

Rapid Assessment of BLMAs & Migration Corridor (Ethiopia to South Sudan)

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# Labour Migration Governance in South Sudan: A Case Study of the Ethiopia-South Sudan Corridor

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IOM South Sudan 2022







### **PREFACE**

South Sudan as a young nation has not yet established migration data storage and information sharing protocols aligned international standards and best practices. Currently, different government agencies with migration functions especially immigration, Labour, Refugees Commission, Relief and Rehabilitation Commission and the security agencies collects and maintained some administrative data such as on residency, work permits, IDPs, Refugees and flows from International Ports of entries.

There are no formal modalities establish for ensuring privacy and protection of personal data which can easily be used to victimize migrants. The recently enacted Civil Registry Act (2018), and subsequent laws do not have regulations that guide collection and sharing of identity information of citizens and foreign nationals registered by the line Ministries.

IOM has noted that sharing of information among agencies is often a challenge due to inadequate Coordination and cooperation, because agencies are not aware about the importance of interagency cooperation. And that this data if well analyzed and disseminated, can enhance the nature of the work of the Government of South Sudan, because migration is cross cutting in many sectors of the economy and development of the country

With these protocols on Data Sharing and Protection, we now have established modalities for sharing data of migrants while making ensure their rights are protected within specific mandate of each line ministry.

The National Bureau of Statistics is the central government agency responsible for generating reports to guide policy on the movement of persons to, from and through South Sudan.

In particular, the agency is responsible for compiling, analyzing and dissemination of migration data and producing trends analysis. It is imperative that NBS conducts a migration profile, however the institution has never conducted one before and needs capacity building to do so.

At the same time, as a statistics agency the NBS needs to guide agencies collecting data on information parameters and establish better information sharing mechanisms based on best practices.

And also need to have an established digital database for better data storage and protection and even enhance sharing capabilities. The information generated is useful for informing government position and policy, but also shape government approach to migration from a regional and global perspective in order to better response to emerging migration challenges and resource mobilization.

Finally, I would like to give a special thanks to our donors of The Better Migration Management (BMM) programme, a regional, multi-year, multi-partner programme which was developed to improve migration management, and in particular, to address Trafficking in Persons (TiP) and Smuggling of Migrants (SoM) from and within the East and Horn of Africa (EHoA) region. The BMM programme is co-funded by the European Union Trust Fund for Africa and the German Federal Ministry for Economic Cooperation and Development (BMZ) and managed by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ).

The International Organization for Migration (IOM) is one of the main implementing partners alongside the United Nations Office on Drugs and Crimes (UNODC), CIVIPOL and the British Council.

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#### **ACRONYMS**

AEC African Economic Community

AU African Union

BLMA bilateral labour migration agreement

CoD country of destination country of origin

CSO civil society organization
EAC East African Community
EHoA East and Horn of Africa
FGD focus group discussion
FMP flow monitoring point
GCC Gulf Cooperation Council

GCM Global Compact for Safe, Orderly and Regular Migration

IGAD Intergovernmental Authority on Development

ILO International Labour OrganizationIML International Migration LawIP Implementing Partner

IMRF International Migration Review Forum
EU-IOM JI European Union-IOM Joint Initiative
JLMP Joint Labour Migration Programme

KII key informant interview

LMIS Labour Market Information System MOU memorandum of understanding

MPFA Migration Policy Framework for Africa

MRA mutual recognition agreement

NCM National Coordination Mechanism on Migration

NEA National Employment Authority (Kenya)
NITA National Industrial Training Authority (Kenya)

PEA private employment agency
PPE personal protective equipment
REC Regional Economic Community

RDH regional data hub

RLMP Regional Labour Migration Policy

RMFM Regional Ministerial Forum on Migration

RMG Regional Monitoring Group

RMMS Regional Mixed Migration Secretariat
SADC Southern Africa Development Community

SDGs Sustainable Development Goals

SNNPR Southern Nationalities, Nations, and Peoples' Region

SSP South Sudanese pound

TVET Technical and Vocational Education and Training

UAE United Arab Emirates
UN United Nations

UNAIDS The Joint United Nations Programme on HIV/AIDS

# **GLOSSARY**<sup>1</sup>

The following terms appear throughout the report and are interpreted as follows:

Assisted voluntary return	Administrative, logistical, financial and reintegration support to rejected asylum seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.
Asylum seeker	An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.
Bilateral Labour Migration Agreements (BLMAs)	Bilateral labour migration agreements are arrangements between two States. They describe in detail the specific responsibilities of each of the parties and the actions to be taken by them with a view to accomplishing their goals. The ILO Migration for Employment Recommendation (Revised), 1949 (No. 86) contains in its Annex a Model Agreement on Temporary and Permanent Migration for Employment, including Migration of Refugees and Displaced Persons.
Bilateral Labour Arrangements (BLAs)	All forms of bilateral arrangements between States, regions and public institutions that provide for the recruitment and employment of foreign short- or long-term labour. Note: Bilateral labour arrangements is a broader term, compared to bilateral labour agreements, encompassing non-legal arrangements such as memorandums of understanding (MoUs), as well as "non-governmental" arrangements, for example arrangements between national employment agencies in different countries.
Country of Destination	In the migration context, a country that is the destination for a person or a group of persons, irrespective of whether they migrate regularly or irregularly. May also be referred to as host country, receiving country, or State of employment.
Country of Origin	In the migration context, a country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly. See also home country and State of origin
Country of Transit	In the migration context, a country through which a person or a group of persons pass on any journey to the country of destination or from the country of destination to the country of origin or the country of habitual residence.
Circular Migration	A form of migration in which people repeatedly move back and forth between two or more countries.

<sup>&</sup>lt;sup>1</sup> IOM, 2019. <u>https://publications.iom.int/system/files/pdf/iml\_34\_glossary.pdf.</u>

Ethical Recruitment	Ethical recruitment means hiring workers lawfully and in a fair and transparent manner that respects and protects their rights.
Facilitated migration	Regular migration that has been encouraged or supported by State policies and practices or by the direct assistance of international organizations to make the act of migration and residence easier, more transparent and more convenient.
Freedom of movement	A human right comprising three basic elements: freedom of movement within the territory of a country (Art. 13(1), Universal Declaration of Human Rights, 1948: "Everyone has the right to freedom of movement and residence within the borders of each state."), the right to leave any country and the right to return to his or her own country (Art. 13(2), Universal Declaration of Human Rights, 1948: "Everyone has the right to leave any country, including his own, and to return to his country").
Human trafficking	The "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." (Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, of the United Nations Convention against Transnational Organized Crime, 2000, art.3).
Internally displaced persons	Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination. There is no clear or universally accepted definition of irregular migration. From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. There is, however, a tendency to restrict the use of the term "illegal migration" to cases of smuggling of migrants and trafficking in persons.
Labour Mobility	Labour mobility – or mobility of workers – can be either occupational (movement along the occupational ladder) or geographic (movement across geographic locations). In the context of migration, geographic labour mobility is implied. Note: The term "labour mobility" has the same meaning as "labour migration" but is more frequently used nowadays to reflect the dynamic and multi-directional nature of modern migration, indicating that those who move for employment purposes may do so more than once, may move across different countries of destination and that their employment abroad may not necessarily result in settlement in another country, keeping their prime place of residence in their country of origin
Memorandum of Understanding	A type of bilateral labour migration agreement — but a non-binding agreement, which set out a broad framework of cooperation to address common concerns.

