

FINAL REPORT FOR SOUTHERN AFRICAN MIGRATION MANAGEMENT (SAMM) PROJECT

STOCKTAKING OF WORK ON LABOUR MIGRATION IN THE SOUTHERN AFRICAN REGION

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Acknowledgements

The COVID-19 pandemic placed considerable constraints on this stocktaking exercise, so our sincere thanks to Theodoor Sparreboom (ILO) and Matteo Busteo (IOM) for their assistance in providing extensive documentation, input and contacts. We would also like to express our gratitude to Ms Maria Salamone and Ms Georgina Godwin for their assistance with data retrieval and analysis. Ms Salamone also provided invaluable editorial assistance.

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“Member States recognise that data collection and information management on labour migration remain key challenges and it is therefore important to strengthen the regional and national actors that are involved. Not all the Member States are regularly and timeously collecting labour migration data and the region lacks robust knowledge products that are informed by rigorous research on labour migration” (SADC, 2020).⁵

“High-quality and up-to-date migration statistics are a pre-requisite for designing, implementing and monitoring evidence-based labour migration policies. However, there is still a lack of comprehensive official statistical data on migrant workers at the national, regional and global levels” (ILO, 2018)⁶

“Timely, reliable, accessible and comparable data on migration is key to effective migration governance and upholding the rights of migrants. The lack of migration data and objective analysis contributes to the misperception of migration and the manifold negative effects it entails. The lack of a strong evidence base also leads to poorly designed and ineffective policies and programmatic interventions” (IOM, 2019)⁷

1 Background

The main objective of the Southern African Migration Management (SAMM) Project is to improve migration management in the Southern Africa and Indian Ocean region. The specific objective addressed in this report (SO1) is “an improved policy environment for labour migration across the region and efficient means of labour mobility for (prospective) labour migrants.” In order to achieve this objective a full and dynamic picture of regional labour migration drivers, volumes, trends, characteristics and impacts is needed.⁸ However, as the Situation Analysis (SA) for the SAMM Project notes, migration data in this region is scattered, inconsistent, unreliable, undetailed and rarely available to the public, thus limiting considerably their use for strategy and policy development and monitoring of migration trends. A key intended result area of the intervention will be the establishment of a Southern African and Indian Ocean migration observatory which will collect and provide harmonized reliable data and analysis of statistical data and labour migration indicators in order to effectively inform labour migration policy formulation and collective labour migration management at the regional level.

This report presents and discusses the results of a regional stocktaking of work on labour migration in all countries targeted by SAMM Project. The exercise focused on three regional economic commissions (RECs): (a) the Common Market for Eastern and Southern Africa (COMESA), (b) the Southern African Development Community (SADC); and (c) the Indian

⁵ SADC Secretariat, *Draft SADC Labour Migration Action Plan (2020-2025)* SADC/ELS/M&SP/2020/7 (Gaborone, 2020).

⁶ ILO, *Global Estimates on International Migrant Workers*, Labour Migration Branch & Department of Statistics, International Labour Organization, Geneva, 2018, p. 1.

⁷ IOM, *IOM Regional Strategy for Southern Africa, 2019-2023* (Pretoria, 2019), p. 7.

⁸ Jonathan Crush, “Complex Movements, Confused Responses: Labour Migration in South Africa” SAMP Policy Brief No 25, Cape Town, 2011.

Ocean Commission (IOC), as well as 16 countries including (in alphabetical order) Angola, Botswana, Comoros, Democratic Republic of Congo (DRC), Eswatini (ex Swaziland), Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe. The relationship and overlap between the regional organizations and individual countries is shown in Table 1. Only four countries (Comoros, Madagascar, Mauritius and Seychelles) are members of all three RECs. Another five countries (DRC, Eswatini, Malawi, Zambia and Zimbabwe) are members of both COMESA and SADC. In this report, the term ‘Southern Africa’ is used to encompass these RECs and constituent states.

Table 1: Southern African Country Membership of RECs

Regional Organization	Relevant Countries
COMESA	Comoros, DRC, Eswatini, Madagascar, Malawi, Mauritius, Seychelles, Zambia, Zimbabwe
SADC	Angola, Botswana, Comoros, DRC, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe.
IOC	Comoros, Madagascar, Mauritius, Seychelles

The stocktaking had five main objectives:

- (a) to provide an overview of current labour migration patterns from existing data sources and research;
- (b) to compile an inventory of the types, methods, quality and gaps in research and administrative data on labour migration to each country;
- (c) to audit the current state of regional labour migration and policy development relevant to the management of migration in the region;
- (d) to assess the status of ratification of international standards relevant for the management of labour migration;
- (e) to summarize work on social security benefits for labour migrants; and
- (f) to identify work on qualification frameworks benefitting or potentially benefitting labour migrants.

Although there has been a considerable increase in recent years in labour migration from this region to other parts of the world (including Europe, North America and the Gulf) and in labour migration to Southern Africa from Asia (especially China, India and Bangladesh), this report focuses primarily on labour migration within the region (South-South intra-regional migration) and from other parts of Africa to the region (South-South inter-regional migration).

The report adopts the definition of labour migration proposed in Paragraph 14 of the 2018 ILO Guidelines Concerning Statistics of International Labour Migration where “the concept of international migrant workers is meant to measure the current labour attachment of international

migrants in a country, irrespective of the initial purpose of migration, and of others who are not usual residents of the country but have current labour attachment in the country of measurement”.⁹ This is an important point of clarification in the Southern African context since it defines migrant workers in terms of their actual labour attachment (both employed and unemployed) rather than the motives for migration which may not necessarily relate to the desire or need for employment (e.g. asylum-seekers who migrate for reasons of political persecution and work to sustain themselves and their dependants in the destination country). The proposed distinction between usual and non-usual resident migrant workers is also important in a region where temporary migration is still the norm.¹⁰ Two further distinctions are necessary. First, it is important in Southern Africa to distinguish between regular and irregular labour migration i.e. a distinction between migrant workers with legal status to work and those whose legal or extra-legal (undocumented) status does not include the right to work.¹¹ Second, a distinction is necessary between formal employment and informal employment and self-employment in a region where an estimated 40% of all employees are informally employed and the proportion of migrants working informally is even higher.¹²

2 Methodology

Because of the restrictions imposed by the COVID-19 pandemic, travel and face-to-face interviews with key stakeholders were not included in the agreed Terms of Reference. As a result, the report is primarily a stocktaking of information about labour migration available through desktop research online and telephone interviews with key informants. In order to produce an analysis that is as current as possible, uses 2010 (and the 2010 Census Round) as its baseline and examines work conducted from then to the present. Most national governments in the region now have active statistical agencies who not only conduct regular and relevant surveys of various kinds but make their survey instruments and data publicly available for download. In addition, there are several major data repositories online from which labour migration data can be extracted at both the national and regional scale.

The stocktaking involved the following activities:

- Compiling comprehensive bibliography of secondary published sources and grey material on labour migration in Southern Africa after 2010 (available on Mendeley);
- Comprehensive audit of national government statistical agency websites for information on labour migration in all household and labour force surveys conducted since 2010 and assessment of the relevance to managed labour migration;

⁹ ILO, *Guidelines Concerning Statistics of International Labour Migration*, Department of Statistics, International Labour Office, Geneva, 2018, p. 1.

¹⁰ A. Segatti, “Explaining the Impasse of Circular Migration in Southern Africa” In C. Sole, S. Parella, T.Marti and S. Nita, eds., *Impact of Circular Migration on Human, Political and Civil Rights* (Cham: Springer, 2016), pp. 85-108.

¹¹ See GDAC, “Irregular Migration” at <https://migrationdataportal.org/themes/irregular-migration>

¹² ILO, *Women and Men in the Informal Economy: A Statistical Picture* (3rd Edition, International Labour Office, Geneva, 2018).

- Audit of relevant regional, national, provincial and local government websites for information on types and availability of administrative data on labour migration;
- Identification and extraction of migration data for Southern African region from global databases including those created by UNDESA Population Division on International Migrant Stock, the ILO Department of Statistics (ILOSTAT) and the World Bank.
- Consultation of AU and RECs for documentation related to management of labour migration;
- Audit of labour-migration related programs, projects and outputs by international organizations operational in or relevant to Southern Africa
- Audit of major research surveys on labour migration conducted by non-government organizations, research institutes and university centres and assessment of availability of data.
- Interviews and communications with key informants (Annex A)

3 Labour Migration Overview

3.1 Global Databases

In this section, we extract data from major global databases to construct a picture of migration to and within the Southern African region. These databases are widely used by a wide variety of stakeholders (including SAMM partners) as authoritative sources of information on migration. Because there are inherent problems with these databases, and a lack of clarity about the methodology used to arrive at estimates for Southern Africa, we also assess the reliability of the data we access.

3.1.1 *UN DESA International Migrant Stock*¹³

The GMDAC Migration Data Portal regional data overview for Southern Africa concludes that “regional data on migration in Southern Africa are very limited, and existing data are largely on migrant remittances (and) there are no regional statistics on labour migration – a key migration factor in the region – and its contribution to economic development.”¹⁴ GMDAC relies on the UN Population Division’s International Migrant Stock Database to generate an overall picture of migrant stock in the Southern African region.¹⁵ The recent release of the 2019 update means that trends over time as well as an up-to-date overview of migration characteristics and trends is possible -- with two provisos (a) the data on migrant stock does not distinguish between labour migrants and other forms of migration; and (b) there are potentially extremely serious problems with this data source.

In terms of trends, according to UN-DESA, the overall number of migrants in Southern Africa as a whole appears to have remained relatively stable between 1990 and 2010 at 4-5 million but

¹³ <https://www.un.org/en/development/desa/population/migration/index.asp>

¹⁴ <https://migrationdataportal.org/regional-data-overview/southern-africa>

¹⁵ <https://www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp>

accelerated rapidly by over 3 million between 2010 and 2019 to the current figure of nearly 7.9 million (Table 2). Angola, DRC, South Africa and Tanzania – account for 96% of this increase (and 81% of the total migrant stock in the region). In most other countries, the numbers are relatively stable or have shown only slight increases. Only Comoros recorded a decrease in migrant stock in this period.

Table 2: Migrant Stock of Southern African Countries, 1990-2019

	1990	1995	2000	2005	2010	2015	2019
Angola	33,517	39,813	46,108	61,329	332,126	632,178	669,479
Botswana	27,510	40,168	74,934	84,614	94,614	103,268	110,596
Comoros	14,079	13,939	13,799	13,209	12,618	12,555	12,504
DRC	754,194	1,816,963	744,387	622,869	588,950	824,492	963,833
Eswatini	72,085	25,031	22,855	27,097	30,476	31,579	32,310
Lesotho	8,240	7,204	6,167	6,290	6,414	6,572	6,928
Madagascar	23,917	21,177	23,541	26,058	28,905	32,075	34,934
Malawi	1,127,724	241,624	232,620	221,661	217,722	232,803	247,652
Mauritius	3,613	7,493	15,543	19,647	24,836	28,585	28,849
Mozambique	122,332	168,256	195,702	264,679	306,471	321,794	334,665
Namibia	120,641	115,372	135,547	107,347	103,826	101,618	107,561
Seychelles	3,721	5,148	6,574	8,997	11,420	12,791	12,926
South Africa	1,163,883	1,003,807	1,016,963	1,351,031	2,114,801	3,816,695	4,224,256
Tanzania	574,025	1,106,043	928,180	770,846	308,600	261,222	509,166
Zambia	279,029	244,338	321,167	252,749	149,637	127,915	170,249
Zimbabwe	626,821	431,226	410,041	392,693	397,891	398,866	411,257
Total	4,955,331	5,287,602	4,194,128	4,231,116	4,729,307	6,945,008	7,877,165

Source: UN DESA, International Migrant Stock by Origin and Destination 2019 Update, Table 1

UN DESA data also suggests that the feminization of migration has reached significant levels in the Southern African region with 47% of all migrants being female (Table 3). In all countries (with the exception of Seychelles) at least 40% of the migrant stock is female. Five countries (Comoros, DRC, Malawi and Tanzania) have more female than male migrants.

Table 3: Breakdown by Sex of Migrant Stock in Southern Africa, 2019

	Male	Female	% Female
Angola	341,719	327,760	49.0
Botswana	62,943	47,653	43.1
Comoros	6,047	6,457	51.6
DRC	463,954	499,879	51.9
Eswatini	16,582	15,728	48.7
Lesotho	3,751	3,177	45.9
Madagascar	19,897	15,037	44.2
Malawi	117,932	129,720	52.4

Mauritius	15,979	12,870	44.6
Mozambique	161,731	172,934	51.7
Namibia	57,938	49,623	46.1
Seychelles	9,049	3,877	30.0
South Africa	2,350,362	1,873,894	44.4
Tanzania	251,424	257,742	50.6
Zambia	86,098	84,151	49.4
Zimbabwe	233,652	177,605	43.2
Total	4,199,058	3,678,107	46.7

Source: UN DESA, International Migrant Stock by Origin and Destination 2019 Update, Tables 2-3.

In terms of the age breakdown of the region's migrant stock, UN DESA calculates that there are just over 1 million migrant children or 14% of total migrants (Table 4). There are also 504,000 migrants aged 65 and over (or 6% of total migrants), leaving 6.2 million migrants of working age (between 15 and 65) or 8% of the total. Almost half of all migrants are aged between 25 and 45. If the age of a migrant is viewed as a proxy for their ability to work, then it is clear that the vast majority of migrants in the region (over 6 million) could be classified as labour migrants.

UN DESA data for 2019 also indicates that nearly half of Southern Africa's migrant stock (3,567,902 or 45%) is intra-regional (i.e. between countries in the region). Although there is a common perception that countries are either origins or destinations, the data suggests that every single country in the region both sends and receives migrants (Table 5) but only three (Botswana, South Africa, and Tanzania) have a positive net migration rate for intra-regional migrants (receiving more migrants than they send). The major intra-regional migration origin countries include Mozambique (921,513), Zimbabwe (607,420), Angola (358,473), Lesotho (339,943), Malawi (298,231) and the DRC (295,509). South Africa is the dominant destination in the region with 2,137,519 (or 60%) of the region's migrants followed by Zimbabwe (283,387), Mozambique (269,161), DRC (179,065) and Malawi (165,954).

