have constrained the materialisation of the ECCAS free movement framework. Decades of conflict have left a legacy of deeply rooted mistrust resulting in zero-sum geopolitics.⁵¹ Security concerns dominate national approaches to the movement of people. Border control, rather than border management, remains the central priority for most states in the region. Concrete programmes aimed at addressing these challenges, such as the ECCAS Border Programme, have seen little implementation.

Lack of political will is a major challenge. Common decisions are repeatedly ignored and ECCAS institutions are weakened by the irregularity of Member States' financial contributions. As a result ECCAS is strongly dependent on external partners' resources,⁵² and understaffing is a key constraint to the functioning of the ECCAS Secretariat. Institutionally, decision-making remains highly centralised at the level of Heads of State and Government. At the Consultative Commission and Council of Ministers levels, where decisions are prepared, politically sensitive issues are avoided. Since Heads of State and Government meet infrequently, decision-making tends to be paralysed. Monitoring the implementation of decisions is also impeded by the infrequent meetings of Heads of State and Government, as they should consider the Reports of the General Secretariat on ECCAS activities and the implementation of ECCAS policies and instruments at the national level. The creation of the Committee of Ambassadors in 2009 was supposed to strengthen liaison and promote information exchange between Member States and with ECCAS, but has not fulfilled this role.

The implementation of regional instruments will depend on political will at the national level. ECCAS will need to promote intra-regional dialogue to move forward decisions and implementation, including by revitalising established Community mechanisms on migration issues, such as the Heads of Immigration Meeting, which has not taken place since 2009. Such existing mechanisms should be used as opportunities to reignite stagnated programmes.

Apart from a few isolated initiatives, such as the joint ECCAS/ECOWAS THB Action Plan, cooperation with other RECs appears limited. ECCAS should identify existing migration and employment-related initiatives which have been launched by RECs (with which it shares Member

States) and in which it could participate. Such initiatives could serve as opportunities to move forward ECCAS's priorities. In terms of higher education, two major projects geared at University Centres of Excellence in Technology and Education Management Information Systems should be approved in 2013 by ECCAS Heads of State and Government. These projects constitute a significant opportunity to achieve progress in the area of higher education.

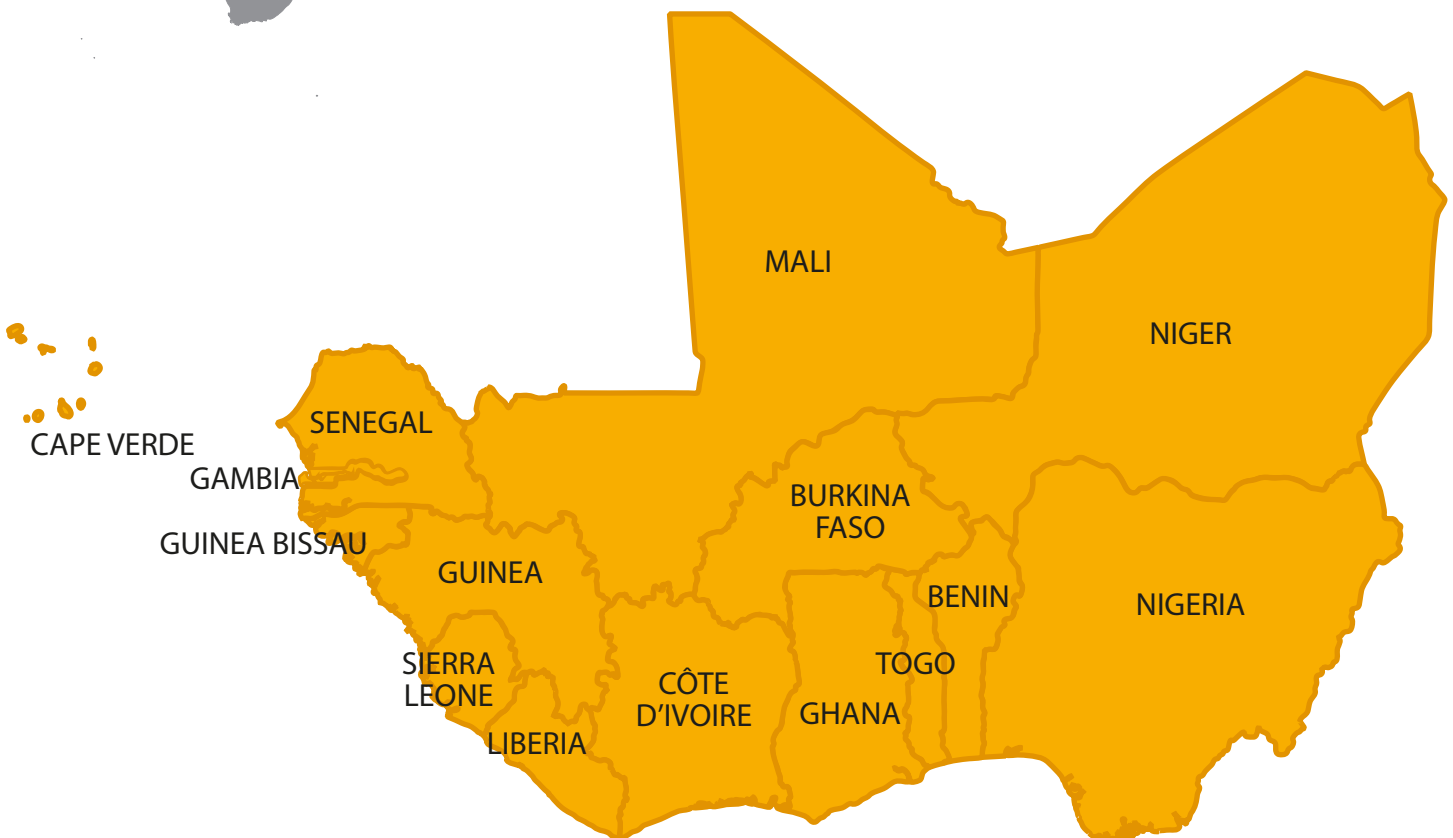
ENDNOTES

1. This figure was calculated on the basis of data gathered from the African Development Bank (AfDB) Group, 2012. *Data Portal*. Available at: <<http://afdbdp.prognoz.com/Default.aspx>> [Accessed 20 February 2013].
2. This figure was calculated on the basis of data gathered from United Nations Population Division, Department of Economic and Social Affairs (UN DESA), 2011. *Trends in International Migrant Stock: Migrants by Age and Sex*. Available at: <<http://esa.un.org/MigAge/>> [Accessed 15 November 2012].
3. This figure was calculated on the basis of data gathered from the AfDB Group, 2012. *Data Portal*. Available at: <<http://afdbdp.prognoz.com/Default.aspx>> [Accessed 20 February 2013].
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5. AfDB, 2012. *Central Africa Regional Integration Strategy Paper (RISP) 2011-2015*. Available at: <<http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/RISP%20CENTRAL%20AFRICA-ECCAS%20English%20FINAL.pdf>> [Accessed 1 December 2012].
6. These figures were calculated on the basis of data gathered from UN DESA, 2011. *Trends in International Migrant Stock: Migrants by Age and Sex*; and UN DESA, 2011. *World Population Prospects: The 2010 Revision*. Available at: <<http://esa.un.org/MigAge/>> [Accessed 20 February 2013].
7. EMCCA (Communauté Economique et Monétaire de l'Afrique Centrale, CEMAC, in French) replaced the Customs and Economic Union of Central Africa in 1994.
8. The 10th European Development Fund (EDF) financed Regional Strategy Paper/Regional Indicative Programme for Central Africa funds ECCAS and EMCCA.
9. ECCAS-CEMAC (Monetary and Economic Community of Central Africa States). Décision conjointe CEEAC/CEMAC portant organisation et fonctionnement du Comité de Pilotage de la Rationalisation des Communautés Economiques Régionales dans la Région Africaine Centrale.
10. **Sources:**
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Column 4: UN DESA, 2011. *World Population Prospects: The 2010 Revision*. Available at <<http://esa.un.org/unpd/wpp/index.htm>> [Accessed 15 November 2012].
Column 6: These figures are calculated on the basis of data gathered from the UN DESA, 2012. *Trends in International Migrant Stock: Migrants by Destination and Origin*. Available at: <http://esa.un.org/MigOrigin/UN_MigStock_Origin.xls> [Accessed 5 November 2012].
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Column 9: World Bank, 2012. *World Bank Migration and Remittances Data*. Available at: <<http://go.worldbank.org/092X1CHHD0>> [Accessed 18 December 2012].
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15. United Nations Office on Drugs and Crime (UNODC), 2012. *Global Report on Trafficking in Persons 2012*. New York: United Nations.
16. UN DESA, 2011. *World Urbanisation Prospects: The 2011 Revision*. Available at: <http://esa.un.org/unup/unup/index_panel3.html> [Accessed 1 December 2012]. Data for the whole region are based on nine ECCAS countries and do not take Burundi into account.
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18. AfDB, Development Centre of the OECD, UNDP & UNECA, 2012. *African Economic Outlook 2012. Burundi, Central African Republic Democratic Republic of the Congo*. Available at: <<http://www.africaneconomicoutlook.org/en/>> [Accessed 22 February 2013].
19. International Labour Organisation (ILO) 2011. *Key Indicators of the Labour Market (KILM)*, available at: <http://www.ilo.org/empelm/what/WCMS_114240/lang-en/index.htm> [Accessed 1 December 2012]. The labour force participation rate is a measure of the proportion of a country's working-age population that engages actively in the labour market, either by working or looking for work; it provides an indication of the relative size of the supply of labour available to engage in the production of goods and services.
20. ILO, 2011. *KILM*, available at: <http://www.ilo.org/empelm/what/WCMS_114240/lang-en/index.htm> [Accessed 1 December 2012]. The employment-to-population ratio is defined as the proportion of a country's working-age population that is employed. A high ratio means that a large proportion of a country's population is employed, while a low ratio means that a large share of the population is not involved directly in market-related activities.
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34. ECCAS, 2009. *Report of the Sub-regional Seminar on Security Sector Reform*. Kinshasa, DRC, 13-15 January 2009.
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37. ECCAS, 2009. *Draft ECCAS Border Programme*. Workshop presentation. Libreville, Gabon, 21-23 May 2009.
38. Delimitation refers to the "description of the alignment in a treaty or other written source, or by means of a line marked on a map or chart." Demarcation refers to "the means by which the described alignment is marked, or evidenced, on the ground by means of cairns of stones, concrete pillars, beacons of various kinds, cleared roads, and so on" (Brownlie, I & Burns IR, 1979, *African Boundaries: A Legal and Diplomatic Encyclopedia*. London: C. Hurst and Co. Ltd).
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45. The Handbook is available at: <http://www.unicef.org/wcaro/UNICEF_guide-lines_methodology.pdf> [Accessed 1 December 2012].
46. Eighteen protocols in total were annexed to the ECCAS Treaty in 1983, including this Protocol relating to Cooperation in the fields of Human Resources Development, Education, Training and Culture.
47. The Education and Culture Service has one staff member, while the Science and Technology Service has no staff.
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52. The three main partners of ECCAS include, in decreasing order of amounts contributed, the EU, the AfDB and the WB.

Chapter 5

ECONOMIC COMMUNITY OF WEST AFRICAN STATES



ECOWAS

1. ECOWAS and Contextualising MME

Key data	
States	15
Total Area ¹	5.1 million km ²
Population (2010) ²	302.5 million
GDP (2009) ³	USD 368 billion

1.1 Introduction to ECOWAS

The Economic Community of West African States (ECOWAS) covers 5.1 million square kilometres and is composed of 15 Member States: Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

ECOWAS was established in 1975 to promote regional economic integration. The ECOWAS Treaty was revised in 1993 to accelerate the process of integration and increase political cooperation. The aims of the Community, as defined by the Treaty, are *to promote cooperation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations among Member States and contribute to the progress and development of the African Continent.*

The Revised Treaty of 1993 designates the achievement of a common market and a single currency as economic objectives. The Treaty also brought institutional changes, providing for new community institutions, including a parliament and a court of justice. The Treaty also committed Member States to cooperate with the Community for the establishment of conflict prevention and resolution mechanisms.

Free movement is among the fundamental aims of the ECOWAS Treaty, which foresees in its Article 3 *the removal, between Member States, of obstacles to the free movement of persons, goods, service and capital, and to the right of residence and establishment.*

ECOWAS therefore envisions a *borderless, peaceful and cohesive region and a developed and integrated West Africa where Community citizens see and freely operate in any of the fifteen national economies as one integrated, competitive and resilient market*, as stated in its Strategic Plan for 2011-2015, and in line with ECOWAS Vision 2020.

ECOWAS's population has experienced rapid growth in recent years. Since 2005, the region's population has grown by more than 36 million to reach 302.5 million in 2010.⁴ As a result, the population is extremely young, with 63% of the population under 25 years of age.⁵

Most of the 15 ECOWAS countries - except Cape Verde, Côte d'Ivoire, Ghana and Nigeria - are classified as Least Developed Countries, and about 60% of the population lives in poverty (under USD 1.25 per person per day).⁶

Eight ECOWAS countries - Benin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Mali, Niger, Senegal, and Togo - also form another regional organisation, the West African Economic and Monetary Union (WAEMU). The coexistence and overlapping of two main regional groupings pursuing close objectives is problematic.⁷ WAEMU is smaller and more homogeneous. Member States share a common currency, and integration is more advanced. It tends to be the key regional framework for Francophone Member States. ECOWAS to the contrary faces difficulties linked to greater heterogeneity inherited from the colonial period, including the Francophone and Anglophone divide. An ECOWAS/WAEMU Joint Technical Secretariat was created in 2004, and its functioning has been supported by the European Union (EU) under the Monitoring Mechanism project. This structure is supposed to promote synergies between their actions, coordinate and monitor the implementation of programmes and projects aiming at fostering regional convergence and prepare biannual institutional meetings.

1.2 MME State of Play in the ECOWAS Region

Key Statistics⁸

Country	Country Population (millions) 2010	Human Development Index (HDI) 2010	Average annual net international migration rate (per 1000) 2005-2010	Migrant Stocks (%) 2010	Migrants from ECOWAS as a share of all international migrants (%) 2010	Female migrants as a share of all international migrants (%) 2010	Refugees as a total share of all international migrants (%) 2010	Remittances as a share of GDP (%) 2011
Benin	9.2	0.435	1.2	2.5	83	45.5	4.0	2.5
Burkina Faso	16.3	0.305	-1.6	6.4	97	50.8	0.1	1.1
Cape Verde	0.5	0.534	-7.1	2.4	18.9	50.4	0	9.4
Côte d'Ivoire	21.6	0.397	-3.8	11.2	79.6	45.1	1.1	1.6
Gambia	1.7	0.390	-1.7	16.6	95.4	50.5	4.9	8.2
Ghana	24.3	0.467	-0.4	7.6	82.3	41.8	41.8	0.4
Guinea	10.3	0.340	-6.3	3.8	98.6	53.1	7.2	1.5
Guinea Bissau	1.6	0.289	-1.4	1.2	86.7	50	40.7	4.7
Liberia	4.1	0.300	16.7	2.3	73.7	45.1	13.8	31.0
Mali	13.3	0.309	-1.4	1.2	76.2	47.6	6.1	4.5
Niger	15.9	0.261	-0.4	1.3	75.8	53.9	0.2	1.7
Nigeria	158.3	0.423	-0.4	0.7	63.4	47.4	0.8	8.7
Senegal	12.9	0.411	-2.3	1.6	54.2	51.2	9.8	10.3
Sierra Leone	5.8	0.317	2.2	1.8	95.2	45.7	16.9	3.4
Togo	6.7	0.428	-0.2	2.7	67.2	50.2	2.1	9.4

Migration

The international migrants' stock (including refugees) within the ECOWAS space was estimated at 8.3 million in 2010, representing 2.8% of the total population.⁹ However, these figures are known to be underestimated due to data limitations and a high prevalence of unrecorded movements. Côte d'Ivoire remains the first immigration country of the ECOWAS, with 2.4 million migrants in 2010; it is followed by Ghana (1.9 million), Nigeria (1.1 million) and Burkina Faso (1 million). In relative terms, the first immigration country is The Gambia (16.6% of the population) followed by Côte d'Ivoire (11.2%), Ghana (7.6%) and Burkina Faso (6.4%).

Demographic trends, high poverty and unemployment associated with the economic slowdown, and environmental degradation all constitute key migration drivers in the region. The region also witnesses important conflict-induced forced displacement, linked to the Liberia and Sierra Leone conflicts in the 1990s and most recently to the Ivorian and Malian crises. At the peak of the recent Côte d'Ivoire crisis in 2011, one million persons were internally displaced and more than 200,000 were seeking refuge in neighbouring countries such as Liberia, Ghana and Togo. In December 2012, the total number of Malian refugees in Niger, Burkina Faso, Mauritania, Côte d'Ivoire, Algeria, Togo and Guinea was 155,187 persons, while the number of internally displaced persons (IDPs) in Mali as a result of the crisis was estimated at 198,558.

Intra-regional migration is a prominent feature of West Africa. It was estimated that 80% of movements in West Africa take place between neighbouring countries, 10% between more distant countries of the sub-region and only 10% towards other African countries and the rest of the world.¹⁰ Until the 1980s, intra-regional migration was polarised towards coastal poles. Countries like Nigeria, Côte d'Ivoire, Ghana and Senegal were attracting migrants from the hinterland to work in plantations, mines, ports and so on. However, traditional poles of attraction have become more fragile, some of them becoming departure zones as much as destinations. Recent research shows that the traditional polarisation towards coastal zones is currently being reversed, with the Sahelian hinterland situated between the Sahara and the Gulf of Guinea becoming a new attraction zone where urban, transport and telecommunication networks are rapidly densifying.¹¹

This new polarisation is also linked to extra-regional migration patterns. The tightening of immigration policies and the progressive closing of air routes towards Europe, which remains the main destination of West African migrants, have led to the creation of new land and sea routes, turning Sahelian and North African countries into new transit areas. However, transit hubs in those countries are not only hosting stranded migrants on their way to Europe, but also people who have come for work following well-established labour migration patterns. Algeria and Libya for instance have largely relied on West African migrants for the development of their oil sectors, as evidenced during the Libya crisis. Still within the continent, Central Africa (Gabon, Congo, Cameroon and Central African Republic) has long been an important destination for West Africans. However, political instability in this region has led to the emergence of new Southern African

destinations, such as Angola and South Africa, where mineral and petroleum sectors offer economic opportunities. Extra-continental migration is also increasingly diversified, with the United States and Canada becoming important alternative destinations.

Trafficking in human beings (THB), particularly of women and children, is also prevalent in the region.¹² West Africa is a recruitment, transit and exploitation area at the intersection of several trafficking routes connected to other regions in Africa, Europe or Asia. However, internal and intra-regional trafficking are the largest. Predominant forms of trafficking vary from country to country. For instance, trafficking of children for labour exploitation, begging, prostitution and pornography purposes predominates in Senegal, The Gambia, Guinea Bissau and Mali, mainly in touristic areas, while in Ghana, Benin, Nigeria and Togo, child labour (agricultural plantations, domestic work and so on) is considered to be the main issue.¹³

Finally, internal migration is known to be important in West Africa, although it is difficult to estimate. West Africa is going through a rapid urbanisation process. Almost 45% of the population currently lives in cities, and it is expected that this proportion will reach more than 65% in 2050.¹⁴ Importantly, rural exodus is no longer the main cause for this urban growth, which is primarily driven by urban populations' fertility rates. Taking into account internal migration, the migrant population makes up 25% of the total population in the large urban centres of the coastal countries such as Abidjan and Accra. These populations often find themselves crammed in enclaves of poverty in these cities, putting a strain on social infrastructures and services.¹⁵

Employment

Labour market information remains scarce in ECOWAS countries, and statistics should be considered with caution. Labour force participation rates¹⁶ vary greatly among ECOWAS countries, with the highest rate observed in Burkina Faso (83.8%) and the lowest in Mali (52.9%). Rates are systematically lower than average for youth (15-24 age group) and for women. Employment-to-population ratios¹⁷ range from 81.1% in Burkina Faso to 48.3% in Mali, and are also significantly inferior for youth and women.

Although statistics are scarce, unemployment is a major issue for West Africa. Given demographic trends within the region, where youth represents almost two-thirds of the total population, West African countries face major challenges in sustaining their population growth rates, both economically and socially. Unemployment among young men and women in West Africa is a major issue and has reached alarming levels.¹⁸ According to the International Labour Organisation (ILO), youth inactivity levels in the region are over 25%.¹⁹

Agriculture and the informal sector are the largest employment sectors in the region, with agriculture providing employment for 60% of the region's active population, mostly engaged in primary and traditional agriculture.²⁰ Poor working conditions and the absence of social protection characterise these sectors, since existing social protection systems only target the minority of the population working in the public and formal private sectors.

Key factors accounting for the employment crisis faced by the region include, in addition to rapid demographic growth, *skills mismatch between the labor market and education and training systems, slow or stagnant structural transformation, political instability and difficult economic environments in many countries.*²¹

Higher Education

There are important disparities between ECOWAS countries in terms of gross enrolment ratio (GER) in tertiary education. Among countries for which recent data is available (2009 and later), Cape Verde (20%), Benin (13%) and Ghana (12%) have the highest GER, while Niger (2%), Burkina Faso (4%) and Mali (6%) have the lowest GER. However, these ratios hide important gender disparities. Generally speaking, female access to secondary and tertiary education is progressing but at a slower pace than in primary education. The highest gaps in male and female participation in higher education are observed in Benin (where male GER is 21% compared with 6% female GER) and Guinea (where male GER is 16% compared with 6% female GER).²²

The provision of quality higher education to the increasing number of students educated at the secondary level constitutes a key challenge for the countries of the region, given existing constraints in terms of public expenditure. The development of the private higher education sector also raises additional challenges in terms of quality assurance. In addition, ECOWAS graduates tend to be concentrated in social sciences, business and law studies, and the promotion of participation in other areas such as agriculture, engineering, science, manufacturing and construction is an ECOWAS priority.²³

1.3 Structure and Coordination within ECOWAS

i. Institutional Framework

ECOWAS's institutional structure is defined by the 1993 revised Treaty, as amended by a number of protocols and acts subsequently adopted.²⁴ The **Authority of Heads of State and Government** is the leading ECOWAS political institution. It ensures ECOWAS's progressive development and the realisation of its objectives (Articles 7 and 8 of the ECOWAS Revised Treaty).

The second most important political institution is the **Council of Ministers**, responsible for the functioning and development of the Community (Articles 10 and 11 of the ECOWAS Revised Treaty).

Council of Ministers meetings are informed by work undertaken within several sectoral **technical committees** (formerly technical commissions) composed of Member States representatives (Article 22 of the ECOWAS Revised Treaty).

The **ECOWAS Commission** (formerly the Executive Secretariat), headquartered in Abuja, Nigeria, is the executive organ of ECOWAS (Articles 17-20). The ECOWAS Commission is structured around a presidency, a vice presidency, 7 departments led by commissioners

and 26 directorates. The current President of the ECOWAS Commission is Kadré Désiré Ouedraogo from Burkina Faso.

Other key ECOWAS institutions include the **Community Parliament** and the **Community Court of Justice**, as well as several financial institutions, associated private sector organisations and specialised agencies. The ECOWAS Court of Justice foreseen in the Treaty was created by a 1991 protocol and saw its powers extended by the adoption of an additional protocol in 2005. It has been active since the mid-2000s.

ii. Regulatory/Legal Framework

Initially, the ECOWAS legal regime relied strongly on protocols for the achievement of Community objectives, in addition to community acts adopted by the various institutions. Conventions were another common ECOWAS instrument to define Member State obligations. However, delayed entry into force linked to lengthy ratification procedures²⁵ triggered reflections on a new ECOWAS legal regime under which *the principle of supranational becomes more pre-eminent and there is a de-emphasis on the adoption of Conventions and Protocols.*²⁶ The new legal regime is defined in Article 9 of the Revised Treaty, as modified by Supplementary Protocol A/SP.1/06/06 and Supplementary Act A/SA3/01/10.²⁷ Under the new legal regime, community acts include supplementary acts, regulations, directives, decisions, declarations, enabling regulations, recommendations and opinions:

- The Authority adopts supplementary acts, directives and decisions and makes declarations and recommendations;
- The Council enacts regulations and directives, adopts decisions, makes recommendations and formulates opinions;
- The Commission adopts regulations for acts of the Authority or the Council, makes recommendations and formulates opinions.

These **Community acts** are defined as follows:

- Supplementary acts adopted by the Authority complete the Treaty and are annexed to it. They are binding on Member States and the institutions of the Community;
- Regulations adopted by the Council have general application, and all their provisions are binding and directly applicable in Member States. They are also binding on the institutions of the Community;
- Directives adopted by the Authority or the Council are binding on Member States in terms of objectives. The modalities for attaining such objectives are left to the discretion of States;
- Decisions adopted by the Authority or the Council are binding on those to whom they are addressed;
- Enabling regulations adopted by the Commission in order to implement certain acts of the Authority or the Council have the same binding force as the acts they refer to;
- Declarations enable the Authority to express a commitment or

take a position on specific issues. They can include compulsory actions for Member States;

- Recommendations taken by the Authority, the Council and the Commission, as well as opinions by the Council or the Commission are not enforceable.

The new legal regime became effective in January 2007, following the 31st Ordinary Summit of Heads of State and Government of ECOWAS held in Ouagadougou, Burkina Faso, in January 2007. In practice, the adoption of this new legal regime has led to the abandonment of protocols as of January 2007; ECOWAS has stopped using protocols for the development of Community law since then. However, all **protocols** adopted until 2006 remain fundamental elements of ECOWAS Community law, and their ratification and entry into force is a key priority for ECOWAS, starting with Supplementary Protocol A/SP.1/06/06 itself.²⁸ To date, this Protocol has not been ratified by any of the ECOWAS Member States. It has therefore only provisionally entered into force upon its signature by the Heads of State and Government; Member States and ECOWAS have committed to start implementing its provisions. Its entry into force will only be definitive upon ratification by a sufficient number of Member States.

Regarding **conventions**, they can still be adopted between ECOWAS and third parties, but not between ECOWAS Member States themselves. As for protocols, previously adopted conventions between ECOWAS Member States remain key instruments of Community law which Member States are expected to ratify.

The restructuring of the Secretariat into a Commission was another key modification introduced by Supplementary Protocol A/SP.1/06/06, amending the Revised ECOWAS Treaty.

The **ECOWAS Legal Directorate monitors progress achieved in the ratification of protocols and conventions** and organises annual meetings with Member States, gathering key ministries involved in the ratification process (Foreign Affairs, Justice, ECOWAS Affairs/Integration and so on). These meetings aim at sensitising Member States to ECOWAS instruments which have not yet been ratified and promoting information exchange on the implementation of those which have been ratified. The Directorate is willing to organise specific missions to Member States to support the ratification and implementation of ECOWAS instruments. However, this has so far been hampered by budgetary constraints.

iii. Offices in the Secretariat That Work on MME

The areas covered by the MME Partnership are essentially under the portfolios of four key directorates of the ECOWAS Commission. Migration and mobility issues are under the purview of the Free Movement of Persons Directorate and the Humanitarian and Social Affairs Directorate. Employment is addressed by the Humanitarian and Social Affairs Directorate and the Gender, Youth, Civil Society Organisations (CSOs), Employment and Drug Control Directorate. The Directorate of Education, Culture, Science and Technology is concerned with higher education issues.

The **Free Movement of Persons Directorate** was created in 2008 and is located within the Trade, Customs and Free Movement Department. Its mandate covers four areas: i) free movement of persons; ii) cross-border cooperation; iii) monitoring and management of migration; and iv) tourism. The Directorate is focusing on the implementation of the Free Movement Protocols and expanding the ECOWAS Common Approach on Migration (2008) to a fully-fledged regional migration policy.

The **Humanitarian and Social Affairs Directorate** is located within the Human Development and Gender Department. The Directorate, which covers forced migration issues (refugees and IDPs), has been dealing with humanitarian affairs since 2000, following the adoption of the Protocol relating to the Mechanism for Conflict Prevention, Peace-Keeping and Security in December 1999. It includes a dedicated ECOWAS Emergency Response Team (EERT) Unit. The Directorate is also responsible for human trafficking issues, through its Trafficking in Persons (TIP) Unit located within the Directorate since 2006. Since the 2007 restructuring of the ECOWAS Commission, the Directorate also covers social affairs, through its Social Affairs Division, and is one of the two directorates in charge of implementing the ECOWAS Labour and Employment Policy.

