



# ROLES OF THE EAST AFRICAN COMMUNITY'S COMMON MARKET PROTOCOL AND INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT'S FREE MOVEMENT PROTOCOL IN FACILITATING LABOUR MOBILITY IN THE EAST AND HORN OF AFRICA REGION

THE CASES OF KENYA, RWANDA AND UGANDA

MAY 2022







Regional Office for East and Horn of Africa  
Sri Aurobindo Avenue  
off Mzima Springs Road  
Lavington  
P.O. Box 55040 - 00200 Nairobi, Kenya  
RONairobi@iom.int  
www.ronairobi.iom.int  
www.iom.int

Foreign Commonwealth and Development Office of the United Kingdom  
King Charles Street, London  
SW1A 2AH or  
Abercrombie House, Eaglesham Road  
East Kilbride, G75 8EA  
United Kingdom  
[fcdo.correspondence@fcdo.gov.uk](mailto:fcdo.correspondence@fcdo.gov.uk)  
<https://www.gov.uk/government/organisations/foreign-commonwealth-development-office>

**DR. LINDA ADHIAMBO OUCHO**

**DR. LEANDER KANDILIGE**

**PIOTR KAZMIERKIEWICZ**

IOM CONSULTANTS

Graphic Design/Layout: Angela Njuguna  
Media and Communication Unit (RO East and Horn of Africa)  
Photo Credits: @IOM SOMALIA

This publication has been produced by the International Organization for Migration (IOM)/UN Migration, within the framework of the “The Better Regional Migration Management Programme (BRMM)” Labour Mobility and Regional Integration for Safe, Orderly and Humane Labour Migration in East and Horn of Africa: East Africa Migration Management”, a regional, multi-partner, pilot project funded by the Foreign Commonwealth and Development Office of the United Kingdom. The BRMM programme aims to enhance labour migration governance and protection of migrant workers and their family members’ human, social and labour rights through intra and inter-regional cooperation on a whole-of-government and whole-of-society approach, to support regional integration and facilitate mobility for transformative inclusive and sustainable economic growth as well as youth and women empowerment.

The opinions expressed in the report are those of the authors and do not necessarily reflect the views of the International Organization for Migration (IOM)/UN Migration. The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration, advance understanding of migration issues, encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

## TABLE OF CONTENTS

---

Executive Summary.....	1
Abbreviations.....	4
1. Why labour migration matters for the EHoA region.....	7
1.1 What does labour mobility and labour migration mean in the EHoA Region?.....	7
1.2 Significance of Migrant Worker Protection.....	10
1.3 Labour Migration Governance, Migrant Workers Protection within Regional Integration.....	11
2. Labour Migration Patterns.....	14
2.1 Overview of Migrant Workers.....	15
2.2 COVID 19 and Labour Migration in the EHoA Region.....	24
3. Where does East and Horn of Africa stand on legal and policy frameworks for protection of migrant workers?.....	26
3.1 Overview of Policies: Protection of migrant workers in focus.....	27
3.2 Status of migrant workers' protection and critical factors to advance migrant workers' rights .....	37
4. National and regional governance of labour migration: challenges and opportunities.....	49
4.1 Regional Labour Migration Governance Structures.....	49
4.2 Implications of Overlapping Memberships.....	53
4.3 Challenges: Inconsistencies between Policy and Practice.....	58
5. Conclusions.....	63
5.1 Safeguarding migrant workers' rights at the regional level.....	63
5.2 Safeguarding migrant workers' rights at the national level.....	64
5.3 Overlapping memberships.....	65
6. Policy Recommendations.....	66
Bibliography.....	70
Annexes.....	80
Annex 1: Regional and National Legal Instruments.....	80
Annex 2: Work Permit Class System by Country.....	82
Annex 3: List of Ministries, Departments and Agencies Interviewed.....	83
Annex 4: Information Sheet and Interview Guide.....	84

# EXECUTIVE SUMMARY

---

*“ If you find yourself in both blocs, that is really a big market and if you are really focused, you can benefit from the economies of scale. The advantage of a country that is in both outweighs the advantages of one that is in a single REC... If we are talking about contributions to sustain a REC, I do not think countries can fail to contribute to the two RECs if they are serious. The benefits the country will accrue outweigh that contribution, so I do not think it should be a problem since they handle the same economic issues”.*

*Interview. MGLSP Official (Uganda)*

This report analyses the roles of East African Community (EAC)’s Common Market Protocol and Intergovernmental Authority on Development (IGAD)’s Free Movement Protocol in facilitating labour mobility in the East and Horn of Africa (EHoA) region. The report provides in-depth analysis of the legal and policy context of protecting the rights of migrant workers in the EHoA region, focussing on the EAC-CMP and IGAD-FMP and national labour provisions of the case study countries, Kenya, Rwanda and Uganda. It also discusses opportunities and challenges of overlapping memberships in implementation of the IGAD-FMP and acceleration of the EAC-CMP in relation to labour mobility and migrant workers’ rights based on experiences of Kenya and Uganda. It also explores the impact of overlapping memberships and COVID-19 on labour mobility while taking into account gender considerations.