Table 4: Age Breakdown of Migrant Stock in Southern Africa, 2019

	0-14 Years	15-24 Years	25-34 Years	35-44 Years	45-54 Years	55-64 Years	65+ Years
Angola	115,015	86,123	156,968	133,754	91,690	52,075	33,854
Botswana	12,616	15,974	28,423	25,097	15,787	7,880	4,819
Comoros	1,453	1,991	2,700	2,571	1,950	1,159	680
DRC	131,074	216,124	234,064	157,039	105,936	70,962	48,634
Eswatini	5,498	3,807	5,960	6,243	4,772	3,240	2,790
Lesotho	858	862	1,687	1,569	1,096	599	257
Madagascar	5,140	4,507	4,971	5,025	4,702	4,423	6,166
Malawi	30,904	39,575	58,166	45,005	33,269	20,672	20,061
Mauritius	1,476	3,101	5,217	7,537	8,384	2,148	986
Mozambique	68,067	56,436	76,448	66,075	38,049	19,758	9,832
Namibia	8,092	15,191	29,430	20,986	13,236	10,051	10,575
Seychelles	967	1,125	3,295	3,666	2,356	988	529
South Africa	546,175	557,619	1,166,717	926,546	474,077	270,503	282,619

Tanzania	86,237	70,743	103,465	91,321	72,604	45,851	38,945
Zambia	21,953	28,078	38,106	32,420	23,119	14,815	11,758
Zimbabwe	40,958	52,630	83,071	85,689	70,793	45,926	32,190
Total	1,076,483	1,153,886	1,998,688	1,610,543	961,820	571,050	504,695
% of Total	13.7	14.6	25.5	20.4	12.2	7.2	6.4

Source: UN DESA, International Migrant Stock by Origin and Destination 2019 Update, Table 2

Table 5: Origins and Destinations of Intra-Regional Migration According to UN DESA, 2019

	As Origin	As Destination	Net Migration
Angola	358,473	100,140	-258,333
Botswana	79,136	82,169	+3,033
Comoros	12,806	9,755	-3051
DRC	295,509	179,065	-116,444
Eswatini	93,536	23,394	-70,142
Lesotho	339,943	3,199	-336,744
Madagascar	14,027	11,932	-2,095
Malawi	298,831	165,951	-132,880
Mauritius	15,956	3,050	-12,906
Mozambique	921,513	269,161	-652,352
Namibia	187,691	72,978	-114,713
Seychelles	18,686	1,625	-17,061
South Africa	89,226	2,137,519	+2,048,293
Tanzania	42,139	110,956	+68,817
Zambia	192,970	113,621	-79,349
Zimbabwe	607,420	283,387	-324,033
Total	3,567,902	3,567,902	0

Source: UNDESA, UN Migrant Stock by Origin and Destination 2019 Update, Table 1

Table 6: Bilateral Migration Stock Matrix for Southern Africa According to UN DESA, 2019

Destination Countries	Origin Countries															
	Angola	Botswana	Comoros	DRC	Eswatini	Lesotho	Madagascar	Malawi	Mauritius	Mozambique	Namibia	Seychelles	South Africa	Tanzania	Zambia	Zimbabwe
Angola				92,242						254	909		6,421		314	
Botswana	782			1,133	611	279	563	1,484	233	607	992	10	5,751	818	4,429	64,477
Comoros							9,611							144		
DRC	179,065															
Eswatini	132	40		664		220				9,844			12,494			
Lesotho		113			37			37		24	4		2,751	89	72	72
Madagascar			11,932													
Malawi				9,406						58,344			8,292	9,644	42,971	37,294
Mauritius							2,298					125	627			
Mozambique	39,224			11,497		7,869		62,854				16,997	20,239	7,449	5,333	97,699
Namibia	39,580	681		3,675	202	130		382	109	141		57	8,785	1,136	3,132	14,968
Seychelles							809		559				257			
South Africa	69,659	73,310	340	53,363	92,608	331,312	746	108,474	14,883	376,668*	184,496	1,162		16,769	97,672	716,057*
Tanzania	1,123	126	534	79,456	78	133		6,194	172	13,138	577	335	638		7,688	764
Zambia	28,908	1,041		44,073				12,355		1,476	713		3,487	6,090		15,478
Zimbabwe		3,825						107,051		121,628			19,524		31,359	
Total	358,473	79,136	12,806	295,509	93,536	339,943	14,027	298,831	15,956	921,513	187,691	18,686	89,266	42,139	192,970	607,420
No. of Countries	8	7	2	9	5	6	5	8	5	10	5	6	12	9	9	9

Source: UN DESA International Migrant Stock by Origin and Destination 2019 Update, Table 1

*These numbers are reversed in error in the UN DESA database

Migrants from any one country typically migrate to a number of other countries (Table 6). For example, South Africans are located in 12 other countries in the region, while Mozambicans can be found in 10, followed by Congolese, Tanzanians, Zambians and Zimbabweans (in 9). Migrants from all other countries (with the exception of Comoros) are in 5-8 other countries. South Africa receives migrants from all 15 other countries followed by Botswana and Tanzania (at 14) and Namibia (at 12). Table 6 also shows the major bilateral migration corridors in the region for 2019 (shaded). These include (in order of volume) Mozambique-South Africa (at 716,057), Zimbabwe-South Africa (376,668), Lesotho-South Africa (331,312), Namibia-South Africa (184,496) and Angola-DRC (179,065).

The main origin countries outside Southern Africa include various African, Asian and European countries (Table 7). Eight of the top 20 origin countries are in East, Central and West Africa and include Central African Republic (at 327,000 migrants), Rwanda (2801,000), South Sudan (92,000), Congo (87,000) and Kenya (83,000). The migrant population from two countries, Nigeria and Pakistan, is heavily male dominated with only a quarter of migrants being female. Nine of the top 20 origin countries send more female than male migrants, however, including Rwanda, South Sudan, Kenya, Somalia and Uganda.

Table 7: Major Countries of Migrant Origin Outside Southern Africa, 2019

	Total	Male	Female	% Female
CAR.	327,186	167,058	160,128	48.9
Rwanda	280,630	139,051	141,579	50.5
UK	151,622	70,503	81,119	53.5
Germany	110,414	50,668	59,746	54.1
South Sudan	92,124	42,385	49,739	54.0
Congo	86,689	43,879	42,810	49.4
India	83,249	47,889	35,360	42.5
Kenya	81,526	36,202	45,324	55.8
Portugal	58,811	30,888	27,923	47.5
China	55,930	31,584	24,346	43.5
Italy	43,010	21,965	21,045	48.9
Nigeria	37,308	27,507	9,801	26.3
Netherlands	36,381	18,772	17,609	48.4
Somalia	35,888	15,876	20,012	55.8
France	25,873	13,454	12,419	48.0
USA	22,404	9,377	13,027	58.1
Ireland	21,927	9,054	12,873	58.7
Pakistan	20,611	15,453	5,158	25.0
Uganda	20,427	8,998	11,429	56.0

Source: UN Migrant Stock by Origin and Destination 2019, Table 1

Note: African source countries shaded

While further analysis of the migrant stock of individual countries is possible, this is sufficient to give an overall regional picture of the levels, trends and age and sex breakdown of intra-regional migration patterns as at 2019. But how reliable is UN DESA and therefore how accurate is this picture?

UN DESA itself has noted that “researchers and analysts are advised to use the database with caution.”¹⁶ This ‘warning label’ should accompany any uncritical reproduction and use of this data by governments and international agencies. While UN DESA has described in general terms how it calculates its figures, there is no detail on the ways in which figures for Southern Africa are calculated and therefore no means of verifying their accuracy.¹⁷

For example, the UN DESA database relies on census datapoints, so we can assume that the longer the time elapsed since the last census in a country, the greater the possibility of error.¹⁸ In the case of Southern Africa, the 2010 Round of censuses spanned a seven year period from 2010 to 2017 so some country data in the 2019 update is more likely to rely on projections and assumptions than others. In at least two cases, in addition, there has been no national census this century.

One example of questionable assumptions can be seen in Table 2 which suggests that the South African migrant stock dramatically increased by 1.7 million between 2010 and 2015. Using different assumptions, one study produced a revised figure of 2,309,244 for 2015 (in contrast to UN DESA’s 3,816,695).¹⁹ However, even this figure may be too high. For example, the 2016 South African Community Survey concluded that there were only 1,578,441 foreign-born migrants in South Africa in 2016. Statistics South Africa notes that these figures “do not conform to expected outcomes” is even lower than the 2010 Census (and UN-DESA’s estimate for 2015).²⁰

One analysis of the Community Survey data shows the year in which migrants first came to South Africa (see Figure 1).²¹ It suggests a significant increase in migration between 2005 and 2010 but a marked decline in the numbers arriving between 2010 and 2014. Another recent statistical analysis concludes that “the proportion of the population which was foreign born was

¹⁶ Sabine Henning and Bela Hovy, “Data Sets on International Migration” International Migration Review 45(4) (2011): 980-985.

¹⁷ Bela Hovy, “Talking Migration Data: How Does the UN Calculate the Number of Migrants Globally?” At: <https://www.migrationdataportal.com/blog/talking-migration-data-how-does-un-calculate-number-migrants-globally>. Our enquiries with UN DESA met with no response.

¹⁸ UN DESA, *Handbook on Measuring International Migration through Population Censuses* (New York: United Nations, 2017), p. 118.

¹⁹ Jonathan Crush, Belinda Dodson, Vincent Williams and Daniel Tevera, *Harnessing Migration for Inclusive Growth and Development in Southern Africa*. SAMP Special Report, Waterloo, 2017, p. 9.

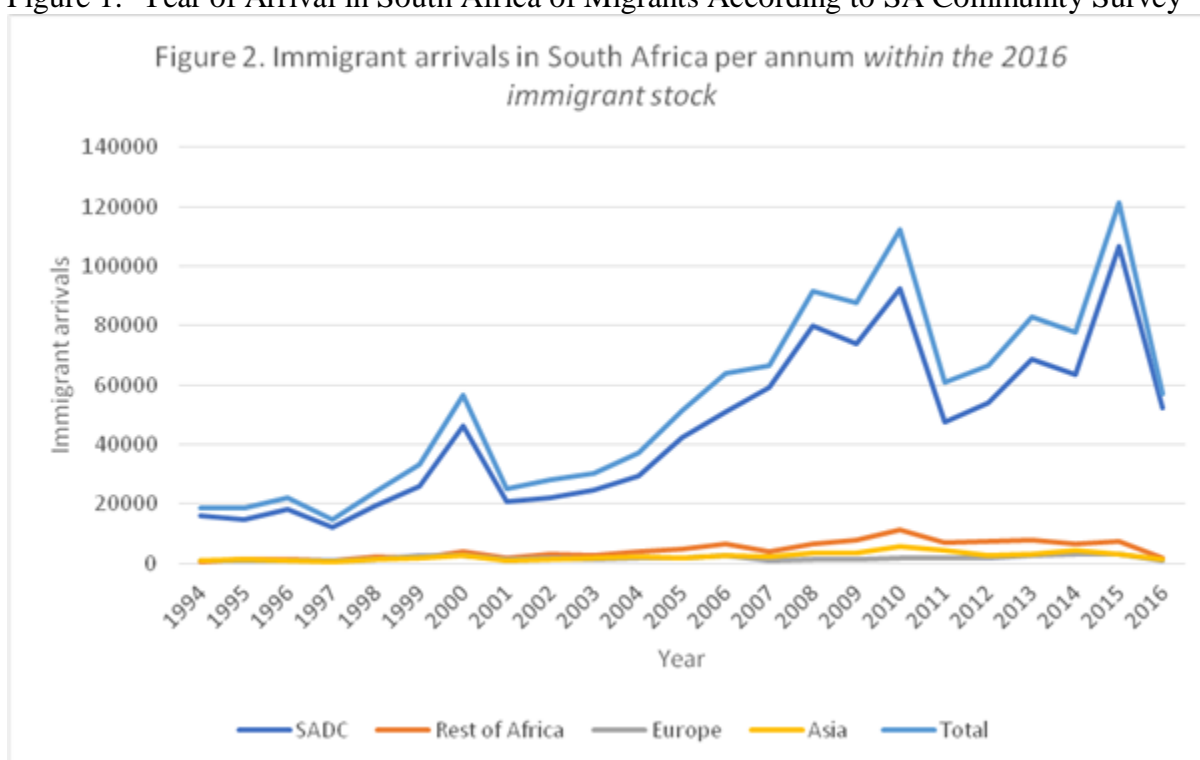
²⁰ Statistics South Africa, Community Survey 2016, Statistical release P0301, Pretoria, p. 24. Statistics South Africa conducted a post-mortem on the survey and concluded that the sampling methodology (a national sample) did not take into account that migrants tend to be spatially concentrated and are therefore under-represented in the survey; Communication from Diego Itturalde, Statistics South Africa.

²¹ Tove Van Lennep, “Migration III: Interpreting the Data on South African Migration” HSF, Johannesburg, 2019. At: <https://hsf.org.za/publications/hsf-briefs/interpreting-the-data-on-south-african-migration>; see also Siyanai Zhou, “Ethnic Migration Patterns in South Africa: A Case of Zimbabwean Immigrants” MPhil Thesis, University of Cape Town, 2018.

remarkably stable between 2011 and 2016” and arrives at an adjusted figure of 2,010,842.²² Finally, the South African government, in response to a request from the AU, provided a number of 1,223,570 in 2015.²³

The wide variation in estimates and UN DESA’s high-end assertion shows the potential danger in uncritically using the UN DESA international migration database in Southern Africa. One potential results is that it can give spurious “scientific” support to populist politicians arguing for reduced migrant flows. Exaggerated numbers have been regularly used in the past to fuel xenophobia.²⁴ Any analysis of labour migration that relies exclusively on the UN DESA figures therefore needs to be treated with an abundance of caution.

Figure 1: Year of Arrival in South Africa of Migrants According to SA Community Survey



Source: <https://hsf.org.za/publications/hsf-briefs/interpreting-the-data-on-south-african-migration>

²² Charles Simkins, “What Does the 2016 Community Survey Tell Us About Immigration and Emigration of the Foreign Born?” Helen Suzman Foundation, Johannesburg, 2017. At: <https://hsf.org.za/publications/hsf-briefs/what-does-the-2016-community-survey-tell-us-about-immigration-and-emigration-of-the-foreign-born>

²³ AUC, *Report on Labour Migration Statistics in Africa in 2015* (Addis Ababa: African Union Commission), p. 92.

²⁴ Jonathan Crush and Vincent Williams, “Making Up the Numbers: Measuring “Illegal Immigration” to South Africa” [2018]. At: <https://www.africaportal.org/publications/making-numbers-measuring-illegal-immigration-south-africa/>

3.1.2 ILO/STATISTICS (ILOSTAT)²⁵

The ILO recently produced global estimates on migrant workers.²⁶ While the report is a valuable overview of global and regional labour migration venues and trends, it does not disaggregate to the sub-regional level and Southern Africa specifically. The methodology used to reach estimates for labour migration is described in detail in the report.²⁷ However, the absence of detailed country-level data in the report “is due to the unavailability of national data from those countries. Despite ILO’s strong efforts, countries did not provide the required data.”²⁸

In 2015-2016, conducted a metadata survey in ILO Member countries and territories.²⁹ The ILO developed seven different questionnaires to identify the most common sources of data for international migrant workers, the periodicity of such data and the detail in which labour market outcomes of international migrant workers could be described using different data sources.³⁰ The seven questionnaires consisted of the Population Census questionnaire, Household Survey questionnaire, Border and Admission Statistics questionnaire, Establishment Census questionnaire, Establishment Survey questionnaire, Administrative Sources questionnaire, and Estimation of International Migrant Workers questionnaire.³¹ These questionnaires were sent electronically in four different languages to 229 ILO member states. In total, 128 countries responded by returning at least one questionnaire. The overall response rate was 56%. For the 56 African countries, the response rate was 53%.³² The response rate from Southern African countries was 63%. The number of migration metadata sources reported and ILO’s compilation of sources are shown in Table 8.

Table 8: Results of 2015-16 ILO Metadata Survey for Southern Africa

	No. of Metadata Sources Reported	
Angola		
Botswana		
Comoros	4	https://www.ilo.org/ilostat-files/SSM/SSM9/COMOROS.pdf
DRC	6	https://www.ilo.org/ilostat-files/SSM/SSM9/DRC.pdf
Eswatini	3	https://www.ilo.org/ilostat-files/SSM/SSM9/ESWATINI.pdf
Lesotho		

²⁵ <https://ilostat.ilo.org/>

²⁶ ILO, Global Estimates on International Migrant Workers: Results and Methodology. 2nd Ed. Geneva: International Labour Office, 2018.

²⁷ Ibid., pp. 15-20.

²⁸ Communication from Andonirina Rakotonarivo, ILO Geneva. Mustafa Hakki Ozel, ILO Geneva, confirmed that “huge efforts” were made by ILO/STATISTICS to get data from African countries.

²⁹ https://www.ilo.org/ilostat-files/SSM/SSM9/SSM9_E.html#S

³⁰ ILO, “Analysis of the ILO Country Survey on International Migrant Workers” At:

<https://www.ilo.org/ilostat-files/SSM/SSM9/Analysis%20of%20the%20ILO%20Country%20Survey.pdf>

³¹ Copies of these questionnaires are included at ILO, “Analysis of the ILO Country Survey” pp. 89ff and would be useful for SAMM in follow-up with Southern African countries.

³² Ibid., p. 23.