The **Directorate of Gender, Youth, CSO, Employment and Drug Control** is also under the Office of the Commissioner for Human Development and Gender. The creation of the Directorate in its current form also results from the 2007 restructuring of the ECOWAS Commission, but ECOWAS had been active in some of these areas before the restructuring. The Directorate shares responsibility for the implementation of the ECOWAS Labour and Employment Policy with the Humanitarian and Social Affairs Directorate. Given the links between youth and higher education portfolios, and the importance of gender, youth and children as cross-cutting issues in the area of migration, the activities of the Directorate also bear strong relevance to other areas covered by the MME Partnership.

Education, Culture, Science and Technology is the third Directorate within the Human Development and Gender Department. ECOWAS has been active in this area since 2003, following the first Conference of the ECOWAS Ministers of Education (ECOMED). The conference resulted in the adoption of two key ECOWAS instruments - the Protocol relating to education and training and the General Convention on the recognition and equivalence of degrees, diplomas, certificates and other qualifications in Member States.

In addition to these four core directorates, the activities of several others intersect with some thematic areas that are covered by the MME Partnership. Relevant directorates/units include the following.

- The Trade Directorate is located within the Trade, Customs and Free Movement Department, and is concerned with cross-border trade issues.
- The Transport and Telecommunications Directorate falls within the Infrastructure Department, and implements transport facilitation activities which include elements of border management.

- The Private Sector Directorate is located in the Macro-Economic Policy Department. It implements activities that pertain to the implementation of the right of establishment, although the relevant protocols are formally under the purview of the Free Movement Directorate. In addition, the Directorate implements business and investment promotion activities that target the diaspora.
- The Strategic Planning Unit reports directly to the Vice President. It coordinates the elaboration of ECOWAS strategic documents such as the ECOWAS Strategic Plan for 2011-2015 and is a crucial entry point for mainstreaming MME issues into development planning.

2. Migration and Mobility

The **ECOWAS Common Approach on Migration** was adopted in January 2008 and has served as the overarching framework for migration initiatives. The development of a more comprehensive **ECOWAS Regional Migration Policy** is a priority.

The **Migration Dialogue for West Africa** and the Euro-African Dialogue on Migration and Development (**Rabat Process**) are the two key migration dialogue processes in the region.

The implementation of the 1979 **Protocol on Free Movement of Persons, the Right of Residence and Establishment** still faces many challenges, although there has been progress in the facilitation of mobility.

The **ECOWAS common passport** was adopted in 2000, but its issuance has been hampered by technological and financial constraints. The use of harmonised ECOWAS travel documents needs to be reinforced.

An **ECOWAS Humanitarian Policy and Action Plan** was adopted in 2012 and addresses mixed-migration and refugee protection.

ECOWAS is the African REC most advanced in **anti-trafficking** efforts and has adopted various instruments to guide its work in this area.

2.1 Migration Strategy

The 30th Ordinary Summit of ECOWAS Heads of State and Government, held in June 2006, mandated the ECOWAS Commission to define a common regional migration approach. The **ECOWAS Common Approach on Migration** (Common Approach) was adopted in January 2008. It is a non-binding framework document which includes migration and development actions plans in six priority areas: promotion of free movement within the ECOWAS zone; promotion of the management of regular migration; policy harmonisation; control of irregular migration and human trafficking, particularly of women and children; protection of the rights of migrants, asylum seekers and

refugees; and the gender dimension of migration.

The adoption of the ECOWAS Common Approach was an important step for the Community. Since 2008, the document has served as an overarching framework for the activities of the ECOWAS Commission, encompassing major aspects of migration, including those not covered by the Free Movement Protocols. However, its level of appropriation by the Member States has remained low, partly due to a lack of awareness of the document at the national level. In addition, the Common Approach presents some important limitations, most crucially the lack of a comprehensive strategic vision linking the various forms of mobility (including movements of non-ECOWAS citizens) within and outside the region with the broader regional development framework enshrined in the ECOWAS Vision 2020. Key determinants of regional migration patterns, such as climate change for instance, are left aside. The migration and development action plans included in the Common Approach also suffer from the absence of well defined objectives, results and activities and a corresponding monitoring and evaluation framework.

The development of an **ECOWAS Regional Migration Policy**, elaborated through consultation with the Member States and serving as an effective strategic framework for migration policy development in the ECOWAS region, is therefore a key priority for the Free Movement Directorate. Key international partners in this area include the Government of Switzerland and the African, Caribbean and Pacific (ACP) Group of States through the EU-funded Intra-ACP Migration Facility project. The Government of Switzerland funded the secondment of a technical assistant to the Free Movement Directorate from September 2009 to December 2012. Another technical assistant has been deployed within the Directorate under the Intra-ACP Migration Facility since March 2012 (the secondment ends in June 2013). An important five-year project entitled Support to Free Movement of Persons and Migration in West Africa, funded by the tenth European Development Fund (EDF), will further consolidate existing partnerships with the International Organisation for Migration (IOM), the ILO²⁹ and the International Centre for Migration Policy Development (ICMPD).

Recent developments linked to the formulation of the ECOWAS Regional Migration Policy include a series of decentralised regional technical working group meetings organised with the support of the Intra-ACP Migration Facility. These meetings, conceived as brainstorming sessions, have gathered participants from the ECOWAS Commission, national institutions, CSOs and international organisations. The meetings focused on the following key topics and challenges: rethinking migration and mobility concepts in the ECOWAS context (Dakar, May 2012); adopting a holistic approach to migration in West Africa, encompassing all types of movement, including forced migration (IDPs and refugees), trafficking, stranded migrants, and addressing protection needs in a mixed-migration context (Abuja, July 2012); promoting labour migration through cooperation between public employment services, including the development of common occupational classification systems, and the coordination of social security systems (Cotonou, July 2012). In addition to this participatory

process, the Facility will recruit short-term expertise in various specific thematic areas, including migration and regional integration, intra-ECOWAS remittances, migration and climate change, and migration and gender, in order to support policy development.

Policy development is further supported by another component of the Facility, the ACP Observatory on Migration. The Observatory and the Migration Policy Centre (MPC), of the European University Institute in Florence, are undertaking a study on the facilitation of intra-regional labour migration in the ECOWAS region. In addition, the MPC conducted training in Ghana in September 2012 on existing statistical data to estimate intra-regional migration in West Africa; on legal migration frameworks in ECOWAS; and on informal labour market and migration flows in West Africa. A regional workshop which will be organised by the Facility in early 2013 will provide an additional platform for dialogue on the policy, which could be finalised and adopted by the ministers and Heads of State in 2013.

The tenth EDF-financed project, Support to Free Movement of Persons and Migration in West Africa, which starts in 2013, foresees additional activities in this area, including the development of regional guidelines on migration policy development. The project also aims to strengthen data collection and management capacities as a basis for evidence-based policy development at both the regional and national levels. The project is implemented by a consortium led by IOM and comprising ICMPD and ILO.

2.2 Migration Dialogue

A **Migration Dialogue for West Africa (MIDWA)** was launched in 2000 with the support of IOM. It was specifically designed to encourage ECOWAS Member States to discuss common migration issues and concerns in a regional context. While MIDWA has acted as an umbrella for various meetings held since 2001, it has not yet established itself as an institutionalised consultative platform for Member States, comparable to other existing regional consultative processes (RCPs) on migration. ECOWAS, in partnership with IOM and the Swiss Government, organised an expert conference in Dakar in July 2012. It focused on strengthening MIDWA's institutional mechanisms, with a view to launch MIDWA as a RCP under the leadership of the ECOWAS Commission and ECOWAS Member States. The conference resulted in the adoption of comprehensive operating modalities for MIDWA, to be submitted to the ECOWAS Council of Ministers for approval in June 2013. The establishment of a MIDWA Secretariat in the Free Movement Directorate is foreseen. Supporting MIDWA is a central objective of the tenth EDF project. The ECOWAS Commission has also taken steps to reinforce its own dialogue and coordination mechanisms with its Member States, through annual **Heads of Immigration meetings**.

The **Euro-African Dialogue on Migration and Development (Rabat Process)** is an important framework for dialogue on migration between European and African countries located along the Central and West African migration route. ECOWAS is part of the Steering Committee of the Rabat Process. Ministerial conferences have

been held in 2006, 2008 and 2011. The Third Euro-African Ministerial Conference on Migration and Development was held in Dakar in November 2011, consolidating the achievements of the three-year Cooperation Programme adopted in Paris in 2008. A new strategy for the years 2012-2014 (the Dakar Strategy) was adopted at the Conference. This process has been supported by EU-funded projects that have been implemented by a consortium comprising ICMPD and the Foundation for International and Ibero-American Administration and Public Policies (*Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas, FIIAPP*).³⁰

2.3 Free Movement

Free movement of persons is one of the fundamental aims of the ECOWAS Treaty. Article 59 of the ECOWAS Treaty states that *Citizens of the community shall have the right of entry, residence and establishment and Member States undertake to recognise these rights of Community citizens in their territories in accordance with the provisions of the Protocols relating thereto*.

To operationalise the Treaty provisions, the Heads of State and Government adopted, in May 1979 in Dakar, Protocol A/P.1/5/79 relating to the Free Movement of Persons, the Right of Residence and Establishment. It was further complemented by supplementary protocols aiming to reinforce or complement the original protocol provisions:

- Supplementary Protocol A/SP2/7/85 on the Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment;
- Supplementary Protocol A/SP1/7/86 on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment;
- Supplementary Protocol A/SP1/6/89 Amending and Completing the Provisions of Article 7 of the Protocol on Free Movement of Persons, the Right of Residence and Establishment;
- Supplementary Protocol A/SP2/5/90 on the Implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment.

Despite their ratification by most ECOWAS Member States,³¹ and years after their entry into force, the ECOWAS Free Movement Protocols are still not fully applied. The third phase of the Protocol is not yet being implemented. With regards to the first two phases, the level of domestication remains low, uneven and not harmonised. In many States, the national legislative framework on the entry and stay of foreigners is still defined by legislation adopted prior to the adoption of the Protocols.

In terms of free movement, there has been undeniable progress in the facilitation of mobility of ECOWAS citizens within the region (visa-free entry for a period of 90 days). However, these movements are still hampered by various factors such as harassment and corruption at borders, the lack of cooperation between operatives at the border

post level and extortion at road security checkpoints.

Although in progress, the use of harmonised ECOWAS travel documents needs to be reinforced. These travel documents are only available to a minority of ECOWAS citizens for reasons of accessibility and affordability. This results in irregular entries whether through unmanned border crossing points or through organised and accepted corruption. Furthermore, the current status of travel documents does not allow for an efficient control of the 90-day limit (limited use of biometrics; inability to stamp National Identity Cards [NICs]) at borders.

The ECOWAS Common Passport was adopted by the Heads of States and Government in 2000 and should have replaced national passports within five years. In 2012, only 12³² countries were issuing the passport without always reflecting the requested standards for its issuance, such as the colours for each passport category (Green=standard, Blue=official, Red=diplomatic). Its issuance has been hampered by technological and financial constraints. As a result, the document is not available to everyone. It is also too costly for many citizens and not practical for daily and nomadic movements.

The ECOWAS Passport is not meant to replace the ECOWAS Travel Certificate which is supposed to be cheaper and less cumbersome. The Certificate, which was created in 1985, is valid for two years and for several journeys, but is not biometric. Available in seven countries, it is less and less in use for reasons of accessibility and cost but also because it is no longer accepted by all Member States. Ghana and Nigeria for example require valid passports.

Citizens of WAEMU Member States can travel with NICs within the WAEMU space. However, the NIC is not accepted by other countries, mostly Anglophone, which require a valid passport on the ground that the NIC is not a valid travel document according to the Protocols. A meeting of the ECOWAS Trade, Customs and Free Movement of Persons Committee held in Accra in September 2007 recommended amending the definition of valid travel documents to include *secured and harmonised ID cards* and that in the meantime States accept national ID cards.

ECOWAS still has an ambitious agenda with regard to the harmonisation of documents. The Heads of Immigration meeting in Accra in April 2011 stated the need *for all Member States to deploy the ECOWAS passport; and to progress towards the use of NICs as valid travel documents, provided their security features are enhanced.*

ECOWAS Member States also considered adopting a common short-term visa for nationals from non-ECOWAS countries (Schengen-type visa). The concept was adopted by the Heads of States and Governments in 2000; its actual implementation is not expected to take place in the foreseeable future.

Harmonised immigration and emigration forms should have been introduced in all ECOWAS Member States according to decision C/DEC.3/12/92. However, they are not implemented, and States continue to use their own formats.

The application of the right of residence is also uneven. According to the 1986 Protocol, each State should grant to Community citizens

who are nationals of other Member States the *right of residence in its territory for the purpose of seeking and carrying out income earning employment* (Article 2). Currently, the Residence Card is not available in all Member States. Delivery procedures are not harmonised and the documents required for its issuance are difficult to produce for most migrants. The cost of the card varies but is often unaffordable for migrants.

The great majority of migrants working in the informal sector are not registered and therefore excluded from any benefit deriving from the right of residence, such as access to social services, social protection or the recognition of their right to be treated equally as any other citizen of their host country.

Other economic and political rights are also not fully realised. Rights such as access to public sector employment, political activities, naturalisation and so on still vary from one country to another. Labour market legislation are heterogeneous and do not guarantee the same rights to workers in the various countries. Access to the national labour market (formal sector) is often protected by national legislation. This is particularly the case in times of economic and social crisis: conflicts within the countries between *non-natives* and *natives* reveal latent tensions which sometimes result in attempts to deport foreign workers.

Despite these drawbacks, free movement remains a priority for ECOWAS. Free movement is the first priority area of the 2008 ECOWAS Common Approach on Migration. Strategic documents such as ECOWAS Vision 2020 and the ECOWAS Strategic Plan for 2011-2015 restate the objective of a *borderless, peaceful and cohesive region and a developed and integrated West Africa where Community citizens see and freely operate in any of the fifteen national economies as one integrated, competitive and resilient market.* The Strategic Plan acknowledges that progress has been insufficient in this area, notably due to the absence of political will and restates the promotion of trade integration, labour and capital mobility as priority objectives. Foreseen measures include the promotion of the implementation of the Protocols relating to free movement of persons, capital, goods and services, and rights of establishment; and the promotion of the implementation of cross-border initiatives.

In order to achieve these objectives, the ECOWAS Free Movement Directorate will undertake activities to support the use of Community travel documents, with support from the tenth EDF project. These include a regional assessment of travel documents; its outcomes will be used to develop activities that enhance the compatibility and harmonisation of travel documents in the region. At the same time, ECOWAS continues to promote the adoption of the ECOWAS harmonised biometric passport in the three Member States where it has not yet been issued. The tenth EDF project is also expected to support current reflections on the potential revision of the legal regional framework: definition of community citizenship, potential abolition of the requirement for a residence or permit, potential adoption of the ECOWAS *single visa Schengen type*, harmonisation of legal framework and roadmaps with WAEMU and so on.

Sensitisation activities targeting ECOWAS citizens are also an essential element of the Directorate's strategy to promote free movement in the region. These have included the creation of a regional media network in 2009, already functional in nine countries. It aims to raise awareness among the general public on the rights enshrined in the Protocols, as well as to change the behaviour of officials responsible for its application through name-shaming. Punctual cooperation with civil society organisations also takes place for sensitisation purposes. Campaigning material was produced in cooperation with the Open Society Initiative for West Africa (OSIWA) and various other partners, including the West Africa Bar Association (WABA), the West Africa Civil Society Forum (WACSOF) and the African Assembly for the Defense of Human Rights (*Rencontre Africaine pour la Defense des Droits de l'Homme*, RADDHO).

The ECOWAS Spain Fund on Migration and Development, established in 2008 through a Memorandum of Understanding (MoU) between the Spanish Ministry of Foreign Affairs and Cooperation and ECOWAS, supports the Free Movement Directorate in its efforts to promote free movement. The Fund, which is directly managed by a dedicated Unit located within the Directorate, supports CSOs and Member State projects. Actions to promote the free movement of persons within the ECOWAS zone were among the two priorities of the first call for proposals for CSOs launched in 2010. Eligible types of action³³ included studies, pilot projects, equipment and supplies if strictly necessary for the implementation of the activities, the provision of technical assistance and the organisation of training, workshops and seminars. About two-thirds of the 24 projects selected in 2011 under this first call for proposals focused on the free movement priority. Several of these projects targeted specific groups such as youth and women, including women cross-border traders. A second call for CSOs was issued in 2012, which again includes free movement as a priority. The Fund also builds the free movement-related capacities of ECOWAS Member States through targeted projects.

In addition, the Fund supports the establishment of national migration platforms. Hitherto platforms have been set up in seven countries. Their role is to enhance coordination on migration at the national level and to vet projects that seek funding from the ECOWAS-Spain Fund. The platforms are envisioned to serve as the link for coordination on migration issues between the national level and the ECOWAS Commission. It is hoped that they continue to exist and perform this function, as well as play their role in advising the government on migration issues, once the project has come to an end.

The Free Movement Directorate has so far developed its cooperation with civil society on an ad hoc, project-based basis. In order to strengthen its cooperation with CSOs, it is currently conducting a mapping study of CSOs active in migration-related areas, through expertise seconded by the Intra-ACP Migration Facility. The Facility also implements capacity-building activities for CSOs.

The tenth EDF project will further support cooperation with CSOs in the area of free movement and migration. In particular, the project will support ECOWAS in the development of a comprehensive regional information and sensitisation strategy on mobility rights

and obligations. Targeted education and communication materials (website, brochures, TV and radio content, posters and so on) will be designed and translated into the official ECOWAS languages. Practical guides for migrant workers (departure guides, return guides, employability guides) will also be developed to facilitate the migrant workers' integration into ECOWAS destination countries as well as their socio-professional reinsertion into countries of origin. CSOs will be encouraged to participate in the implementation of the information and sensitisation strategy through the establishment of partnerships for the dissemination of these education and communication materials.

In addition, the project includes a component that specifically aims to promote the engagement of Non-State Actors and Local Authorities (NSA/LA) in activities promoting the protection of migrants' and cross-border populations' rights in West Africa. Through a Call for Proposals, grants will be offered to these actors to implement prevention, advocacy and assistance activities targeting in particular vulnerable migrants and populations at risk (women, children and youth, stranded migrants, victims of trafficking and so on). In order to strengthen their implementation capacities, selected beneficiaries will receive training at the project's start on project management, monitoring and evaluation.

2.4 Border Management

Corruption, harassment and extortion at border crossing points, which remain commonplace in the region, significantly constrain the free movement of persons. Efficient border management is therefore a key priority for the ECOWAS Free Movement Directorate and is being promoted through various activities.

Training for security operatives (customs, police, immigration, quarantine officers and the Drug Law Enforcement Agency [DLEA]) on the Free Movement Protocols has been organised by the Directorate. This training also covered the Common Approach and specific issues such as human trafficking. A common training curriculum for border guards is currently being established with the support of ICMPD through the EU-funded Migration in EU Expertise (MIEUX) initiative. The tenth EDF project will further strengthen the capacities of the ECOWAS Commission and its Member States in this area, including through the organisation of regional train the trainers events that aim to ensure the appropriation of standardised ECOWAS training materials for border officials by Member State training academies. Furthermore, the development of ECOWAS-compliant Standard Operation Procedures, including mechanisms for interagency coordination on border management, will be facilitated.

The ECOWAS Free Movement Directorate has also established some pilot monitoring units (consisting of various entities, such as civil society, judiciary and legal practitioners, parliamentarians and so on) to monitor the situation at the borders. However, their efficiency has been questioned and their composition may be changed. Civil society or community-based organisations which enjoy a permanent presence on-site may be more effective. Through their concrete projects, such organisations are also the best placed to reach out to

migrant populations, especially cross-border populations, which is one of the difficulties faced by regional and national institutions. In practice, many of the projects implemented under the Spanish Fund take place in border areas and specifically aim to improve border management. The NSA/LA activities of the tenth EDF project will also contribute to border management (see 2.3 Free Movement).

An **ECOWAS Cross-Border Initiative Programme (CIP)**, placed under the Cross-Border Cooperation division within the Free Movement of Persons Directorate, was launched in 2006. The programme is based on ECOWAS's *cross-border concept* adopted in 2005.³⁴ Cross-border cooperation is defined as a *local initiatives approach through which actions are formulated and implemented by private and public local actors from two or more countries residing in cross-border areas*. The approach, which is to be based on the agreement and support of the governments of the countries concerned aims at: i) improving the living conditions of cross-border populations who are often marginalised; and ii) concretely building regional cooperation. Cross-border cooperation is also seen as an essential tool to achieve progress in various areas such as peace and security, food security or health and to improve the governance of regional migration. The CIP objective is to accelerate regional integration by demarginalising border areas through the creation of concrete and feasible joint social, economic and cultural development projects. As part of the CIP, ECOWAS implemented joint cooperation and sensitisation projects on free movement facilitation and social and cultural development, which benefits border populations in four pilot areas. A Regional Cross-Border Cooperation Fund was to be established, however, funding is still falling short. Operationalising the Fund was one of the priorities of the actions plans developed under the ECOWAS Common Approach on Migration, in order to: i) *facilitate free movement through concrete actions such as the setting up of joint border posts, border markets, joint health centres, shared schools, etc.*; ii) *support poor and marginalised border populations through development interventions*; and iii) *develop good neighbourly relations*. The development of cross-border initiatives is also one of the components of the 2008 ECOWAS Conflict Prevention Framework (ECPF).

Following the adoption of the 2011 ECOWAS Gender and Migration Framework and Plan of Action (see 2.8 Gender and Migration), the Directorate of Gender, Youth, CSO, Employment and Drug Control has been working with the Trade Directorate on the issue of women informal cross-border traders. Women are empowered through these trade activities, but face specific threats and risks that need to be addressed, such as violence, harassment and trafficking. The Gender Directorate has commissioned a study on the issue, which is supported by the African Trade Policy Centre (ATPC), and is planning the organisation of a Gender and Trade in West Africa Expert meeting in 2013. In addition, the Directorate is producing a documentary on women informal cross-border traders, which is supported by the United Nations (UN) office for Liberia.

The following initiatives are also relevant:

An EU-funded regional transport facilitation project aimed at improving regional transportation by lowering non-tariff obstacles at

borders. One of the components of this envelope is the construction of three joint border posts;

- A Trade and Transport Facilitation Project along the Abidjan-Lagos corridor which aims to remove barriers to trade and transport in the ports, and on the Abidjan-Lagos corridor route, supported by the World Bank;
- BORDERLESS, a public-private campaign working closely with ECOWAS and WAEMU, several ECOWAS Member States and private sector entities to eliminate barriers to trade. BORDERLESS publishes regular reports, with data collected by the Observatory of Abnormal Practices, on checkpoints, bribes and delays affecting transport in the region. The campaign is funded by the United States Agency for International Development (USAID) through the West Africa Trade Hub project.

2.5 International Protection

International protection is a major priority for the ECOWAS Commission. The United Nations Refugee Agency (UNHCR), the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), IOM and the Government of Finland are among ECOWAS's main international partners in this area.³⁵

ECOWAS has long recognised that a comprehensive, collaborative regional approach is needed to address the phenomenon of internal displacement in the region. The first regional conference on internal displacement in West Africa was convened at ECOWAS Headquarters in Abuja, in April 2006, to discuss the plight of IDPs and find ways to enhance their welfare. The Conference brought together a diverse group of participants from Member State governments, international organisations, civil society and academia, reflecting the importance of a multi-stakeholder approach in addressing the challenges of internal displacement in the region. The conference made wide-ranging recommendations aimed at addressing and resolving situations of internal displacement in West Africa. These recommendations highlighted the importance of preventing displacement by tackling root causes and the need to develop national laws and policies based on the United Nations Guiding Principles on Internal Displacement.

The Regional Conference on Refugee Protection and International Migration in West Africa, jointly convened in Dakar, Senegal, in November 2008 by UNHCR, IOM and ECOWAS in cooperation with the Office of the High Commissioner for Human Rights (OHCHR), constituted an important landmark. The Conference focused on responses to mixed-migration in West Africa, in line with UNHCR's Ten-Point Plan of Action on Refugee Protection and Mixed Migration.³⁶ Conclusions and recommendations focused on fuller utilisation of the existing regional frameworks and processes for the strengthening of international protection, in particular the ECOWAS Free Movement Protocols and the ECOWAS Common Approach on Migration.

Internal displacement was addressed at a Ministerial Conference on Humanitarian Assistance and Internal Displacement in West Africa held in July 2011 at the ECOWAS Commission headquarters in

Abuja. The conference, organised in conjunction with UNHCR, OCHA, and the African Union (AU), with support from the Government of Finland, was an ECOWAS initiative that aimed to support the ratification process of the AU Convention on Humanitarian Assistance and Internal Displacement in Africa, also known as the Kampala Convention.³⁷ The ministers agreed to set up a Task Force of Government Ministries, relevant partners and civil society to coordinate the implementation of the Convention. They also agreed to formulate coherent national IDP policies and legal and institutional frameworks that will fully reflect the content and spirit of the Convention. Some Member States have already adopted the Convention, and the Task Force should continue to promote its adoption and implementation in Member States. They further committed to encouraging the adoption of the Kampala Convention into the Community law of ECOWAS.³⁸

An important step in fulfilling this commitment was achieved through the adoption of the **ECOWAS Humanitarian Policy and Action Plan** in March 2012.³⁹ The Policy covers four priority areas, namely conflict, natural disasters, man-made disasters and mixed-migration and refugee protection. The Policy focuses on the preparation for, and adequate response to, any emergency situation involving refugees and IDPs or other affected persons. The policy focuses, inter alia, on how best to improve intra-regional cooperation between Member States in the area of refugee protection and mixed-migration. Implementation of the policy will be supported by the ECOWAS Commission through awareness-raising activities and the development of humanitarian affairs capacities in Member States. In particular, the ECOWAS Commission will support the establishment of national platforms for disaster management in order to improve national responses to emergencies. ECOWAS is developing regional guidelines for the establishment of these national platforms, which shall comprise relevant national stakeholders, including CSOs. At the regional level, the establishment of a Humanitarian Coordination System (HCS) is foreseen, comprising ECOWAS, national platforms, CSOs and humanitarian partners. The HCS will be responsible for leading, monitoring and evaluating the process of delivering effective humanitarian assistance within the region.

The ECOWAS Commission is planning missions to selected Member States in 2013 to advocate for the ratification, domestication and implementation of the Kampala Convention. Discussions are ongoing with the Government of Finland regarding the recruitment of a consultant to develop material and handouts that will support these campaigning efforts. The missions will also focus on the establishment of national institutional mechanisms such as task forces comprising relevant national stakeholders, including CSOs, in line with the July 2011 Ministerial Conference recommendations. Within the ECOWAS Commission itself, an Inter-departmental Committee was set up in 2011 for the preparation of the Conference, comprising the following ECOWAS Departments: Human Development and Gender (Humanitarian and Social Affairs Directorate), Political Affairs, Peace and Security (Early Warning and Political Affairs Directorates), Trade, Customs, Industry and Free Movement (Free Movement of Persons Directorate), Administration and Finance (Finance Directorate) and the Office of the President (Legal and External Relations Directorates).

The Committee is to coordinate ECOWAS activities in support of the ratification, domestication and implementation of the Kampala Convention.

2.6 Trafficking in Human Beings

The ECOWAS TIP Unit plays a key role in setting standards and guidelines at the regional level, actively supporting the development, adoption and implementation of regional reference documents. The TIP Unit has supported the establishment of national task forces and is engaged in their capacity building. A **network of Member States focal points** has been set up. The focal points chair national task forces, which gather relevant anti-trafficking stakeholders. This institutional network allows the TIP Unit to monitor anti-trafficking activities in Member States. Annual reports are submitted by the focal points according to a standardised template, and annual meetings are held where progress is reviewed and future priorities are defined.