Migrant	IOM defines a migrant as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. IOM concerns itself with migrants and migration-related issues and, in agreement with relevant States, with migrants who are in need of international migration services.
Migration	The movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.
Migrant Worker	A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.
Refugee	A person, who "owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" (Convention relating to the Status of Refugees, Art. 1A(2), 1951 as modified by the 1967 Protocol).
Relocation	In the context of humanitarian emergencies, relocations are to be considered as internal humanitarian evacuations and are understood as large-scale movements of civilians, who face an immediate threat to life in a conflict setting, to locations within the same country where they can be more effectively protected.
Resettlement	The relocation and integration of people (refugees, internally displaced persons, etc.) into another geographical area and environment, usually in a third country. In the refugee context, the transfer of refugees from the country in which they have sought refuge to another State that has agreed to admit them.
Return migration	In the context of international migration, the movement of persons returning to their country of origin after having moved away from their place of habitual residence and crossed an international border. In the context of internal migration, the movement of persons returning to their place of habitual residence after having moved away from it.
Smuggling	The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident (Art. 3(a), UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000). Smuggling, contrary to trafficking, does not require an element of exploitation, coercion, or violation of human rights.
Undocumented Migrant	A non-national who enters or stays in a country without the appropriate documentation.
Vulnerability	IOM defines vulnerability in a migratory context as "the reduced ability of an individual or group to resist or recover from violence, exploitation, abuse and violations of their rights. It is determined by the presence, absence and a mix of factors and circumstances that (a) increase the risk and exposure to, or (b) protect against violence, exploitation, abuse and rights' violations".

#### **EXECUTIVE SUMMARY**

#### **Background and Purpose**

The Bilateral Labour Migration Agreements (BLMAs) Assessment of the Ethiopia to South Sudan Corridor provides a snapshot of the current situation for migrant workers travelling from Ethiopia to South Sudan for economic reasons as well as the current operational status of BLMAs and all agreements that fall under this umbrella, throughout the corridor.<sup>2</sup>

This assessment provides additional evidence that governments may utilize in improving labour migration governance structures. Evidencebased decision making in labour migration governance strategies should ultimately lead to increased protection of migrant workers and benefits for both countries of origin and countries of destination. South Sudan and Ethiopia have a demonstrated flow of migrant workers, mostly moving from Ethiopia as a country of origin to South Sudan as a country of destination. The vast majority of migrant workers in South Sudan that originate from Ethiopia are undocumented. For the purposes of this report, the term 'undocumented migrant' will be used to denote any nonnational who enters or stays in a country without the appropriate documentation.<sup>3</sup> The term 'undocumented migrant' is synonymous with 'irregular migrant'.

This assessment seeks to contribute to the strengthening of regional guidance and architecture to govern labour migration through BLMAs as a tangible step towards effective implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM), Sustainable Development Goals (targets 8.8

and 10.7), African Union's Agenda 2063, and EAC and IGAD Protocols on Free Movement of Persons and Regional Ministerial Forum on Migration (RMFM).4 Objectives and other relevant regional cooperation and development frameworks. The study builds on the Rapid Assessment of Migrant Workers' Vulnerability in the East and Horn of Africa: The case of Ethiopia, Somalia and Djibouti, a research study on existing vulnerabilities of EHoA migrant workers' status and rights in destination countries (GCC) conducted from 1 August to 15 November 2020 with the financial support of BMM. It also both builds upon and utilizes data collected for the Rapid BLMAs Assessment of the Southern Corridor. It seeks to portray a more complete picture of labour migration movements throughout the EHoA.

The harmonization of labour migration laws across the region, which will allow for the free movement of people locally and beyond, will also ignite economic development and boost the transfer of skills within the region. Harmonizing these regulations would also serve to increase migrant worker protection and prevent the exploitation of labour through unfair practices such as excessive working hours, passport and document confiscation, confinement, denial of salary, and physical and/or sexual abuse.

The COVID-19 crisis presents us with an opportunity to reimagine human mobility for the benefit of all, while advancing the commitment of the 2030 Agenda of leaving no one behind and the Agenda 2063 Aspirations for a prosperous Africa.

<sup>&</sup>lt;sup>2</sup> Bilateral labour migration agreement (BLMA) is the overarching term use throughout this report. It is an "umbrella" term or is inclusive of bilateral labour agreements (BLAs), memorandums of understanding (MoUs), other bilateral agreements addressing labour migration, and framework agreements or cooperation agreements addressing labour migration and other migration topics.

<sup>3.</sup> IOM Glossary, 2019. Available from: https://publications.iom.int/system/files/pdf/iml\_34\_glossary.pdf.

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