Madagascar		
Malawi		
Mauritius	4	https://www.ilo.org/ilostat-files/SSM/SSM9/MAURITIUS.pdf
Mozambique	4	https://www.ilo.org/ilostat-files/SSM/SSM9/MOZAMBIQUE.pdf
Namibia		
Seychelles	3	https://www.ilo.org/ilostat-files/SSM/SSM9/SEYCHELLES.pdf
South Africa	4	https://www.ilo.org/ilostat-files/SSM/SSM9/SOUTH%20AFRICA.pdf
Tanzania	2	https://www.ilo.org/ilostat-files/SSM/SSM9/TANZANIA.pdf
Zambia	3	https://www.ilo.org/ilostat-files/SSM/SSM9/ZAMBIA.pdf
Zimbabwe	4	https://www.ilo.org/ilostat-files/SSM/SSM9/ZIMBABWE.pdf

The ILOSTAT database collects information on 51 different labour migration data indicators at the national level for all countries.³³ We therefore reviewed the ILOSTAT data on each indicator for individual Southern African countries. Annex B provides a list of each indicator, which countries are included in that indicator, and for what years. The review indicated the following challenges in building a region-wide picture:

- Labour migration data are collected through a questionnaire (ILMS) sent to countries.³⁴ In July 2018, ILO Statistical Department's (STATISTICS) decided to restart collection of ILMS at global level. Statistics from official sources, mainly labour force surveys, censuses and administrative datasets, are collected on International Labour Migration Questionnaires (ILMQ) developed by the ILO.³⁵ The ILMS Database can be accessed from the ILOSTAT portal (<https://ilostat.ilo.org/topics/labour-migration/>)
- The primary data source used in ILOSTAT is national Labour Force Surveys. There is some use of other surveys in some countries (such as Integrated Household Surveys, and Household Income and Expenditure Surveys). Census data is occasionally incorporated. Only one of the 51 categories uses administrative data (Mozambique in Q42). The content of the database reflects the data submitted by the countries to the ILO in response to that questionnaire and, according to ILO, very few African countries have submitted data based on administrative records.
- None of the 51 data categories contain data for all 16 countries.
- Some data categories contain data for 11 countries (Q 2, 4, 23, 25, 27, 29, 31, 33, 35, 37, 45, 47). More often, there is data for 7 or fewer countries. For 10 of the 51 categories, there is no data.
- When there is data for 7 or more countries, the data is not necessarily collected in the same year for all countries. Country-level data on the working-age population by sex, age and citizenship, for example, spans the period from 2005 to 2018. This, in turn, reflects the fact that ILOSTAT processes rather than collects primary data and is

³³ <https://ilostat.ilo.org/>

³⁴ Communication from Andonirina Rakotonarivo and Mustafa Hakki Ozel.

³⁵ A copy of the ILMQ is available in ILO, *Guide on Developing an International Labour Migration Statistics Database in ASEAN* (Bangkok, 2015), pp. 22-27.

therefore reliant on variable metadata sources, survey timelines and intervals of individual countries.

- Indicators relating to citizenship tend to have greater coverage than indicators relating to place of birth.
- Given its role as a primary destination for labour migrants in the region, and the ready availability of data, it is surprising that ILOSTAT contains no labour migration data for South Africa.

Table 9 provides a summary of ILOSTAT data for Q24 and Q25 to illustrate what kind of labour migration data is available. These questions were selected because data is available for as many as 12 countries. In each case, we have extracted the latest round of data for each country and show the source, year, total number of foreign-born and/or non-citizens and the occupational breakdown by sector. Overall, ILOSTAT serves a potentially useful function as a one-stop source of data on labour migration at the country level.

3.1.3 World Bank

The World Bank bilateral migrant stock database covers the period 1960-2000 and is of limited use for this exercise.³⁶ The World Bank is more useful as a source on remittance flows. The Global Knowledge Partnership on Migration and Development (Knomad) at the Bank maintains a global database of annual remittance outflows and inflows. The bilateral database is currently under revision and unavailable.³⁷ However, data on total annual remittance outflows and inflows for each country are available for the period 1980 to 2018. The methodology for calculating remittance flows is based on balance of payments, estimated by central banks at the national level and compiled by the International Monetary Fund (IMF).³⁸ Relevant data on remittance inflows and outflows was extracted from the database for Southern African countries for the period 2010 to 2018 (Tables 10 and 11).

According to the Bank, the volume of all remittances into Southern African countries increased from USD4.6 million in 2010 to an USD7 million in 2019.³⁹ Countries experiencing a major increase included Botswana, Comoros, DRC, Eswatini, Malawi, and Mozambique. Countries with declining remittance inflows included Angola, Mauritius, and South Africa. Remittances inflows to all countries are expected to decline markedly in 2020 as a result of COVID-19.⁴⁰

³⁶ <https://datacatalog.worldbank.org/dataset/global-bilateral-migration-database>

³⁷ <https://www.knomad.org/sites/default/files/2020-01/Message%20%20from%20KNOMAD.pdf>

³⁸ Global Migration Group, *Handbook for Improving the Production and Use of Migration Data for Development*. Global Knowledge Partnership for Migration and Development (KNOMAD), World Bank, Washington, DC, 2017, p. 68.

³⁹ The challenges of estimating remittance flows are discussed in Sandra Paola Alvarez, Pascal Briod, Olivier Ferrari and Ulrike Rieder, “Remittances: How Reliable are the Data?” *Migration Policy Practice* 5(2), 2015.

⁴⁰ Dilip Ratha, Supriyo De, Eung Ju Kim, Sonia Plaza, Ganesh Seshan, and Nadege Desiree Yameogo. “COVID-19 Crisis through a Migration Lens” Migration and Development Brief 32, World Bank, Washington DC, 2020.

Most of the other countries had relatively stable flows over the last decade. Migrant remittances constitute a significant share of GDP in three countries: Lesotho (21%), Zimbabwe (13.5%) and Comoros

Table 9: ILOSTAT Data on Migrants in Southern African Countries

Country	Year	Source	No. of Non-Citizens	No. of Foreign Born	No. Employed	Agriculture Hunting & Forestry	Mining & Quarrying	Manufacturing	Electricity Gas & Water Supply	Construction	Wholesale and retail trade; repair of personal and household goods	Hotels & Restaurants	Transport Storage Communications	Financial Intermediation	Real estate, renting & business activities	Public administration a& defence, compulsory social security	Education	Health & social work	Other community, social & personal service activities	Activities of private households as employers & production activities of private households	Administrative & support service activities,	Professional scientific & technical activities,	Arts Entertainment & Recreation	Information & communication	Extraterritorial organizations & bodies
Angola	2009	HIES		1,896,800	1,242,000	131,000	16,100	38,800	3,000	89,600	502,400	10,900	58,100	12,900	43,800	113,500	59,800	40,200	57,900	37,900					20,800
Botswana	2009	CWIS	57,300		41,600	5,600	800	4,300	800	6,400	3,700	900	1,300		3,200	100	2,900	1,600	3,100	5,500					
Comoros	2014	LFS	4,200		1,900	500		100			300					200									
Comoros	2014	LFS		3,200	1,500	300				300	300		100				200								
DRC	2012	LFS	137,700		79,300																				
DRC	2005	LFS	188,300		124,900	67,300	6,400	9,800			25,200		1,600			1,900	4,100		2,400						
Eswatini	2016	LFS	9,300		6,100			1,200		800	1,500						1,200	600							
Eswatini	2016	LFS		16,300	9,400	700		1,800		800	2,400						1,500	600	400						
Madagascar	2012	LFS	26,100		19,500	800		1,800			2,500	1,500								1,500					
Malawi	2017	HIES		155,300	67,300																				
Mauritius	2011	Census	24,700		21,600	100		16,100		1,800						900									
Namibia	2018	LFS	54,200		32,700	9,300	500	1,900		1,700	2,100	1,600	400	400			1,400	1,200	100	9,600		400			
Namibia	2018	LFS		82,700	51,600	13,600	800	3,200		3,100	3,800	2,700	900	800		1,700	2,700	1,700	1,300	11,400	1,400	1,100			

Seychelles	2019	LFS	3,600		2,800	100		200		400	400	500	100			100	200	100			100			100	
Tanzania	2014	LFS	94,100		80,500	38,500	800	4,400		1,300	17,700	1,300	900	800		700	100	800	1,200	2,200	1,800	200		600	
Zambia	2017	LFS	18,100		8,500						3,900														
Zambia	2017	LFS		84,100	28,400	3,300		2,800			15,300														
Zimbabwe	2014	LFS	76,200		57,200	37,600		2,300		2,100	6,300								300			1700			
Zimbabwe	2014	LFS		110,200	78,400	54,900		3,100			6,400									3600					

Source: ILOSTAT

(11.5%). Remittance outflows also increased over the first half of the decade from USD 2.7 billion in 2010 to USD5.8 million in 2014 and then declined again to USD4.1 million in 2018. The apparent reason for this dramatic rise and fall lies in the Angola data which supposedly rose from USD714 million to USD2747 million to USD682 million over the same time period. Remittance outflows from the DRC and Mauritius also increased dramatically.

Using a different methodology, the NGO FinMark Trust has calculated official remittances from South Africa to other countries in the region.⁴¹ The South African Reserve Bank (SARB) provided a dataset tracking formal remittances on a per-country basis for the period 2016 to 2018 (Table 12). This data covered four relevant balance of payments components, as well as cross-border bank card transactions by individuals. The inclusion of cross-border bank card transactions means that formal data provided by SARB “can be regarded as a fairly complete representation of the total value of formal remittances from South Africa to the rest of SADC.” World Bank data shows a remittance outflow from South Africa for 2016-2018 of USD3.028 billion while FinMark/SARB’s number is ZAR26.077 billion (closer to USD1.5 billion). While both record and increase in remittances, there is a wide discrepancy between these two figures. FinMark estimates that around 50% of total remittances now flow through formal channels. Informal remitting therefore remains a significant undocumented benefit of labour migration. In addition, there is a major intra-regional volume of remittance flows in the form of goods such as food, again unrecorded.⁴²

Table 10: Remittance Inflows from Countries of Southern Africa According to World Bank, 2010-2019

Migrant remittance inflows (USD million)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 est.
Angola	29	11	40	37	31	11	4	1	2	2
Botswana	22	20	20	36	46	30	25	36	32	50
Comoros	87	108	110	116	126	129	131	132	134	135
DRC	16	1128	856	1001	756	1167	593	1076	1823	1823
Eswatini	55	64	89	75	96	96	98	144	126	126
Lesotho	610	649	555	463	393	371	490	596	629	584

⁴¹ FinMark Trust, *SADC Remittance Values and Volumes 2018: Research Report* (Pretoria, 2020). This report contains useful supplementary quantitative and qualitative information on remitting channels and practices. However, large-scale representative data on the use and impacts of remittances has not been collected since the SAMP household surveys in recipient countries in 2005-8; Jonathan Crush and Wade Pendleton, "Remitting for Survival: Rethinking the Development Potential of Remittances" *Global Development Studies* 5(2009): 1-28.

⁴² Jonathan Crush and Mary Caesar, "Food Remittances and Food Security: A Review" *Migration and Development* 7 (2018): 180-200.

Madagascar	456	335	330	358	344	327	299	343	426	433
Malawi	22	25	28	34	38	41	39	78	182	182
Mauritius	226	249	249	249	327	224	194	140	191	179
Mozambique	116	130	174	152	155	143	93	258	296	246
Namibia	69	79	80	64	81	47	66	48	54	53
Seychelles	17	25	18	13	15	18	22	22	23	23
South Africa	1,070	1,158	1,085	971	913	825	755	874	929	873
Tanzania	344	410	390	382	389	388	403	403	413	435
Zambia	44	46	73	54	58	47	38	94	107	128
Zimbabwe	1413	1919	2114	1890	1904	2047	1856	1730	1730	1730
Total	4596	6357	6211	5895	5675	5910	5107	5976	7094	7001

Table 11: Remittance Outflows from Counties of Southern African According to World Bank, 2010-2018

Migrant remittance outflows (USD million)	2010	2011	2012	2013	2014	2015	2016	2017	2018
Angola	714	564	2,051	2,396	2,747	1,253	1,176	961	682
Botswana	100	122	139	97	105	95	80	82	85
Comoros	1	1	1		1	1	1	2	2
DRC	57	813	670	920	451	851	450	532	914
Eswatini	12	28	50	27	18	19	19	19	24
Lesotho									
Madagascar	59	54	63	55	50	58	48	63	74
Malawi	15	17	18	16	19	20	17	20	12
Mauritius	8	9	8	8	701	600	599	581	643
Mozambique	54	41	96	100	194	191	98	219	209
Namibia	82	112	104	83	131	71	50	68	58
Seychelles	41	50	57	61	58	74	63	68	72
South Africa	1,353	1,423	1,320	1,182	1,094	980	897	1,033	1,098
Tanzania	123	133	162	130	98	104	108	114	99
Zambia	68	70	97	77	81	72	63	121	132
Zimbabwe	9	9	10	10	11	11	14	19	
	2,696	3,449	4,845	5,164	5,757	4,401	3,684	3,906	4,104

Table 12: Remittance Outflows from South Africa According to Finmark Trust, 2016-2018

Migrant remittance outflows (ZAR million)	Total	2016	2017	2018
Zimbabwe	11922.96	4656.24	4091.84	3174.89
Malawi	4777.90	843.22	1681.53	2353.15
Lesotho	2621.18	446.19	857.88	1317.10
Mozambique	1510.99	453.89	455.44	601.65
Zambia	1382.29	425.63	464.23	492.42
Namibia	1019.92	350.91	345.87	323.14
Botswana	638.84	204.44	203.50	230.91
Mauritius	608.13	162.50	213.23	233.40
Tanzania	562.28	166.50	189.63	206.14
DRC	446.23	102.35	147.12	196.75
Eswatini	413.65	123.37	135.84	154.44
Madagascar	86.90	28.85	27.42	30.62
Angola	38.27	15.58	11.71	10.98
Seychelles	41.10	11.20	14.17	15.73
Comoros	5.68	1.31	1.76	2.62
Total	26077.32	7992.18	8741.17	9343.94

Source: Finmark Trust

The World Bank has produced several overview publications on African migration and economic development which include sections/discussions on labour migration and/or Southern Africa relying primarily on secondary sources:

- Edited volume of chapters on migration to South Africa by researchers with useful (though dated) discussions of skilled labour migration, migration and health and the challenge of measuring undocumented migration.⁴³
- Two volumes of chapters by researchers and experts focusing primarily on remittances and diasporas in development.⁴⁴ One chapter argues that when the AU defines the African diaspora as a “region” outside Africa, and countries develop engagement policies

⁴³ Loren Landau and Aurelia Segatti (eds.), *Contemporary Migration to South Africa: A Regional Development Issue* (Washington DC: World Bank, 2011).

⁴⁴ Dilip Ratha et al. (eds.), *Leveraging Migration for Africa Remittances, Skills, and Investments* (Washington DC: World Bank, 2011); Sonia Plaza and Dilip Ratha (eds.), *Diaspora for Development in Africa* (Washington DC: World Bank, 2011).

with diasporas outside Africa (as in Mauritius and Zimbabwe most recently), opportunities to engage diasporas within the continent and region are unfortunately lost.⁴⁵

- Study on mixed migration whose main aim is to estimate the impact of immigration on labour market outcomes such as employment and wages in South Africa.⁴⁶ Using empirical data at the provincial scale from the 2011 Census, the estimation results indicate that immigration has a positive impact on local employment, labour earnings, and wages. The study concludes that “crucially, these results also provide an important foundation upon which further large-scale research can be developed. Such research can potentially complicate and enable a richer understanding for how migrants, refugees and asylum-seekers engage with the South African economy and the economic relationships they share with locals. This research, may for instance, consider how circular migration, informality, undocumented movements and gendered dimensions have implications for economic relationships”.⁴⁷
- Study on female migration in Lesotho which deals primarily with internal not international migration.⁴⁸

The WB Africa Migration Project conducted migration and remittance household surveys in six African countries in 2009-10, but unfortunately only one was in Southern Africa (South Africa), which was sub-contracted to the Human Sciences Research Council (HSRC). The WB report analysed comparative data from all countries except South Africa.⁴⁹ The South African survey (unlike the other national surveys) was restricted to two provinces (Gauteng and Limpopo) where 2,026 households were interviewed of which only 330 were immigrants (totalling 742 individuals). The data was not comparable with that from other countries and a short report of fieldwork difficulties was prepared but there were no subsequent analyses of the data which is apparently accessible from the WB.⁵⁰

3.1.4 Regional Migration Data Hub for Southern Africa (RMDHub)

The IOM’s RMDHub has conducted a number of activities and assessments relevant to this stocktaking on labour migration for SAMM through its project on ‘Strengthening of Migration

⁴⁵ Jonathan Crush, “Diasporas of the South: Situating the African Diaspora in Africa” In Plaza and Ratha, *Diaspora for Development in Africa*, pp. 55-78.