ECOWAS adopted its initial **Plan of Action against Trafficking in Persons** in 2001 in Dakar. The ECOWAS/ECCAS [Economic Community of Central African States] Plan of Action against Human Trafficking and the Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children in West and Central Africa, were adopted in 2006. In 2007 the ECOWAS Plan of Action was actualised and extended to cover the period 2008-2011. The revised ECOWAS Action Plan formally incorporated the Joint ECOWAS/ECCAS Plan of Action to Combat Trafficking in Persons (2006-2009). The revised Action Plan covered the following areas: legal framework and policy development; protection and support to trafficked persons; prevention and awareness raising; collection, exchange and analysis of information; specialisation and training; travel and identity documents; monitoring and evaluation of the initial Action Plan. A consultant has been recruited to evaluate this Action Plan and a new Action Plan is foreseen.

In addition to the action plans, ECOWAS adopted regional reference documents, such as the **ECOWAS Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa**, adopted in Accra in April 2009, and the **Guidelines on Protection, Support and Assistance to Witnesses**.

The Trafficking Unit Strategic Plan of Action for 2011-2015 contains the following key priorities:

- Development of appropriate institutional policy and legal frameworks for combating trafficking in persons and for child protection;
- Development of methodologies and approaches in measuring and ensuring sustainable progress in the combat of trafficking in persons and child protection;
- Development of linkages between Member States and stakeholder agencies and development of Member State capacities for effective combat of trafficking in persons;
- Ensuring adequate public sensitisation on the subjects of

trafficking in persons and child protection.

The fight against children trafficking is among the key priorities of the TIP Unit, hence the dual focus on anti-trafficking and child protection.

Key international partners of the ECOWAS Commission in the areas of anti-trafficking include IOM and the United Nations Office on Drugs and Crime (UNODC). Both organisations are involved in the implementation of the African Union Commission anti-trafficking campaign, AU.COMMIT, launched through an event held in Abuja in March 2010. ILO has also been cooperating with the ECOWAS Commission, notably in the area of trafficking in children and in relation to forced labour (see 3.5 Child Labour).

Additional support in this area is available from the ECOWAS Spain Fund on Migration and Development. The fight against THB, particularly women and children, through information, awareness raising and training activities, was one of the priorities for projects submitted by Member States under the 2010 call for proposals. The 2012 call for proposals for CSOs also covers actions in this area, such as activities aiming at identifying victims of trafficking and providing reception and counselling services.

The anti-trafficking component of the tenth EDF project implemented by IOM, ILO and ICMPD includes activities aiming at strengthening the annual review meetings organised by the ECOWAS TIP Unit and reinforcing related planning, coordination, monitoring and reporting mechanisms. In parallel, the project will strengthen the network of ECOWAS national THB focal points. Funds will be available for training the focal points and allowing them to organise trainings in their respective countries. In addition, the project will assist the ECOWAS Commission in the development of tools designed to support legislation assessments at the national level. Such tools will enable Member States to identify existing gaps in their legal frameworks vis-à-vis international and ECOWAS standards and provide a basis for national legislative reforms. The project will also support the ECOWAS Commission in the development of further regional standards. Such standards can include implementation guidelines for Member States on specific aspects of anti-trafficking (such as the existing Guidelines on Protection, Support and Assistance to Witnesses) and standard operating procedures for Member States ministries and agencies involved in anti-trafficking activities.

2.7 Additional Initiatives: Migration and Development

Actions to promote and enhance the migration and development nexus were one of the two priorities of the 2010 call for proposals for CSOs under the ECOWAS Spain Fund on Migration and Development. The following intervention areas were eligible: promoting the involvement of migrants' associations and the diaspora in local development; providing assistance and pre-departure orientation to prospective migrants; providing assistance to return migrants for their socio-economic reinsertion; building the capacity of migrant communities and organisations working on migration and develop-

ment; researching and documenting best practices in circular and return migration and their linkages with development, including the gender dimension; conducting studies on the facilitation of student exchange programmes within the region and across regions; promoting access to financial and business information and services to migrants' families, including access to micro-finance and other CSO-managed financial institutions; promoting networking and exchange of information on migration and development. About a third of the selected projects under the call for proposals specifically addressed the migration and development nexus. In addition, several projects focusing on free movement also included a migration and development dimension. These projects focused inter alia on migrant entrepreneurship, co-development, diaspora engagement and the reintegration of return migrants, with several projects specifically aiming at mapping and analysing best practices in migration and development within the region. Funding for migration and development projects is again available through the second call for proposals for CSOs (2012) under the promotion of regular migration management priority. Three main intervention areas are eligible: co-development projects; assistance to return migrants - including refugees - for their socio-economic reinsertion; and research on best practices in the areas of circular migration, return migration and migration and development, including the gender dimension.

In addition, the ECOWAS Commission, with the support of IOM and Switzerland, organised an event on *Fostering the development impact of South – South Migration in West Africa through enhanced knowledge and cooperation* in July 2012 in Dakar. Participants recommended facilitating the sustainable development impact of diaspora in the region through: formulating a generally accepted definition of the regional diaspora; mapping the diaspora in the North and the South and developing a diaspora inventory for the region; developing a clear diaspora engagement policy; setting up a clear government structure to address the challenges and opportunities related to the diaspora; supporting the social, cultural and economic integration of diasporas; implementing laws and policies which enable the diaspora to operate economically as citizens, and remain active in political life. With regards to remittances, participants recommended encouraging remittance flows to fuel productive economic activities; enhancing the provision of identity documents in order to facilitate access to formal remittance transfer services; reducing remittance costs by establishing affordable and flexible transfer mechanisms; actively involving the private sector in the development and implementation of policies; providing literacy programmes and financial education to migrants; including non-monetary transfer of "remittances" in remittances policies; and integrating the informal sector into policy debates.

The Private Sector Directorate is also active in diaspora engagement. The overall objective of the Directorate is to publicise and promote investment, business and trade opportunities in the region, with the objective of mobilising resources within the diaspora and promoting financial, skills and technological transfers. In particular, the Directorate aims to engage the diaspora in key economic sectors for the development of the region, such as infrastructure (transport, energy,

telecommunications and so on), agriculture, industry and services, including financial services.

Related activities started in 2010 through cooperation with the Detroit-based African Business Chamber of Commerce (ABCC) in the United States. Information sharing, networking and cooperation are ensured through regular mutual participation in the events and activities of the two organisations. In particular, the Directorate participated in the African Diaspora Business Conference of the ABCC in October 2010. A key outcome of this conference was the decision to establish an African Diaspora Association (ADA) under the platform of the ABCC, which would include an ECOWAS arm (ECOWAS Diaspora Association [EDA]). The overall objective of the EDA, which has not yet been created, would be to promote reciprocal ECOWAS-US business, trade and investment relations. A First ECOWAS and African Diaspora Conference was organised in collaboration with the ABCC in Detroit in March 2011. The Conference provided a forum to promote opportunities within the ECOWAS region and explore possible mechanisms to reinforce diaspora engagement.

Current priorities of the Private Sector Directorate include the promotion of ECOWAS initiatives among the business and investment community within the diaspora in order to mobilise capital. The creation of Sealink, an inter-regional maritime passenger and freight company, and of an ECOWAS Business Chains Hub to market general goods and services are two cases in point.⁴⁰ In addition, the Directorate plans to identify credible diaspora groups in other countries and regions in order to extend the geographic coverage of diaspora engagement activities which have so far mainly focused on the US. Ultimately, the objective would be to have the future ECOWAS Diaspora Association (headquartered in the US, but with chapters in other countries) recognised as the seventh ECOWAS Business Association.⁴¹

2.8 Additional Initiatives: Gender and Migration

ECOWAS has been active on gender issues since the adoption of a first Gender Policy document in 2003. The Directorate of Gender, Youth, CSO, Employment and Drug Control actively contributes to gender mainstreaming in ECOWAS sectoral policies, including migration, as evidenced by the adoption in June 2011 of an **ECOWAS Gender and Migration Framework and Plan of Action for 2012–2015**.⁴² The Action Plan corresponds to the need raised in the Common Approach to *take into account the Gender and Migration dimension*, with the overall objective of making migration a safer and more empowering experience for both women and men, thus enabling them to contribute more forcefully to economic development. The Action Plan is ambitious and includes databases on women and migration; awareness-raising campaigns and trainings for state and non-state actors on gender and migration issues; as well as actions to fight trafficking, irregular migration and extreme poverty. The Action Plan cuts across various areas addressed by different directorates within the ECOWAS Commission and does not have specific funding allocated to it. The Gender Directorate is therefore cooperating with the relevant sectoral

directorates to implement its various components. So far, activities have mainly concentrated on informal cross-border trade, in cooperation with the Trade Directorate (see 2.4 Border Management). At the policy development level, ensuring that the gender dimension is fully integrated into the future Regional Migration Policy, in line with the priorities of the ECOWAS Gender and Migration Framework and Plan of Action, is a major priority for the Gender Directorate.

In addition, gender and migration is one of the priority areas under the 2012 call for proposals for CSOs of the ECOWAS Spain Fund on Migration and Development. Eligible intervention areas include: supporting and training migrant women in entrepreneurship; fighting illegal barriers affecting migrant women entrepreneurial and trade activities; supporting migrant women forcibly displaced by conflict; supporting women cross-border activities contributing to poverty reduction; supporting migrant women employed as domestic workers.

3. Employment

In 2009 the **ECOWAS Regional Labour and Employment Policy and Action Plan** was adopted.

In recent years, ECOWAS has focused on four main strategic priorities: **social protection, youth employment, child labour and social dialogue**. An ECOWAS Social Dialogue Forum, envisioned to serve as an autonomous tripartite structure, was initiated in 2010. A revised General Convention on Social Security, a Youth Employment Action Plan (2013-2018) and a Regional Action Plan for the Elimination of Child Labour was adopted at the December 2012 meeting of ECOWAS Ministers of Labour and Social Affairs.

3.1 Employment Strategy

ECOWAS strategic framework in the area of employment is defined by the Treaty provisions and the comprehensive Regional Labour and Employment Policy and Plan of Action adopted in 2009. In recent years, ECOWAS has focused on four main strategic priorities: social protection, youth employment, child labour and social dialogue.

Employment is addressed under Chapter XI (Cooperation in Human Resources, Information, Social and Cultural Affairs) of the ECOWAS Revised Treaty. Under Article 60, Member States undertake to strengthen their cooperation in the field of employment, harmonise and coordinate their policies and programmes in this area. Under Article 61, they further commit to encourage the exchange of experiences and information on employment and harmonise their labour laws and social security legislation.

ECOWAS Ministers of Labour first met in September 2005. A major output of this first conference was the commissioning of a study on issues involved in the formulation of a labour policy for the ECOWAS

region. The corresponding study and the drafting and elaboration of the policy document were supported by the ILO and resulted in the adoption of the **ECOWAS Regional Labour and Employment Policy and Action Plan** at the second Conference of ECOWAS Ministers of Labour and Employment held in Abidjan in April 2009.⁴³ The policy, which addresses all matters relating to labour and the workplace in the region, seeks to address a number of identified gaps: the qualification gap, the adaptability gap, the job creation gap and the gender gap. It covers a series of areas of relevance to the MME Partnership priorities.⁴⁴ Under the promotion of labour migration and integration headline of the Policy, the ECOWAS is expected to promote *the rights of migrant workers; the elimination of trafficking in persons; creation of a conducive environment for migrants particularly those in Diaspora in the development of their country; encourage bilateral and multilateral cooperation on labour migration; encourage geographic and occupational mobility; and foster full economic integration*. In order to financially support Member States in their efforts to translate this regional framework at the national level, the Policy foresees the creation of an ECOWAS Labour and Employment Fund similar to the European Social Fund.⁴⁵

The implementation of the Labour and Employment Policy and Plan of Action, which has so far remained limited, would require a greater allocation of resources at the national and regional levels. In particular, the foreseen Labour and Employment Fund has not yet materialised. Follow up and monitoring mechanisms are also insufficient. Although Ministers of Labour are institutionally scheduled to meet every year, they do so much more irregularly. The December 2012 meeting of ECOWAS Ministers of Labour and Social Affairs in Dakar was the first meeting to take place at the ministerial level since the adoption of the Policy and Plan of Action in 2009.

An important step recently taken by the ECOWAS Humanitarian and Social Affairs Directorate to facilitate the implementation of the ECOWAS Labour and Employment Policy is the commissioning of a study on the harmonisation of labour laws in the region. Such harmonisation is expected to promote the economic and social integration of States; provide a favourable working environment, particularly for migrant workers; improve performance in terms of job creation and development, through provision of the right instruments that may facilitate labour migration within ECOWAS; create favourable legal conditions for investments within the Community by ensuring that they are subject to the same rules and procedures and by providing reference standards for business. The study, conducted with support from the ILO, will review all national legislations on labour laws,⁴⁶ taking into account existing harmonisation experiences - EU, Organisation for the Harmonisation of Business Law in Africa (OHADA), WAEMU - and propose a draft legal harmonisation document that would ultimately be adopted at a sectoral ministerial meeting. The ILO has also been supporting the Humanitarian and Social Affairs Directorate, Social Affairs Division, in the organisation of regional workshops that aim to build policy development capacities within ECOWAS Member States in various areas covered by the ECOWAS Labour and Employment Policy, such as labour market statistics, international labour standards, employment intensive investment

programmes and decent work indicators.

The tenth EDF project will also support evidence-based policy developments within the framework of the ECOWAS Labour and Employment Policy and Action Plan, focussing on labour migration. The project will assist the ECOWAS Commission in promoting the harmonisation of labour legislations in ECOWAS Member States in line with ILO and UN instruments related to migrant workers and the ECOWAS Protocols. As a basis for these policy developments, the project will support the study on labour market information systems in the region, including the existing network of employment observatories. Based on the results of this study, the project will support the development and implementation of policy recommendations to improve knowledge of labour markets in the region.

Coordination in the Region

The ILO and the United Nations Development Programme (UNDP) have been ECOWAS's main international partners in the area of employment in recent years.⁴⁷ The tenth EDF project, Support for Free Movement of Persons and Migration in West Africa, implemented by IOM, ICMPD and ILO and starting in 2013, will also provide employment-related areas support.

3.2 Social Protection

An **ECOWAS General Convention on Social Security** was drafted in 1993 with support from the ILO and formally adopted by ECOWAS Member States in 2004. This multiparty treaty represented a synthesis of Member States' social security systems and was intended to replace the few existing social security agreements previously concluded between the ECOWAS Member States. The Convention however was never ratified and did not enter into force. In addition, it appeared necessary to revise the Convention to take into consideration mutations in the region and recent developments and orientations in the area of social security, including the development of private pension schemes through individual capitalisation (pension funds, employee saving plans, insurance and banking products), notably in Anglophone countries such as Ghana and Nigeria. The original Convention, which essentially focused on the coordination of compulsory schemes, did not adequately address these issues. In addition, despite the existence of an administrative arrangement,⁴⁸ the standard forms to be used for the coordination process were never developed.

With support from UNDP, a technical task force was set up in 2011 for the actualisation of the Convention and its administrative arrangement. The task force comprised representatives from the ECOWAS Commission (the process is led by the Humanitarian and Social Affairs Directorate, Social Affairs Division), ECOWAS Member States (social security institutions and ministries), the Bureau of the ECOWAS Social Dialogue Forum (see 3.3 Social Dialogue), UNDP, CIPRES (*Conférence Interafricaine de la Prévoyance Sociale*),⁴⁹ ILO and IOM. Several meetings of the task force took place in 2011-2012 to discuss both the Convention and the administrative arrangement for its applica-

tion. Both instruments were adopted at the 2012 Ministerial Dakar meeting and should now be presented for adoption to the Authority of Heads of State and Government to be enshrined in a Supplementary Act of the Authority. Ensuring the effective application of these instruments by ECOWAS Member States will require a vigorous campaigning effort from the ECOWAS Commission as well as targeted training for social security institutions and their parent ministries in Member States. Activities undertaken within the ECOWAS and CIPRES frameworks shall also be coordinated. The ECOWAS Commission is therefore attempting to secure further support from development partners in this area.

As far as the tenth EDF Support to Free Movement project is concerned, foreseen activities include a study of ECOWAS Member State national security schemes and legislation in order to review their consistency with the ECOWAS framework and identify major challenges for social security schemes coordination; the provision of technical assistance to support the implementation of the ECOWAS General Convention on Social Security; and support for the harmonisation of social security forms within ECOWAS Member States to harmonise data collection, facilitate exchange of data and verification of entitlements and payments.

3.3 Social Dialogue

Social dialogue, which is one of the priority axes of the ECOWAS Labour and Employment Policy, is under the purview of the Humanitarian and Social Affairs Directorate. In cooperation with the ILO, a meeting was convened in Dakar in 2010 for the establishment of an **ECOWAS Social Dialogue Forum** as an autonomous tripartite structure (governments/trade unions/employers associations). The meeting gathered representatives of Member States Ministries of Labour and Employment, employer associations and trade unions,⁵⁰ the International Council of Social Welfare (ICSW), ILO, UNDP and various partners, including the African Union Commission (AUC). The objective was to share experiences and adopt an action plan to institutionalise social dialogue in ECOWAS. Recent meetings of the Forum have included a Bureau meeting in Lomé in March 2012 and a General Assembly meeting in October 2012, which considered the three instruments subsequently adopted by the ECOWAS Ministers at their December meeting (General Convention on Social Security, ECOWAS Action Plan for the Elimination of Child Labour and Its Worst Forms, ECOWAS Youth Employment Action Plan).⁵¹ At the operational level, a Permanent Secretariat is being put in place. The ECOWAS Tripartite Social Dialogue Forum is to be formally established through the adoption of a Supplementary Act of the Authority of Heads of State and Government, based on the draft adopted at the ministerial level in Dakar in December 2012. The tenth EDF project will support the development of an intra-regional tripartite dialogue on labour migration in the framework of this newly established Social Dialogue Forum through capacity-building activities and the organisation of a tripartite workshop on labour migration.

3.4 Youth Employment

Youth employment is a major challenge for all African regions, as highlighted in the 2012 issue of the African Economic Outlook which focuses on youth employment promotion.⁵² This issue, which is particularly worrying in West Africa, was at the centre of a recent Conference on Youth Employment in West Africa, co-organised in Dakar in November 2012, as part of the Joint AfDB [African Development Bank]/AU/ILO/UNECA [United Nations Economic Commission for Africa] Youth Employment Initiative (JYEI) for Africa.⁵³

ECOWAS adopted a **Youth Policy and Strategic Action Plan** in 2008 and has sought to build the capacity of its Member States in this area.⁵⁴ Under the existing ECOWAS Youth Employment Programme, the ECOWAS Youth and Sports Development Centre (EYSDC), based in Ouagadougou, delivers skill-based training for youth aiming at *increasing the employability of ECOWAS youth; building the capacity of young entrepreneurs; and reducing youth unemployment*.⁵⁵ The ECOWAS Technical and Vocational Education and Training Programme is another key component of the ECOWAS Youth Employment Programme.

ECOWAS adopted an overarching **ECOWAS Youth Employment Action Plan** (2013-2018) at the December 2012 Dakar meeting. The Plan was developed under the leadership of the Directorate of Gender, Youth, CSO, Employment and Drug Control, with support from the UNDP Regional Programme for Youth Employment and Social Cohesion (YERP). Various consultations with ECOWAS Member States took place in 2012 for its validation and finalisation.⁵⁶ The overall goal of the Plan is to increase decent work opportunities for young women and men across Member States and operationalise the youth employment intervention areas of the ECOWAS Vision 2020, the ECOWAS Commission Strategic Plan and related policies and programmes. Five prioritised intervention areas are covered, namely, National Youth Employment Action Plans; Youth Employability through Education and Vocational Training; Youth Engagement in Private Sector Development; Labour Market Information Systems (LMIS); and Mobility of Young Workers.

Worth mentioning are the employment-promotion activities foreseen under the tenth EDF project. ECOWAS Member States Public Employment Services' (PES) capacities and their interest in joining a regional PES network will be analysed. The project will further support the development of a regional action plan stipulating the necessary steps for the establishment of this regional network. The aim of this network will be to enhance exchange and diffusion of information on employment opportunities within the region. An experts meeting will be organised to disseminate the results of the study and validate the regional action plan.

3.5 Additional Initiatives: Child Labour

The ECOWAS Commission, in cooperation with the ILO, created a task force in 2011 to draft a **Regional Action Plan for the Elimination of Child Labour**. In addition, a needs assessment of child labour in West Africa was recently conducted.⁵⁷ The objective was to develop an operational transversal action plan since child labour issues were covered by various categories of instruments placed under the purview of different directorates/divisions/units within the ECOWAS Commission. These instruments include the 2006 ECOWAS Child Policy and Strategic Plan of Action, the 2009 ECOWAS Labour and Employment Policy and Action Plan, the ECOWAS Plan of Action against Trafficking in Persons (2001, revised and extended in 2007 to incorporate the joint ECCAS/ECOWAS Plan of Action) and the ECOWAS Common Approach on Migration.

Leadership of the Regional Action Plan for the Elimination of Child Labour lies with the Directorate of Humanitarian and Social Affairs (with the involvement of both the Social Affairs and the TiPs Unit, trafficking being defined as one of the worst forms of child labour under the 1999 C182 ILO Convention), in cooperation with the Gender, Youth, CSO, Employment and Drug Control Directorate. The Action Plan, which had been previously shared with ECOWAS Member States, was adopted at the December 2012 Dakar meeting. The overall objective of the Plan is to eliminate the worst forms of child labour in West Africa by 2015, while laying the foundation for the complete elimination of child labour. The national level implementation strategy aims to create a conducive environment for the elimination of child labour through the ratification, domestication and implementation of relevant ILO conventions; the adoption and implementation of national action plans (NAPs) against the Worst Forms of Child Labour (WFCL); the development of institutional mechanisms to support NAP implementation (creation of national child labour units and national steering committees comprising relevant stakeholders); the strengthening of national enforcement mechanisms; and the development of appropriate monitoring and reporting mechanisms. ECOWAS monitoring and evaluation capacities will also be strengthened through the creation of a dedicated ECOWAS Child Labour Unit that will build the capacities of national units; organise annual peer review meetings of the national child labour units; follow up on the implementation of the relevant ECOWAS instruments; and promote the exchange of information and good practices among ECOWAS Member States. The creation of a Resource Centre within the ECOWAS Commission that would collect and disseminate information and data on child labour within the region is also envisioned. ECOWAS is working on mobilising resources for the implementation of the Action Plan.

4. Higher Education

The **ECOWAS Education Programme** has been running since 2003 and aims to enhance access to quality education and training opportunities in the region, as well as harmonise education and training systems and admissions criteria for higher learning institutions. The harmonisation and mutual recognition of higher education certificates and qualifications is a central objective; other priorities are centres of excellence; education management information systems; and e-learning.

The **2003 ECOWAS Protocol on Education and Training** and the **2003 ECOWAS General Convention on the Recognition and Equivalence of Degrees, Diplomas, Certificates and Other Qualifications in Member States** are the key strategic frameworks for its higher education agenda.

4.1 Higher Education Strategy

ECOWAS's strategic framework in this area is primarily defined by the Treaty provisions and two instruments adopted in 2003: the ECOWAS Protocol on Education and Training and the ECOWAS General Convention on the recognition and equivalence of degrees, diplomas, certificates and other qualifications in Member States. This framework is further defined by the ECOWAS Education Programme, established in 2003, and priorities outlined in subsequent conferences of the ECOMED, in line with the priorities of the AU Plan of Action for the Second Decade of Education for Africa (2006-2015). Harmonisation and mutual recognition of higher education certificates and qualifications are central objectives for ECOWAS. In recent years, ECOWAS has also concentrated on the following priorities: centres of excellence; education management information systems (EMIS); and e-learning.

The institutionalisation of education issues at the ECOWAS level dates back to the first Conference of ECOWAS Ministers of Education held in Dakar in September 2002. The conference led to the adoption in 2003 of an **ECOWAS Protocol on Education and Training**.⁵⁸ The broad objectives of the ECOWAS Protocol on Education and Training are to derive optimum benefits from education potentials in the region through resource mobilisation; integration of policies, programmes and strategies; and provision of equal educational opportunities for all citizens. The Protocol addresses a wide range of areas of education, including education and training policies; basic and secondary education, including adult education; intermediate levels of education and training; higher education and training; postgraduate training; specialised centres; research and development; and teaching. An action plan was annexed to the Protocol, relating to the priority programmes adopted by the 2002 Conference of Ministers, namely: distance education of teachers based on new technologies; support programmes on HIV/AIDS preventive education; support programmes on girls' education; support programmes for the teaching of science and technology; and technical vocational education and

training (TVET).

The ECOWAS Education programme, established in 2003, aims to provide greater access to quality education and training opportunities in the region; harmonise admission criteria for higher learning institutions; and, progressively, harmonise educational and training systems. In addition to the above-mentioned instruments and programmes adopted in 2002-2003, its activities are framed by the priorities outlined in subsequent ECOMEDs: e-learning was adopted as a priority through the establishment of an ECOWAS e-learning programme at the 2004 Accra Conference; the 2009 Abuja Conference endorsed the priorities of the African Union Plan of Action for the Second Decade of Education for Africa (2006-2015), with an emphasis on EMIS. The recently held 2012 Abuja Conference focused on EMIS and education for peace.⁵⁹

Coordination in the Region

The United Nations Educational, Scientific and Cultural Organisation (UNESCO), the AfDB, the Association for the Development of Education in Africa (ADEA) and UNDP are among ECOWAS's key international partners in the area of higher education.⁶⁰

4.2 Mobility of Qualifications

The 2003 General Convention on the recognition and equivalence of degrees, diplomas, certificates and other qualifications in Member States⁶¹ is the key ECOWAS regional instrument in this area. The basic principle of the Convention is that a qualification recognised (accredited) in one of the Member States should also be recognised by the others. However, the Convention has only entered into force in a provisional way (the Protocol on Education and Training is in the same situation).⁶² Key difficulties affecting progress in the area of recognition and equivalence of qualifications within the ECOWAS space are linked to linguistic barriers and the existence of different education systems between Member States inherited from the former colonial powers (France, Portugal and the UK).

All Francophone ECOWAS Member States are members of the African and Malagasy Council for Higher Education (*Conseil Africain et Malgache pour l'Enseignement Supérieur*, CAMES). This organisation is composed of 19 (mostly Francophone) African countries and aims to enhance mutual recognition of qualifications and promote professional mobility amongst its Member States. CAMES has a specific Recognition and Equivalence of Titles and Qualifications programme that was launched in 1978 which deals with the accreditation of titles and qualifications delivered in the CAMES space. The programme is based on a 1972 CAMES Convention which foresees the full validity or equivalence of higher education qualifications obtained in one Member State in the entire CAMES space, subject to clearly defined guidelines regarding entry requirements, qualifications of teaching personnel, conduct and content of studies as well as organisation and acquisition of skills and knowledge.⁶³ Beyond issues of recognition and equivalence, CAMES offers a harmonised framework of the accreditation of tertiary institutions in its Member States.

In recent years, CAMES has been working on promoting LMD reforms (*Licence Master Doctorat*, this refers to the introduction of the three tier system: bachelor's degree, master's degree and doctorate) in the Francophone African countries. The differences between Francophone States using a multi-degree system as opposed to the three-tier system prevailing in Anglophone Member States has been one of the barriers affecting the recognition and equivalence of qualifications within the ECOWAS space. The LMD reform will facilitate the establishment of a credit transfer system supporting mobility. Key partners supporting the reform in Western Africa are the Centre for Excellence of Higher Education in West Africa (*Réseau pour l'Excellence de l'Enseignement Supérieur en Afrique de l'Ouest*, REESAO), ADEA and the Association of African Universities (AAU). In addition, the Support to Higher Education in WAEMU Countries project,⁶⁴ a five-year programme of WAEMU implemented with financial support from the AfDB, promotes the LMD reform as well as the mobility of students and scholars among Francophone ECOWAS Member States. Education systems in Portuguese-speaking countries are also being revised in line with the Bologna process.⁶⁵

One of the central constraints affecting the creation of a single ECOWAS higher education space is the absence of a counterpart to the CAMES for Western African Anglophone and Lusophone countries: while accreditation of tertiary institutions in Francophone countries is harmonised under the auspices of CAMES, tertiary institutions in Anglophone and Lusophone countries are subject to separate internal mechanisms.