The need for this report stemmed from the critical role of labour mobility in the EHoA region as countries explore ways of creating regular pathways to migration to strengthen regional integration. Uganda and Kenya were selected as case study countries with overlapping memberships in the EAC and the IGAD that can provide insights on the challenges and opportunities associated with overlapping memberships. Rwanda is selected as its comprehensive legal instruments on labour migration can provide some lessons learned and best practices advance labour mobility in the region.

The report is based on desk review of existing reports and legal instruments at national and regional level concerning labour mobility. In addition, thirty (30) in-depth key informant interviews were conducted between November 2021 and February 2022 with respondents directly engaged in labour migration-related activities at the regional and national levels. This included government ministries, departments, and agencies (MDAs), Regional Economic Communities (RECs) especially IGAD and EAC, UN agencies, private recruitment agencies, trade unions, Civil Society Organisations (CSOs) and research centres/ organisations.

The report has six sections. The **first section focuses on the significance of labour migration in the context of EHoA region**. It highlights the EAC’s rationale is geared towards facilitating and reinforcing sustainable economic, social, political, and cultural integration of the polities of its partner states. IGAD, on the other hand, was established largely as a framework for the exploration of mechanisms towards peaceful resolution of conflicts and environmental disasters. Free movement of labour is recognised by both RECs as important factor to achieving their shared objectives, which is socio-economic development. This provides a good entry point for analysis of the paper.

The **second section maps out labour migration patterns in the EHoA region and beyond.** It highlights the migration corridors stemming from the region looking at source, transit, and destination countries. As well as discusses the gendered nature of labour migration within the region, to the Gulf Cooperation Countries (GCC) and the countries in the global north. Furthermore, it recognises the transhumance mobility that dominates the IGAD region as well as discusses the self-reliance approaches adopted in refugee settings. Although the pandemic had a negative impact on labour mobility in the region, remittance contribution to Kenya defied all odds as they increased from USD 2.5 billion in 2019 to USD 3.7 billion at the end of 2021.

The **third section focuses on the status of regional and national legal frameworks on migrant workers' rights in the region.** All three countries use data to identify their labour market needs by sector. They also prioritise qualified citizens over non-nationals when job opportunities arise in the country to capitalise on their local labour market. When certain skills were lacking in the country, EAC citizens were considered first, before expanding beyond the region. Mutual recognition of skills frameworks plays an important role in providing migrant workers access to other labour markets. The IGAD is still in the process of developing its Regional Qualification Framework (RQFs) while the EAC developed the East African Qualifications Framework for Higher Education (EAQFHE) in 2015. The EAC built on its long history of recognition of certificates established between Kenya, Uganda, and Tanzania since the 1960s when the East Africa University established campuses in Kampala, Nairobi, and Dar es Salaam. Although the harmonisation process is slow, countries are negotiating mutual recognition agreements (MRAs) with professional associations at the national level. Portability of social security is an ongoing challenge in the EAC region as countries have different systems in place that are not advanced. Both Kenya and Uganda have similar adjunct laws on social security that considers migrant workers. However, undocumented migrants in Kenya and Uganda do not have access to protection as they have not met the legal requirements to work in the host country. The global pandemic revealed challenges of existing national instruments on free movement. The border closures at the early stages of the pandemic exposed the lack of adequate guidelines for return, reintegration, and readmission of their nationals working/residing outside their country of origin. As a result, national governments use regional platforms to develop guidelines to monitor the movement of all migrants including labour.

**Section four discusses regional and national labour migration governance structures and mechanisms, including implications of overlapping memberships.** Findings of the report indicate that regional and national governance systems play an important role in coordinating labour migration related activities. Countries with overlapping memberships of both EAC and IGAD can benefit from access to a wider labour market and expanded stakeholders' platform. On the other hand, duplication of efforts and coordination challenges are among the key challenges facing countries with dual memberships.

The report concludes by **highlighting the key findings of the study** showcasing that all three countries created an environment where free movement of workers is possible by removing barriers to free movement such as work permit fees for the Partner States and initiating the EAC Passport. The EAC has taken strategic steps to reach a consensus with its members and the experience could guide IGAD in the implementation of the IGAD-FMP removal of visa costs for the Member States under phase I and facilitating free movement of workers under phase II. The EAC can equally benefit from the IGAD experience on conflict management and resolution.

The report concludes with **key policy recommendations for different important stakeholders, including members of the EAC and IGAD, to advance migrant workers' rights and turn overlapping memberships into opportunities to advance labour mobility in the region.** The recommendations can be of great importance to policy-oriented platforms such as the Regional Ministerial Forum for Migration (RMFM), which plays an important role in facilitating regional labour mobility governance.

regime allowing states to jointly address labour migration policies and protecting the human, labour, and social rights of migrant workers migrating within and from Africa to EU, GCC Member States and other countries. The RMFM was established in 2020 by 11 States from East and Horn of Africa Region

This report is part of a series of reports produced by the International Organisation for Migration (IOM)'s Better Regional Migration Management (BRMM) Programme, covering the East and Horn of Africa region. BRMM aims to support regional integration and to facilitate labour mobility for transformative, inclusive and sustainable growth in Somalia, South Sudan, Rwanda, Ethiopia, Uganda, and Kenya. BRMM is funded by the United Kingdom's Foreign, Commonwealth and Development Office (FCDO).