⁴⁶ Shoghik Hovhannisyan, Christopher Baum, Helidah Refiloe Ogude, Aditya Sarkar, *Mixed Migration, Forced Displacement and Job Outcomes in South Africa* (Washington DC: World Bank, 2018).

⁴⁷ Ibid.

⁴⁸ Ioana Botea Shubha Chakravarty and Nell Compennolle, “Female Migration in Lesotho Determinants and Opportunities” Policy Research Working Paper No. WPS8307, World Bank, Washington DC, 2018.

⁴⁹ Sonia Plaza, Mario Navarrete and Dilip Ratha, *Migration and Remittances Household Surveys in Sub-Saharan Africa: Methodological Aspects and Main Findings* (Washington DC: World Bank, 2011). At: <http://pubdocs.worldbank.org/en/866251444753456291/Plaza-Navarrete-Ratha-MethodologicalPaper.pdf>

⁵⁰ Miriam Altman, “World Bank Household Surveys for the Africa Migration Project: South Africa Migration Project Short Report” Human Sciences research Council, Pretoria, 2011. At: <https://www.knomad.org/sites/default/files/2017-09/South%20Africa%20Summary%20report%202-25-11.im.pdf>. For the questionnaire, see <https://www.knomad.org/sites/default/files/2017-09/South%20Africa%20-%20FINAL%20Household%20Questionnaire10Nov09.pdf>

Data Collection and Analysis in Botswana, Lesotho, South Africa, Malawi and Zimbabwe. These include the following:

- Multi-stakeholder consultative meetings were held in each of the 5 countries of focus, jointly organized by IOM and the relevant National Statistical Offices (NSOs).
- National migration data assessments were conducted for each country by a consultant to the IOM Southern Africa Regional Office.⁵¹ A final cumulative document contains generalized findings from the five national consultative meetings.⁵²

These assessments do not present any migration data but instead focus on providing an inventory of migration data sources and gaps in collection and availability of data. The following key data gaps and weaknesses were identified in relation to labour migration:⁵³

- Most countries lack adequate data on international migrant workers. For example, migrants who enter the countries on asylum and are absorbed in the work force are rarely captured in national data systems. Development of appropriate methodologies for capturing information on the main categories of international migrant workers was discussed as one of the key strategies needed to ameliorate the existing gaps in data on international migrant workers.
- Weak inter-agency migration data harmonization: Limited coordination between relevant stakeholders, migration data compilers and users;
- Absence of a standard format of gathering migration data collecting data by non-statistical departments/agencies;
- Lack of appreciation of the relevance of statistics by the National Statistical System. Collaboration among institutions that collect administrative data on migration reported to be weak. Data on migration is fragmented and not homogeneous across different sources in all the countries. A limited coordinated platform for data sharing was noted as well as varying different databases with migration data. In addition, sharing of migration data for policy purposes was lacking. It would be practical to set migration data sharing mechanism that allows centralization of data analysis by various institutions or agencies and further elaborated to inform policy-making processes and programming.

⁵¹ John Mushomi, “Assessment of Existing Migration Data and Gaps: Strengthening of Migration Data Collection and Analysis in Botswana” (Draft Report, July 2019); “Assessment of Existing Migration Data and Gaps: Strengthening of Migration Data Collection and Analysis in Botswana” (revised Draft Report, March 2019); “Assessment of Existing Migration Data and Gaps: Strengthening of Migration Data Collection and Analysis in Malawi” (Revised Report, July 2019); “Assessment of Existing Migration Data and Gaps: Strengthening of Migration Data Collection and Analysis in South Africa” (Revised Draft Report, May 2019); “Assessment of Existing Migration Data and Gaps: Strengthening of Migration Data Collection and Analysis in South Africa” (Draft Report, July 2019). These draft reports were made available to us by the IOM Regional Office.

⁵² John Mushomi, “Assessment of Existing Migration Data and Gaps: Strengthening of Migration Data Collection and Analysis in Botswana, South Africa, Lesotho, Zimbabwe and Malawi” (Report for IOM Regional Office, nd).

⁵³ Mushomi, “Assessment of Existing Migration Data and Gaps.”

- In all five countries, the stakeholders unanimously highlighted the necessity to improve the national coordination mechanisms regulating the management of migration data. Stakeholders highlighted the need for the creation/revitalization of an inter-agency coordination group tasked with the coordination and management of migration data at the national level and composed of national data suppliers, users and national research and training institutions.
- Limited automation in the collection of migration data. There is a general need to move away from the paper collection to automation including big data. Few countries only collect migration data regularly using entry and exit cards on borders. Data on entry and Capacities vary across countries.
- Lack of surveys that are specific on migration. All countries collect some information from censuses, but the challenge is analyzing available migration data and linkages to policymaking.
- The paucity of data, lack of comparability, lack of common methodology, need for coordination and the need for the development of policies based on evidence were underscored.
- Computerization of migration data management is below standard with lack of basic technology and applications to analyze and share migration information. Migration information systems available are not integrated and comprehensive. Most administrative data are not computerized and are not in a systematic format. Most institutions collect migration data according to the specific needs and mandates and therefore stored differently. As a result, migration data is stored both electronically and manually in paper format. Most data on migration is scattered. Migration information systems available are not integrated and comprehensive. Most administrative data are not computerized and are not in a systematic format
- Limited in-depth data analysis of migration-related data except the reports compiled by the NSOs. Most government institutions do not compile in-depth analytical reports or summary reports of the data collected to be shared with other institutions and implementing agencies.
- Limited demand for migration data coupled with limited knowledge on migration variables make the analysis of migration data inadequate.
- The gap between producers and users of administrative migration data remains wide: user-producer dissemination workshops following completion of reports by the National Statistics office. Migration-related information appears in survey and census reports as a section on a chapter on population dynamics.
- Limited user interface platform exists for the dissemination of migration information which is a current need in the era of technology. This has translated into limited awareness on the need and importance of migration data and information across stakeholders.
- In Botswana, Zimbabwe, Lesotho and Malawi, the gap between producers and users of administrative migration data remains wide. Limited or no use of e-platforms for the dissemination of migration information was noted. A low levels of awareness on the need and importance of migration data and information across stakeholders was also evidenced.
- One of the major challenges of migration administrative data was sensitivity of some of the data collected by institutions which affects ability of institutions to share data with

other agencies. Limited capturing of migration flows due to the usage of porous borders or the absence of formal data capturing system in some border posts;

- Limitations in the processing of data electronically, as well as regarding the potential of using big data;
- Environment disasters pose a challenge for migration statistics and it is recommended that an environmental induced migration data collection in the region. This would require SADC region to have a migration management system that can be updated from time to time.
- Absence of formal data capturing system as a result of reported porous borders in most of the border posts. In order to ameliorate this challenge, SADC countries will need to strengthen joint flow monitoring surveying support.

Key recommendations include the following:⁵⁴

- Organize dedicated workshops for better inclusion and advocacy for inclusion of migration questions in the upcoming round of Population and Housing Censuses. Follow up support on inclusion of migration questions into the upcoming censuses for countries for countries in the region;
- The need for cooperation at the regional level for the enhancement of migration data analysis and dissemination while ensuring a common standard measurement that is comparable. Support the countries to set up Standard Operative Procedures (SOPs) in order to provide a harmonized framework and a practical operative tool for organizations dealing with international migration data management. SOPs describe how to facilitate a number of critical phases linked to migration data management, spanning from the specification of user need to the design of appropriate tools required to collect, analyze and disseminate migration data effectively. This should be done in consultation with countries in the region and standards for data collection agreed upon as a region. This should lead to common methodologies across the region on migration data collection;
- A comprehensive approach to migration data strengthening would need to deal with issues of strengthening of migration data infrastructure and coordination mechanisms;
- Strengthen systems monitoring for migrants in the countries and across borders by developing a regional migration information management system;
- Countries that can already benefit from the existence of a national coordination mechanism should strengthen such mechanisms by allowing an aspect of it to be fully dedicated to migration data. Those countries without such infrastructure, should strive to setting up one urgently, in order to facilitate inter-agency coordination and information sharing on migration at the national level and address issues of duplication of information;
- Strengthen the cooperation between NSOs and migration data suppliers with respect to data collection, archiving, and reporting of standardized statistical instruments. This could be done by enhancing operationalization of the NSSs;

⁵⁴ Mushomi, “Assessment of Existing Migration Data and Gaps.”

- The involvement of training and research institutions in conducting research and working with institutions that collect migration data for further in-depth analysis of migration data needs to be enhanced in all countries. To this end, centres of excellence should be identified in each country to partner with government in research and training in all matters regarding migration data analysis;
- National Statistics offices should be supported to collect, compile, analyze, publish and disseminate of migration statistical information. For example, support countries to prepare Census Analytical Reports targeting Migration as well as support towards updating the national migration profiles;
- Innovative Migration data sources: In order to complement existing data sources and fill current gaps in the migration knowledge base.

Although there are country differences and some examples of best practices, the general findings of the assessment are reported here because they represent a useful catalogue of potential challenges and obstacles facing the establishment of the regional SAMM Migration Observatory. The individual country assessments conducted for 5 countries could also usefully be extended to the other 11 countries of the Southern African region.

3.2 African Union

Limited progress was made between 2006 and 2016 in the implementation of the AU Migration Policy Framework's commitment to enhanced and coordinated migration data collection across the continent. The 2016 evaluation of the Framework notes that "the major issue is the lack of reliable and up to date migration data and analysis about Africa, which continues to hinder informed policy making. A significant proportion of the intra-regional migratory movements are not recorded in official statistics produced by governments and international entities. A number of countries in Africa use old census data to analyse migration issues. Without up-to-date data, the governments are unable to identify trends of migration and effectively design policies to address any migration concerns that emerge."⁵⁵ The African Union (AU) Migration Policy Framework for Africa and Plan of Action (2018-2030) lays out a broad agenda for migration governance on the continent over the next decade (see 7.2). With regard to migration data it notes that:

- Migration data is key to mainstreaming migration into policy and planning frameworks and development initiatives, and essential to developing effective, evidence-based migration policies and programmes;
- The lack of reliable sex-disaggregated migration data is one of the principal obstacles to effective migration management, policy and cooperation;
- The continuing need for systematic and comprehensive migration data gathering, analysis and exchange on all aspects of migration remains a "critical challenge" within and between African states.

⁵⁵ AU, *Evaluation of the African Union Migration Policy Framework for Africa* (Addis Ababa: African Union, 2016), p. 44.

- National and regional labour migration data collection, analysis and exchange to document the conditions and needs of migrant women and men workers and their families.⁵⁶

The Plan of Action proposes several strategies:

- Establish/strengthen national/regional/continental arrangements/capacities for migration research, data collection, analysis and sharing, as well as the exchange of best practices in these areas;
- Develop migration profiles to inform migration policy development;
- Conduct robust gender-responsive research and enhance data collection, acquisition, analysis and accountability measures at all stages of migration, including at borders and upon return, in order to highlight the contributions made by women in migration, the gendered drivers of migration, and the situation and realities of migrant women in every phase of the migration process, including violations of migrant women's rights, exploitation and trafficking. Data must be disaggregated by sex, age, and migration status (and intersection factors including race, ethnicity, and nationality where possible) in order to enhance gender-responsive and evidence-based policies, inform advocacy, challenge negative perceptions and prevent abuses and exploitation;
- Engender coordination and collaboration between national/regional ministries/agencies responsible for migration and research institutions gathering migration data, including the establishment/strengthening of national/regional migration statistics units in charge of coordinating the gathering of migration statistics;
- Harmonise the collection of migration data, including definitions of migration variables (such as those in the UN Recommendations on Statistics of International Migration), data collection tools, methods, intervals, etc.) at continental and regional levels so that data are comparable across countries and regions;
- Support the implementation of the NEPAD Initiative, especially its work on Information and Communication Technology (ICT), to facilitate the collection and exchange of data.

The following concrete actions (with responsible agencies/organizations in brackets) are proposed:

- Harmonize standards and tools for data collection on international labour migration in Africa (responsibility of AU-DEA)
- Produce regular Labour Migration Statistics Report (AU-DSA, IOM, ILO, ENECA)
- Implement a comprehensive research/study programme on labour migration (AU-DSA, IOM, ILO, UNECA)
- Conduct baseline assessments on remittance markets of AU MSs (AUC-AIR)
- Conduct researches, studies and surveys on remittance corridors within Africa (AUC-AIR)

⁵⁶ AU, *Migration Policy Framework for Africa and Plan of Action (2018-2030)* (Addis Ababa: African Union), p. 70.

- Develop a simplified remittances data measurement and reporting guideline (AUC-AIR)
- Undertake diaspora mapping project outside Africa (AUC-CIDO)
- Produce an African handbook on informal cross-border trade statistics (AUC-DEA)
- Evaluate existing capacity and training needs of MSs/RECs in the area of migration data collection and management (AUC-DSA)
- Set up African Working Group on migration statistics (AUC-DSA)
- Produce Migration Statistics Report for Africa (AUC-DSA)
- Set up and maintain database on migration statistics (AUC-DSA)
- Support national/regional efforts towards establishing/strengthening arrangements/capacities for research on migration data collection (AUC-DSA)
- Establish an African migration research network/observatory on migration and research/data gathering on migration (AUC-DEA)

A review of migration data currently available from the AU confirms the existence of major knowledge gaps at the continental level, and heavy dependence on the potentially misleading numbers and projections of UN DESA. No information on remittances is available online from the AU's African Remittances Institute established in 2014 and housed in the Kenya Central Bank.⁵⁷

The most recent compendium of African labour migration statistics is the Report on Labour Migration Statistics in Africa in 2015 (published in March 2017) which is the product of a single stocktaking exercise and unfortunately therefore only provides data to 2014.⁵⁸ The Report itself is a concrete deliverable of the AU's Joint Labour Migration Programme for Development and Regional Integration (JLMP), an initiative of the AU, the ILO, the IOM, and East African Community (EAC).⁵⁹ The report has several stated objectives: (a) to compile information on the stocks and flows of international migrants; (b) to assess the quality of labour migration data; (c) to build member state capacity in the collection, compilation and management of labour migration statistics; (d) to serve as a reference for future data collection efforts in Africa and beyond; and (e) to publish the data on the ILO Labour Migration database, ILOSTAT.

The data in the report is based on responses from governments to an adapted version of the ILO's International Labour Migration Questionnaire (ILMQ). Most governments who responded provided data from Population and Housing Censuses, Demographic projections, Labour Force Surveys and Integrated or Living Standards Surveys (Annex 5 of report). However, the overall response rate from countries was only 63% and "the majority" returned incomplete questionnaires which "made it difficult to compile and produce international labour migration statistics." According to the Report "hardly any country provided data from migration surveys"

⁵⁷ <https://ksms.or.ke/african-institute-for-remittances/>

⁵⁸ AUC, *Report on Labour Migration Statistics in Africa in 2015* (Addis Ababa: African Union Commission). A 2nd updated edition is in preparation.

⁵⁹ The JLMP is overseen by the African Labour Migration Advisory Committee; see <https://au.int/lesp/migration>

and requests for flow data elicited “a very low response rate” (only Nigeria in the whole continent filled in table on migrant flows.)

Despite these problems, the report proceeds to provide extensive country and regional breakdowns of population size, the labour force and labour force participation. Chapter 7, for example, analyses data on migration and includes a summary breakdown of international migration and migration rates by sex in Africa as a whole (in Figures 9, 11), in RECs (in Figures 10, 12) and migrant labour force participation rates by sex for four Southern African countries – Mauritius (2011), Mozambique (2009), South Africa (2011) and Zimbabwe (2011) (in Figure 13). Tables A27-29 are probably the most useful, as they provide country level data for all African countries including the total number of migrants, sex breakdown and percentage of migrants in the total population for each year from 2008 to 2014 (Table 13 below). The report provides aggregated data for SADC (2.9 million migrants in 2014 and 0.88% of the total population), COMESA as a whole (3.3 million migrants and 0.74% of the total population) but not the IOC. Country level data is also provided and represented on the employment rate of international migrants in SADC which varies from a low of 38% in Malawi to a high of 80% in Mauritius.