In order to address these issues and provide necessary guidance towards the implementation of the ECOWAS General Convention on the recognition and equivalence of degrees, diplomas, certificates and other qualifications in Member States, the ECOWAS Commission has established an ad-hoc committee composed of five Member States (Côte d'Ivoire, Ghana, Mali, Nigeria and Senegal) and ex-officio members as strategic partners from UNESCO, CAMES, AAU and the West African Examinations Council (WAEC).⁶⁶ Based on the recommendations of this Committee, ECOWAS commissioned a feasibility study for the implementation of the Convention. The recommendations of the study were debated at a regional validation experts' workshop held in Lomé in August 2011.⁶⁷ Worth mentioning is the participation of the West African Health Organisation (WAHO) in the Lomé meeting to present its significant progress in promoting the harmonisation of training programmes in the health sector. The workshop validated recommendations aiming at:

- Harmonising basic and secondary cycles of education in ECOWAS Member States, including curriculum and criteria for secondary school examination, as pre-tertiary cycles determine the level of compatibility of tertiary systems;
- Harmonising technical/vocational and teacher training;
- Harmonising the bachelor's, master's and doctorate degrees to be issued by the tertiary institutions in the Community in terms of entry requirements, credit load, duration requirements and grading system;

- Establishing an ECOWAS Coordinating Unit dealing with evaluation of certificates and accreditation of tertiary institutions and academic programmes that would serve as a centre to work with all ECOWAS Member States, whether part of the CAMES system or not.⁶⁸

As a follow up to the Lomé meeting, a study is to be commissioned by ECOWAS on establishing benchmarks for the evaluation and accreditation of certificates within the region.

At continental level, ECOWAS actively participates in the Conference of Ministers of Education of the African Union (COMEDAF), where the revision of the Africa Regional Convention for the Mutual Recognition of Degrees and Qualifications in Higher Education (Arusha Convention) is discussed. The October 2012 ECOMED meeting therefore recommended that the ratification of the ECOWAS Convention on Equivalence of Certificates should await the finalisation of this process. The ECOWAS Protocol on Education and Training may need to be revised to reflect recent developments and emerging issues and policies (such as e-learning, for instance), however, the ratification of the Protocol should still continue as it includes provisions for its revision.

4.3 Centres of Excellence

Centres of excellence are addressed in the framework of ECOWAS Science and Technology activities. The Directorate of Education, Culture, Science and Technology has developed ECOWAS selection criteria, in cooperation with sectoral directorates who have knowledge about the education infrastructure in their respective sectors (for instance, Industry and Mines). The Second Conference of ECOWAS Ministers responsible for Science and Technology took place in March 2012 in Yamoussoukro, Côte d'Ivoire, and resulted in the adoption of an ECOWAS Policy on Science and Technology (ECOPOST) and corresponding Action Plan. During the same meeting, the Ministers approved and adopted the criteria for centres of excellence in ECOWAS and called on the Commission to extend the identification of centres of excellence for doctoral schools.⁶⁹

The objective is to establish harmonised selection criteria within the region. Currently, various initiatives coexist without such harmonisation. WAEMU for instance has its own selection of centres of excellence; 12 such institutions were selected under a first phase of the Programme for Support and Development of Regional Excellence Centres within the WAEMU/UEMOA [West African Economic and Monetary Union/Union Economique et Monétaire Ouest-Africaine] community (PACER-UEMOA). The programme, which is supported by the AfDB, supports selected institutions in order to build their capacities and improve the quality of their training and research programmes. A second phase (2011-2013) is currently ongoing to select new institutions.

Among the various AfDB initiatives within the region to support centres of excellence, the Support to Network of Regional African Institutions of Science and Technology (AUST & 2IE) project is worth mentioning as it is implemented with the ECOWAS Commission.⁷⁰

In the framework of the African Union **Pan African University** initiative, the University of Ibadan (Nigeria) was selected for the Life and Earth Sciences thematic area, with India as a lead thematic partner. The selected curricula of the future Ibadan Pan African Institute for Life and Earth Sciences will focus on the following areas: plant breeding; reproductive health and reproductive biology; geosciences (petroleum geology and mineral exploration geology); and environmental management. ECOWAS was involved in the process at the pre-selection stage, and the modalities of coordination and cooperation between ECOWAS and the initiative at implementation stage are currently being defined.

4.4 Education Management Information Systems

The ECOWAS education management information systems (EMIS) programme aims to reverse the current data gap and to facilitate planning based on sound information bases and strict monitoring/evaluation of the performances of educational systems. It is based on the African Union Plan of Action for the Second Decade of Education for Africa (2006-2015), which includes EMIS as a priority, and the 2009 Abuja Ministerial Conference which highlighted the importance of EMIS. ECOWAS started working in this area in 2010 with various partners. An EMIS Assessment Report covering 12 ECOWAS countries was produced in 2010 by ADEA's Working Group on Education Management and Policy Support (WGEMPS), aiming at informing the development of capacity building strategies and providing inputs to the harmonisation of EMIS in the ECOWAS region. A Technical Committee of five Member States (Ghana, The Gambia, Mali, Senegal and Burkina Faso) was subsequently set up to develop and adopt ECOWAS EMIS norms and standards, and various technical workshops and consultations with ECOWAS Member States experts⁷¹ took place in 2010 and 2011 with the support of various partners including ADEA and the AfDB. The October 2012 ECOMED meeting called on Member States to adopt the ECOWAS EMIS norms and standards and integrate them into national education plans, develop clear national policies on EMIS and allocate more financial and human resources to EMIS, while the ECOWAS Commission is expected to establish a regional observatory and a data bank. The meeting also endorsed a five-year ECOWAS EMIS capacity-building strategy developed with support from GIZ's (German Agency for International Cooperation) BACKUP Initiative project for education in Africa. The strategy seeks to strengthen the EMIS capacity and practice in ECOWAS based on adherence to regional norms and standards and international codes of practice in the production and use of quality social statistics. ECOWAS is now focusing on resource mobilisation for the implementation of this strategy.

4.5 Additional Initiatives: E-Learning

The second Conference of Ministers (2004) recommended the promotion of e-learning in view of the dearth of qualified personnel and institutions in the region. In addition, e-learning was identified as a means for integrating ECOWAS citizens into the information society and the world economy. Steps taken by ECOWAS in this area have included the setting up of a task force in 2006, conducting a survey in Member States in 2009 and the development of an ECOWAS **e-learning policy initiative** in 2010. The aim of the ECOWAS e-learning initiative is to make education not only more accessible, but also affordable for youths. Overall, e-learning is expected to contribute to improved access, quality and relevance of education and training within the Member States.⁷² Eight Project Implementation Documents (PIDs) were subsequently developed, in the following areas: an information and communications technology (ICT) youth entrepreneurship plan; TVET and skills entrepreneurship; excellence in e-learning awards; ICT youth volunteer corps; e-tourism; teachers' e-learning content development; ICT youth business plan; and ECOWAS community colleges. Key partners in this area include the Commonwealth of Learning (COL) and the AfDB.⁷³ Both the e-learning policy and the PIDs have only been adopted at the expert level.

5. Challenges and Opportunities within ECOWAS

The ECOWAS Commission faces structural internal challenges that affect coordination and information sharing between the various directorates, and ultimately its effectiveness. The division of tasks between the directorates is not clear. The splitting of labour and employment portfolios between two directorates is a case in point. Furthermore, human and financial resource constraints at the regional and national levels impede institutional capacities to implement regional integration programmes and monitor progress. Monitoring the implementation of regional directives at the national level should be improved. More regular Council of Ministers meetings would be a step in this direction.⁷⁴

Insufficient political will to implement regional decisions is a further challenge. The non-ratification of ECOWAS protocols and conventions remains a central concern. The new ECOWAS legal regime for Community acts which aims at de-emphasising the use of protocols and conventions marks progress. However, it is ultimately dependant on the existence of functional enforcement mechanisms for Community law. Although the Treaty states that its judgements are binding, *inter alia*, on the Member States, its decisions are repeatedly not executed. Fulfilling ECOWAS's objectives is also hampered by WAEMU's competing agenda, and greater coordination between the two organisations would help to address this challenge.

The development of a Regional Migration Policy offers an important opportunity to strengthen ECOWAS's prominence in the migration domain, revitalise dialogue with Member States and regain political

buy-in. The forthcoming tenth EDF Support to Free Movement and Migration in West Africa project will support ECOWAS in this process, while reinforcing Member State capacities to implement regional policies. ECOWAS should also utilise the Rabat process as an opportunity to garner support for its priorities. Its participation in the Rabat Process Steering Committee provides it with noteworthy influence in this forum.

Sensitisation and campaigning on ECOWAS policies and advocating for the ratification of existing ECOWAS legal instruments remain key priorities. The newly adopted Convention on Social Security, for instance, will require vigorous campaigning if it is to have a brighter fate than its predecessor. Here again, keeping the momentum will require intensifying intra-regional dialogue, not least through increased regularity of sectoral ministerial meetings. In addition, the capacity to mobilise resources will be a key determinant for the implementation of a series of recently adopted ECOWAS policies in various areas covered by the MIME Partnership, such as humanitarian affairs, child labour, youth employment promotion and science and technology.

ENDNOTES

1. This figure was calculated on the basis of data gathered from the African Development Bank (AfDB) Group, 2012. *Data Portal*. Available at: <<http://afdbdp.prognoz.com/Default.aspx>> [Accessed 20 February 2013].
2. This figure was calculated on the basis of data gathered from United Nations Population Division, Department of Economic and Social Affairs (UN DESA), 2011. *Trends in International Migrant Stock: Migrants by Age and Sex*. Available at: <<http://esa.un.org/MigAge/>> [Accessed 15 November 2012].
3. This figure was calculated on the basis of data gathered from the AfDB Group, 2012. *Data Portal*. Available at: <<http://afdbdp.prognoz.com/Default.aspx>> [Accessed 20 February 2013].
4. These figures were calculated on the basis of data gathered from United Nations Population Division, Department of Economic and Social Affairs (UN DESA), 2011. *Trends in International Migrant Stock: Migrants by Age and Sex*. Available at: <<http://esa.un.org/MigAge/>> [Accessed 15 November 2012].
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8. **Sources:**
Column 2, 5 & 7: UN DESA, 2011. *Trends in International Migrant Stock: Migrants by Age and Sex*. Available at: <<http://esa.un.org/MigAge/>> [Accessed 15 November 2012].
Column 3: United Nations Development Programme (UNDP), 2010. *Human Development Report 2010*. New York: UNDP. Available at: <<http://hdr.undp.org>> [Accessed 15 November 2012].
Column 4: UN DESA, 2011. *World Population Prospects: The 2010 Revision*. Available at: <<http://esa.un.org/unpd/wpp/index.htm>> [Accessed 15 November 2012].
Column 6: These figures are calculated on the basis of data gathered from UN DESA, 2012. *Trends in International Migrant Stock: Migrants by Destination and Origin*. Available at: <http://esa.un.org/MigOrigin/UN_MigStock_Origin.xls> [Accessed 5 November 2012].
Column 8: World Bank, 2011. *Migration and Remittances Factbook 2011*, Washington: World Bank. Available at: <<http://siteresources.worldbank.org/INTLAC/Resources/Factbook2011-Ebook.pdf>> [Accessed 19 February 2013].
Column 9: World Bank, 2012. *World Bank Migration and Remittances Data*. Available at: <<http://go.worldbank.org/092X1CHHD0>> [Accessed 18 December 2012].
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16. International Labour Organisation (ILO), 2011. *Key Indicators of the Labour Market (KILM)*. Available at: <http://www.ilo.org/empelm/what/WCMS_114240/lang-en/index.htm> [Accessed 1 December 2012]. The labour force participation rate is a measure of the proportion of a country's working-age population that engages actively in the labour market, either by working or looking for work; it provides an indication of the relative size of the supply of labour available to engage in the production of goods and services.
17. ILO, 2011. *KILM*. Available at: <http://www.ilo.org/empelm/what/WCMS_114240/lang-en/index.htm> [Accessed 1 December 2012]. The employment-to-population ratio is defined as the proportion of a country's working-age population that is employed. A high ratio means that a large proportion of a country's population is employed, while a low ratio means that a large share of the population is not involved directly in market-related activities, because they are either unemployed or (more likely) out of the labour force altogether.
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24. Including Protocol A/P1/12/01 amending articles 1, 3, 6 and 21 of the Revised Treaty of the Economic Community of West African States; Supplementary Protocol A/SP.1/06/06 amending the Revised ECOWAS Treaty; and Supplementary Act A/SA3/01/10 amending article 9 of the ECOWAS Treaty as amended by Supplementary Protocol A/SP.1/06/06.
 25. Since the withdrawal of Mauritania in 2000, protocols and conventions need to be ratified by eight Member States to enter into force.
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 27. The full names of these two instruments are: Supplementary Protocol A/SP.1/06/06 amending the Revised ECOWAS Treaty, and Supplementary Act A/SA3/01/10 amending Article 9 of the ECOWAS Treaty as amended by Supplementary Protocol A/SP.1/06/06.
 28. Provisional entry into force is a possibility foreseen in the 1969 Vienna Convention on the Law of Treaties. Treaties which have provisionally entered into force are opposable to State parties (they can be invoked against them). They are however more *fragile* than treaties which have definitely entered into force since States conserve the possibility to denounce them or formulate reservations at any time. Given observed difficulties in ratification processes, provisional entry into force was a standard provision of ECOWAS protocols until 2006. Many ECOWAS protocols are only provisionally in force, pending a sufficient number of ratifications.
 29. The IOM and the ILO have a Memorandum of Understanding (MoU) in place with the ECOWAS Commission, signed in 2002 and 2005, respectively.
 30. For more information please see <<http://www.dialogueafricainmd.net/web/index.php/the-rabat-process>>
 31. With the following exceptions: Benin, Côte d'Ivoire, Guinea Bissau and Niger for the 1989 Protocol and Côte d'Ivoire for the 1990 Protocol.
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 33. These are similar for all calls for proposals issued under the Fund, whether for CSOs or Member States.
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 35. MoUs are in place with UNHCR and IOM, since 2001 and 2002, respectively.
 36. UNHCR's Ten-Point Plan of Action was launched in 2006 in response to the increasing importance of mixed-migration flows, with the objective of helping States address these movements in a protection-sensitive way.
 37. The Kampala Convention, which was adopted by African leaders in 2009 to address the problems of humanitarian assistance and internal displacement on the continent, entered into force in December 2012. It has been ratified by 16 Member States of the African Union (AU) (including 9 ECOWAS Member States), namely Benin, Burkina Faso, Central African Republic, Chad, Gabon, Gambia, Guinea-Bissau, Lesotho, Mali, Niger, Nigeria, Sierra Leone, Togo, Swaziland, Uganda and Zambia.
 38. ECOWAS, 2011. *ECOWAS Ministers Renew Commitment to Implement African Convention on IDPs* [press release], 9 July 2011. Available at: <<http://news.ecowas.int/presseshow.php?nb=117&lang=en&annee=2011>> [Accessed 21 November 2012].
 39. ECOWAS, 2012. *Ministers Adopt ECOWAS Humanitarian Policy, Action Plan* [press release], 15 March 2012. Available at <<http://news.ecowas.int/presseshow.php?nb=058&lang=en&annee=2012>> [Accessed 21 November 2012].
 40. For more information please see <<http://regionalsealink.com/>> and <<http://www.bc-hubs.com/>>
 41. ECOWAS currently counts six regional business associations: Federation of West African Chambers of Commerce (FEWACC); Federation of West African Manufacturers Association (FEWAMA); Federation of Women Entrepreneurs and Women in Business (FWEB); Federation of West African Employer Organisations (FOPAO); NEPAD [New Partnership for Africa's Development] Business Groups West Africa; and Association of Investment Promotion Agencies in West African States (IPAWAS).
 42. ECOWAS, 2011. *Adoption of the ECOWAS Gender and Migration Framework and Plan of Action* [press release], 13 June 2011. Available at: <<http://news.ecowas.int/presseshow.php?nb=103&lang=fr&annee=2011>> [Accessed 21 November 2012].
 43. ECOWAS, 2009. *ECOWAS Ministers Adopt Labour Policy, Plan of Action* [press release], 9 April 2009. Available at <<http://news.ecowas.int/presseshow.php?nb=038&lang=en&annee=2009>> [Accessed 21 November 2012].
 44. Namely, "Principle of Subsidiarity; Labour Market Regulation and Employment Conditions for Formal and Informal Sectors; Establishment of Data Bank on Labour Market Information; Full Employment; Employability; Promote Labour Migration and Integration; Promotion of Employment Opportunities for Young People; Child Labour; Trafficking in Persons; Adaptability; Entrepreneurship; Equal Opportunities at the Workplace; Establishing Adequate, Financially Viable and Modern Social Security Pension Systems; Occupational Safety and Health in the Workplace; HIV/AIDS Policy at the Workplace; Eradicating Poverty and Tackling Social Exclusion; Promotion of Social Dialogue and Tripartism."
 45. The European Social Fund (ESF) is a European financial instrument supporting employment promotion and social inclusion in European Union (EU) Member States. ESF funding is available through the Member States and regions (funding is allocated in priority to Europe's less-wealthy regions) for projects implemented by participating organisations which can be of many different types, such as public administrations, companies, CSOs and social partners active in the field of employment and social inclusion.
 46. Focusing on various labour-related areas, such as principles and fundamental rights, employment contracts, working conditions, workplace health and safety, collective agreements and social dialogue, staff representation and union rights, employment and job creation, administration and labour inspection, labour disputes and so on.
 47. ECOWAS has had a MoU in place with the ILO since 2005; it does not yet have a MoU with the UNDP.
 48. An administrative arrangement is a subsidiary document to a social security agreement which includes detailed provisions at the operational level for its implementation and administration.
 49. The CIPRES Convention aims at coordinating social security systems of 14 states of West and Central Africa, including 7 ECOWAS Member States. It has so far been ratified by 7 countries (including 5 ECOWAS Member States: Benin, Burkina Faso, Mali, Niger and Togo) and formally entered into force in 2008. It has however not been applied so far due to technical capacity gaps at the national level which are currently being addressed through a CIPRES training programme.
 50. Including West African Trade Union Organisation (WATUO), Organisation of African Trade Union Unity (OATUU) and Federation of Employers' Association of West Africa (FOPAO).
 51. ECOWAS, 2012. *End of the General Assembly of the ECOWAS Social Dialogue Forum* [press release], 16 October 2012. Available at: <<http://news.ecowas.int/presseshow.php?nb=274&lang=fr&annee=2012>> [Accessed 21 November 2012].
 52. The African Economic Outlook is an annual joint publication of the OECD, the AfDB, UNDP and the United Nations Economic Commission for Africa

- (UNECA).
53. For more information please see <<http://www.afdb.org/fr/news-and-events/article/senegal-hosts-afdb-oecd-conference-on-youth-employment-in-west-africa-10024/>> and <<http://www.oecd.org/site/devyewa/>> [Accessed 21 November 2012].
 54. ECOWAS, 2010. *ECOWAS, Stakeholders Make Progress in Youth Development and Empowerment* [press release], 20 September 2010. Available at: <<http://news.ecowas.int/>> [Accessed 21 November 2012].
 55. ECOWAS, 2012. *ECOWAS Youth Employment Action Plan*, Abuja: ECOWAS.
 56. ECOWAS, 2012. *Experts Review ECOWAS Draft Youth Employment Action Plan* [press release], 27 February 2012. Available at: <<http://news.ecowas.int/presseshow.php?nb=035&lang=en&annee=2012>> [Accessed 21 November 2012].
 57. ECOWAS, 2012. *ECOWAS/ILO to Intensify Fight against Child Labour in West Africa* [press release], 10 March 2012. Available at: <<http://news.ecowas.int/presseshow.php?nb=046&lang=en&annee=2012>> [Accessed 21 November 2012].
 58. The Protocol has only provisionally entered into force, having been ratified by five Member States (Benin, Gambia, Guinea, Niger and Senegal) instead of the eight required for definitive entry into force.
 59. ECOWAS, 2012. *Final Report. Fourth Meeting of ECOWAS Ministers of Education*. Abuja, Nigeria, 6 October 2012; ECOWAS, 2012. *Fourth Conference of ECOWAS Ministers of Education to Consider Three Major Issues* [press release], 26 September 2012. Available at: <<http://news.ecowas.int/>> [Accessed 21 November 2012]; ECOWAS, 2012. *Ministers Urge Widespread Promotion of the ECOWAS Reference Manual for Peace Education* [press release], 8 October 2012. Available at: <<http://news.ecowas.int/>> [Accessed 21 November 2012].
 60. ECOWAS has MoUs in place with two of these organisations, namely UNESCO and AfDB. Regarding the Association for the Development of Education in Africa (ADEA), it has a global MoU with the AU which covers its relationships with the Regional Economic Communities (RECs).
 61. The Convention has only provisionally entered into force, having been ratified so far by three Member States (Gambia, Senegal and Togo) instead of the eight required for definitive entry into force.
 62. The low level of ratification of the Protocol was discussed during the meeting of the ECOWAS Ministers of Education held in Abuja in October 2012, and Member States were firmly encouraged to take action in this area.
 63. Convention générale relative à la validité de plein droit des diplômes d'enseignement supérieur, signed in Lomé on 26 April 1972.
 64. *Projet d'Appui à l'Enseignement Supérieur dans les Pays de l'UEMOA* [Union Economique et Monétaire Ouest-Africaine/West African Economic and Monetary Union] (PAES).
 65. The Bologna process was launched in 1999 to achieve a European Higher Education Area. The centrepiece of the process is the introduction of the three-tier system (bachelor/master/doctorate). Promoting quality assurance and recognition of qualifications and periods of study are also essential objectives of the process, in which 46 European countries take part.
 66. The West African Examinations Council (WAEC) is an examination body whose responsibilities include determining examinations, conducting such examinations and awarding certificates. Member States of the Council include The Gambia, Ghana, Liberia, Nigeria and Sierra Leone.
 67. ECOWAS, 2011. *ECOWAS Countries Urged to Harmonise Educational Programmes, Qualifications* [press release], 4 August 2011. Available at: <<http://news.ecowas.int/>> [Accessed 21 November 2012].
 68. ECOWAS, 2011. *Final Report, Meeting of Technical Group of Experts to Validate the Report of the Feasibility Study on Equivalence of Certificates in ECOWAS Region*. Lomé, Togo, 3-6 August 2011.
 69. ECOWAS, 2012. *ECOWAS Policy on Science and Technology Adopted by Ministers at 2nd Conference* [press release], 24 March 2012. Available at: <<http://news.ecowas.int/>> [Accessed 21 November 2012].
 70. For more information please see <<http://www.afdb.org/fr/projects-and-operations/project-portfolio/project/p-z1-iad-004/>>
 71. An ECOWAS Education Management Information Systems (EMIS) Technical Committee, composed of ECOWAS Member States' EMIS experts, was put in place in 2010.
 72. ECOWAS, 2010. *The ECOWAS e-Learning Policy Initiative*, Abuja: ECOWAS.
 73. ECOWAS, 2009. *Regional Report on Education. Fourth Ordinary Session of the Conference of Ministers of Education of the African Union (COMEDAF IV)*, Mombasa, Kenya, 23 - 26 November 2009 ; ECOWAS, 2012. *Progress Report On Implementation Of The African Union's Plan Of Action For The Second Decade Of Education For Africa, COMEDAF V*, Abuja, Nigeria, 23-27 April 2012. Available at: <http://www.comedafv.com/sites/default/files/d3ECOWAS%20PRESENTATION%20DURING%20COMEDAF%20V-FINAL_0.pdf> [Accessed 21 November 2012].
 74. Article 10 of the ECOWAS Treaty states that the Council of Ministers shall comprise for each State the Minister in charge of ECOWAS Affairs, the Minister of Finance and if/where required any other Minister. In practice, sectoral ministers meet infrequently. Labour and Education Ministers, for instance, who met in late 2012, had not done so in three years.

Chapter 6

INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT



IGAD

1. IGAD and Contextualising MME

Key data	
States	8
Total Area ¹	5.2 million km ²
Population (2010) ²	218.4 million
GDP (2009) ³	USD 158 billion

1.1 Introduction to IGAD

In 1986 the Intergovernmental Authority on Drought and Development (IGADD) was established to coordinate the efforts of Djibouti, Ethiopia, Kenya, Uganda, Somalia and Sudan to combat desertification and mitigate the effects of drought. In 1996 it was revitalised as the Intergovernmental Authority on Development (IGAD), and its mandate expanded to cover economic and political affairs. Its vision is *to be the premier Regional Economic Community (REC) for achieving peace and sustainable development in the region. IGAD's mission is to promote regional cooperation and integration to add value to member states' efforts in achieving peace, security and prosperity.*⁴ IGAD is one of the eight RECs which are building blocks for realising the African Economic Community. It works towards its economic integration objectives by implementing its recently adopted Minimum Integration Plan.

Today IGAD has eight Member States: Djibouti, Eritrea, Ethiopia, Kenya, Uganda, Somalia, Sudan and South Sudan, which became its newest member in 2012. Its headquarters are in Djibouti City, the capital of Djibouti. The region counts approximately 218 million people and covers a total area of 5.2 million kilometres squared. The majority of the population lives on less than USD 1 a day.⁵ Arid and semi-arid lands, which receive less than 400 mm of rainfall annually, constitute more than 80% of the region.⁶ All the economies, apart from Djibouti, are agriculture based, with agriculture contributing more than 30% to the total gross domestic product (GDP). An excess of 80% of the population lives in rural areas and make their living from smallholder agriculture.⁷

The Horn of Africa is known for war, drought, famine, forced migration and endemic poverty, and has in recent years been plagued by piracy and fundamentalist extremism. IGAD has arguably been most celebrated for its work in the area of peace and security. It has played an instrumental role in regional peace processes, and at times has been the only forum which can bring these countries to sit around the same table when regional tensions run high. It is a lean organisation which shares Member States with the East African Community (EAC), the Common Market for East and Southern Africa (COMESA) and

the Community of Sahel-Saharan States (CEN-SAD). It may therefore come up against competition for funding and political commitment, especially when it embarks on new areas in which these RECs have established programmes. The areas which it has been working on include agriculture, water resource management, food security, infrastructure, conflict prevention and management, HIV/AIDS and migration. IGAD is currently implementing the IGAD Strategy Implementation Plan 2011-2015.

IGAD recognises the importance of pooling efforts and resources. In the IGAD Strategy it commits to entering into agreements with EAC, COMESA and CEN-SAD to avoid duplication and the wasting of resources.⁸ Moreover, IGAD participates in the Eastern Southern Africa (ESA) Indian Ocean (IO) Regional Strategy Paper (RSP) and Regional Indicative Programme (RIP) with COMESA, EAC and the Indian Ocean Commission. The common RSP/RIP has been an important instrument in harmonising programmes and funding across these regions. As part and parcel of this process IGAD participates in the Inter-Regional Coordinating Committee, an inter-REC coordination mechanism which has been set up to support the programming and implementation of the European Development Fund-financed ESA-IO RSP/RIP projects and programmes.

1.2 MME State of Play in the IGAD Region

Key Statistics⁹

Country	Country Population (millions) 2010	Human Development Index (HDI) 2010	Average annual net international migration rate (per 1000) 2005-2010	Migrant Stocks (%) 2010	Migrants from IGAD as a share of all international migrants (%) 2010	Female migrants as a share of all international migrants (%) 2010	Refugees as a total share of all international migrants (%) 2010	Remittances as a share of GDP (%) 2011
Djibouti	0.9	0.402	0	13	93.8	45.9	7	N/A
Eritrea	5.2	N/A	2.3	0.3	38.5	45.9	29.3	N/A
Ethiopia	85	0.328	-0.8	0.6	89.9	47.1	16.6	1.6
Kenya	40.9	0.470	-1	2	86.1	50.8	32.9	2.8
Somalia	9.4	N/A	-6.8	0.2	5	45.9	3.4	N/A
South Sudan	N/A	N/A	N/A	N/A	N/A	N/A	0	N/A
Sudan	43.2	0.379	0.7	1.7	N/A	48.2	27.8	2.6
Uganda	33.8	0.422	-0.9	1.9	56.9	49.9	38.7	5.6

N/A: Data not available

Migration

Migration flows in the IGAD region have been increasing over the past twenty years, and evidence suggests there is high potential for significant future growth in migration.¹⁰ The main drivers of migration are largely related to political, economic and environmental factors. Protracted conflict and political instability in the Horn of Africa have motivated important movements of refugees and asylum seekers, while a lack of employment and livelihood opportunities has driven significant economic migration. These overlapping trends give rise to the complex mixed-migration phenomenon that characterises the IGAD region.

Political instability and conflict in Eritrea, Somalia and Sudan appear to have driven important displacement from these countries, affecting more than 12% of Eritreans and 16% of Somalis. In relative terms emigration or displacement from Sudan concerns only 1.2% of

the population, but this percentage represents more than 1.5 million people and is the highest absolute number of emigrants and asylum seekers in the region. It should be noted that if irregular migration were included, flows of emigration and displacement would likely be much higher. While it is difficult to quantify irregular migration, evidence suggests that it is significant. For example, it is estimated that between 17,000 and 20,000 male migrants and refugees are smuggled from the Horn of Africa and East Africa to South Africa every year.¹¹

International migration in the IGAD region is mainly *short-distance*¹²: South Africa is the main destination country for mixed flows from East Africa and the Horn of Africa,¹³ while Saudi Arabia and other Gulf countries are the most important destination for labour migration flows from the same region.¹⁴ Furthermore, Ethiopia has become the country of destination for flows (mainly refugees) from Somalia, Eritrea and Sudan, while Djibouti is also an important destination

(sometimes only temporarily, as it offers access to Yemen and the Gulf States) for migrants from Somalia and Ethiopia and refugees from Somalia, Eritrea and Ethiopia.¹⁵

Migration from Ethiopia, Uganda, Somalia and Sudan to Kenya has also increased in the last years and Kenya is currently the country of origin and transit of important migration flows heading towards South Africa.¹⁶ According to the Regional Mixed Migration Secretariat (RMMS) and the International Migration Institute (IMI), South-North migration is limited and only *Kenya, Somalia, and Ethiopia have significant populations living in Europe and North America.*¹⁷ Finally, Israel has become an important country of destination for asylum seekers from Sudan and Eritrea (as Egypt appears to have become less hospitable for them), as well as for Jewish migrants from Ethiopia.¹⁸

For all IGAD countries, with the exception of Djibouti, the number of international migrants as a percentage of the total population in 2010 was less than 2%,¹⁹ compared with a global average of 3.1%. Djibouti has a particularly high migrant stock which suggests its importance as a transit country for migrants en route to Yemen and the Gulf States.

Employment

The IGAD region is dominated by a large rural population. According to data of the African Development Bank (AfDB), activities in the field of agriculture, forestry, fishing and hunting are still extremely important in terms of contribution to the GDP: 46%.4 in Ethiopia, 25.2% in Kenya, 33.1% in Sudan, 22.9% in Uganda.²⁰ The importance of agriculture for IGAD countries is also reflected in terms of employment and in Ethiopia for instance the agricultural sector accounts for 80% of the total employment.²¹ The service sector is nonetheless essential for IGAD countries and accounts for 76.6% of the GDP in Djibouti, 75.2% in Eritrea, 44.1% in Ethiopia, 57.6% in Kenya, 43.7% in Sudan, and 55.5% in Uganda.²²

Limited labour market data is available for the IGAD region. Labour force participation rates vary considerably between IGAD countries, from 53.4% in Djibouti to 86.3% in Eritrea.²³ The region is characterised by high rates of unemployment, underemployment, informal employment and working poverty, affecting women and youth in particular.²⁴ There is considerable variation between IGAD countries, with the youth employment-to-population ratio varying between 27% in Sudan to 71.2% in Ethiopia.²⁵ IGAD has identified employment creation as a key priority in the fight against poverty.

Youth are particularly vulnerable to being drawn into conflict, and it would appear that protracted conflict situations have an important, although differentiated, impact on the youth employment-to-population ratios. The lack of employable skills is also considered one of the most important factors negatively affecting youth employment opportunities. Therefore, to provide young people with the level and the type of higher education demanded on the labour market, as well as to develop and promote technical and vocational training programmes, are important priorities for many IGAD countries.²⁶ Development of efficient labour information systems for job seekers and employers appears also to be extremely relevant for the IGAD

region, as their absence has created so far significant inefficiencies in the labour market.²⁷ Finally, important urbanisation trends for young people in some IGAD countries (Kenya, Sudan, Uganda), coupled with the dominance of the agricultural sector in the region and an insufficient rate of job creation in urban areas, is considered another reason of high rates of youth unemployment in some parts of the IGAD region.²⁸

Higher Education

Between 2009 and 2011 student enrolment in higher education institutions varied greatly among IGAD countries, ranging from 5.000 students in Djibouti (2011) to 435.000 students in Ethiopia (2010).²⁹ Gross enrolment ratios (GER) within the IGAD region ranged from 2% in Eritrea (2010) to 7% in Ethiopia (2010). All in all, there were about 550.000 students enrolled in universities in the region in 2008 according to the available data.³⁰

A significant difference in male-female participation in higher education in the IGAD region can also be observed. In Eritrea, 25% of students enrolled at universities in Eritrea in 2009 were female, whereas 44% of students attending university in Uganda in the same year were women. This disparity can partly be attributed to the national wealth of these countries (Gender Parity Index [GPI]) of 0.3 in Eritrea and 0.8 in Uganda in 2009), as research in this field has shown that women are more likely to pursue higher education studies in countries with a relatively high income and less so in low-income countries.³¹

Graduates coming from countries within the region show diverse preferences with regards to their study areas. Although the existing data is quite limited, the available figures show that in 2009 in Djibouti 46% of graduates specialised in science and technology, whereas in 2010 in Ethiopia 41% of graduates studied social sciences, business and law.³²

1.3 Structure and Coordination within IGAD

i. Institutional Framework

IGAD is made up of four hierarchical policy organs.³³ The **Assembly of Heads of State and Government** constitutes the supreme policy-making organ. It convenes once a year and authorises objectives, guidelines and programmes for IGAD. The **Council of Ministers** is second in command and formulates policy, approves the work programme and annual budget of the Secretariat and should meet on a biannual basis. It is composed of Member States' ministers of Foreign Affairs and one other focal minister selected by each Member State. The **Committee of Ambassadors** comprises Ambassadors or Plenipotentiaries that are accredited to Djibouti, the country of IGAD's headquarters, and forms the next level of authority. It meets as often as is needed to advise the Executive Secretary. The **Secretariat** is headed by an Executive Secretary, who is appointed by the Assembly of Heads of State and Government for a term of four years that may be renewed

once. The Executive Secretary, Eng Mahboub Maalim from Kenya, was reappointed for his second term in 2012.³⁴ The Secretariat supports Member States in the formulation of regional projects, mobilises resources for their implementation, coordinates relevant policies and buttresses national mechanisms that are needed for rolling out regional projects and policies. A new IGAD treaty is currently being developed which may alter the structure of the Secretariat.

ii. Regulatory/Legal Framework

According to Article 17 of the 1996 Agreement Establishing the IGAD, **protocols** are issued to execute the aims and objectives of this Agreement. Protocols are legal instruments instructing governments in certain areas of cooperation. They are approved by the Assembly on the recommendation of the Council, and thereafter form part of the Agreement. Five Member States need to ratify a protocol for it to enter into force. The Summit and the Council issue **directives** which do not have the binding nature of protocols. The policy organs should monitor the implementation of protocols and directives. IGAD however does not have a specific monitoring and evaluation or enforcement mechanism in place for these instruments.

iii. Offices in the Secretariat That Work on MME

The Secretariat contains four divisions: Agriculture and Environment; Economic Cooperation and Social Development; Peace and Security; and Administration and Finance. MME falls in the domain of the **Economic Cooperation and Social Development Division**. This Division leads the coordination of development cooperation in the fields of trade, industry, tourism, transport infrastructure and communication and social development. It encompasses three programmes: Trade, Industry and Tourism; Transport and Communications; and Health and Social Development.³⁵ MME issues are dealt with by the **Health and Social Development programme**, which was established in 2005. The objectives of the programme include: *to promote and facilitate common social policies among member-states in the areas of health, education and employment; to promote cooperation and exchange of best practices and coordination with a view to harmonizing and integrating progressively the educational policy and systems at the regional level; and to strengthen the capacities of member states to manage migration flow for greater policy coherence at national and intra-regional levels.*³⁶

In 2008 IGAD began to focus explicitly on migration issues, and commenced work in this area through the European Commission (EC)-funded Eastern Africa Migration Route project, which is one of the projects undertaken in the framework of the MME Partnership's first Action Plan spanning 2008 to 2010. Work in this area has led to the emergence of a migration programme within the Health and Social Development programme and the establishment of a Migration Research Centre. IGAD does not have a specific programme on employment or higher education.

2. Migration and Mobility

The **Regional Migration Policy Framework (RMPF)** guides the development of IGAD's migration policies and projects. A RMPF five-year action plan to kick-start its implementation is envisaged for 2013.

The **IGAD Regional Consultative Process** was launched in 2008.

A **free movement of persons regime** is planned and considered key to accelerating regional integration.

Porous and insecure borders are major concerns in the region that have been tackled mainly through security-focused initiatives, such as the Conflict Early Warning and Response Mechanism and the IGAD Security Sector Programme.

The **IGAD 2009 Mutual Legal Assistance and Extradition Agreement** is in force and can be used by Member States to facilitate the prosecution of traffickers across the region.

2.1 Migration Strategy

The IGAD region faces a myriad of migration-related challenges, which call for a common regional approach to address cross-cutting issues and cross-border concerns. These challenges include weak governance; poverty; conflict and terrorism; porous borders; drought; nomadic and pastoralist communities; internal displacement; smuggling; and human trafficking. The complex environment in which migration flows and management take shape is recognised in the **IGAD Regional Migration Policy Framework (RMPF)**. The RMPF is inspired by the 2006 African Union (AU) Migration Policy Framework, which constitutes the template that the AU urges all RECs to use to develop their own respective migration frameworks. The IGAD RMPF was adopted in 2012 and constitutes IGAD's migration strategy. It is envisioned to serve as the basis for the development of IGAD's migration-related policies and projects as well as for the development and harmonisation of Member States' national migration policies. The RMPF contains recommendations for strategies in various migration areas, including labour migration, border management, irregular migration, forced displacement, internal migration, migration and development, as well as strategies for other areas relevant to migration, such as security, climate and gender. The RMPF is expected to be implemented through a five-year action plan and annual action plans. IGAD intends to develop the five-year action plan in 2013.

The RMPF is broad and ambitious because of the myriad of migration-related issues experienced in the region. Its translation into an action plan and projects should occur with the required realism, prioritisation and sequencing in order for it to be effective. Concrete progress in a selected number of areas will help to lay a foundation for cooperation on migration management in the region. The institutional capacity of the IGAD Secretariat's migration programme should also

be boosted to provide the activities which are taken forward with the necessary support.

It is hoped that the funding of IGAD's migration initiatives can move away from a piecemeal project-based approach, towards a programmatic approach with sustained and pooled funding, which allows for medium- and long-term planning and aid effectiveness. The action plan may provide a basis for such a programmatic approach, which enables Member States and Development Partners (DPs) to pool resources and fund certain programmatic areas. IGAD has two established DP forums which can potentially be used to coordinate and harmonise funding. The IGAD Partners Forum (IPF) consists of representatives of Member States at an ambassadorial level and representatives of DPs.³⁷ The IPF approves action plans and assessments and presents an opportunity to share views on IGAD and the region. The IGAD Strategy Implementation Committee (ISIC) serves as a forum to engage all stakeholders and reviews programmes and projects. IPF and ISIC meetings, however, have not always taken place regularly.

A challenge faced by IGAD, and numerous other RECs, is coordination with Member States, and obtaining the necessary policy and programmatic inputs from them. The IGAD Strategy points out that the envisioned extension of the Secretariat in the Member States through focal points has fared poorly³⁸ and should be overhauled. Migration initiatives will be effectively implemented only if Member States provide sufficient political and operational backing, thereby enabling implementation at the national level and coordination at the regional level.

IGAD, COMESA and EAC benefit from the tenth European Development Fund (EDF) Regional Political Integration and Human Security programme (RPIHSSP), which is the main current source of funding for IGAD's migration-focused initiatives. Under the RPIHSSP, COMESA leads areas pertaining to democracy, the EAC leads the governance focal area and IGAD leads in the area of human security. In terms of migration the RPIHSSP aims to build a common view of the management of forced displacement, establish regional migration policies and build migration management capacities in the ESA region. In 2012 IGAD commissioned a study on Migration and Human Security in the ESA Region, which was funded by the RPIHSSP. The study aimed to capture migration dynamics and migration management capacities in the ESA region, and provided IGAD with various institutional and process-oriented recommendations which can be incorporated into the actualisation of the RMPF. The RPIHSSP also funded the development of a Guide to Mainstream Gender in the Policies and Programs of Regional Organizations, and is part of larger efforts to build capacity for gender mainstreaming in the ESA RECs.

2.2 Migration Dialogue

The EC-funded Eastern Africa Migration Route project, which covered IGAD Member States and countries relevant to the East Africa migration route (Chad, Egypt, Libya, Niger, Tunisia and Yemen), launched the **IGAD Regional Consultative Process (RCP)** in May 2008.

The IGAD RCP aims to *facilitate dialogue and regional cooperation in migration management amongst IGAD Member States by fostering greater understanding and policy coherence in migration as well as strengthening regional institutional and technical capacities to implement the Migration Policy Framework for Africa and other AU and IGAD policies on migration*. The 2010 RCP workshop discussed the main migration management challenges of the IGAD region, and its recommendations informed the drafting of the RMPF. The next RCP was convened in February 2012 and focused on harnessing the potential of migration for development, including by encouraging diaspora investment in the region. This RCP followed a meeting on Diaspora Engagement on Development, which took place in Canada in September 2011. The meeting recommended the establishment of an IGAD Regional Diaspora Forum which would facilitate the engagement of the diaspora with the region and aid their contribution to development. COMESA also participated in the meeting, which was funded by the RPIHSSP. In the framework of the RPIHSSP Civil Society Organisations and the media participated in a workshop on migration and human security in the IGAD region in 2011, which aimed to complement the RCP process by providing a platform for debate and information exchange on migration in the context of human security in the IGAD region. The fourth IGAD RCP meeting is expected to take place in 2013 and to focus on the linkages between migration and regional integration.

The **IGAD Regional Migration Coordination Committee (RMCC)** consists of Chiefs of Immigration and is the main interlocutor at the Member State level with which the IGAD Secretariat works on migration issues. The Secretariat contacts them for policy inputs for which they consult with their respective Member States. The RMCC is scheduled to meet biannually to exchange information and deliberate future cooperation. Decisions of the RMCC are currently endorsed by the Council, and foreseen to be endorsed by the Ministerial Committee on Migration in the future.

The partners that work with IGAD on its migration initiatives include the following. The International Organisation for Migration (IOM) has a Memorandum of Understanding (MoU) with IGAD and has been closely engaged in the development of the IGAD RCP. The African Migration and Development Policy Centre, a non-governmental organisation based in Nairobi, Kenya, has, inter alia, closely supported the development of the RMPF. In addition, the RMMS is an important partner for IGAD in its efforts to augment migration management in the region. RMMS is based in Nairobi, where it is hosted by the Danish Refugee Council's regional office. It provides agencies and institutions in the Horn of Africa and Yemen sub-region with information and analysis on mixed flows in this sub-region. The RMMS's Steering Committee and founding agencies are the United Nations Refugee Agency (UNHCR), IOM, Danish Refugee Council, Intersos and the Yemen Mixed Migration Task Force.³⁹

2.3 Free Movement

Article 7 of the 1996 Agreement Establishing the IGAD states that one of the aims of IGAD will be to promote the free movement of services, people and the establishment of residence. Article 13A(o) states that Member States shall cooperate *to facilitate the free movement and right of establishment of residence of their nationals within the sub-region*. Free movement forms part of IGAD's regional integration agenda which is driven by its Minimum Integration Plan (MIP) that was officially adopted by the IGAD Summit of Heads of States and Government in February 2012. The MIP was developed to revitalise IGAD in the implementation of its regional integration mandate and lists the free movement of people and services as a core objective.⁴⁰ The RMPF states that IGAD's ultimate goal is to initiate the free movement of persons within the IGAD region, in terms of migration, residence and establishment,⁴¹ and upholds the EAC Common Market Protocol as a prototype which can be adapted to the IGAD context.⁴² IGAD explicitly commenced work in this area in 2012 with a feasibility study on the development of a free movement of persons protocol.

A free movement of persons regime is regarded as key to accelerating regional integration in the region. It should also complement efforts to strengthen inter-regional connectivity, which is largely driven by the Horn of Africa Initiative (HOAI). The HOAI springs from the European Union's (EU) 2006 Regional Political Partnership for Peace, Security and Development in the Horn of Africa. It recognises that the problems of the region, which include forced migration, food insecurity, porous borders and religious fundamentalism, are inextricably intertwined, and therefore requires a comprehensive regional approach. IGAD regards development as vital to countering these challenges, which gave rise to the HOAI. The HOAI, which is partly EU funded, supports projects in the region in the areas of interconnectivity in transport, with a focus on transport and trade facilitation; interconnectivity in energy through inter alia supporting regional power; and promoting water resources management.⁴³

In July 2012 a meeting was convened in Addis Ababa, Ethiopia, which gathered representatives of IGAD Member States' immigration and labour agencies, with a view to kick starting the negotiation process on the free movement of persons protocol. Consultations with education and health agencies from the Member States are foreseen for 2013 in a bid to bring on board all relevant bodies and stakeholders in the negotiation process.

Given the precarious peace and security landscape in parts of the region, the environmental challenges and abject poverty, it is hard to imagine that a system of free movement would be initiated in the region in the foreseeable future. The priority for governments in the region is often to reinforce porous insecure borders, stave off mixed-migration flows and safeguard the scarce national socio-economic resources for their populations. Introducing a system of free movement is legally and operationally highly complex. The EAC has introduced the most advanced system of free movement in the region and is struggling to make it fully functional. Two of IGAD's Member States, Kenya and Uganda, also participate in the EAC, and one would expect that they would give precedence to consolidating

the EAC Common Market, which in itself is no easy task.

2.4 Border Management

The region's porous borders are largely located in difficult terrain that is hard to monitor and vulnerable to transnational criminal and terrorist groups. The **Conflict Early Warning and Response Mechanism (CEWARN)**⁴⁴ was established in 2002 and monitors cross-border pastoral and related conflicts. It provides information on these areas and makes recommendations to Member States on how they can respond. The Horn of Africa has one of the largest pastoralist populations in the world, and the cross-border movement of pastoralists, who are increasingly driven to move due to drought and climate changes in the region, has been known to trigger conflict. It operates through a network of governmental and non-governmental stakeholders: Conflict Early Warning and Response Units (CEWERUs); National Research Institutes (NRIs); and Field Monitors (FMs), in three pilot areas: the Karamoja Cluster (covering the cross-border areas of Ethiopia, Kenya, Sudan and Uganda); the Somali Cluster (covering the cross-border areas of Ethiopia, Kenya and Somalia); and the Dikhil Cluster (covering the cross-border areas of Djibouti and Ethiopia). Short-term interventions aimed at preventing, de-escalating or resolving pastoral and related conflicts in the region are financed through the Rapid Response Fund.

The Capacity Building Programme against Terrorism (ICPAT) was launched in 2006 and has been based in Addis Ababa, Ethiopia. It aimed to strengthen national capacities to counter terrorism and promote regional security cooperation. Enhancing border control was central to its work. It monitors borders and other points of entry; advises Member States on border management; and promotes dialogue on regional border security. In 2011 ICPAT was replaced by the **IGAD Security Sector Programme** which broadened its scope to focus on initiatives geared at four mutually reinforcing result areas: counter-terrorism, organised crime, maritime security and security institutions capacity-building.⁴⁵

IOM's 1035 Facility funded the **Capacity Building in Migration and Border Management for Selected IGAD Member States project**, which spanned from June 2010 until April 2011. Under this project border assessments at the Sudan-Kenya border (Lokichoggio-Koboyta) and the Sudan-Uganda border (Madie Opae/Bepeya-Nimule) were undertaken as well as technical training for Member States on migration and border management.

2.5 International Protection

Protracted conflicts in the IGAD region have led to large numbers of internally displaced persons (IDPs), of which the crisis in Darfur is perhaps the best known. It has also resulted in large refugee flows, with Kenya hosting the biggest refugee camp in the world, Dabaab. Displacement due to drought and climate change has of late caused growing concern. Article 13A(s) of the Agreement Establishing the IGAD states that Member States shall cooperate to *facilitate repatria-*

tion and reintegration of refugees, returnees and displaced persons and demobilized soldiers in cooperation with relevant governmental and non-governmental organizations in accordance with the existing national, regional and international instruments.

In addition, the January 2010 MIP lists the prevention and control of forced migration as an area of cooperation under strategic action priority 4. In this regard IGAD should popularise and promote the ratification and implementation of AU refugee and IDP-related conventions.⁴⁶ Furthermore, the Peace and Security Strategy, which was endorsed by the Council of Ministers in 2012, recognises cooperation in the management and resolution of challenges related to refugees and internal displacement as crucial for promoting peace and security in the region.

The RMPF lists various strategies to address the management of IDPs, asylum seekers and refugees, some of which the IGAD Member States may already be taking forward individually or bilaterally. Concrete IGAD-driven activities based on the RMPF's recommendations in these areas have not yet materialised. IGAD has a MoU with UNHCR and hopes to work with it on the actualisation of these recommendations.

2.6 Trafficking in Human Beings

Mixed-migration flows in the region include cases of human trafficking, especially for domestic labour. Human trafficking from the Horn region to the Gulf States has also been recorded. Data on human trafficking is hard to come by, especially due to the mixed nature of migration flows in the region, which makes it difficult to identify trafficked persons. A desk review of anti-trafficking initiatives in the EAC and IGAD region was undertaken in 2010 and presented at IGAD's AU Commission Initiative against Trafficking (AU.COMMIT) campaign launch in December 2010. In May 2011 IGAD participated in the AU.COMMIT workshop Awareness Raising as a Tool for Prevention and Protection Against Trafficking and Smuggling of Human Beings, which mapped out regional awareness-raising strategies. In December 2011 IGAD participated in the technical meeting Enhancing Trafficking in Persons Criminal Investigation, Prosecution, Victim and Witness Protection Among African and European Countries, which took place in the framework of the MME Partnership and delivered recommendations for advancing these areas in the IGAD region.

The RMPF contains various recommendations to address human trafficking, but IGAD has yet to implement concrete activities in this area. The IGAD 2009 Mutual Legal Assistance and Extradition Agreement is in force and can be used by Member States to facilitate the prosecution of traffickers across the region.

2.7 Additional Initiatives: Migration and Health

The IGAD Regional HIV and AIDS Partnership Program (IRAPP) has been running since 2009 and aims to reduce the socio-economic

impact of HIV and AIDS on cross-border mobile populations in the IGAD region. IRAPP is implemented with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and promotes preventive action against HIV/AIDS among refugees, IDPs, returnees and surrounding host communities, and also provides treatment.⁴⁷

3. Employment

IGAD's employment strategy is expected to be shaped by the planned **free movement of persons regime**.

A **regional social protection strategy** is envisaged.

The **2011 to 2015 Employment for Peace, Stability and Development Regional Strategy for the Horn of Africa** is being implemented through projects at the national level.

3.1 Employment Strategy

IGAD currently does not have a dedicated employment strategy. Employment features in the Study on the Development of a Protocol on the Free Movement of Persons. In Annex 1 of the Study a draft free movement of persons protocol is proposed, which draws from other such protocols on the continent. It inter alia proposes the harmonisation of labour policies, laws and programmes to facilitate the free movement of labour within the IGAD region.

3.2 Social Protection

IGAD plans to develop a regional social protection strategy which will form part of the foreseen regional policy framework for social development. The regional social protection strategy would serve to guide the social protection frameworks of Member States. A Regional Social Protection Consultative Meeting was convened in 2011 to deliberate the strategy, which is expected to be accompanied by an action plan. The meeting concluded that the instruments to be considered in the regional social protection strategy are, among others, social insurance; labour market and employment promotion; and strategies for addressing the needs of marginalised and vulnerable groups, such as pastoralists and nomads.

3.3 Decent Work

In 2011 IGAD, the AU and the International Labour Organisation (ILO) participated in the Conference on Employment for Peace, Stability and Development in the Horn of Africa and adopted the 2011 to 2015 Employment for Peace, Stability and Development Regional Strategy for the Horn of Africa. Participants concurred that the region suffers major deficits in all four dimensions of the Decent Work Agenda: rights, employment, protection, as well as representation,

dialogue and participation. Unemployment and under-employment, especially in rural areas and the urban informal economy, are major challenges.

The Strategy aims to adapt the Decent Work Agenda to the Horn of Africa. The ILO which has a MoU with IGAD, is driving the implementation of the Strategy, which has so far translated into projects at the national level.

4. Higher Education

A **regional education strategy**, which covers higher education, is foreseen.

An **African Virtual Campus proposal** has been developed.

4.1 Higher Education Strategy

IGAD envisions the development of a regional education strategy, which would include higher education. It would be based on an analysis of the state of all levels of education in the region and identify needs and gaps which should be addressed.

The draft free movement of persons protocol, which is proposed in Annex 1 of the Study on a Draft Free Movement of Persons Protocol, contains an article on the harmonisation and mutual recognition of academic and professional qualifications. This is important for facilitating the free movement of persons and would need to be dealt with if IGAD initiates free movement in its region.

4.2 Open and Distance Learning

The IGAD Strategy and Implementation Plan 2011-2015 lists as a success indicator, in the Health and Social Development programme area, improved quality of education, including higher education, through the use of the virtual campus concept. IGAD and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) share a MoU and have drafted an African Virtual Campus proposal, which it currently seeks funding for. The project is envisaged to address the lack of science teachers and information and communications technology in higher education in the region. It is envisioned to provide training to teachers on science and technology by using online methods and materials.

5. Challenges and Opportunities within IGAD

The IGAD region faces multiple socio-economic and political challenges, not least due to the region's conflicts from which no Member State has been spared. IGAD's most important contribution to the region has arguably been to aid the development of common positions and initiatives to address some of these challenges. Its role in peace processes in the region stands out in this regard. The IGAD Secretariat is a lean organisation with a lot on its plate, and it is difficult for the organisation to make headway in the areas of MME. It has yet to roll out the implementation of its migration strategy, and to develop and initiate strategies in the areas of employment and higher education. It may compete with other RECs for resources. COMESA and EAC have more advanced agendas in some areas related to the MME Partnership. Member States and DPs may choose to solidify existing agendas, rather than building new ones from scratch.

IGAD faces a myriad of migration-related challenges which are spelt out in its expansive RMPF. The RMPF should be used as an opportunity to focus efforts on a few of these areas. Pinning down the RMPF in a prioritised action plan would be a useful first step. Member States and DPs could then gear their efforts and resources towards a few selected areas, and through the pooling of their resources enable a programmatic approach with medium- and long-term objectives. The coordination mechanisms that have been put in place by the RMPF and RCP, as well as the two DP forums, could be used to chart common priorities and mobilise funding.

Furthermore, IGAD should seek opportunities to collaborate with other RECs, especially COMESA and the EAC, on existing MME strategies and programmes. IGAD should steer away from initiating multiple plans and programmes, which the IGAD Secretariat and Member States cannot provide with sufficient support to succeed. Moreover, if strategies and programmes are carved out in the areas of employment and higher education, care should be taken that these are well focused and prioritised, and enjoy sufficient political will to be implemented at the national level.