Table 13: Total Number of Migrants in SADC Countries According to AU, 2008-2014

	2008	2009	2010	2011	2012	2013	2014
Angola	75,109	77,623	80,192	82,767	85,393	87,436	90,589
Botswana	21,278	21,477	22,103	23,214	22,686	23,084	23,376
Comoros	11,886	12,199	12,522	12,856	13,200	13,556	13,923
DRC	21,318	31,209	34,364	47,623	45,726	66,563	53,299
Eswatini	23,434	23,839	24,235	24,612	25,003	25,524	25,880
Lesotho	81,340	83,622	85,977	88,404	90,901	93,453	96,045
Madagascar	29,068	30,892	31,632	32,529	33,437	34,313	35,507
Malawi	186,800	188,515	190,150	194,903	199,854	202,047	202,047
Mauritius	24,882	24,949	25,008	26,028	25,118	25,173	25,173
Mozambique	80,950	83,622	85,184	87,589	90,063	92,591	95,159
Namibia	43,201	44,809	46,793	48,212	50,479	51,448	54,378
Seychelles	5,007	4,147	3,640	2,155	2,304	1,654	2,069
South Africa	1,130,030	1,145,175	1,160,827	1,692,242	1,192,691	1,207,981	1,223,570
Tanzania	608,205	628,198	635,362	651,975	659,351	674,673	699,605
Zambia	37,700	40,965	43,867	47,725	50,315	53,766	56,643
Zimbabwe	154,143	162,851	173,608	178,951	191,024	200,464	207,130
Total	2,534,351	2,604,092	2,655,464	3,241,785	2,777,545	2,853,726	2,904,393

The country-level data presented in the report (and summarized above) refers to the total migrant stock in each country. The JLMP methodology produces very different results from UN DESA, however. Table 14 shows significant differences in many countries (and a total variation of over 4 million, a massive discrepancy). Twelve countries show lower numbers for the JLMP, while four (Lesotho, Madagascar, Mauritius and Tanzania) have higher numbers. Only three countries (Comoros, Madagascar and Mauritius) have even roughly similar numbers. The largest discrepancies are South Africa. The DRC, Mozambique and Zimbabwe.

Table 14: Comparison of UN DESA and AU Migration Stock Data

	UN DESA (2015)	AU (2014)	Difference
Angola	632,178	90,589	541,589
Botswana	103,268	23,376	79,892
Comoros	12,555	13,923	-1,368
DRC	824,492	53,299	771,193
Eswatini	31,579	25,880	5,699
Lesotho	6,572	96,045	-89,473
Madagascar	32,075	35,507	-3,462
Malawi	232,803	202,047	30,756
Mauritius	28,585	25,173	3,412
Mozambique	321,794	95,159	226,635
Namibia	101,618	54,378	47,240
Seychelles	12,791	2,069	10,722
South Africa	3,816,695	1,233,570	2,583,125
Tanzania	251,222	699,605	-448,383
Zambia	127,915	56,643	71,272
Zimbabwe	398,866	207,130	191,736
Total	6,945,008	2,904,393	4,040,615

The JLMP also provides different figures for migrant stock at different points in the report (compare Table 6 and A27) (Table 15). Although not large, no explanation is provided for these discrepancies nor is there an evaluation of which set of figures (if either) are considered more reliable.

Table 15: Comparison of AU Data on Migrant Stock in Southern Africa

	Table 6	Table A27	Difference
Angola	90,589	80,192	10,397
Botswana	23,376	22,103	1,273
Comoros	-	12,522	12,522

DRC	53,299	34,364	18,935
Eswatini	25,880	24,235	1,645
Lesotho	96,045	85,977	10,068
Madagascar	35,507	31,632	3,875
Malawi	207,130	190,150	16,980
Mauritius	25,219	25,008	211
Mozambique	95,159	85,184	9,975
Namibia	54,378	46,793	7,585
Seychelles	2,069	3,640	-1,571
South Africa	1,223,570	1,160,827	62,743
Tanzania	699,605	635,362	64,243
Zambia	56,643	43,867	12,776
Zimbabwe	207,130	173,608	33,522

The methodology used for filling in data gaps and calculating numbers held to be accurate is not described in any detail in the Report and therefore requires examination and validation before any assessment of degree of accuracy. Going forward, this methodology is important to elaborate and refine if it is used in making further calculations about the volume and composition of labour migrant populations.

A regional meeting on “Mapping Data Collection of Migration in SADC Region” was organised by Statistics Sweden and the African Union (STATAFRIC) with IOM in Antananarivo, Madagascar, in December 2019. Migration Data assessments were presented by National Statistical Offices within SADC. The main objective of the workshop was:

To map and secure the existing migration information from administrative records, surveys and census sources in the SADC Region. The specific objectives included improving the production of migration statistics through the harmonization of tools and methods of data collection and management more adapted to the Southern African context, strengthening of national and regional actors on the use of these tools. The workshop provided an opportunity for actors involved in the administrative, surveys and census data generation chain at Member State level to define a good strategy for the efficient and effective exploitation of these key data sources for migration.⁶⁰

3.3 Regional Economic Communities

3.3.1 SADC

Labour migration is the responsibility of the Directorate of Social and Human Development at the SADC Secretariat (Employment and Labour Sector or ELS). Several of the articles in the

⁶⁰ “Report on the Workshop on Mapping Data Collection of Migration in SADC Region Held from 10th to 13th December, 2019, at Ibis Hotel, Antananarivo, Madagascar”. This report and the PowerPoint presentations by NSO)s were supplied to us by the IOM Regional Office.

2014 SADC Protocol on Employment and Labour are relevant to labour migrants.⁶¹ The most pertinent clause in the Protocol is Article 19 on Labour Migration and Migrant Workers which commits state parties to endeavour to achieve the following:

- improve migration management and control, and strengthen mechanisms to combat smuggling and human trafficking;
- create a favourable climate to facilitate and encourage the return to and/or participation of emigrants in the development of the country of origin;
- ensure that fundamental rights are afforded to non-citizens, in particular labour/employment and social protection rights;
- adopt measures to provide for the special needs of migrant women, children and youth;
- harmonise national migration legislation and policies; and adopt a regional migration policy in accordance with international conventions to ensure the protection of the rights of migrants;
- adopt measures to ensure the coordination and portability of social security benefits, especially through the adoption of appropriate bilateral and multilateral agreements providing for equality of treatment of non-citizens, aggregation of insurance periods, maintenance of acquired rights and benefits, exportability of benefits and institutional cooperation;
- develop mechanisms, services and effective financial products to facilitate the transfer of remittances by migrants.

To give effect to the Protocol, SADC has a 2014 Labour Migration Policy Framework, SADC Labour Migration Action Plan (LMAP) (2013-2015), revised SADC Labour Migration Action Plan (2016-2019) and SADC Labour Migration Action Plan (LMAP) (2020-2025) (approved in March 2020).⁶²

With respect to information and data on labour migration, the 2014 Framework confirmed the general consensus that “data on labour migration within SADC is scant at best, with variances from country to country. This itself is an issue that this regional policy must address through arrangements for better collection, management and sharing of data.”⁶³ The Secretariat has commissioned a desktop study on the implementation of the African Migration Policy Framework in the SADC Region and is currently in the initial stages of a process to develop a

⁶¹ <https://www.sadc.int/documents-publications/show/4376>

⁶² SADC, “Labour Migration Policy Framework” (2014) At: https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---ilo-pretoria/documents/meetingdocument/wcms_239821.pdf; SADC, “Action Plan on Labour Migration (2013-2015)” At: <https://ropretoria.iom.int/sites/default/files/Eng%20Final%20LABOUR%20MIGRATION%20ACTION%20PLAN%202013.pdf>; SADC, “Action Plan on Labour Migration (2016-2019)” At: https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---ilo-pretoria/documents/meetingdocument/wcms_239821.pdf; and SADC, “Labour Migration Action Plan (2020-2025) (copy supplied by ILO).

⁶³ SADC, “Labour Migration Policy Framework.”

Regional Migration and Policy Framework and Action Plan.⁶⁴ The consultancy TOR to develop the plan notes that “data at both national and regional level hampers the design of appropriate interventions that will provide a comprehensive response to migration management. This poses a challenge to effectively manage migration at both regional and national level.”⁶⁵

Under the 2013-2015 LMAP, member states committed to putting in place national labour migration policies by 2020 which included the collection and recording of migration data including mainstreaming labour migration into labour force survey modules and other relevant surveys in order to create national labour migration data banks. Data from national data banks would be incorporated on a regular basis into a SADC Secretariat regional database on intra-regional labour migration. These ambitious plans narrowed in the 2016 Plan to a focus primarily on establishing a Labour Migration Information System (LMIS) and assisting countries to integrating of the SADC labour migration module template into labour force surveys, which was adopted at a SADC-ILO workshop in December 2014.

Innovations proposed in the new LMAP include a new technical Committee on Labour Migration to oversee implementation of the LMAP and operationalising the SADC Labour Market Information System (LMIS) under the related SADC Decent Work Programme. With regard, specifically, to labour migration information and data, the LMAP proposes the production and dissemination of labour knowledge products, including statistical reports and research papers (Objective 2, Output 2.3) including:

- Conducting regular Labour Force Surveys with a module on labour migration at least every two years;
- Producing and disseminating statistical reports on labour migration in the region; and
- Undertaking case studies that profile best practices on labour migration.

The slow implementation of previous LMAPs is reflected in the paucity of labour migration data available from SADC. The new LMAP uncritically and problematically reproduces data on regional migration from the UNDESA, claiming that there are almost 8 million migrants in SADC in 2019 and that the number of migrants in South Africa increased from 2 to 4 million between 2010 and 2019.⁶⁶

The SADC Statistics Group in the Secretariat compiles data from member states into an annual SADC Statistic Yearbook. Yearbooks for the years 2011 to 2014 are available online in the excel spreadsheets format but no yearbooks are online for the years 2015 to 2019.⁶⁷ Table 1.2 of

⁶⁴ <https://www.sadc.int/news-events/news/public-security-sub-committee-pssc-inter-state-defence-and-security-committee-isdsc-convene-botswana/>

⁶⁵ SADC, “Consultancy to Engage Individual Consultant to Develop the SADC Regional Migration Policy Framework and Action Plan” At: https://www.sadc.int/files/8915/9248/3542/RFP_Development_of_Regional_migration_policy_framework_and_action_plan_Final.pdf

⁶⁶ SADC, *Draft SADC Labour Migration Action Plan (2020-2025)*, p. 7.

⁶⁷ <https://www.sadc.int/information-services/sadc-statistics#Yearbook>

the Yearbook contains data on annual remittance inflows and outflows for 2008-2014 in the form of total flows and % of GDP for each country. The source of data for both tables is the World Bank.⁶⁸ Table 8.2.1 provides country-level data on the total number of non-resident tourists/visitors for the period 1995 to 2014 obtained from the World Tourism Organization and National Statistics Offices. Data on purpose of entry is not included. SADC also publishes an annual publication called SADC Selected indicators available for the period 2012 to 2018. None of the 35 tables in the 2018 report contain relevant information on migration in general or labour migration in particular.

3.3.2 COMESA

In COMESA, statistics development and management is guided by Article 140 of the Treaty which commits Member States to co-operate to create an enabling environment for the regular flow of up-to-date, reliable, harmonised and comparable statistical data on various sectors of economic activity, required for efficient implementation of the objectives of the Common Market.⁶⁹ Member States commit to:

- provide regular and timely statistical data that are reliable, harmonised and comparable, through the harmonisation and adoption of common methodologies, concepts and definitions to be used in collecting and compiling statistics;
- harmonise and adopt common statistical classification to be used in compiling their statistics;
- encourage co-operation among their national statistical systems in the exchange of statistical data covering various sectors of their economic activities such as external trade, agriculture, industry, energy, natural resources, transport, communications, tourism, population, manpower, money and banking, balance of payments, external debt, government finance, prices, purchasing power parities and national accounting investments;
- promote the exchange of skills and personnel and enhance co-operation in statistical training through the use of existing training institutions;
- co-operate in the field of data processing; and
- adopt a Common Market strategy for the implementation of the Addis Ababa Plan of Action for Statistical Development in Africa.

COMESA's Medium Term Strategic Plan (MTSP) for 2016-2020 includes "actively engaging with national, regional and international strategic partners to leverage the benefits of inter-dependence and participatory decision making for the benefit of Member States, the private

⁶⁸ http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/RemittanceData_Inflows_Apr2015.xls

⁶⁹ COMESA, *Treaty Establishing the Common Market for Eastern and Southern Africa* (Revised Version 2009). At: https://www.comesa.int/wp-content/uploads/2019/02/comesa-treaty-revised-20092012_with-zaire_final.pdf

sector, academia and other stakeholders. It includes collaboration to leverage technical assistance training and sharing of information concerning lessons learned and best practices.”⁷⁰ The 2017-2020 Regional Statistics Strategy was crafted to support the priorities of the MSTP by the COMESA Statistics and COMESA Strategic Planning Units and reviewed by the COMESA Committee on Statistical Matters.⁷¹ The Statistics Strategy has three global objectives:

- To ensure that statistics in the region are produced using harmonized frameworks and/or international standards in order to ensure comparability;
- To enhance the quality, availability and comprehensiveness of statistics in the region.
- To ensure a wide dissemination of statistical outputs for use by policy makers and COMESA member States in their review and monitoring of the Common Market.

The COMSTAT Data Hub has major datasets on foreign trade, infrastructure, economy, agriculture and small-scale cross border trade but not migration.⁷² However, the COMSTAT Data Hub Dashboard contains a Demographics Section with information and data visualization on (a) population and refugee stock; (b) refugee and migrant stock in COMESA; (c) refugee population by country of origin and (d) the refugee population seeking asylum.⁷³ The Dashboard uses UNDESA and UNHCR data to build innovative graphics for each country of the proportion of the total migrant stock that are refugees and asylum seekers for the period 1990-2017.

COMESA’s other work on migration comes from an earlier project with the EU’s MIEUX Initiative funded by the EU and implemented by the International Centre for Migration Policy Development (ICMPD) between 2013 and 2016: the COMESA Migration Data Exchange Mechanism.⁷⁴ The objective of the action was to support COMESA in upgrading its information and data collection systems, especially by investing in the capacity building of National Focal Points for Migration and supporting COMESA in the Ministerial and Heads of Immigration meetings through input to the discussions via EU expertise and good practices in migration data collection and management. Planned activities included (a) mapping the data collection and information sharing systems in COMESA through a migration metadata survey; (b) presentation of the results of the migration metadata survey to COMESA Chiefs of Immigration; (c) drafting a proposal for data harmonisation and (d) a workshop to establish a formal data exchange

⁷⁰ COMESA, *Medium Term Strategic Plan 2016-2020: In Pursuit of Regional Economic Transformation and Integration*. At: [file:///C:/Users/Jonathan%20Scott/Downloads/COMESA-MTSP-2016-2020%20\(1\).pdf](file:///C:/Users/Jonathan%20Scott/Downloads/COMESA-MTSP-2016-2020%20(1).pdf)

⁷¹ COMESA, *Regional Statistics Development Strategy to Support Its Medium Term Strategic Plan (MTSP) 2016-202 and Regional Integration Agenda from 2018-2020*. AT: https://www.comesa.int/wp-content/uploads/2019/04/COMESA-Gazette-Volume-21-Final_upload_web.pdf

⁷² COMESA Data Hub at <https://comstat.comesa.int/>

⁷³ COMESA Data Hub Dashboard at <https://comstat.comesa.int/apps/gallery>

⁷⁴ For more details see <https://www.mieux-initiative.eu/en/actions/126-comesa-data-management-migration-legislation-irregular-migration-trafficking-in-human-beings>; https://www.mieux-initiative.eu/files/ICMPD%20MIEUX%20Factsheet%20East%20Africa_WEB_EN.pdf; and <https://www.icmpd.org/news-centre/news-detail/project-news-mieux-organises-migration-data-harmonisation-meeting-for-comesa/>

mechanism for the COMESA region based on harmonised definitions. Further detail on this project is scant. The online migration metadata survey questionnaire is still (as of July 2020) accessible but the report which was apparently presented to the Chiefs of Immigration is not.⁷⁵ COMESA has also published a seven volume series on Key Issues in Regional Integration⁷⁶ Only one of the constituent chapters deals with migration issues and its primary concern is with progress in implementing the COMESA Free Movement Protocol.⁷⁷

3.3.3 Indian Ocean Commission (IOC)

In 2017, the IOM partnered with the Indian Ocean Commission (IOC) to launch the Regional Strategy for Migration and Health 2016-2018: Priorities among the Southwestern Islands of the Indian Ocean.⁷⁸ The rationale for the strategy included a lack of reliable and comparable data on the health of the migrants and the communities affected by migration, and an absence or lack of coherence of national policies on migration with international health-related commitments. The strategy falls under the IOM's 2014-2017 Partnership on Health and Mobility in East and Southern Africa (PHAMESA) funded by SIDA.⁷⁹ No further information was found on the details and implementation of the strategy, possibly because it was established in the final year of PHAMESA.

The 33rd Council of IOC Ministers adopted a 2018-2021 Strategic Development Plan in September 2018. The Plan has four strategic axes, five areas of intervention and 17 fields of action.⁸⁰ The first area of intervention (D1) relates to public health, freedom of movement, tourism development, education, civil society, advancement of women and child protection.⁸¹ D1 action fields include public health; migration; tourism; gender, advancement of women and child protection; civil society; media and education. The identification of migration as a discrete field of action means it is an important new priority for the IOC. In August 2019, this priority was actioned at a two-day meeting in Seychelles to establish a migration dialogue in the region. Themes discussed included professional mobility and human development; migration governance; migration data; migration and health and trade, tourism and the free movement of people and goods.⁸² The primary outcome is the establishment of a new regional consultative process in partnership with IOM (see below).

⁷⁵ <https://www.surveymonkey.com/r/residentpopulationEN>

⁷⁶ <https://www.comesa.int/key-issues-in-regional-integration/>

⁷⁷ K. Madzivanyika, "The Movement of Persons in COMESA: Regulatory Convergence, Differences and Regional Contrasts" In COMESA, *Key Issues in Regional Integration Vol 5* (Lusaka: nd), pp. 25-42.

⁷⁸ <https://www.iom.int/news/regional-migration-and-health-strategy-southwestern-islands-indian-ocean-launched>

⁷⁹ <https://southafrica.iom.int/programmes/partnership-on-health-and-mobility-in-east-and-southern-africa-phamesa>

⁸⁰ <https://www.commissionoceanindien.org/axes-strategiques/>

⁸¹ <https://www.commissionoceanindien.org/axes-strategiques/nos-domaines-dintervention/>

⁸² IOC, *Annual Report 2019*, p. 19. At: https://www.commissionoceanindien.org/wp-content/uploads/2020/01/COI_RA2019.pdf; and <https://ropretoria.iom.int/news/iom-countries-indian-ocean-commission-discuss-dialogue-mechanism-migration>

3.4 Regional Consultative Processes (RCPs)

3.4.1 Migration Dialogue for Southern Africa (MIDSA) is the oldest of three Regional Consultative Processes (RCPs) in Southern Africa.⁸³ It was founded in 2001 by the IOM and the Southern African Migration Project (SAMP) and has the participation of all SADC countries. Over the years, the MIDSA process has had a number of forums and ministerials relevant to labour migration governance including the 2013 Ministerial meeting in Maputo focused on the theme of Enhancing Labour Migration in the SADC Region and the 2017 Ministerial meeting in Eswatini focused on Addressing Mixed Migration in Southern Africa: Linking Protection, Immigration, Border Management and Labour Migration. During the first decade of MIDSA, SAMP mobilized funds to start a policy research series which published three major reports commissioned by member states.⁸⁴ However, this series was discontinued due to a lack of funding.

IOM organized a Migration Data Side Event at the 2019 MIDSA meetings which was attended by high-level representatives of NSOs within SADC Member States.⁸⁵ Five key priorities for migration data work in the region were agreed by the NSOs:

1. *National Coordination and Harmonization*: A need exists to ensure that the coordination and management of migration data at the national level is achieved through an inter-agency coordination group composed of national data suppliers, users and national research and training institutions. The coordination group should:

- gather on a regular basis and expound upon existing inter-governmental consultation frameworks, such as the Migration Profile working group or other national coordination committees;
- facilitate and regulate the dissemination of migration data within and beyond the national level;
- ensure the anonymization of migration data agreed to be disseminated, in line with national regulations and requirements, as well as ensure the respect of data privacy aspects.

2. *Regional Coordination and Capacity-Building*: A need exists for governments to support and facilitate the setting-up of a regional technical working group responsible for the

⁸³ <https://www.iom.int/migration-dialogue-southern-africa-midsa>; <https://ropretoria.iom.int/regional-cooperation>; J. Crush and D. Tevera, “The Migration Dialogue for Southern Africa (MIDSA): The First Ten Years” Presentation to Ministerial MIDSA Meeting, Windhoek, Namibia, 2010.

⁸⁴ J. Klaaren and B. Rutinwa, *Toward the Harmonization of Immigration and Refugee Law in SADC* MIDSA Report No. 1, 2004; V. Williams and T. Tsang, *The Prospects for Migration Data Harmonization in the SADC*, MIDSA Report No. 2: 2007; B. Roberts, *A Migration Audit of Poverty Reduction Strategies in Southern Africa* MIDSA Report No. 3, 2007. At: <https://samponline.org/midsa-series/>

⁸⁵ Matteo Busteo, “Strengthening Migration Data Management in Southern Africa: Key Outcomes of MIDSA Side Event of 24/06/2019” (PowerPoint).

harmonization of migration indicators and definitions across countries, as well as to facilitate and regulate aspects related to the management and dissemination of migration data beyond the national level:

- The technical working group should be represented by selected focal points from Ministers of Internal Affairs, National Statistical Offices, and national research/training institutions;
- Training of Trainers (ToTs) capacity-building activities should be developed at the regional technical working group level, to be then cascaded at the national level in order to capacitate all relevant national actors regarding the collection and analysis of harmonized migration data.

3. *Enhancement of migration data collection*: The potential of the upcoming round of populations censuses should be capitalised, ensuring that the maximum number of migration-relevant questions is included. The conduction of standardized and comparable migration surveys in all Southern African countries should be explored.

4. *Strengthening of administrative data management*: A need exists to maximise the cooperation between National Statistical Offices and migration data suppliers with respect to data collection, archiving, and reporting of standardised statistical instruments, with the goal of rendering statistics official and agreed at the national level, and to avoid the existence of conflicting information.

- This could be done by facilitating the systematic collaboration of NSOs' personnel with relevant data suppliers, particularly at government levels.
- The systematic availability of NSOs' focal points in relevant institutions would serve to facilitate the collection, analysis and coordination of administrative data scattered across various institutions.

5. *Enhancement of data on underreported migrant groups*: Governments to encourage and assist relevant actors to supply information on underreported groups such as emigrants, as well as undocumented and vulnerable migrants (including unaccompanied migrant children and victims of trafficking) that would be useful for statistical purposes and programming.

3.4.2 Migration Dialogue of the Common Market for Eastern and Southern Africa Member States (MIDCOM) was launched in 2013.⁸⁶ Its main objective is to provide a platform for informal and non-binding dialogue on issues and opportunities related to migration management thereby improving the capacity of the governments to better manage migration, network building through regular meetings, including substantial progress towards harmonized

⁸⁶ “Report of the Launch of the COMESA Regional Consultative Process on Migration” Lusaka, 2013. At: https://www.iom.int/sites/default/files/our_work/ICP/RCP/COMESA-RCP-Report-FINAL-English-Version.pdf

data collection systems and harmonized immigration policy and legislation.⁸⁷ Labour migration and data collection are identified as two focus areas. The 2013 launch made a large number of relevant recommendations to the COMESA Secretariat and member states. However, the first meeting of MIDCOM only took place in July 2017 in Lusaka. To date there have been three MIDCOM meetings but no overall strategic plan relating to labour migration has yet been developed along the lines of the MDSA action plans.⁸⁸

3.4.3 Migration Dialogue for the Indian Ocean Commission Countries (DiMOI) is in the process of formalization and a set agenda and strategy is yet to be determined. The initial meeting to establish the Migration Dialogue for the Indian Ocean Commission Countries (DiMOI) was held in Seychelles in August 2019.⁸⁹ Themes related to labour migration issues were discussed including professional mobility and human development; the effects of climate change; migration data; migration and health; and the free movement of people.⁹⁰ The resulting Mahé Consensus – including the recommendation for the establishment of DiMOI – was to be presented to the 34th IOC Council of Ministers in March 2020.⁹¹ The Mahé Consensus would commit the four member states to:

- Initiate a forum for consultations and regular exchange of information, experiences and good practices on migration and other related issues of interest and common concerns, such as facilitating human mobility; promoting targeted labour mobility; integrated border management and the fight against transnational crimes; effects of climate change and environmental degradation;
- Enhance knowledge and foster a greater understanding and policy coherence by stakeholders of the migration phenomenon and migration dynamics in the IOC region, as well as policy coordination in this area;
- Build consensus among IOC Member States on migration and related issues;
- Enhance national and regional institutional and technical capacities for effective migration management in a collaborative and knowledge-based manner;
- Identify priority issues of common interest to IOC Member States focusing on technical cooperation, capacity building, migration-related information collection, dissemination and sharing.

⁸⁷ <https://www.iom.int/migration-dialogue-common-market-eastern-and-southern-africa-member-states-midcom>

⁸⁸ <https://www.tralac.org/news/article/11966-un-migration-agency-supports-comesa-to-host-regional-consultative-process-for-member-states.html>

⁸⁹ <https://ropretoria.iom.int/news/iom-countries-indian-ocean-commission-discuss-dialogue-mechanism-migration>

⁹⁰ <https://www.commissionoceanindien.org/dialogue-migration-indianoceanie/>

⁹¹ “Conclusions and Recommendations of the consultative meeting on the establishment of a Migration Dialogue for Indian Ocean Commission Countries (DiMOI), Consensus de Mahe” Mahé, Seychelles, 26-28 August 2019

- Enhance dialogue and cooperation on migration and related issues between the IOC Member States and, where necessary, other States from the region and Regional Economic Communities;
- Promote Safe, Orderly and Regular Migration in accordance with the United Nations Agenda 2030, the African Union Agenda 2063 and the Global Compact on Migration (GCM).

3.5 Migration Profiles

3.5.1 Country Migration Profiles: IOM has published 8 country migration profiles in Southern Africa to date (in order of publication): DRC, Madagascar, Mauritius, Seychelles, Malawi, Namibia, Zimbabwe and Zambia. Although the earlier profiles are now quite dated, all of these profiles are useful source of information on migration volumes and trends (including labour migration) as well as indicators of available in-country data sources and gaps. Table 16 provides a summary of completed profiles.

Table 16: IOM Country Profiles in Southern Africa

Country	Title	Year Published	Link
DRC	Migration en République Démocratique du Congo: Profil national 2009, 134pp	2010	https://publications.iom.int/books/migration-en-republique-democratique-du-congo-profil-national-2009
Madagascar	Migration à Madagascar: Profil National 2013, 150pp	2014	https://publications.iom.int/books/migration-madagascar-profil-national-2013
Mauritius	Migration in Mauritius: A Country Profile 2013, 144pp	2014	https://publications.iom.int/books/migration-mauritius-country-profile-2013
Malawi	Migration in Malawi: A Country Profile 2014	2015	https://publications.iom.int/books/migration-malawi-country-profile-2014
Namibia	Migration in Namibia: A Country Profile 2015, 208pp	2016	https://publications.iom.int/books/migration-namibia-country-profile-2015
Seychelles	Migration in Seychelles: A Country Profile 2013, 120pp	2014	https://publications.iom.int/books/migration-seychelles-country-profile-2013
Zambia	Migration in Zambia: A Country Profile 2019, 176pp	2019	https://publications.iom.int/books/migration-zambia-country-profile-2019
Zimbabwe	Migration in Zimbabwe: A Country Profile 2010-2016, 148pp	2018	https://publications.iom.int/books/migration-zimbabwe-country-profile-2010-2016

3.5.2 Migration Governance Profiles

As part of IOM's Migration Governance Framework (MiGOF), country profiles of migration governance in three Southern African countries have been produced to date: Lesotho, Mauritius

and Zambia. These are helpful guides to national policies on labour migration and could be extended across the region (Table 17).

Table 17: Migration Governance Profiles

Mauritius	2018	https://migrationdataportal.org/sites/default/files/2018-07/Migration%20Governance%20Snapshot-The%20Republic%20of%20Mauritius.pdf
Lesotho	2018	https://migrationdataportal.org/sites/default/files/2018-09/Migration%20Governance%20Snapshot-The%20Kingdom%20Republic%20of%20Lesotho.pdf
Zambia	2019	https://publications.iom.int/books/migration-governance-indicators-profile-2019-zambia

4 National Governments

This section of the report is based on an audit of survey work undertaken by or collated by the national statistical agencies of each country in Southern Africa. Rather than detailing each of the 16 governments in turn, to avoid repetition this section presents information by type of survey.

4.1 Population and Housing Censuses

The potential of the 2010 Population and Housing Census Round for international migration analysis potentially provide “a comprehensive source of internationally comparable information because they include questions that can generate information at low levels of resolution relevant to the phenomenon of international migration, including details on country of birth, country of citizenship, country of residence one year or five years prior to the census, and year of arrival in the country.”⁹² Table 18 provides a listing of all recent (and planned) censuses in the 2010 and 2020 Census Round in Southern Africa by country.

Table 18: Date of Population and Housing Censuses in Southern Africa

Country	Last Census	Next Census
Angola	2014	2024
Botswana	2011	2021 ⁹³
Comoros	2003	
DRC	1984	
Eswatini	2007, 2017 ⁹⁴	2027
Lesotho	2016	2026
Madagascar	1993	2017
Malawi	2018	2028

⁹² S. Juan and R. Snow, “The Potential of the 2010 population and Housing Census Round for International Migration Analysis” Global Migration Data Analysis Centre (GMDAC), Berlin, 2016, p.3.

⁹³ Statistics Botswana, *2021 Population & Housing Census Cartographic Strategy*. At: <http://www.statsbots.org.bw/sites/default/files/publications/2021%20Population%20%20Housing%20Census%20Cartographic%20Strategy.pdf>

⁹⁴ Only preliminary results have been released from the 2017 census.

Mozambique	2017	2027
Namibia	2011	2021
Seychelles	2010	2020
South Africa	2011	2021
Tanzania	2012	2022
Zambia	2010	2020
Zimbabwe	2012	2022

One analysis has identified the types of migration question asked in censuses globally and in which countries from the 2010 round of censuses.⁹⁵ Table 19 extracts and adapts this information for Southern Africa. Apart from basic information on the place of birth/country of origin and nationality of migrants in the country, there are few additional migration-specific questions in the Census. In some cases (Botswana, Eswatini, Lesotho, Malawi, Mauritius and Zimbabwe ‘s 2017 Inter-Censal survey), questions are asked about absent household members outside the country. A number of census reports contain short sections on international migration (e.g. Botswana, Eswatini, Lesotho, Malawi, Tanzania, Zambia, Zimbabwe) but reports dedicated purely to migration are fewer in number (Mauritius, Namibia, South Africa) (see Annex C for details). There is limited evidence of statistics agencies extracting sub-samples of migrants and creating demographic and socio-economic profiles. Similarly, as Annex C shows, there are only a small number of research studies using census data on migration even though many agencies make their data open and accessible.

Table 19: Migration-Related Questions in 2010 Census Round

Topic of Question	Countries
Emigration of household members	Botswana, Eswatini, Lesotho, Malawi, Mauritius, Zimbabwe (2017)
Reasons for Emigration	Mauritius
Country/Place of Emigration	Malawi
Ever Lived Abroad	None
Reasons for Immigration	Mauritius, Zambia
Country/Place of Birth	Angola, Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania, Zambia, Zimbabwe
Nationality	Angola, Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Seychelles, Tanzania, Zambia, Zimbabwe
Country/Place of Birth of Parents	None
Country of Previous Residence	None
Receipt of Remittances	Malawi, Namibia
Duration of Visit	None
Legal Status of Residency	None
Country of Residence at Specified Past Date	None
Country of Residence	None

⁹⁵ S. Juran and R. Snow, “The Potential of the 2010 Population and Housing Census Round for International Migration Analysis” GMDAC, Berlin, 2016.