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Chapter 7

SOUTHERN AFRICAN DEVELOPMENT COMMUNITY



1. SADC and Contextualising MME

Key data	
States	15
Total Area ¹	9.9 million km ²
Population (2010) ²	276 million
GDP (2009) ³	USD 628 billion

1.1 Introduction to SADC

In the 1970s a group of southern African states, known as the Frontline states,⁴ formed a uniform policy towards the apartheid regime in South Africa. Their objective was the political liberalisation of South Africa. Nine Frontline states⁵ established the Southern African Development Co-ordination Conference (SADCC) in 1980, with the adoption of the Lusaka Declaration. Their collective goal was to obtain economic independence from South Africa, the regional hegemon, and to foster social and economic development through regional integration and development projects. A Programme of Action in the areas of transport and communications, food and agriculture, industry, manpower development and energy was also adopted. SADCC functioned on the basis of decentralised decision-making. Member States were tasked with coordinating sectors of its Programme of Action. In 1992 SADCC was transformed into the Southern African Development Community (SADC) with the adoption of the SADC Treaty and Declaration.⁶ In 1999, the SADC Heads of State and Government decided to restructure SADC institutions in order to achieve a more centralised and harmonised strategy and improve the efficiency and effectiveness of SADC's policies and programmes. The restructuring of the SADC institutions saw the establishment of the SADC Secretariat in Gaborone, Botswana, and 21 sectors grouped into clusters under 4 directorates at the SADC Secretariat.⁷

Today SADC counts 15 Member States: Angola, Botswana, Democratic Republic of the Congo (DRC), Lesotho, Madagascar,⁸ Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The SADC region covers a total area of 9.9 million square kilometres and a population of approximately 276 million.⁹ Its 2009 gross domestic product (GDP) came to USD 628 billion.¹⁰ Socio-economic development is greatly uneven in the region. South Africa, the economic and political giant of the region, makes up more than two-thirds of the region's total gross national income (GNI).¹¹ The SADC region is one of the most poverty stricken in the world, with around 45% of the population living on USD 1 a day. SADC has the highest HIV prevalence in the world, with a third of the world's total population with HIV/AIDS living in this region. This has calami-

tous economic and social consequences, which affects GNI growth, the labour force, income inequality and human development.¹²

SADC's mission is to *promote sustainable and equitable economic growth and socio-economic development through efficient, productive systems, deeper co-operation and integration, good governance and durable peace and security; so that the region emerges as a competitive and effective player in international relations and the world economy.*¹³ Its vision is to build a region in which there will be a high degree of harmonisation and rationalisation, to enable the pooling of resources to achieve collective self-reliance in order to improve the living standards of the people of the region.¹⁴

SADC has set various milestones for regional economic integration, which is regarded as a key impetus for poverty eradication and social and economic development. The SADC Free Trade Area (FTA) was launched in 2008, and was to be followed by a customs union by 2010, a common market by 2015, a monetary union by 2016 and the single currency by 2018. The FTA is partially realised, and the customs union has yet to be achieved.

SADC shares Member States with the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Southern African Customs Union and the Indian Ocean Commission (IOC). The incompatible economic integration agendas of some of these Regional Economic Communities (RECs) may cause SADC to struggle to fulfil its own. SADC has its own European Development Fund (EDF)-financed Regional Strategy Paper (RSP)/Regional Indicative Programme (RIP), which constitutes the majority of its programmatic funding. It participates as an observer in the Inter-Regional Coordinating Committee (IRCC), an inter-REC coordination mechanism which has been set up to support the programming and implementation of the EDF-funded Eastern Southern Africa-Indian Ocean RSP/RIP, from which COMESA, EAC, IOC and the Intergovernmental Authority on Development (IGAD) benefit. Its participation in the IRCC has aided coordination with these RECs. In terms of regional economic integration initiatives, SADC and COMESA have set up task forces to address common issues and regularly invite each other to their policy and technical meetings. These harmonisation efforts have

set the stage for greater cooperation through the planned COMESA-EAC-SADC Tripartite Free Trade Area,¹⁵ which is envisioned to aid the harmonisation of their economic integration agendas.

In addition to economic integration, SADC also seeks cooperation and harmonisation in various social and political areas, including health, education, the environment and sustainable development, and security and defence. The Regional Indicative Strategic Development Plan (RISDP) and the Strategic Indicative Plan for the Organ (SIPO)

guides SADC's regional integration, policies and programmes. The RISDP, initiated in 2005, is a 15-year plan that is being implemented through three five-year phases, during which a series of goals and targets are to be attained. It outlines SADC's economic and social priorities and policies and areas of cooperation. SIPO II was launched in November 2012 and guides the implementation of the SADC Protocol on Politics, Defence and Security Cooperation and covers five key sectors: politics, defence, state security, public security and police.

1.2 MME State of Play in the SADC Region

Key Statistics¹⁶

Country	Country Population (millions) 2010	Human Development Index (HDI) 2010	Average annual net international migration rate (per 1000) 2005-2010	Migrant Stocks (%) 2010	Migrants from SADC as a share of all international migrants (%) 2010	Female migrants as a share of all international migrants (%) 2010	Refugees as a total share of all international migrants (%) 2010	Remittances as a share of GDP (%) 2011
Angola	18.9	0.403	0.9	0.3	48.6	53.0	19.2	0
Botswana	2	0.633	1.9	5.8	66	46.3	2.4	0.4
DR Congo	67.8	0.239	-0.1	0.7	32.6	53.1	43.4	N/A
Lesotho	2.1	0.427	-1.9	0.3	43.7	45.5	0	26.8
Malawi	15.7	0.385	-0.3	1.8	79.7	51.6	1.2	0.3
Mauritius	1.3	0.701	0	3.3	6	63.3	0	2.2
Mozambique	23.4	0.284	-0.2	1.9	61.5	52.1	0.6	1.2
Namibia	2.2	0.606	-0.1	6.3	55	47.6	4.3	0.1
Seychelles	N/A	N/A	N/A	N/A	14.2	N/A	0	2.5
South Africa	50.5	0.597	2.9	3.7	62.4	42.7	1.9	0.3
Swaziland	1.2	0.498	-1	3.4	84.9	47.7	1.9	1.4
Tanzania	45	0.398	-1.4	1.5	42.6	50.4	69.9	0.3

Zambia	13.2	0.395	-1.4	1.8	79.7	49.6	50	0.2
Zimbabwe	12.6	0.140	-14.3	2.9	68.1	37.8	1	N/A
Madagascar suspended since 2009	20.1	0.435	-0	0.2	0.9	46.1	0	N/A

N/A: Data not available

Migration

According to the United Nations Department of Economic and Social Affairs (UNDESA), Population Division, in 1990 there were just over 5 million international migrants in the SADC region. Of these, 69%, or approximately 3.5 million, were from other SADC countries, including more than 2 million migrants from Mozambique. By 2000, the number of international migrants in the SADC region had fallen to 4.3 million.¹⁷ This drop is largely attributable to the end of conflict and return of migrants from Mozambique. Between 1990 and 2000 more than 900.000 Mozambicans left Malawi.¹⁸ In recent years the number of international migrants residing in the SADC region has been increasing again. In 2010 there were 4.8 million international migrants residing in the SADC region, of which 58% were from other SADC countries. Migration within the SADC region towards South Africa, Tanzania, Mozambique and Botswana increased significantly between 2000 and 2010. During the period, the number of international migrants in South Africa increased by 74%, to more than one million.¹⁹

There is a long-standing history of labour migration in the region. In addition, informal cross-border migration has also been significant. Following independence, SADC countries reassessed labour migration policies, and most adopted a more restrictive approach, focusing on control and limitation. It has been suggested that limiting channels for legal migration contributed to an increase in irregular migration in the SADC region.²⁰ The extent of irregular migration would appear to be greatest in South Africa and Botswana, driven in part by an increase in irregular labour migration from Zimbabwe.²¹ Data concerning deportations of irregular migrants from South Africa suggests that most irregular migration occurs between SADC countries.²²

Political instability in the region, notably civil war in Angola (1975-2002) and Mozambique (1976-1992), as well as ongoing conflict in the DRC, resulted in mass internal displacement and refugee movements. Approximately two million people left Mozambique and 600.000 fled Angola into neighbouring countries.²³ Most of these refugees have been repatriated, however approximately 128.000 Angolan refugees remain in exile despite the cessation of refugee status in June 2012.²⁴ Political and economic crisis in Zimbabwe has also resulted in displacement.²⁵

Employment

There is limited labour market data available for the SADC region. Employment levels and labour productivity in the SADC region are generally low. Labour force participation rates vary considerably between SADC countries, from less than 60% in Mauritius, South Africa and Swaziland, to more than 85% in Madagascar, Tanzania and Zimbabwe.²⁶ Based on information from SADC countries' central banks the average unemployment rate in the region was 24.9% in 2011.²⁷ Youth and women are most affected by unemployment and under-employment. Again there is considerable variation between SADC countries with the youth employment-to-population ratio varying between 10.7% in Namibia to 73.2% in Zimbabwe.²⁸

In 2010, the contribution of different economic sectors to GDP in SADC was as follows: agriculture, 9%; industry (including mining), 36%; and services, 55%.²⁹ There is considerable variation among the SADC countries. With the exception of South Africa and Mauritius, the level of industrialisation in the region is relatively low.³⁰ The lack of reliable data makes it difficult to quantify the extent of the impact of the global economic crisis on employment in the SADC region. However, the region's average economic growth rate dropped sharply in 2008 and 2009, and employment levels declined in key industries with important job losses in the mining sector recorded in the DRC, South Africa, Zambia and Botswana, as well as Lesotho, Swaziland and Tanzania.³¹

Higher Education

More than 1.5 million students were enrolled in higher education institutions in SADC in 2009. More than 1.5 million students were enrolled in higher education institutions in SADC in 2009.³² The gross enrolment ratios (GER) in the SADC region range from approximately 1% in Malawi to 28% in Mauritius. There are relatively low levels of participation in tertiary education in the SADC region compared with other regions in the world, where the GER in most developing regions ranges between 20% and 40%.³³ Female enrolment in higher education is generally lower than male enrolment in the SADC region. The only exception is represented by Mauritius, where the GER was in 2010 33.5% for women and 27.7% for men.³⁴

The development of higher education systems is very unbalanced within the SADC region. Most SADC countries have a small higher education system with few universities.³⁵ Although some of the universities in the SADC region have a long history (e.g., University of Pretoria, University of Stellenbosch and University of Cape Town), most were established after the 1980s. South Africa has an internationally recognised higher education sector with strong infrastructure and respected research institutions. South Africa has by far the largest system with 23 public universities and 100 private accredited universities. More than half of all students in the region are enrolled in higher education institutions in South Africa.³⁶

The available data does not allow a breakdown of student enrolment by discipline in the SADC region. However, information on students from the SADC region studying abroad suggests that the most popular course is business and administration, followed by social science and law.³⁷ The majority of students are enrolled in undergraduate courses with low enrolment and graduation rates at postgraduate level (with the exception of South Africa), which places important limitations on the research activities of the universities in the SADC region.³⁸

1.3 Structure and Coordination within SADC

i. Institutional Framework

Today SADC has eight principal institutions: the Summit of Heads of State or Government, the Council of Ministers, the Standing Committee of Senior Officials, the Secretariat, the Organ on Politics, Defence and Security Cooperation, the Tribunal, the national committees and the sectoral/cluster ministerial committees.

The **Summit**, consisting of Heads of State or Government of the Member States, is the supreme policy-making institution and accountable for the functions of SADC. It provides overall policy direction and appoints the Executive Secretary and Deputy Executive Secretary on the recommendation of the Council. It meets at least once a year, and its decisions are made by consensus and are binding. The **Council of Ministers** consists of one minister from each Member State and oversees the functioning and development of SADC, including the implementation of policies and programmes. It should meet at least once a year and always prior to the Summit. Its decisions are made by consensus, and it reports to the Summit, which it advises on policy direction and the effective functioning of SADC. The **Standing Committee** comprises one official from each Member State's ministry that serves as the SADC national contact point and is a technical advisory committee to the Council. Decisions are made by consensus. The **Secretariat** is headed by the Executive Secretary and is the principal executive institution. The Executive Secretary is appointed for a four-year term, which may be renewed once. The current Executive Secretary is Dr. Tomaz Augusto Salomão from Mozambique, who was appointed in 2005 and is serving his second term. The Secretariat is responsible for the strategic planning and management of the programmes of SADC; monitoring and evaluating the implementation of regional policies and programmes; coordination

and harmonisation of the policies and strategies of Member States; and resource mobilisation for SADC's programmes.³⁹

The **Organ on Politics, Defence and Security Cooperation** leads the promotion of peace and security in the region. The 2001 Protocol on Politics, Defense and Security Co-operation describes the functions of the Organ.

The **Tribunal** resides in Windhoek, Namibia, and should consist of appointed judges from Member States. It adjudicates disputes that are referred to it. The Protocol on the Tribunal describes the powers and procedures of the Tribunal. It makes decisions by majority, and decisions and rulings are envisaged to be final and binding. Following various rulings against the Zimbabwean government, the Tribunal was suspended at the 2010 SADC Summit.⁴⁰

The SADC **national committees** comprise representatives from government, the private sector and civil society. The committees channel national-level inputs that shape regional policies and strategies, and should also oversee the implementation of SADC programmes at the national level.⁴¹ The **sectoral and cluster ministerial committees** are made up of ministers of the Member States and supervise the implementation of the RISDP in their respective areas of responsibility. They also provide policy inputs to the Council. The cluster committees that may work on MME issues are: Ministers responsible for Trade, Industry, Finance and Investment; Ministers responsible for Infrastructure and Services; Ministers responsible for Social and Human Development and Special Programmes (HIV/AIDS, education, labour, employment and gender); Ministers responsible for Politics, Defence and Security; and Ministers responsible for Legal Affairs and Judicial matters.⁴²

ii. Regulatory/Legal Framework

Protocols are the supreme legal instrument issued by SADC. Article 22 of the SADC Treaty prescribes the role of protocols, which may be concluded in each area of cooperation. Protocols are approved by the Summit upon the recommendation of the Council. Protocols enter into force 30 days after ratification by two-thirds of the Member States.⁴³ Recently mechanisms to monitor protocol implementation and compliance have been introduced in SADC.

SADC also issues **charters** which provide frameworks for cooperation in specific areas, but which are not legally binding. **Regional codes and policies** have a similar function. **Declarations** are issued as formal statements of intent in specific areas.

iii. Offices in the Secretariat That Work on MME

The **Organ on Politics, Defence and Security Cooperation**, commonly referred to as the Organ, is directly managed by the Executive Secretary. The Organ was created in 1996, and the Strategic Indicative Plan of the Organ II covers five sectors: Political, Defence, State Security, Public Security and the Police Sector. The Protocol on Politics, Defence and Security Co-operation provided the Organ with a legal framework and clear objectives. Migration is a cross-cutting issue

which touches upon the work of all five sectors. Regular and irregular migration policies and issues are addressed separately, although both fall within the Public Security Sector, which is responsible for coordinating the activities of sub-committees that bring together Member States to deliberate specific migration topics. Trafficking in human beings (THB) is addressed by the Organ as a crime to be fought. THB is regarded as linked to discrimination against women and is therefore also dealt with by the **Gender Unit**. The Gender Unit works on gender equality and facilitates and coordinates gender mainstreaming to empower women. Its work is guided by the 2008 Protocol on Gender and Development. It was established in 1998 to coordinate and monitor SADC's gender commitments at national and regional levels and is overseen by the Executive Secretary.⁴⁴

Mobility, as it pertains to regional integration, falls within the mandate of the **Trade, Industry, Finance and Investment (TIFI) Directorate**, which leads the regional economic integration agenda of SADC. TIFI forms part of the portfolio of the Deputy Executive Secretary for Regional Integration. One of TIFI's responsibilities is Services Market Integration, which is particularly relevant for mobility.⁴⁵

The **Directorate on Social and Human Development and Special Programmes (SHD&SP)** oversees the HIV/AIDS programme and the SADC Business Plan on Orphans, Vulnerable Children and Youth, which also addresses mobile populations. This Directorate forms part of the portfolio of the Deputy Executive Secretary for Regional Integration. Employment and higher education also fall under SHD&SP. In terms of employment and labour SHD&SP works to promote the demand for labour and its absorption in the *regional economy through fostering decent work (employment, social protection, social dialogue, labour standards) and establishment of labour market information systems*. Education is dealt with by the **Education and Skills Development section**, which coordinates the implementation and monitoring of regional and continental programmes on education and training. Priorities in this area are to *increase availability of educated and skilled human resources within the region to contribute to poverty alleviation and regional integration*.⁴⁶

2. Migration and Mobility

SADC is developing a **regional strategy on the prevention of illegal migration, smuggling and human trafficking**.

The 2005 **Protocol on the Facilitation of Movement of Persons in SADC** is not yet in force.

The **Draft Trade in Services Protocol** is more restrictive in terms of labour mobility than the Protocol on the Facilitation of Movement of Persons in SADC.

A **Univisa** to promote regional tourism is planned.

The implementation of the **Strategic Plan of Action on Combating Trafficking in persons, especially women and children**, is under way.

2.1 Migration Strategy

SADC is developing a regional strategy on the prevention of illegal migration, smuggling and THB. The consultation process for the development of the Strategy is ongoing and it is expected to be presented to the Council of Ministers of the Organ in 2013. The next steps for the strategy, such as its implementation, are still to be deliberated. SADC has also expressed interest in conceiving a comprehensive regional migration policy framework. In 2011 SADC approached the International Organisation for Migration (IOM) to discuss the renewal of their Memorandum of Understanding (MoU), which was concluded in 2004, and solicit their support in the shaping of a comprehensive regional migration policy framework for SADC.⁴⁷ Furthermore, SADC is in the process of concluding a MoU with the Intra-African Caribbean Pacific Migration Facility, which intends to support it in producing a **migration and development framework**.

2.2 Migration Dialogue

Within SADC discussions on migration-related issues take place within the following structures. The Organ's Public Security Sector Subcommittee (PSSC) covers issues related to immigration, refugees and customs and holds an annual meeting which brings together the relevant ministries from the Member States. Each of these issue areas also has a sub-subcommittee dedicated to it which discusses specific issues at the technical level, and meets as often as is required by the issues at hand. The results of their work are fed into the PSSC annual meeting, which serves to prioritise and formulate the various concerns in the different areas. The PSSC relays its priorities to the Interstate Defence Security Committee which channels it to the ministerial meetings. The Chief of Police Subcommittee, which also falls within the Public Security Sector, discusses migration issues as it relates to the work of the police in Member States. The State Security Subcommittee in the State Security Sector addresses migration

insofar as it pertains to intelligence issues.

The Migration Dialogue for Southern Africa (MIDSA) is a regional consultative process which was initiated in 1999 and aims to facilitate regional dialogue and cooperation on migration policy issues amongst the governments of SADC. IOM runs the MIDSA Secretariat and is responsible for convening the MIDSA Steering Committee and the logistics of MIDSA events. The Southern African Migration Programme (SAMP) sits on the Steering Committee and is primarily responsible for MIDSA's research and information activities. Other partners in MIDSA include SADC Member States' ministries of Home Affairs, Immigration and Labour; the SADC Secretariat; the International Migration Policy Programme; and the United Nations Refugee Agency (UNHCR). MIDSA⁴⁸ is convened at least once a year in one of the SADC Member States. The topics it focuses on are migration management; border management; development; health; labour migration; irregular movements; human trafficking and smuggling; migrants' rights; and return and readmission. The most recent MIDSA meeting was convened in August 2012 in Balaclava, Mauritius, in co-operation with the Mauritian Chair in Office of the Global Forum on Migration and Development (GFMD). The technical meeting focused on enhancing labour migration in the SADC region and gathered permanent secretaries from the SADC States.⁴⁹

It is noteworthy, however, that MIDSA works directly with relevant ministries of SADC Member States, and not through the SADC Secretariat. The SADC Secretariat has attended MIDSA conferences and contributed to the drafting of documents for the MIDSA meetings. Some reservations have been expressed regarding MIDSA, due to the fact that it does not work through the SADC Secretariat.

2.3 Free Movement

Article 5(2d) of the SADC Treaty states the need to *develop policies aimed at progressive elimination of obstacles to the free movement of capital and labour, goods and services and the peoples of the Region generally, among Member States*. The 2005 **Protocol on the Facilitation of Movement of Persons in SADC** follows this call and supercedes the 1995 Draft Protocol on the Free Movement of Persons. The latter aimed to incrementally and within 10 years abolish all controls that limit the free movement of persons in the region. The adoption of this Draft Protocol was opposed by the stronger economies in the region, such as Botswana, Namibia and South Africa, which feared that it would lead to mass migration to their countries as a result of the economic disparities between countries in the region.⁵⁰ The trans-formation of the Draft Protocol on the Free Movement of Persons into the Protocol on the Facilitation of Movement of Persons in SADC is believed to have aimed at countering these fears, by implying that movement should take place on a more restricted basis. To date, only four countries (Botswana, Mozambique, South Africa and Swaziland) have ratified it, and it is not in force.

The overall objective of the Protocol is to *develop policies aimed at the progressive elimination of obstacles to the movement of persons of the Region generally into and within the territories of State Parties*.

The specific objectives of the Protocol, which is to be implemented through phases, are: (a) *entry, for a lawful purpose and without a visa, into the territory of another State Party for a maximum period of ninety (90) days per year for bona fide visit and in accordance with the laws of the State Party concerned*; (b) *permanent and temporary residence in the territory of another State Party*; and (c) *establishment of oneself and working in the territory of another State Party*. The timeframe for the implementation of the Protocol's objectives will be set out in the Implementation Framework for the Protocol which will be agreed upon by the SADC Member States six months after at least nine Member States have signed it.⁵¹ The Protocol also calls upon the SADC Member States to ensure that their laws and regulations support the objectives of the Protocol, to harmonise travel and travel facilities and immigration practices and to establish a SADC desk at each major port of entry between states. The Organ is charged with overseeing the Protocol, which supports the common perception that SADC largely views migration through a security lens.

The Southern Africa Development Community Council of Nongovernmental Organisations (SADC-CNGO) has been active in advocating for the implementation of the Protocol. SADC-CNGO, which was founded in 1998 and is based in Gaborone, Botswana, constitutes an apex body which brings together NGO umbrella organisations of the SADC countries. It signed a MoU with the SADC Secretariat to promote constructive dialogue and engagement with civil society. At the national level the NGO umbrella organisations facilitate the engagement of civil society organisations (CSOs) with Member States. At the regional level SADC-CNGO serves as a common platform for CSOs to engage with and lobby the SADC Secretariat.

SADC-CNGO launched a Campaign for Free Movement of Persons in SADC on 27 July 2010. The main objective of the campaign is to advocate for the ratification and implementation of the Protocol on the Facilitation of Movement of Persons in SADC, as well as the development of a migration policy framework at the regional level. SADC-CNGO has worked with Member States on a bilateral level to encourage them to undertake bilateral visa-free/free movement agreements as a means to incrementally implement parts of the Protocol.

Country-based case studies conducted in 2009 and 2010 in selected SADC Member States by SADC-CNGO to investigate the challenges to and future prospects of free movement in Southern Africa highlighted that there is no harmonised understanding of the free movement of persons. To some it implies the unregulated opening of borders with harmful social, economic and political ramifications. Xenophobic attacks on foreign nationals have taken place in some countries in the region, most notably South Africa, and demonstrate deeply entrenched negative attitudes towards migration in the region. The opening of borders is regarded as a security risk by a number of governments in the region, which believe that it will lead to growing crime, illicit trafficking and illegal migration. Concerns regarding porous borders and varied security capacities of the different countries in the region, as well as economic disparities, impede progress. Overall free movement seems to be largely viewed from a security point of view

by governments in the region.⁵²

Other voices, such as academia and CSOs, argue that increased mobility in the region is important for socio-economic development and regional integration. Free movement is an integral part of regional integration and facilitates the free movement of goods and services; it therefore cannot be divorced from the regional integration agenda of SADC. Article 11 of the Protocol on the Facilitation of Movement of Persons in SADC recognises the movement of persons as a means to achieve economic integration.

Varying service standards and migration requirements impede travel and trade in the region. For short-term travellers visa application fees are a hindrance, with visa rates around USD 70-150 in those SADC countries charging visa costs to SADC nationals.⁵³ Cross-border traders are particularly in need of simplified procedures or a regional framework that covers and facilitates their activities. Lack of sufficient transport connectivity and infrastructure are further obstacles to mobility and regional integration.

Objective C of the Protocol supports **labour mobility** and is complemented by the 2003 SADC Charter of Fundamental Social Rights which has as one of its objectives *to promote labour policies, practices and measures, which facilitate labour mobility*. Brain drain is however a concern in the region, especially in the health sector, with South Africa in particular attracting health workers from the region. According to the RISDP 2005-2010 Desk Assessment a Retention Scheme for Health Care Workers has been developed, and discussion is still ongoing among Member States for the recruitment of staff from partner countries and for the harmonisation of registration requirements for medical personnel.

Linked to labour mobility is the issue of **trade in services**, which often requires the movement of persons to establish or maintain a commercial presence abroad. The 1996 SADC Protocol on Trade, which is in force, states in Article 23 of Part Six that *Member States recognise the importance of trade in services for the development of the economies of SADC Countries and that Member States shall adopt policies and implement measures in accordance with their obligations in terms of the World Trade Organisation (WTO)'s General Agreement on Trade in Services (GATS),⁵⁴ with a view to liberalising their services sector within the Community*. SADC has developed a Draft Trade in Services Protocol, which incorporates what is commonly known as Mode four of the GATS. This mode of supply refers to the rendering of a service by a service supplier of one Member, through the presence of natural persons of another Member in the territory of any other Member.⁵⁵ However the current Draft Trade in Services Protocol seems to be more restrictive than the Protocol on the Facilitation of Movement of Persons in SADC. In its Article 17, which addresses temporary movement of natural persons, it allows State Parties to apply their own laws and regulations in terms of entry and stay, work, labour conditions and establishment of natural persons. The Draft Trade in Services Protocol, unlike the Protocol on the Facilitation of Movement of Persons in SADC, does not require the harmonisation of relevant laws and regulations. Furthermore, the Draft Protocol does not entail measures which impact on persons taking or seeking

employment in another state or convey the right of access to the labour market of another state (Article 17[2]). States are therefore able to maintain market access restrictions. Therefore it appears that the labour mobility possibilities which could potentially flow from the implementation of the Protocol on the Facilitation of Movement of Persons in SADC will be curtailed by the more restrictive Draft Trade in Services Protocol once it is adopted and implemented.⁵⁶

COMESA, EAC and SADC are negotiating the establishment of a common Tripartite Free Trade Area. Promoting the **movement of business persons** should be discussed in the first phase of these negotiations. Negotiations have however not yet tackled this topic.

A **Univisa**, to promote tourism in the SADC region, has been on the table for some time. Through this scheme tourists from outside the SADC region would apply to any SADC embassy for the Univisa tourist visa. The modalities of the Univisa still need to be determined, but the price of the visa is expected to vary depending on the number of SADC countries tourists wish to visit, as well as the duration of the visa, and whether it permits single or multiple entry. Angola, Mozambique, Namibia, Swaziland, South Africa and Zimbabwe have agreed to pilot the Univisa. All Member States would however need to agree on the Univisa for it to move forward. At the Regional Tourism Organisation of Southern Africa's (RETOSA) 50th board meeting in Gaborone, Botswana, in November 2012, Botswana indicated that it would not endorse the Univisa. Its position is believed to impede the implementation of the 1998 Protocol on Tourism,⁵⁷ which is in force. The objectives of the Protocol as stated in Chapter II, Article 2, include to *facilitate intraregional travel for the development of tourism through the easing or removal of travel and visa restrictions and harmonisation of immigration procedures*.

The initiative has been driven by RETOSA, the SADC body responsible for the promotion and marketing of tourism in the region, which falls under the responsibility of the Organ. The visa has been criticised for offering privileged access to foreign tourists, but not to SADC citizens themselves. RETOSA, however, advocates the abolishment or waiving of tourist visa fees for SADC nationals.⁵⁸

2.4 Border Management

The establishment of One Stop Border Posts (OSBPs) is widely backed in the region, and they have been put in place at the Chirundu border between Zimbabwe and Zambia and the Maseru border between South Africa and Lesotho. Certain SADC Member States have started to implement Article 13(c) of the Protocol on the Facilitation of Movement of Persons in SADC, which calls for the establishment of SADC desks at all major ports of entry in the region and which constitutes a symbolic step towards the harmonisation of border management. Countries with SADC desks, which are mostly found at airports, include the DRC, Mozambique, Malawi, Namibia, Swaziland, Zambia and Zimbabwe.⁵⁹

2.5 International Protection

Article 28 of the Protocol on the Facilitation of Movement of Persons in SADC reaffirms the SADC Member States' commitment to international agreements which pertain to refugees, and indicates that the management of refugees in the region shall be regulated by a specific MoU between the SADC Member States. In addition, the 2007 SADC Code on Social Security requests in Article 17.4 that the *social protection extended to refugees should be in accordance with the provisions of international and regional instruments*, whilst the recently launched SIPO II, under its Public Security Sector, demands that the harmonisation of policies, procedures and management of refugees be in line with United Nations (UN) and African Union (AU) instruments.