Reasons for Return Migration	None
Refugee Status	None
Purpose of Visit	None
Duration of Living Abroad	None
Year or Period of Return	None
Immigration of Father/Mother	None
Intention to Live Here for at least 12 Months	Mauritius
Country of Residence of Parents	None
Country of Permanent Residence	None
Displacement/resettlement Due to War	None
Emigration of Neighbouring Household	None
Overseas Worker	None

Source: Adapted from Juran and Snow (2016)

While censuses are potentially valuable sources of labour migration data, “censuses are sometimes conducted infrequently or the data from census are not fully released, or remain under-analyzed.”⁹⁶ All of these factors constrain the use of the 2010 Census Round for analysis of labour migration across Southern Africa. While some countries will not have new census within the life of SAMM, a number will, and it would be advisable if statistics agencies could be persuaded to include a migration module.

Using the 2010 Round to construct an accurate regional picture of labour migration at a single point in time is using census data is difficult for a number of reasons:

- Lack of standardization across the region in the way in which migration-related questions are formulated and the data analysed and presented. This could be partially offset by access to and analysis of primary databases but all countries make these readily accessible (Annex C).
- Methodologically, comparative analysis of cross-sectional data from different surveys demands that they be conducted in the same time frame.⁹⁷ In Southern Africa, the latest national censuses span an eight-year period from Zambia (2010) to Malawi (2018). Only two censuses were actually conducted in 2010, with another three in 2011, and two in 2012. At least four censuses (Eswatini, Lesotho, Malawi and Mozambique) will be considered part of the 2020 Round.
- Census data is already almost a decade old for many Southern African countries. As a result, some countries, as well as the UNDESA, make projections from dated census figures to arrive at current estimates (e.g. the 2019 UNDESA migrant stock figures

⁹⁶ Ibid.

⁹⁷ Longitudinal studies comparing Census data for different time periods include Yamkela Majikijela and Gabrel Tati, “Structural Changes in the Participation in the Participation of African Migrants in the Labour Force of South Africa (2010-2011)” *Alternation* 1 (2017): 336-366; Susan Ziehl, “Comparing Migration Data from Post-Apartheid Censuses: A Challenge for Longitudinal Research” *South African Review of Sociology* 48(2017): 38-62; OECD/ILO, *How Immigrants Contribute to South Africa’s Economy*. OECD Publishing, Paris, 2018.

above). There are grounds for questioning the basis and accuracy of at least some of these projections, particularly for those censuses taken 8-10 years ago.

- There is no recent census data at all for some Southern African countries, especially Comoros⁹⁸ and DRC and the 2017 data for Madagascar has yet to be made public. DRC's last national census was conducted over 35 years ago.⁹⁹

4.2 Labour Force Surveys

Budlender (2013: 50) notes that “labour force estimates produced by censuses are generally less reliable than those produced by the Labour Force survey.” Labour Force Surveys (LFS) therefore represent a potentially useful source of data on labour migration. The ILO has worked with governments to include a Labour Migration Module in their LFS. If all countries were to include such a module this would clearly yield a significant amount of relevant data on labour migration. Conducted regularly, it would allow for tracking of change over time.

However, to date only six countries have implemented a Labour Migration Module either as part of the LFS or alternative survey such as the multi-purpose survey. In addition, only 10 countries in the region conduct LFSs and the intervals between surveys vary widely (Table 20). Namibia and South Africa have moved to a Quarterly LFS while Lesotho last conducted an LFS in 2008. By definition, the LFS collects data on the labour force in situ and does not collect data on migrants working outside the country. Information on Labour Force Surveys, data accessibility and outputs are included as Annex D. South Africa has only included a migration module in its Quarterly Labour Force Survey on two occasions (Q3 2012 and Q3 2017). However, this does provide an opportunity for longitudinal analysis of various labour migration issues including reasons for migration, education status, age of migrants, employment status and geographical distribution.¹⁰⁰

Table 20: Labour Force Surveys Conducted in Southern Africa

Country	Years	Labour Migration Module in Most Recent Survey?

⁹⁸ Comoros appears not to have participated in the 2010 round. However, annual demographic projections are available for the period 2010 to 2015 but do not include migration information; see the Comoros Data Portal at <https://comoros.opendataforafrica.org/eqobsvc/comoros-census>

⁹⁹ The Third Madagascar Census was originally scheduled for 2003 but postponed several times and finally implemented in 2017. According to one source, preliminary results were made available in August 2019; see <https://blogs.worldbank.org/nasikiliza/dear-people-madagascar-how-many-us-do-you-think-there-are>.

¹⁰⁰ Statistics South Africa, *Labour Market Outcomes of Migrant Populations in South Africa: 2012 and 2017* (Pretoria: StatsSA, 2019); Christine Fauvelle-Aymar, “Migration and Employment in South Africa: An Econometric Analysis of Domestic and International Migrants (QLFS (Q3) 2012)” MiWOCR Report No. 6, ACMS, University of the Witwatersrand, Johannesburg, 2014.

Botswana	2016, 2019(Q3), 2019(Q4)	No ¹
Eswatini	2010, 2014, 2016	No
Lesotho	2008	Yes ²
Malawi	2013	No ³
Mauritius	2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018	No
Namibia	2012, 2013, 2014, 2016, 2018	Yes (2018)
South Africa	2012, 2017	Yes (2017)
Tanzania	2014	No ⁴
Zambia	2012, 2014, 2017, 2018	Yes (2018)
Zimbabwe	2011, 2014, 2019	Yes (2019)

Notes:

¹ Botswana: there is no separate labour migration module but has a Labour Force Module.

² Lesotho: contains a separate migration Module in section H of the questionnaire.

³ Malawi: only some background information was captured such as place of birth, month and year of migration to the current place, and the country or district of previous residence.

⁴ Tanzania: Chapter 3 section 3.2.5 but very short and limited to internal migration only.

4.3 National Migration Policies

A number of Southern African countries have released labour migration plans and strategies. We have audited these plans and policies for data sources they use, their assessment of labour migration data quality and their statements about data needs. Their self-assessments are reproduced in this section of the report.

4.3.1 Eswatini¹⁰¹

Data Sources Cited: Census 2017; 2013/14 & 2016 Labour Force Surveys

Self-Assessed Data Quality:

- Administrative data on entries, exits and work permit numbers is limited. Ideally, these should be regularly collected and compared with statistical data;
- Poor coordination of the collection and analysis of relevant labour migration and labour market data for policy formulation, monitoring and evaluation for evidence-based decision making;
- Labour force surveys are conducted every 3 years; hence there are intervals which impede analysis of changing trends;
- No mechanisms to access and share sub-regional (SADC), regional and global labour migration data;

¹⁰¹ Kingdom of Eswatini, *National Labour Migration Policy* (Mbabane, nd).

- Having comprehensive, up to date information on labour markets, migration, skills and employment is essential to ensure safe and regular migration leading to economic growth. This includes the establishment of a LMIS;
- Lack of standardised labour migration indicators and data in the main national surveys (Census, LFS, EHIES);
- Limited access to and analysis to existing data limited access and analysis no mechanisms for distribution of existing data analytical capacity among stakeholders.

Data Needs:

- Commitment to establish and maintain a comprehensive data management system including increased efficiency of registration of labour migrants within Eswatini and Emaswati migrants going abroad and returning home;
- Harmonise existing data within various ministries to close gaps, streamline data sources and extract information;
- Establish cooperation with receiving States for data on Emaswati diaspora and workers abroad;
- Develop an inventory of migrant workers who are abroad;
- Prioritize the generation of information and labour migration data through multi-sectoral cooperation and including key indicators related to labour and migration within national surveillance mechanisms.

4.3.2 *Lesotho*¹⁰²

Data Sources Cited: Census 2016; Work Permit Data (2009-2015) from MoLE by Region of Origin and Sector

Self-Assessed Data Quality:

- Has a functional labour migration data collection and coordination system which policymakers and other stakeholders use regularly;
- Has a Migration Data Management Framework.

Data Needs:

- Collect data on incoming migrant workers flows through mapping of skills, qualifications to ensure better job matching;
- Conduct a mapping of diaspora communities and develop a related database;
- Establish joint structure responsible for the regular processing and analysis of labour migration data (administrative and statistics) for policy decision and evaluation;
- Establish an information system providing information on wages, conditions of employment/contracts, benefits, etc.

¹⁰² Ministry of Labour and Employment, *National Labour Migration Policy for Lesotho* (Maseru, 2018).

4.3.3 Malawi has undertaken a situation analysis for the development of a labour migration policy.¹⁰³

4.3.4 Namibia¹⁰⁴

Data Sources Cited: Census 2011, UN-DESA

Self-Assessed Data Quality:

- With the exception of entry and exit data, immigration data of an administrative nature are difficult to obtain. There is also a problem of inadequately digitised information regarding the issuance of work permits;
- Inadequate information exists on available skills and skills shortages in the country.

Data Needs:

- Data relating to the nationality/country of origin of the prospective immigrant worker need to be obtained, while data in relation to their sex, age, education and occupation of employment need to be captured as part of the Labour Force Survey;
- Labour migration data shortcomings need to be addressed through enhanced data collection, analysis and availability.

4.3.5 Zimbabwe¹⁰⁵

Data Sources Cited: 2014 Labour Force and Child Labour Survey (LFCLS)

Self-Assessed Data Quality:

- Timely availability in the public domain of official information and gender disaggregated statistics on labour migration is critical for development of sound policies on labour migration;
- The policy challenge is the lack of integration of engendered labour migration data within the national Labour Market Information System.

Data Needs:

- In collaboration with ZIMSTAT, align all indicators of labour migration to existing standard indicators adopted at AU and SADC levels;

¹⁰³ Joseph Teye and Mary Satrana, “Situational Analysis for the Development of a Labour Migration Policy in Malawi” July 2020.

¹⁰⁴ Republic of Namibia, *National Labour Migration Policy* (Windhoek, 2019).

¹⁰⁵ *National Labour Migration Policy for Zimbabwe* (Harare, nd).

- Develop a Labour Migration Information System that will help gather reliable and accurate data on labour migrants abroad by gender, professions, duration of stay, wages and salaries and working conditions;
- Strengthen/capacitate the migration unit at Zimbabwe National Statistical Agency (ZIMSTAT) and analytical capacity within the MPSLSW;
- Develop engendered systemized registration mechanisms at Embassies on diaspora associations;
- Improve collection and quality of data on remittances so as to create a solid basis for future policy options on remittances;
- Coordinate with labour-receiving countries in providing information about returnees (both legal and irregular migrants) before repatriation;
- Identify the diaspora communities and establish a database to promote networking.

4.4 Administrative Data

The Commission on International Migration Data for Development Research and Policy has noted that “essentially all countries already collect a wealth of administrative data on foreign citizens. However, since the information is not disseminated, no country takes full advantage of this storehouse of knowledge to better understand migration processes. Releasing data on visas, border control, residence, and work permits, on consular registers, asylum seekers, and apprehended irregular migrants in particular can offer rich portraits of migrant flows and stocks in fine detail and at minimal additional cost. Although the difficulties to be faced for extracting statistical data from these data sources are real, such sources can help produce timely and detailed statistics on movement”.¹⁰⁶

In the course of managing migration flows and administering immigration policies, Southern African governments collect various transactional administrative data which, if it were more systematically processed and made available, would be of considerable value to SAMM in a Regional Migration Observatory. The collection, processing and dissemination of administrative data on labour migration requires a high degree of coordination between national statistical offices and line ministries such as home affairs, immigration and labour. A scan of the websites of national statistical agencies in Southern Africa shows that only a small number currently regularly and systematically process and publish statistical data relevant to migration flows (Table 21).

Botswana is a good example of a country that regularly and systematically compiles and publishes annual administrative data on migrant volumes, origins, age, sex, mode of travel and purpose of entry.¹⁰⁷ Statistics Botswana also publishes quarterly statistics on work permit holders in the country including country of origin, type of permit, age and sex of the permit

¹⁰⁶ Patricia Tomas, Lawrence Summers and Michael Clement, *Migrants Count Five Steps Toward Better Migration Data*. Report of the Commission on International Migration Data for Development Research and Policy, Center for Global Development, Washington DC, 2009.

¹⁰⁷ <http://www.statsbots.org.bw/latest-publications>

holder, training, occupation, and sector. Botswana is a best practice example for other countries in the region on how to process and present administrative data on legal labour migration. Other countries that publish a selection of administrative data include Lesotho (once in 2015), Mauritius, and South Africa, but none compare with Botswana. Most ministries that collect administrative data either hold it in their own (inaccessible) data bases or pass it on to their statistics agency.

In South Africa, the Department of Home Affairs (DHA) includes summary administrative data in its departmental annual reports but there is little consistency in what is reported from year to year (Table 22).¹⁰⁸ DHA also passes administrative data on international arrivals and departures that form the basis of Statistics South Africa's longstanding monthly reports on Tourism and Migration.¹⁰⁹ In January 2014, Stats SA made changes in the Tourism and Migration statistical release as a result of the implementation of the enhanced Movement Control System (e-MCS) at the country's ports of entry. The e-MCS is operational at over 95% of the country's ports of entry. However, the published reports only refer to the arrivals and departures of tourists.

¹⁰⁸ <http://www.dha.gov.za/index.php/about-us/annual-reports>

¹⁰⁹ Statistics South Africa, *PO3-51: Tourism and Migration* at http://www.statssa.gov.za/?page_id=1859

Table 21: Administrative Data on Migration in Public Doman

Country	Agency	Reports	Period	Frequency	Indicators
Botswana	Statistics Botswana	Tourism Statistics Annual Report	2010-2018	Annual	Total arrivals by Country/Residence and Sex Total arrivals by Country of Residence/Nationality and Purpose of Entry Arrivals by Purpose of Entry and Age Group as % of Purpose of Entry Total Arrivals by Nationality and Month Total arrivals by Residence and Month Total arrivals by Border Post and Month of Travel Total Arrivals by Mode of Travel Total Arrivals by Month and Quarter for Years 2000 - 2015 Total Departures by Border Post and Month Total Departures by Month and Mode of Travel
		Work Permit Holders Report and Stats Brief	2012(Q3) to 2019 (Q2)	Quarterly	Work Permit Holders by Country of Origin, Type of Permit and Sex Percentage of Work Permit Holders by Country of Origin, Type of Permit and Sex Total Work Permit Holders by Age Group, Type of Permit and Sex, Percentage of Work Permit Holders by Age Group, Type of Permit and Sex Total Work Permit Holders by Industry, Type of Permit and Sex Percentage of Work Permit Holders by Industry and Type of Permit New and Renewed Employee Work Permit Holders by Occupation Percentage of Work Permit Holders by Occupation, Work Permit Status and Sex Employee Work Permit Holders by Training and Sex Percentage of Employee Work Permit Holders by Training and Sex Employee Work Permit Holders by Subject of Training and Sex Percentage of Employee Work Permit Holders by Subject of Training and Sex Total Work Permit Holders by Industry and Year, 2010 – 2019 Total Employee Work Permit Holders by Occupation and Year, 2010 – 2019
Lesotho	Bureau of Statistics	Labour Statistics Report	2015	Once only	Migrant Claims within Four Quarters of 2013 Work Permit Applicants and Continent Work Permit Applications and Outcome Work Permit Applications and Occupation in four Quarters
Madagascar					https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=MDG&Lang=EN
Mauritius	Statistics Mauritius	Digest of Labour Statistics	2012-2018	Annual	Foreign workers employed in large establishments by industrial group and sex
		Digest of International Travel and Tourism Statistics	2012-2018	Annual	Arrivals by country of embarkation Departures by country of disembarkation Total arrivals by age and gender Total departures by age and gender, - Arrivals and departures of Mauritian residents by age, gender, and country of embarkation and disembarkation
South Africa	Statistics	PO3-51:	2010-	Monthly	Number of South African residents and foreign travellers by travel direction

	South Africa	Tourism and Migration	2020		Number of South African residents and foreign travellers by travel direction and mode of travel Number of foreign arrivals by region of residence and mode of travel Number of foreign arrivals by sex, age group and region of residence
	Department of Home Affairs	Annual Reports	2010-2018	Annual	Numbers of permanent and temporary residence permits, work permits, deportations