Currently SADC has no strategies or activities dedicated to the management of refugees. The SADC Secretariat has indicated that the harmonisation of refugee status determination procedures and procedures to manage rejected asylum cases are areas marked for future policy development. Legal experts from Member States specialised in refugee issues met in South Africa in September 2012 and put together recommendations for the development of a refugee regional policy framework, which is envisioned to guide the harmonisation of refugee status determination procedures in the region. The recommendations will be presented to the refugee commissioners, who will decide whether to move ahead with the development of the framework.

SADC and UNHCR share a MoU to collaborate on refugee issues in the region. UNHCR participates in the Sub-subcommittee on Refugees which falls under the Subcommittee on Refugees of the PSSC.

2.6 Trafficking in Human Beings

Addressing human trafficking is a priority repeatedly mentioned in SIPO II, in terms of which human trafficking is regarded as a threat to the security of the region. SADC has developed two legal instruments which can be used for formal cooperation between Member States in human trafficking cases: the 2002 Protocol on Extradition and the 2002 Protocol on Mutual Legal Assistance in Criminal Matters. In addition, SADC has developed a comprehensive **Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children** (2009-2019), which was adopted at ministerial level in 2009. It is accompanied by a five-year implementation matrix for the years 2009 to 2014, which has been aligned to the RISDP. The implementation plan for the second five-year phase, 2015-2019, is to be developed in 2014, before the end of the first phase.

The goal of the Strategic Plan is to *promote cooperation and provide support to SADC Member States towards the elimination of trafficking in persons in the SADC Region*. Its Strategic Priorities for Action, which are to be worked towards through specific listed activities, include legislation and policy measures; training for skills enhancement and capacity building; prevention and public awareness raising; victim support and witness protection; coordination and regional

cooperation; and monitoring and evaluation. The Plan states that it is to be financed by resources from Member States, the private sector, international partners and local community contributions. The EU's regional cooperation programme with SADC will support the implementation of the SADC Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children, with Euro 2.7 million.

The United Nations Office on Drugs and Crime (UNODC) and SADC signed a MoU on *Cooperation on Crime Prevention and Drug Control* in 2011 which steers their collaboration on professional training, provision of expertise and technical assistance related to crime prevention and drug control initiatives in all SADC Member States. The MoU lays the groundwork for the development of a five-year regional programme which will support SADC and its Member States in addressing national and regional threats related to drugs and crime, including human trafficking and migrant smuggling.

UNODC and the SADC Secretariat are implementing a regional project geared towards building capacities of the SADC Member States which would facilitate ratification and implementation of the United Nations Convention against Transnational Organized Crime and the additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This regional project specifically focuses on Angola, Botswana, Lesotho, Malawi, Namibia, Seychelles, Swaziland and Zimbabwe.

UNODC provides assistance in strengthening the technical and legal capacity of the competent drafting national authorities of the SADC Member States in the ratification and incorporation of the Protocol. This includes legal advice on the drafting of specialised legislation, a national policy framework and a national plan of action to prevent, suppress and prosecute acts of trafficking in persons, and the distribution of UNODC tools and templates such as the UNODC Model Law against Trafficking in Persons. The current regional project, although instrumental in the development and adoption of the SADC Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children, does not provide for its actual implementation.

Furthermore, UNODC, the SADC Secretariat and the **Southern African Regional Police Chiefs Cooperation Organisation** are implementing a regional project aimed at enhancing the capacity of law enforcement officials in Botswana, Lesotho, Mozambique, Namibia, South Africa and Zimbabwe to respond more effectively to violence against women and children. The activities include train-the-trainer national and regional training, awareness raising within the law enforcement environment, as well as dissemination of training and resource materials.

On a continental level SADC has also engaged in anti-trafficking efforts. In November 2011 the African Union Commission Initiative against Trafficking (AU.COMMIT) was launched with SADC in Johannesburg, South Africa, and SADC and its Member States were trained on operationalising the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, in the region, as well as awareness raising as a tool for prevention and protection against trafficking and smuggling of human beings. This meeting was

followed by a MME Support Project technical meeting on Enhancing Trafficking in Persons Criminal Investigation, Prosecution, Victim and Witness Protection Among African and European Countries, in which SADC Member States participated and which delivered recommendations for advancing these areas in the SADC region.

The **2008 Protocol on Gender and Development** contains specific measures to counter THB, which is recognised as a threat to women's empowerment. According to the SADC Gender Unit, a sufficient number of Member States have ratified the Protocol for it to be activated, but not all of these states have deposited their instruments of ratification with the SADC Secretariat. Article 11 in Part Two, Constitutional and Legal Rights, instructs States Parties to *adopt laws, policies and programmes to ensure the development and protection of the girl child by, inter alia, protecting girls from economic exploitation, trafficking and all forms of violence including sexual abuse.* Article 20(5) of Part Six, Gender Based Violence, requests States Parties to implement the following by 2015:

- (a) *enact and adopt specific legislative provisions to prevent human trafficking and provide holistic services to survivors, with the aim of re-integrating them into society;*
- (b) *put in place mechanisms by which all relevant law enforcement authorities and institutions may eradicate national, regional and international human trafficking networks;*
- (c) *put in place harmonised data collection mechanisms to improve data collection and reporting on the types and modes of trafficking to ensure effective programming and monitoring;*
- (d) *establish bilateral and multilateral agreements to run joint actions against human trafficking among origin, transit and destination countries; and*
- (e) *ensure capacity building, awareness raising and sensitisation campaigns on human trafficking are put in place for law enforcement officials.*

A Plan of Action on Gender and Development, which will serve to operationalise the Protocol, has been developed.

The Southern Africa Gender Protocol Alliance, a network of national and regional NGOs established in 2005, works closely with the SADC Gender Unit and has played an important advocacy role in the adoption of the Gender and Development Protocol.⁶⁰ It produced a baseline barometer of key data on women's rights in the region in 2009. The barometer is now an annual report which rates governments' performance in terms of the SADC Gender and Development Protocol. The Alliance also has a monthly newsletter that gathers good examples of the Protocol at work and profiles champions of gender justice around the region.⁶¹ The Secretariat of the Alliance is hosted by Gender Links, a regional NGO based in Johannesburg, South Africa, which promotes gender equality and justice in the SADC region.

Linked to THB is the protection of mobile children and youth, which is provided for in the **SADC Business Plan on Orphans, Vulnerable Children and Youth** (April 2009-March 2014). The United Nations Chil-

dren's Fund (UNICEF) supported the development of the Plan, which facilitates the implementation of the SADC Strategic Framework and Programme of Action for Orphans, Vulnerable Children and Youth, 2008-2009. The first Strategic Outcome of the Business Plan, which is to be achieved through specific actions by Member States and the SADC Secretariat, is an *improved policy environment to prevent and reduce deprivation and vulnerability of OVCY [orphans, vulnerable children and youth] in SADC.* The fifth specific outcome of this Strategic Outcome requires *SADC Member States to adopt and implement policies and programmes to protect mobile children and youth, which is to be achieved through two outputs: harmonised SADC policies, legislation and strategies to combat trafficking of children and youth and harmonised SADC policies and strategies for the protection of refugee, unaccompanied and unregistered cross-border mobile children.*

3. Employment

The **2003 Charter of Fundamental Social Rights** is the core policy document from which employment-related policy instruments emanate.

A Draft Protocol on Employment and Labour and a **SADC Regional Decent Work Programme** are expected to be endorsed in 2013.

A **labour market information system** is in the pipeline.

A **SADC Regional Productivity Organisation** is planned and should serve as the region's secretariat on productivity.

3.1 Employment Strategy

The primary objective of the employment strategy as outlined in the RISDP is to boost productive labour and its absorption in the regional economy. Other strategic objectives of the SADC Employment and Labour Sector, which follows the vision of the RISDP and SADC Treaty, are to support the efficient use of human resources, whilst ensuring minimum labour standards and social protection. The key concerns in this sector are: unemployment, under-employment and inadequate labour standards and regulations. Employment is seen as central to poverty reduction and needs to be boosted through investment.

To achieve these goals a number of policy frameworks have been adopted by SADC, and assessment tools have been developed to assess the impact of these policies in Member States. The **2003 Charter of Fundamental Social Rights** is the core policy document from which employment-related policy instruments emanate. The objectives of the Charter include the following:

- (a) *ensure the retention of the tripartite structure of the three social partners, namely, governments, organisations of employers and organisations of workers;*
- (b) *promote the formulation and harmonisation of legal, economic*

and social policies and programmes, which contribute to the creation of productive employment opportunities and generation of incomes, in Member States;

- (c) promote labour policies, practices and measures, which facilitate labour mobility, remove distortions in labour markets and enhance industrial harmony and increase productivity, in Member States;
- (d) provide a framework for regional co-operation in the collection and dissemination of labour market information;
- (e) promote the establishment and harmonisation of social security schemes;
- (f) harmonise regulations relating to health and safety standards at work places across the Region.

Its articles entail various provisions to ensure that these objectives are met, such as basic human rights and organisational rights; freedom of association and collective bargaining; social protection; improvement of working and living conditions; and employment and remuneration. The Charter is to be implemented through the national tripartite institutions set out in the above objective (a) and regional structures. The Charter is not a binding document and has been signed by all Member States apart from Angola and Madagascar. No overall assessment for the implementation of the Charter in Member States has been undertaken; the implementation of aspects of it is being evaluated through subject-specific assessments that are detailed below.

Some of the policy documents which have been developed on the basis of the Charter are:

1. Code of Practice on Safe Use of Chemicals in the SADC; the implementation of aspects of it are currently being assessed through the Assessment Tool on Occupational Safety and Health. The report is expected to be presented to ministers in 2013 and to indicate which policy instruments need to be developed and which measures need to be taken in order to remedy the shortfalls which have been identified through the assessment.
2. SADC Code of Conduct on Child Labour, and a monitoring and assessment tool for its implementation in Member States. The first assessment is currently under way. The report is expected to be presented to ministers in 2013.
3. SADC Code on HIV and AIDS and Employment, and a monitoring and assessment tool for its implementation. The first assessment is currently being piloted in Member States. The assessment is expected to indicate what the main gaps are in terms of the implementation of the code, which interventions need to be developed in order to bridge these gaps and which adjustments may need to be made to the code. The report is expected to be presented to ministers in 2013.

Effective enforcement mechanisms to encourage Member States to comply with the agreed policy frameworks are not yet in place and constitute a significant obstacle to their desired impact.

A Protocol on Employment and Labour was drafted in 2010 and looks at issues of labour migration and rights of labour migrants and their families. The endorsement process requires it to be approved by the Ministers of Employment and then by the Ministers of Legal Affairs before being submitted to the SADC Council for its approval. Member States are currently consulting nationally with a view to provide their feedback on the Protocol to the SADC Secretariat. The Protocol is expected to be approved by the Council of Ministers in March 2013.

Furthermore, Article 19 of the Gender and Development Protocol covers employment and instructs the SADC Member States to amend and enact laws and policies to ensure that men and women have equal access to wage employment in all sectors of the economy. In addition, SADC Member States are signatory or are obligated to a number of multilateral, continental and international accords which inform the formulation and implementation of SADC policies and strategies, including the Millennium Development Goals; the International Labour Conventions; Decent Work Agenda; Global Jobs Pact; and the African Union Declaration and Plan of Action on the Promotion of Employment and Poverty Alleviation in Africa. The RISDP Desk Assessment, 2005-2010, states on page 80 that *coordination and monitoring mechanisms to facilitate ratification of the eight core labour conventions and ensure compliance with ratified conventions were put in place and closely monitored during the period under review. Consequently, SADC Member States have attained one hundred percent ratification status.*

Coordination in the Region

A Regional Tripartite System and structures have been established,⁶² and governments, organisations of employers and organisations of workers therefore participate in the development of SADC's employment policies. The absence of functional national tripartite committees, however, jeopardises the Regional Tripartite System. The Committee of Ministers and Social Partners responsible for Employment and Labour meet once a year and provide policy direction to the SADC Secretariat. The Committee of Senior Officials and Social Partners responsible for employment and labour also meets annually and delivers technical advice to the Ministers. The Committee of Senior Officials is supported by representatives of workers and employers in the regions according to the Tripartite structure. Tripartite technical sub-committees fall under the Committee of Senior Officials and provide technical inputs and draft policy documents. They meet once or twice a year as required. There is a Technical Sub-committee for Social Protection and one for Employment and Labour. Each Member State has a contact point on employment and labour issues, but not all of them are active. Staff turnover of these focal points is a challenge which hampers cooperation between the Employment Desk and the SADC Member States. Capacity constraints at both Member States and SADC Secretariat levels, as well as budgetary constraints, pose further obstacles to the realisation of the SADC employment strategy.

Furthermore, the Southern African Trade Union Coordinating Counsel⁶³ (SATUCC) plays an active part in the Regional Tripartite System. Established in 1983 in Gaborone, Botswana, it is a regional

organisation that represents 18 trade unions in the SADC region. One of its key objectives is to promote and protect the interests of the working class and society by engaging with SADC's development and integration agenda. It has been active in promoting the ratification of the SADC Charter of Fundamental Social Rights by the SADC Member States, as well as the adoption of the eight core labour standards of the International Labour Organisation (ILO) by SADC Member States and other labour-related policy frameworks of SADC. It is also involved in the development of the SADC Employment and Labour Protocol and the SADC Decent Work Programme. SATUCC participates in the SADC Labour and Employment Technical Committee.

3.2 Social Protection

The **2007 SADC Code on Social Security** addresses in Article 17 migrants, foreign workers and refugees. It requests the protection of migrant workers through granting them equal access to social security schemes in the host country; the exportability of rights and benefits between similar schemes in different Member States; offering self-employed migrant workers the same coverage as employed migrants; entitling illegal residents and undocumented migrants to basic protection; and providing social protection to refugees that meets the stipulations of related international and regional instruments.

A monitoring and assessment tool has been developed for the SADC Code on Social Security to facilitate the preparation of status reports and the taking of corrective measures. The first assessment of the implementation of this Code in Member States is currently ongoing, and the report is expected to be presented to ministers in 2013.

3.3 Decent Work

The SADC Decent Work Framework was approved in 2010 and has informed the development of the SADC Regional Decent Work Programme (RDWP). RDWP is aligned to the AU 2007-2015 Africa Decent Work Agenda Initiative and was developed with the assistance of the ILO. Numerous Member States have developed national work programmes, and the SADC Labour Ministers have requested that the RDWP be revised and aligned to the national work programmes. The RDWP is expected to be approved in 2013. The ILO has been requested to build the capacity of social partners at the national level to better mainstream issues of migration into their decent work country programmes.

ILO collaborates with SADC on the basis of their 2007 MoU. The MoU directs them to mutually consult on the planning and execution of programmes that promote decent work; rights at work; employment; training; income generation; social protection; and social dialogue as a tool for socio-economic development. The Employment Desk works closely with ILO; they meet after every ministerial meeting in order to undertake joint programming. ILO provides technical inputs to the Employment Desk upon request.

3.4 Job Creation and Productivity

The Charter on the establishment of the SADC Regional Productivity Organisation (RPO) has been officially approved. The Botswana National Productivity Centre will host the RPO until it becomes independent. The SADC RPO is envisaged to be the region's Secretariat on productivity. Its work will include undertaking research and studies on productivity in collaboration with national productivity organisations; continuously collecting and disseminating through the national productivity organisations productivity performance indicators at the sectoral, national and sub-regional levels; and maintaining a database on productivity indicators.⁶⁴

3.5 Additional Initiatives: Labour Market Governance

SADC is working on the establishment of a labour market information system. The Prototype Labour Market Information System document has been approved. A resource mobilisation mechanism for its implementation has to be developed and funds raised in order to establish the labour market information system.

4. Higher Education

A **Strategic Framework for Higher Education and Training** is being developed.

The **Protocol on Education and Training** entered into force in 2000 and addresses higher education.

The **2007-2015 Regional Education and Training Implementation Plan** merges the visions of the Protocol on Education and Training and the Second Decade of Education for Africa Plan of Action.

A planned **Regional Qualifications Framework** should enhance the harmonisation and recognition of qualifications across the region.

A recently approved **SADC Regional Open and Distance Learning Policy Framework** should aid access to quality education.

4.1 Higher Education Strategy

The SADC Secretariat's role is to facilitate the harmonisation of education systems in the region, and to promote quality of education. To achieve these goals it works on policy harmonisation, advocacy, capacity building and monitoring. Higher education is a new priority for SADC's Education and Skills Development section. SADC deems quality higher education and research essential for socio-economic and technological development. It is concerned about higher education's average gross enrolment rate for the region which is estimated to be lower than 6% and the low levels of investment in higher education

funding, research, capacity building and monitoring. To address these concerns an Extra-Ordinary Meeting of Ministers Responsible for Higher Education and Training was convened in Johannesburg, South Africa, in June 2012, which mapped out the future policy direction for higher education. This policy vision will be translated into a regional strategic framework for higher education and training which will outline short- and long-term priorities. The meeting launched the Technical Committee on Higher Education, Research and Development, in which higher education ministries participate and which will provide technical inputs to the development of a strategic framework for higher education and training. The framework is expected to be endorsed in 2013.

The **Protocol on Education and Training** which entered into force in 2000 is the legal framework for cooperation in education and training in the SADC region. The Protocol seeks to promote a regionally integrated and harmonised education system, especially with regard to issues pertaining to access, equity, relevance and quality of education interventions, and aims to achieve its objectives over a period of 20 years. Cooperation in higher education is considered to be one of the instruments that will facilitate regional integration in SADC, and consequently a significant part of the Protocol focuses on higher education.⁶⁵ Article seven of the Protocol is dedicated to Cooperation in Higher Education and Training. It addresses access to universities which inter alia calls for standardisation of university entrance requirements, mutual recognition of qualifications and the facilitation of student and staff mobility, and in this regard the eventual elimination of immigration formalities that hinder student and staff mobility. It also addresses undergraduate studies and encourages universities to cooperate in various areas, such as in the design of academic programmes and the production of teaching and learning material, and to promote student and staff exchange programmes. In the area of postgraduate studies cooperation is largely sought in the same areas. Robust postgraduate programmes in all required fields are to be set up through the pooling of Member States' resources. Moreover, centres of specialisation are to be established at existing institutions in the region in order to build capacity in critical specialised areas, mainly in postgraduate fields of study.

A review of the implementation of the Protocol on Education and Training was undertaken in 2006 and coincided with the launch of the Second Decade of Education for Africa Plan of Action. In view of the shared priorities of the Second Decade of Education for Africa Plan of Action and the Protocol on Education and Training, ministers agreed that the implementation of the Protocol on Education and Training should be aligned to the Second Decade of Education for Africa Plan of Action. This led to the creation of the 2007-2015 Regional Education and Training Implementation Plan (RETIP), which incorporates activities of both the Protocol and the Second Decade of Education for Africa Plan of Action. RETIP's strategic interventions in terms of higher education are:

- *Promoting equitable access to higher education, especially in critical areas of development*
- *Promoting research and development*

- *Strengthening quality assurance*
- *Facilitating harmonisation of qualifications and credit transfers*
- *Improving collaboration and cooperation among institutions*
- *Improving stakeholder participation in financing, research and course development in higher education*

The SADC Secretariat has been collaborating with the Pan African Institute for Education Development (IPED) in the monitoring of the implementation of education policies. IPED is the African Union Commission-designated Education Observatory for Africa, which spearheaded the development of prioritised indicators for the monitoring of the Second Decade of Education for Africa Plan of Action and leads the monitoring of the implementation of the Plan of Action. For the SADC Secretariat monitoring and evaluation are priorities, as the data it provides is used to assess and inform policy. To this end a monitoring and evaluation framework, which incorporates the above-mentioned indicators, and national reporting templates were developed to track the implementation of RETIP. A mid-term evaluation of the RISDP, which follows the 2005-2010 RISDP SADC Desk Assessment.

SADC Education Ministers participate with Education Ministers from across Africa in the Conference of Ministers of Education of the African Union (COMEDAF) every two years. In preparation for this meeting, where SADC and other RECs present the progress and plans of their regions, the Education and Skills Development section meets with IPED to prepare its contribution to the COMEDAF report. The SADC Education and Skills Development section uses the national reports obtained from SADC Member States to prepare an annual report for the Education Ministers, as well as to draft its inputs for the COMEDAF report.

The Pan-African University (PAU) is one of the concrete initiatives of the MME Partnership Action Plan (2011-2013). It is driven by the AU and designed to boost the excellence, relevance and global competitiveness of African higher education and research. It is made up of a network of African higher education and research institutions, with thematic hubs in five regions of Africa. It has been proposed that SADC establishes a space science institute in Southern Africa under this initiative. The region, however, does not have any space science programmes, and the SADC Secretariat did not take part in the discussions which led to the selection of this topic. It therefore sees significant obstacles to taking forward this proposal.

Coordination in the Region

The Education and Skills Development Section works with the Member States primarily through focal points in the Education Ministries. The SADC national committees are copied in this correspondence. Member States are required to send the national monitoring reports to the Education and Skills Development Section annually. A major obstacle in assessing the performance of SADC countries in terms of higher education is a shortfall of data. To address this challenge Member States' reporting, monitoring and evaluation

capacities need to be enhanced. Furthermore, delays in submitting required information and reports to the SADC Secretariat are also due to the changes in SADC education focal points by some Member States, and this challenge also needs to be addressed.

Partners in the region that have informed SADC's higher education policy development include the Southern African Regional Universities Association (SARUA) and the Southern African Students Union (SASU). SARUA is based in Johannesburg, South Africa, and was established in 2005. SARUA has a strategic partnership with SADC and has undertaken research on higher education. Their studies have, inter alia, delivered valuable data and analysis on cost barriers to higher education and student mobility, student enrolment, fields of study, staffing, funding and research output.⁶⁶ SARUA is a membership-based organisation to which public universities of the SADC region can belong, and it currently has 57 members. It strives to strengthen the leadership and institutions of higher education in the Southern African region in order to enhance their contribution to national and regional development. SASU is based in Johannesburg and participates in relevant SADC policy formulation on behalf of youth and students in the SADC region, and has contributed to the SADC Protocol on Education and Training. Its role also includes educating students in the region about declarations and internationally signed charters and conventions; serving as a platform for students and youth to interact; and acting as a watchdog for the rights of students and youth in the SADC region.⁶⁷

United Nations Educational, Scientific and Cultural Organisation (UNESCO) has made Africa a priority in its Medium Term Strategy 2008-2013. SADC and UNESCO have a MoU, and through this framework the SADC Secretariat and UNESCO cluster offices harmonise their activities and conduct joint planning, implementation and monitoring.⁶⁸ They have a common annual joint work plan and agree on collectively implementing activities on a yearly basis. To date, they have not yet implemented activities that specifically target higher education.

4.2 Mobility of Qualifications

Currently, SADC nationals face foreign evaluations to access work permits which would allow them to work in another SADC country. The development of a Regional Qualifications Framework (RQF) was endorsed by SADC ministers responsible for education and training in September 2011, and it is seen as an important mechanism to enhance mobility, as well as the harmonisation and recognition of qualifications across the region. The RQF will serve as a reference guide; it will follow a ten-level framework, which encompasses broad level descriptors. It is envisaged to allow for easy referencing by Member States, as most of them use a ten-level framework. The agreed upon level descriptors will be further elaborated and detail quality descriptors and qualification types. To take this process forward Member States have been charged with translating the ten-level descriptors into their respective qualification systems.

In addition, the RQF will include endorsed quality assurance guidelines which define minimum standards for quality assurance in the

SADC region. Member States will benchmark their own quality assurance systems which will need to be confirmed through a peer review process. These quality assurance elements are envisaged to inspire trust, confidence and credibility and encourage the use of the RQF across the region. The RQF will also encompass a SADC Qualifications Portal which contains full- and part-time qualifications that are formally recognised in SADC Member States.

The Technical Committee on Certification and Accreditation (TCCA) will oversee the implementation of the SADC RQF, and while it currently mainly comprises representatives from the qualification authorities in SADC Member States, it will be broadened to include the private sector and students. The TCCA should support the development, implementation and harmonisation of national qualification frameworks in the region, as well as the development of the SADC RQF. The SADC Education Ministers have tasked the TCCA with surveying regional and transnational qualifications frameworks, such as those in the Asia-Pacific region, the Caribbean, Europe and small states of the Commonwealth, in order to inform the development of the SADC RQF.⁶⁹

4.3 Centres of Excellence

The SADC Protocol on Education and Training stresses the need to establish centres of specialisation. They have been established across the region, covering an array of disciplines, such as education policy, planning and management, public administration, water management, wildlife management, environmental education, forestry and desertification.


4.4 Quality Assurance

A draft regional guideline for quality assurance has been developed, and various regional capacity-building programmes are being implemented. The Higher Education Quality Management Initiative for Southern Africa has a strategic partnership with SADC and has been convening regular training workshops for universities.⁷⁰

4.5 Open and Distance Learning

Open and distance learning (ODL) is used to improve access, quality and equity in higher education in the region. The region has three public, single-mode open universities, and one private open university. Studies by the SADC Secretariat on ODL showed that despite the welcome increase in ODL in the region, various obstacles remain. The main impediments are: lack of comprehensive national ODL policies; limited support for ODL by political authorities; negative views on ODL; lack of professionally trained ODL personnel and funding; and meagre institutional capacity, particularly in terms of learner support, monitoring and evaluation, quality assurance and information and communication technologies.⁷¹

At the June 2012 Extra-Ordinary Meeting of Ministers responsible for Higher Education and Training the ministers reviewed and approved



the SADC Regional ODL Policy Framework. The Framework is envisioned to guide the enhancement of access to quality education in all sectors of education, including higher education.⁷²

5. Challenges and Opportunities within SADC

The SADC region is challenged by socio-economic disparities. These disparities give rise to diverging interests among Member States which block progress. The heavyweights in the region may prefer to retain their influence rather than empower SADC to take forward common initiatives. Decisions at the Summit and Council levels are made by consensus. The de facto sovereignty of Member States in the decision-making structures of SADC means that individual states can veto unpopular directives. The suspension of the SADC Tribunal highlights this dilemma. In addition, the multiple REC membership of SADC Member States may lead to the prioritisation of another REC's agenda, and a lack of political impetus for SADC initiatives. Moreover, competing social and economic priorities in Member States and the multiple objectives of the RISDP cause set targets to be easily missed. This may result in goal setting not being taken seriously and the missing of targets becoming acceptable.

A further challenge is insufficient monitoring of policies and initiatives. The Secretariat struggles to obtain timely monitoring inputs and policy feedback from Member States. Hence an opportunity is missed to identify the levels of actual implementation and possible remedies to counter shortfalls and improve initiatives. Recently introduced mechanisms to monitor protocol implementation and compliance present an opportunity to address this challenge. In addition, the SADC national committees, which have been set up to serve as the pivotal coordination tool with Member States, should be revived and thematic coordination mechanisms sharpened.

Cooperation in the field of migration is curtailed by the perception that migration constitutes a security threat and may eat away at scarce socio-economic resources and the public purse. To change this entrenched mindset, solid research and data on the impact of migration and mobility, and the development rewards free movement can reap, is needed. The private sector should contribute its experiences and knowledge to such a process, as it is intimately acquainted with market needs and is familiar with the economic loss resulting from a lack of mobility. Once this evidence is on the table, an informed and open debate, in which government, non-state actors and the private sector participate, becomes possible, as well as an opportunity to unlock the stagnated free movement agenda. In addition, safeguarding the human rights of migrants requires reinforcement. Information campaigns, involving civil society and the communities that experience large numbers of migrants, could help to address this challenge. The Tripartite FTA movement of business persons track of negotiations discussions could also be a useful opportunity to look at some of these issues afresh.

SADC has been churning out numerous employment policies and tools. The implementation and impact of many of these are currently being assessed and present an opportunity to polish efforts in this area. Once in force, the Protocol on Employment and Labour should consolidate SADC's employment agenda and its implementation. Higher education is a new area of focus for SADC. The planned Regional Strategic Framework for Higher Education should keep it high on the agenda and chart concrete opportunities for greater regional collaboration.

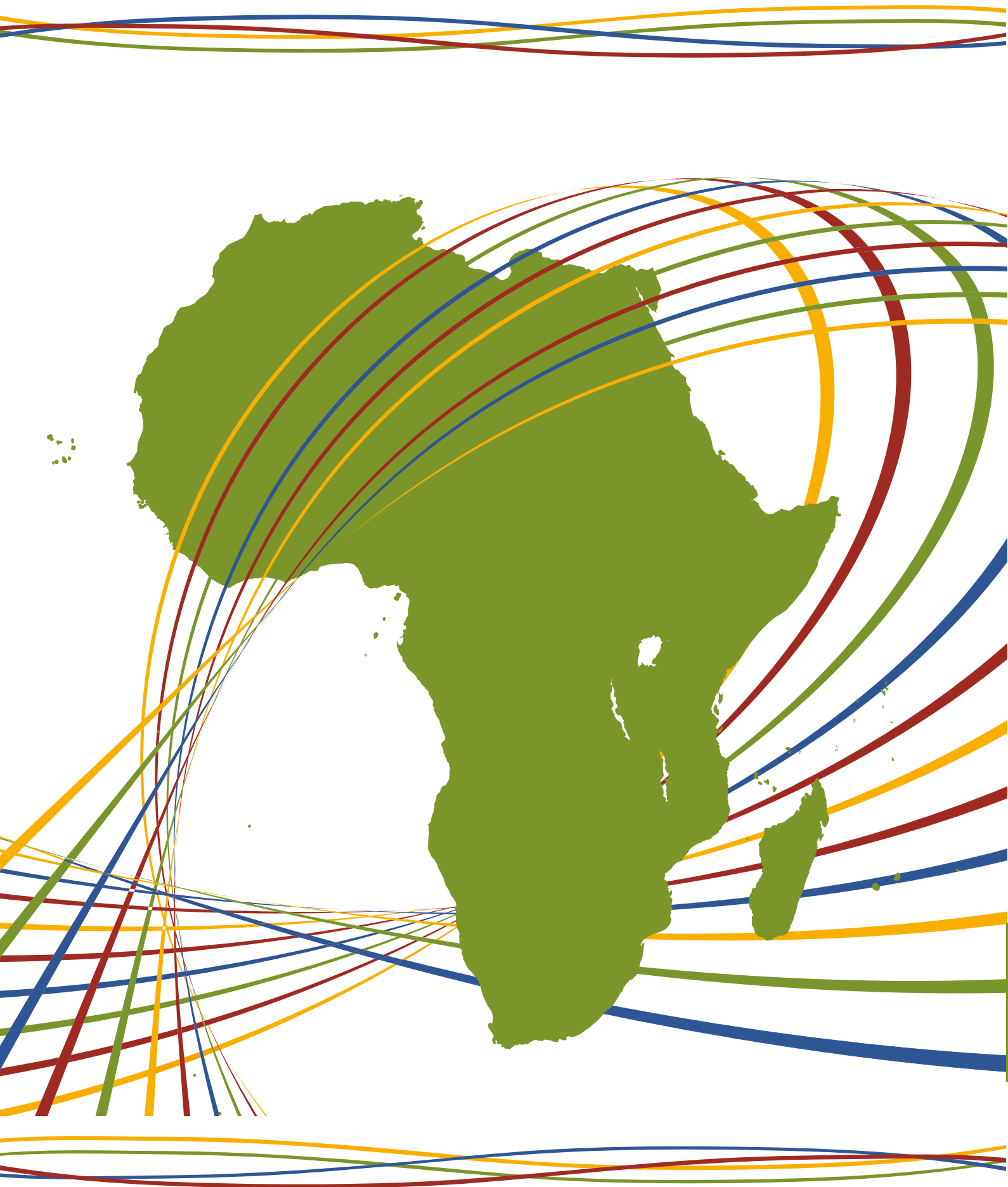
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5. The SADCC founding Member States are: Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe.
6. Over time amendments have been made to the SADC Treaty over that have brought further institutional reforms. For more information please see <<http://www.sadc.int/documents-publications/sadc-treaty/>> [Accessed 6 January 2013].
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Chapter 8

TRENDS AND SYNERGIES AMONG THE REGIONAL ECONOMIC COMMUNITIES



The Regional Economic Communities (RECs) are clearly moving forward with formulating overarching migration strategies, which steer the development and implementation of their policies and projects. Intra-regional migration is prominent in West Africa, and the Economic Community of West African States (ECOWAS) was the first to recognise migration as an explicit policy area with the adoption of its Common Approach on Migration in 2008. Awareness of the complexity of migration and the need to effectively manage it has grown in the region, and consequently the development of a more comprehensive Regional Migration Policy is now in the making. The migration strategy of the East African Community (EAC) emanates from its central focus on economic integration, which is driven by its 2010 Common Market Protocol (CMP) and inter alia aims to foster the free movement of labour and services. Implementation of the CMP has highlighted the need to harmonise immigration practices in the region, and a draft Immigration Policy has been developed. The migration-related strategies of the Common Market for Eastern and Southern Africa (COMESA), such as the 2006 COMESA Model Law on Immigration, also target its objective to achieve a common market. The Economic Community of Central African States (ECCAS) still lacks a migration strategy and has so far focused on free movement in the context of regional integration. The Intergovernmental Authority on Development (IGAD) was the first to follow the call of the African Union (AU) to develop a Regional Migration Policy Framework (RMPF) based on the AU's 2006 Migration Policy Framework. The IGAD region is marked by mixed-migration, and the development of a comprehensive RMPF was deemed necessary as knowledge of these flows and their protection needs increased in the region. The IGAD RMPF was officially adopted in 2012. The Southern African Development Community (SADC) recently began developing a regional strategy on the prevention of illegal migration, smuggling and human trafficking.

Migration dialogues are rising in popularity among the RECs. They are viewed as vehicles to map out common positions and responses to international migration opportunities and challenges. IGAD's Regional Consultative Process (RCP), launched in 2008, is the best-established REC-driven RCP. Since 2012 ECOWAS has worked on rejuvenating the Migration Dialogue for West Africa, which was launched in 2000, but failed to flourish as an institutionalised consultative platform for Member States. Pending funding, both the EAC and COMESA have expressed interest in initiating RCPs. In its absence Chiefs of Immigration meetings have served to sustain dialogue on migration issues in these RECs. ECCAS has taken a similar approach and in 2002 authorised a biannual Heads of Immigration meeting. A Dialogue on Migration in Central Africa was proposed at a 2012 regional migration cooperation meeting in which ECCAS participated, but funds have not been secured to launch this RCP. SADC has traditionally approached migration from a security perspective and has channelled its migration dialogue through an annual meeting of the Organ on Politics, Defense and Security Cooperation's Public Security Sector Subcommittee, which brings together relevant ministries from Member States. The Migration Dialogue for Southern Africa (MIDSA) was initiated in 1999 and targets the SADC countries. The SADC Secretariat contributes to the RCP intermittently. The MIDSA Secretariat is run by the Interna-

tional Organisation for Migration, which works directly with southern African countries.

Whilst most RECs have free movement agreements, shortcomings remain in the implementation of these agreements. ECOWAS and the EAC blaze the trail as the only two RECs to de facto implement their mobility frameworks. ECOWAS was first to introduce free movement with its 1979 Protocol on Free Movement of Persons, the Right of Residence and Establishment. Although progress has been achieved in the facilitation of mobility, not all aspects of its free movement regime are realised, and lack of enforcement remains a serious challenge to ensuring that Member States honour their commitments. The EAC's 2010 CMP constitutes the legal framework for its mobility, but its implementation remains fragmented. A relatively strong political commitment from its Partner States drives the EAC's economic integration process. Thus there is momentum to address these challenges and step up mobility, which is an integral component of the regional integration project. ECCAS's free movement regime hinges on its 1983 ECCAS Treaty, which declares free movement a fundamental aim, and is supported through various ECCAS decisions. Free movement is, however, only applied between four ECCAS Member States - Cameroon, Central African Republic, Congo and Chad - which are in fact applying an Economic and Monetary Community of Central Africa Protocol.¹ Security and economic concerns dominate national approaches to mobility and continue to constrain the materialisation of the ECCAS free movement regime. SADC and COMESA's free movement plans face similar obstacles. SADC's 2005 Protocol on the Facilitation of Movement of Persons in SADC and COMESA's 2001 Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence are not yet in force. Security concerns, as well as economic disparities between Member States and the fear that immigrants will flock to the wealthier countries, drain their public purse and take jobs away from local communities, are regarded as barriers to scaling up mobility. IGAD plans to introduce a free movement regime as part of its efforts to accelerate regional integration. Given the precarious peace and security landscape and scarce national socio-economic resources in parts of the region, it is hard to imagine the actualisation of a free movement regime in the foreseeable future.

Overall, free movement commitments have largely been state-driven and state-shaped in Africa and have not enjoyed sufficient political will to see them through. More evidence of the potential development results of mobility, as well as the socio-economic loss if mobility is not intensified, is needed to convince decision makers to put their political weight behind mobility. The private sector can bring to light such evidence. In addition they should actively partake in the crafting and implementation of mobility frameworks if they are to deliver the desired economic gains. Moreover effective supra-national legal instruments and sanctions are necessary to ensure compliance with these agreements. Greater awareness among the public of the opportunities that these agreements entail is also needed to increase their utility.

All of the RECs aspire to strengthen border management and co-operation, which is important in burgeoning trade and mobility and fighting transnational crime. East and southern African states are particularly in favour of One Stop Border Posts (OSBPs), which are expected to facilitate trade. The EAC is the most active in this regard, with approximately 15 OSBPs initiatives under development, and its OSBPs Bill is expected to be endorsed as the OSBP Act in 2013. Two OSBPs in the SADC region and one in the COMESA region are eagerly cited by their respective secretariats and Member States, and more are called for. However, OSBPs are hard to replicate: they are expensive and demand a high degree of complex intergovernmental cooperation. In addition, COMESA is engaged in a number of border management-related trade facilitation initiatives.

In the IGAD region porous and insecure borders are major concerns that have been tackled mainly through conflict prevention and management initiatives, as well as measures to enhance border security. ECCAS shares similar concerns and has geared its efforts towards reducing conflict and insecurity in border areas. Corruption, harassment and extortion at border-crossing points remain commonplace in the ECOWAS region and significantly constrain the free movement of persons. Efficient border management is therefore a key priority for the ECOWAS Free Movement Directorate and is being promoted through various activities.

International protection is an area which requires substantial reinforcement in the RECs, although its importance is recognised in treaties, free movement frameworks and other key REC documents. This is the case for COMESA, IGAD and SADC, whose support on paper has not extended to actual initiatives or dedicated policy frameworks. However, SADC has indicated that a refugee regional policy framework may be in the making, and the EAC is planning to develop a regional asylum policy. Despite the significance of forced migration in Central Africa, ECCAS does not have any instruments dedicated to international protection. For the ECOWAS Commission international protection is proclaimed top priority, demonstrated by the adoption of the ECOWAS Humanitarian Policy and Action Plan in March 2012.² The Policy focuses on the preparation for, and adequate response to, any emergency situation involving refugees and internally displaced persons or other affected persons. Implementation of regional policies is a significant obstacle in the region, and the actions to which this Policy will translate remain to be seen.

Anti-trafficking initiatives are gaining ground among the RECs. The AU Commission Initiative against Trafficking (AU.COMMIT) campaign has been launched with all the RECs, apart from COMESA. The campaign raises awareness on the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children, and aims to propel its implementation. ECOWAS is the African REC and region most advanced in **anti-trafficking** efforts and has adopted various instruments to guide its work in this area, including a Joint ECOWAS/ECCAS Plan of Action to Combat Trafficking in Persons. In southern Africa SADC leads the way with its Strategic Plan of Action on Combating Trafficking in Persons, Especially Women and Children (2009-2019), which recently received Euro 2.7 million from the EU

to boost its implementation. Both the EAC and COMESA emphasise human trafficking as a transnational crime which can undermine regional integration and should be increasingly fought as borders are opened. In the EAC police cooperation has been a key medium to address this threat, whilst the provision of protection services to trafficked persons requires reinforcement. COMESA has signaled a wish to launch a regional anti-trafficking strategy and action plan, which would be buttressed by anti-trafficking prevention, protection, prosecution and partnership activities at regional and national levels. These ambitious plans will however require substantial funds to be realised for its region of 19 countries, and funding still needs to be found.

A number of REC instruments are available to Member States to transnationally cooperate to fight this crime. The IGAD 2009 Mutual Legal Assistance and Extradition Agreement is in force and can be used by Member States to facilitate the prosecution of traffickers across the region, whilst SADC offers the 2002 Protocol on Extradition and the 2002 Protocol on Mutual Legal Assistance in Criminal Matters for such cooperation. These instruments have so far seen little use, and the United Nations Office on Drugs and Crime has encouraged Member States to use them.

Employment is an emerging area for most of the RECs. SADC stands out as the REC which has emphasised this area most and regards enhancing employment as central to poverty reduction. It has developed various employment-related policy instruments, such as the 2003 Charter of Fundamental Social Rights, whilst its draft Protocol on Employment and Labour is expected to be endorsed in 2013. ECOWAS's Labour and Employment Policy and Plan of Action, adopted in 2009, have achieved limited results. The upcoming project Support to Free Movement of Persons and Migration in West Africa is expected to bolster work in this area. The project will inter alia support evidence-based policy developments, with a focus on labour migration, and assist the ECOWAS Commission in promoting the harmonisation of labour legislation in ECOWAS Member States, in line with the ECOWAS protocols.

For the EAC and IGAD, cooperating on employment forms part of their regional integration plans. The EAC's CMP captures its employment strategy and calls for the harmonisation of labour policies, programmes, legislation, social security benefits and a common employment policy. IGAD has yet to develop an employment strategy, which is expected to be shaped by its planned free movement instrument. COMESA is finalising its draft Social Charter, which addresses employment, working conditions and labour laws. ECCAS cites youth employment as a priority, but ECCAS has not yet developed an employment strategy or implemented employment-related activities.

Decent work, social protection, social dialogue, job creation and productivity and youth employment are priorities for the RECs. Social protection, social dialogue, and job creation fall under the decent work agenda, which the International Labour Organisation is promoting with RECs. In the IGAD and SADC regions the Decent Work Agenda is currently driven through national-level projects, whilst the EAC has launched a Decent Work Programme (EAC-DWP) for the

region that is buttressed by national-level activities. ECOWAS adopted the ECOWAS Youth Employment Action Plan (2013-2018) at the end of 2012, which, inter alia, aims to increase decent work opportunities for young women and men across Member States.

Insufficient resources for social protection at the national level, disparities in social security between Member States and the portability of social security benefits remain fundamental challenges to advancing social protection in these regions. Social dialogue structures are established in the SADC region and planned to be reinforced through the EAC-DWP in the EAC region. ECOWAS is mounting efforts in this area, and the ECOWAS Tripartite Social Dialogue Forum is soon to be formally established.

SADC is tackling productivity through the establishment of the SADC Regional Productivity Organisation. Its work will include research on productivity and maintaining a database on productivity indicators. The EAC is undertaking a manpower survey which should indicate present and future skills shortages and surpluses and facilitate the matching of demand and supply at the national and regional levels.

Youth employment is a major challenge for all African regions. Growth in youth unemployment is recognised in the EAC-DWP as one of the greatest threats to peace and stability in East Africa. Its activities in this area include boosting self-employment, skills development and entrepreneurship. The ECOWAS Youth Employment Programme provides skill-based training for youth aiming at *increasing the employability of ECOWAS youth; building the capacity of young entrepreneurs; and reducing youth unemployment*³ through the ECOWAS Youth and Sports Development Centre, based in Ouagadougou.

Higher education is a nascent area for most RECs. SADC deems quality higher education and research essential for socio-economic and technological development and embarked on the development of a Strategic Framework for Higher Education and Training in 2012. Its education programme had previously not explicitly focused on higher education. COMESA has yet to initiate a dedicated higher education programme but is pursuing higher education-related activities. IGAD envisages a regional education strategy in the future, which would cover higher education. ECCAS's Education Programme was adopted in 2009 and recognises higher education as a key driver for economic, social and cultural development. The ECOWAS Education Programme has been running since 2003 and has placed emphasis on the harmonisation and mutual recognition of higher education certificates and qualifications. In East Africa higher education cooperation dates to the colonial period, and the Inter-University Council for East Africa (IUCEA), an EAC institution, is mandated to advise the EAC Partner States on higher education matters.

The harmonisation and mutual recognition of academic and professional qualifications are necessary to facilitate labour mobility, and are therefore prominent objectives for the RECs that are deepening their regional integration agendas. In the EAC region various professional bodies are developing Mutual Recognition Agreements to enable labour mobility and trade in professional services, and a CMP Annex on Mutual Recognition of Academic and Professional


Qualifications is being negotiated. COMESA's 2009 Regulations on Trade in Services on Mutual Recognition enables Member States to mutually recognise each other's educational qualifications, experience obtained and competence gained for the purpose of licensing or certification of service suppliers. Relevant professional bodies, qualification authorities or regulators are encouraged to jointly develop criteria and recommendations for mutual recognition.

Currently, SADC nationals face foreign evaluations to access work permits which would allow them to work in another SADC country. The development of a Regional Qualifications Framework (RQF) was endorsed by SADC ministers responsible for education and training in September 2011, and it is seen as an important mechanism to enhance the harmonisation and recognition of qualifications across the region as well as mobility. The ECOWAS 2003 General Convention on the recognition and equivalence of degrees, diplomas, certificates and other qualifications in Member States has only provisionally entered into force. Key difficulties affecting progress in this area are linked to linguistic barriers and the existence of different education systems between Member States inherited from the former colonial powers.

Centres of excellence, quality assurance (QA), education management information systems (EMIS) and open and distance learning (ODL) are further priorities for the RECs. COMESA plans to launch a centres of excellence initiative to support science, technology and innovation development and regional collaboration. A number of national centres of excellence have been elected to become COMESA Regional Centres of Excellence Science and Technology Parks. Within ECOWAS centres of excellence are also addressed in the framework of science and technology activities. In March 2012, at the Second Conference of ECOWAS Ministers Responsible for Science and Technology, ministers approved and adopted the criteria for centres of excellence in ECOWAS.⁴ Since 2010 ECCAS has been working on the creation of University Centres of Excellence in Technology in cooperation with various partners, including the United Nations Educational, Scientific and Cultural Organisation. The SADC Protocol on Education and Training stresses the need to establish centres of specialisation. They have been established across the region, covering an array of disciplines, such as education policy and wildlife management.

The EAC and SADC have prioritised QA as a means to ensure high and comparable academic standards in higher education in their respective regions. The IUCEA has launched a QA framework and various QA tools with a view to harmonise QA systems in the region. The Higher Education Quality Management Initiative for Southern Africa has a strategic partnership with SADC and has been convening regular training workshops for universities.⁵

ECOWAS and ECCAS work on EMIS in order to address the lack of data on education in Member States, and reinforce planning and monitoring of education systems' performance, in line with the African Union Plan of Action for the Second Decade of Education for Africa (2006-2015), which includes EMIS as a priority.



ODL is used to improve access, quality and equity in higher education in the SADC region. The SADC Regional ODL Policy Framework, which should guide the enhancement of access to quality education in all sectors of education, including higher education, was approved in 2012. IGAD is seeking funding for an African Virtual Campus proposal to address the lack of science teachers and information and communications technology in higher education in the region. It is envisioned to provide training to teachers on science and technology by using online methods and materials.

Overall, the RECs share a number of challenges that impede progress, including in the areas of MME. These challenges include the overlapping memberships of RECs; the de facto sovereignty of states in the decision-making structures of the RECs that can block common initiatives; a shortfall in political will to actualise regional decisions; and human and financial resource constraints at the regional and national levels which affect the implementation of strategies and programmes, as well as their monitoring.

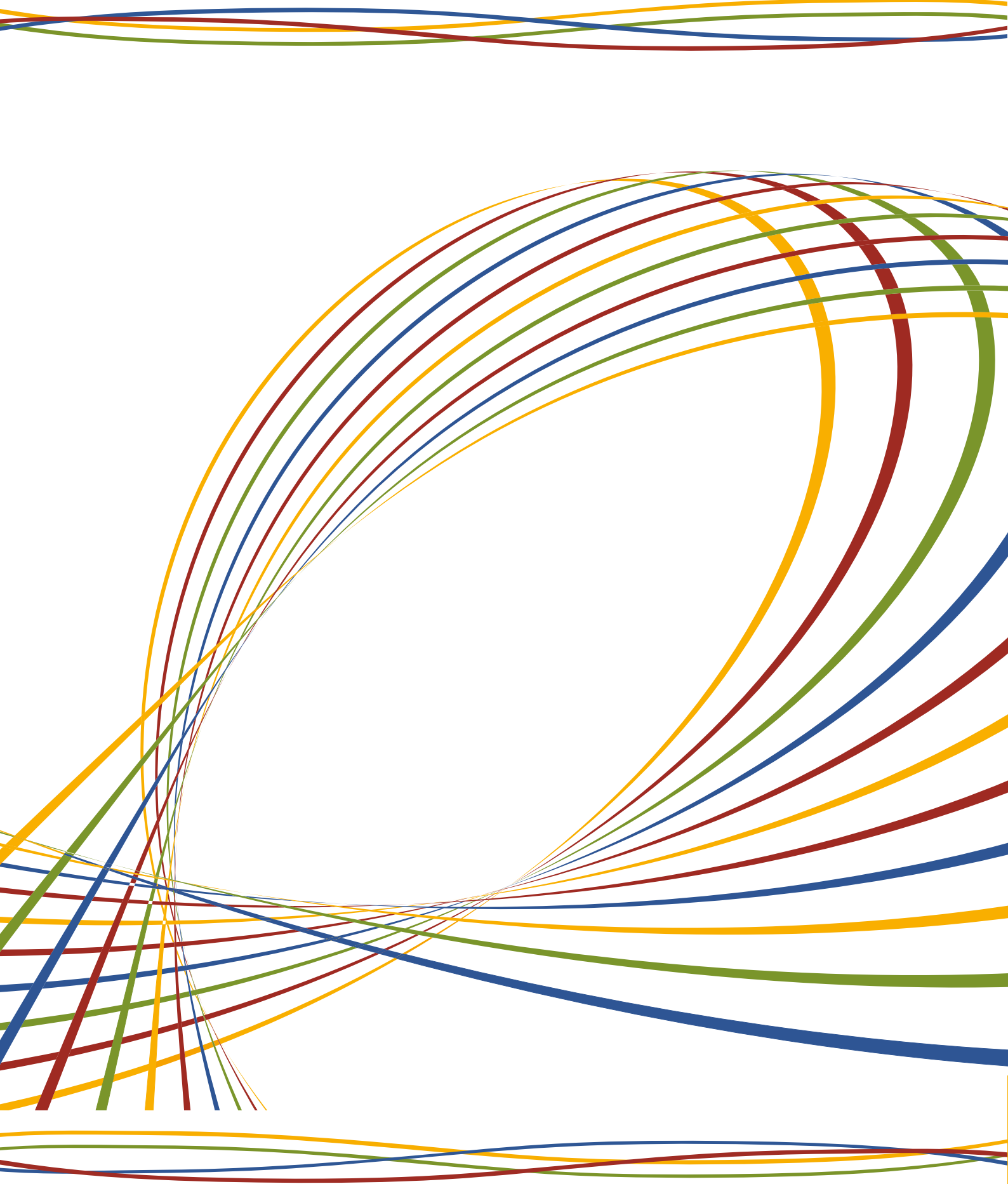
Nevertheless, **the MME priorities of African states can advance much further if they are addressed in regional fora** where common responses can be plotted and resources pooled to address cross-border concerns. In addition, regional economic integration remains high on the agenda in the majority of African regions and necessitates cooperation on MME.

This report has illustrated that the RECs are working in corresponding areas and pursuing similar goals. Inter-REC cooperation offers an opportunity to share experiences and solutions, and deliberate the difficulties that hamper progress. It is also a means to chip away at some of the fundamental challenges faced by the RECs, such as overlapping memberships and scarce resources. The value of inter-REC cooperation is acknowledged by the RECs, and examples of such cooperation have been cited in this report. On the whole, this report aims to contribute to such cooperation; it has captured the state of play of MME in the RECs with a view to trigger thinking around potential partnerships for greater progress. It has taken shape in the context of the MME Partnership - a dynamic arena in which the RECs and other stakeholders can broaden their vision through inter-continental collaboration and move closer to accomplishing their goals through collective action.



ENDNOTES

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MEETINGS CONVENED FOR THE STOCKTAKING EXERCISE AND KEY EXPERTS AND ORGANISATIONS CONTACTED

This annex lists by chapter the experts and organisations contacted for research on each of the six Regional Economic Communities addressed in this report.

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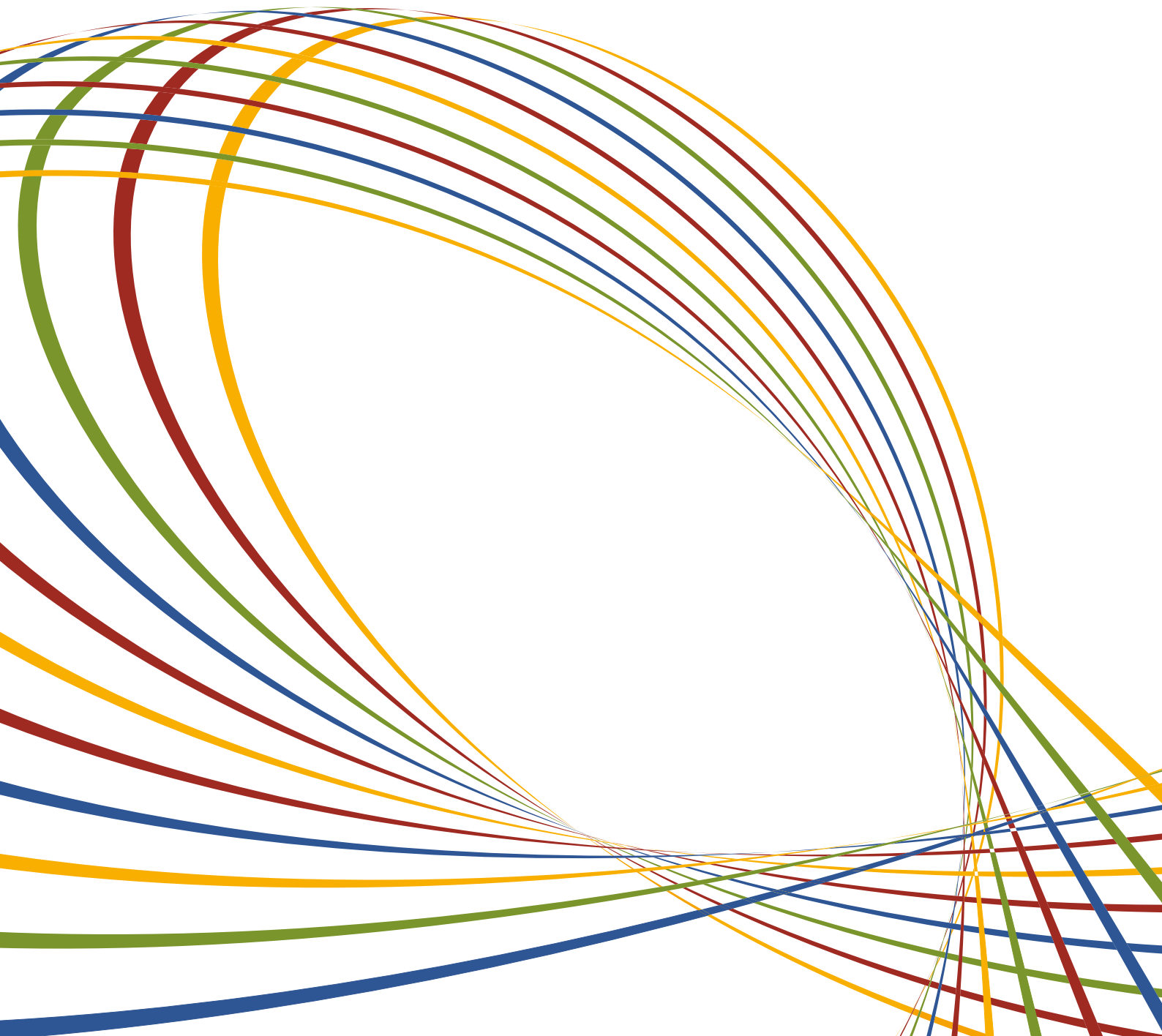
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