Table 22: Administrative Data in South African DHA Annual Reports

	Deportations	Deportation 'Targets'	Work Permits Issued (T = temporary)	Permanent Residence Permits Issued	Zimbabwe Dispensation Project Permits
2018/19	24,266				
2017/18	15,033				
2016/17	23,044		2,007	5,271	
2015/16			5,764	2,754	
2014/15	54,169				
2013/14	131,907		19,035 (T)	211	
2012/13			14,471 (T)		
2011/12	75,366	70,000	2,896	73,499 (T+P)	203,364 issued
2010/11	55,825	225,000	132,577 (T)	239,922 (T+P)	275,762 applications
2009/10	1,060		5,926	4,083	

In the past, the DHA has supplied more detailed and continuous data on deportations on request for specific purposes. For example, the department shared data on country of origin for a presentation at a DHA colloquium in 2015 (Table 23).¹¹⁰

Table 23: Deportations from South Africa to Other SADC Countries, 2008-2013

	2008	2009	2010	2011	2012	2013	Total
Angola	79	57	38	24	100	25	323
Botswana	24	19	15	15	5	14	92
DRC	246	291	144	84	218	50	1,033
Lesotho	12,606	14,988	16,688	30,748	26,961	21,339	126,330
Malawi	5,259	6,567	4,698	5,584	8,255	5,740	36,103
Mozambique	96,826	38,940	26,040	14,107	23,651	46,273	245,837
Namibia	32	61	39	28	34	33	227
Swaziland	3,086	6,597	2,016	2,072	2,262	3,089	19,122
Tanzania	613	611	553	676	1,307	657	4,417
Zambia	144	77	76	56	81	46	480
Zimbabwe	167,692	35,693	4,805	10,100	38,987	35,251	292,528
Total SADC	286,107	102,901	55,112	63,494	101,861	112,517	726,492
Total	288,836	105,960	56,793	65,383	103,259	113,554	733,965
% SADC	99.1	97.1	96.7	97.1	98.6	99.1	99.0

Without further investigation it is not possible to state with any precision the range of migration-related administrative data that is collected by government departments in each Southern African

¹¹⁰ Jonathan Crush, "Towards the Triple Win: Lower-Skilled Labour Migration to South Africa" Paper for Colloquium on a New International Migration Policy Paradigm for South Africa, Department of Home Affairs, 20 June – 1 July 2015.

country and what they would make available to SAMM. That some such data exists and can be made available to national statistical agencies seems clear from the Botswana example. South Africa seems to make the data available on an occasional basis only. Statistics South Africa has published two reports on immigration to South Africa based on data generated by the Department of Home Affairs on temporary and permanent permit applications and renewals, types of permits issued, country of origin, and the age and sex breakdown of recipients for 2012 and 2015 respectively.¹¹¹ South Africa issues twelve different types of permit including three types of work permit: critical skills permit, general work permit, and corporate work permit. In 2015, 12,345 work permits were issued (of which 77% were to males in the age group 15-64).

In other countries, administrative data is not readily accessible. A review of administrative data on migration in Lesotho, for example, was conducted by the ACP Migration Observatory in 2013 with the support of the Department of Home Affairs and concluded that basic data on migration is “largely unavailable (e.g. migration flows— especially cross-border inflows and outflows).”¹¹² The poor quality of data was attributed to lack of common data collection and processing standards and regulations across and within institutions. The country’s immigration data was managed manually in paper-format, leading to problems including limited reliable information about immigrants and emigrants, insufficient data regarding cross-border movement (including because of porous borders), and red tape. The report recommended in developing a national data management plan, in addition to institutional protocols and standards including common data formats, structures and storage methods for shared data in order to enable cost-effective data sharing and interchange. Also, it suggested planning, designing, and implementing an integrated migration data management system would enable efficient sharing of information across government departments and other stakeholders. A key proposed strategy in the 2019 Lesotho National Labour Migration Policy is investing in a labour market information system utilising a standardised template for in- and out-migration and implement for this purpose the envisaged national identification and registration system Collection and exchange of labour market and migration data utilising standardised templates and protocols.¹¹³

Nine of the Southern African countries that responded to the 2015-16 ILO Metadata Survey listed the administrative data that they collect and who holds the data.¹¹⁴ Table 24 consolidates

¹¹¹Statistics South Africa, *Documented Immigrants in South Africa: 2013. Statistical Release PO351.4* (Pretoria: StatsSA, 2014); Statistics South Africa, *Documented Immigrants in South Africa: 2015. Statistical Release PO351.4* (Pretoria: StatsSA, 2017).

¹¹²Mohlalefi Sefika, *Enhancing Migration Data Management in Lesotho: Assessment and Recommendations* (Brussels: ACP Migration Observatory/IOM, 2013).

¹¹³https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/presentation/wcms_422407.pdf

¹¹⁴<https://www.ilo.org/ilostat-files/SSM/SSM9/COMOROS.pdf>; <https://www.ilo.org/ilostat-files/SSM/SSM9/DRC.pdf>; <https://www.ilo.org/ilostat-files/SSM/SSM9/ESWATINI.pdf>; <https://www.ilo.org/ilostat-files/SSM/SSM9/MAURITIUS.pdf>; <https://www.ilo.org/ilostat-files/SSM/SSM9/MOZAMBIQUE.pdf>; <https://www.ilo.org/ilostat-files/SSM/SSM9/SEYCHELLES.pdf>; <https://www.ilo.org/ilostat-files/SSM/SSM9/SOUTH%20AFRICA.pdf>; <https://www.ilo.org/ilostat-files/SSM/SSM9/TANZANIA.pdf>; <https://www.ilo.org/ilostat-files/SSM/SSM9/ZIMBABWE.pdf>

this information as a resource for further action. Details about the types of migration information in the listed administrative data (as well as that in censuses and other surveys) is provided in the reports listed in the footnote.

Table 24: Administrative Data Collected by Countries

Country	No. of Sources Reported	Type of Administrative Data	Responsible Agency
Comoros	2	Arrivals from Abroad at Borders Register of Arrivals at Frontiers	Directorate of Tourism Directorate of Territorial Security
DRC	2	Issuance of Visas Register of National Identification	General Directorate of Migration Ministry of National Economy
Eswatini	1	Ngwenya Border Posts	Immigration Border Control
Mauritius	2	PIO Border Control System Work Permit Records	Passport and Immigration Office Ministry of Labour
Mozambique	2	Border/Admission Statistics Social Security/Social Assistance	Migration Service Ministry of Labour
Seychelles	1	Migration and Tourism Statistics	National Bureau of Statistics
South Africa	2	Tourism and Migration Statistics Documented Immigrants	Statistics South Africa Statistics South Africa
Zimbabwe	2	International Migration & Tourism Statistics Foreign Recruitment Database	Zimbabwe National Statistics Agency Ministry of Labour

Source: ILOSTAT

5 Labour Standards

Article 19 of the 2014 SADC Protocol on Employment and Labour notes that state parties will ensure that fundamental rights are afforded to non-citizens, in particular labour/employment and social protection rights. A core objective of the stocktaking was to assess the status of the ratification of internal standards relevant for the management of labour migration in Southern Africa. Here there are three types of international labour standards: (a) standards laid out in relevant UN Conventions and Compacts; (b) specific ILO standards on labour migration; and (c) ILO standards with express provisions on migrant workers.

5.1 UN Conventions and Protocols

5.1.1 *UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)*¹¹⁵

The ICMRW was adopted by the UN General Assembly in December 1990 and came into effect when it achieved the required number of ratifications (20) in 2003. The ICMW draws together a

¹¹⁵ https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4

range of conventions pertaining to labour migration into a single instrument and is significant in that it defines the rights of migrant workers during the full cycle of migration; namely, pre-departure, transit, period of employment abroad and return to country of origin. The ICMW also extends basic employment rights to irregular migrant workers, specifically during their period of employment. As of December 2019, only 55 countries had ratified the ICMW, but these are all primarily countries of origin. No important migrant destination countries in Western Europe, North America and the Gulf States, as well as Australia, have ratified this convention. Many states are reluctant to endorse this Convention for reasons that have been explored in detail.¹¹⁶ In Southern Africa, only 5 states have signed the Convention and just 4 have ratified it (Lesotho, Madagascar, Mozambique and Seychelles) (Table 25).¹¹⁷ None of the major migrant receiving states have signed or ratified it. The ratifying states have all recently provided implementation reports to the UN Committee on Migrant Workers.¹¹⁸

Table 25: The ICRMW in Southern Africa

	Date Signed	Date Ratified	Reports
Angola			
Botswana			
Comoros	22 September 2000		
DRC			
Eswatini			
Lesotho	24 September 2004	16 September 2005	14 December 2015
Madagascar	24 September 2014	13 May 2015	8 August 2018
Malawi			
Mauritius			

¹¹⁶Jonathan Crush, Vincent Williams and Peggy Nicholson, “Migrants’ Rights After Apartheid: South African Responses to the ICRMW” In P. de Guchteneire, A. Pecoud and R. Cholewinski, eds., *Migration and Human Rights: The United Nations Convention on Migrant Workers’ Rights* (Paris: UNESCO, 2009), pp. 247-277; Antoine Pécoud, “The Politics of the UN Convention on Migrant Workers’ Rights” *Groningen Journal of International Law* 5(1) 2017; Sheetal Sheena Sookrajowa and Michael Bernard Claudius Joson, “An Analysis of the Challenges and Implications of the UN Migrant Workers Convention: The Case of Mauritius” *Migration and Development* 7(2) (2018): 262-281; Shaina Western, Sarah Lockhart and Jeannette Money, “Does Anyone Care About Migrant Rights? An Analysis of Why Countries Enter the Convention on the Rights of Migrant Workers and Their Families” *International Journal of Human Rights* 23(8): 262-281.

¹¹⁷For details see UN Human Rights Commissioner, Committee on Migrant Workers at

<https://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx>

¹¹⁸See Lesotho Report

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fL%2fSO%2f1&Lang=en; Madagascar Report at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fM%2fDG%2f1&Lang=en; Mozambique Report at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fM%2fOZ%2f1&Lang=en; Seychelles Report at

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CMW%2fC%2fS%2fYC%2f1&Lang=en

Mozambique	15 March 2012	19 August 2013	31 August 2018
Namibia			
Seychelles		15 December 1994	15 September 2015
South Africa			
Tanzania			
Zambia			
Zimbabwe			

5.1.2 *The UN Global Compact for Safe, Orderly and Regular Migration*¹¹⁹

This non-binding instrument was approved by 164 nations during the [Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration](#) on 10 December 2018 in Morocco and endorsed by the [United Nations General Assembly](#) on 19 December 2018 with 152 countries voting in favour of the resolution to endorse.¹²⁰ While the Compact states that it rests on various UN Conventions as well as ILO conventions on promoting decent work and labour migration, the ICMRW is not mentioned.¹²¹

The GCM provides a comprehensive set of objectives and commitments related to a range of aspects pertaining to international migration. While acknowledging the sovereign right of UN Member States to determine their national migration policy and their prerogative to govern migration within their jurisdiction, it nevertheless calls for shared responsibility and unity of purpose in addressing and responding to the challenges and opportunities pertaining to international migration. While all of the objectives and commitments contained in the GCM may be of relevance to the management of labour migration in COMESA, IOC and SADC, Objectives 5 and 6 are of specific relevance to labour migration in the region:

OBJECTIVE 5: Enhance availability and flexibility of pathways for regular migration: commitment to adapt options and pathways for regular migration in a manner that facilitates labour mobility and decent work reflecting demographic and labour market realities, optimizes education opportunities, upholds the right to family life, and responds to the needs of migrants in a situation of vulnerability, with a view to expanding and diversifying availability of pathways for safe, orderly and regular migration. To realize this commitment, the following actions are proposed:

- Develop human rights-based and gender-responsive bilateral, regional and multilaterallabour mobility agreements with sector-specific standard terms of employment in cooperation with relevant stakeholders, drawing on relevant ILO

¹¹⁹ <https://migrationnetwork.un.org/sites/default/files/docs/gcm-n1845199.pdf>

¹²⁰ <https://migrationdataportal.org/themes/gcm-development-process>

¹²¹ Antoine Pécoud, “Narrating an Ideal Migration World? An Analysis of the Global Compact for Safe, Orderly and Regular Migration” *Third World Quarterly* (2020) <https://doi.org/10.1080/01436597.2020.1768065>

standards, guidelines and principles, in compliance with international human rights and labour law;

- Facilitate regional and cross-regional labour mobility through international and bilateralcooperation arrangements, such as free movement regimes, visa liberalization or multiple country visas, and labour mobility cooperation frameworks, in accordance with national priorities, local market needs and skills supply;
- Review and revise existing options and pathways for regular migration, with a view to optimize skills matching in labour markets, address demographic realities and development challenges and opportunities, in accordance with local and national labour market demands and skills supply, in consultation with the private sector and other relevant stakeholders;
- Develop flexible, rights-based and gender-responsive labour mobility schemes for migrants, in accordance with local and national labour market needs and skills supply at all skills levels, including temporary, seasonal, circular, and fast-track programmes in areas of labour shortages, by providing flexible, convertible and non-discriminatory visa and permit options, such as for permanent and temporary work, multiple-entry study, business, visit, investment and entrepreneurship;
- Promote effective skills matching in the national economy by involving local authorities and other relevant stakeholders, particularly the private sector and trade unions, in the analysis of the local labour market, identification of skills gaps, definition of required skills profiles, and evaluation of the efficacy of labour migration policies, in order to ensure market responsive contractual labour mobility through regular pathways;
- Foster efficient and effective skills-matching programmes by reducing visa and permit processing timeframes for standard employment authorizations, and by offering accelerated and facilitated visa and permit processing for employers with a track record of compliance;
- Develop or build on existing national and regional practices for admission and stay of appropriate duration based on compassionate, humanitarian or other considerations for migrants compelled to leave their countries of origin, due to sudden-onset natural disasters and other precarious situations, such as by providing humanitarian visas, private sponsorships, access to education for children, and temporary work permits, while adaptation in or return to their country of origin is not possible;
- Cooperate to identify, develop and strengthen solutions for migrants compelled to leave their countries of origin due to slow-onset natural disasters, the adverse effects of climate change, and environmental degradation, such as desertification, land degradation, drought and sea level rise, including by devising planned relocation and visa options, in cases where adaptation in or return to their country of origin is not possible;
- Facilitate access to procedures for family reunification for migrants at all skills levels through appropriate measures that promote the realization of the right to family life and the best interests of the child, including by reviewing and revising applicable requirements, such as on income, language proficiency, length of stay, work authorization, and access to social security and services;
- Expand available options for academic mobility, including through bilateral and multilateral agreements that facilitate academic exchanges, such as scholarships for students and academic professionals, visiting professorships, joint training programmes,

and international research opportunities, in cooperation with academic institutions and other relevant stakeholders.

OBJECTIVE 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work: commitment to review existing recruitment mechanisms to guarantee that they are fair and ethical, and to protect all migrant workers against all forms of exploitation and abuse in order to guarantee decent work and maximize the socioeconomic contributions of migrants in both their countries of origin and destination. To realize this commitment, the following actions are proposed:

- Promote signature, ratification, accession and implementation of relevant international instruments related to international labour migration, labour rights, decent work and forced labour;
- Build upon the work of existing bilateral, subregional and regional platforms that have overcome obstacles and identified best practices in labour mobility, by facilitating cross regional dialogue to share this knowledge, and to promote the full respect for the human and labour rights of migrant workers at all skills levels, including migrant domestic workers;
- Improve regulations on public and private recruitment agencies, in order to align them with international guidelines and best practices, prohibit recruiters and employers from charging or shifting recruitment fees or related costs to migrant workers in order to prevent debt bondage, exploitation and forced labour, including by establishing mandatory, enforceable mechanisms for effective regulation and monitoring of the recruitment industry;
- Establish partnerships with all relevant stakeholders, including employers, migrant workers organizations and trade unions, to ensure that migrant workers are provided written contracts and are made aware of the provisions therein, the regulations relating to international labour recruitment and employment in the country of destination, their rights and obligations, as well as on how to access effective complaint and redress mechanisms, in a language they understand;
- Enact and implement national laws that sanction human and labour rights violations, especially in cases of forced and child labour, and cooperate with the private sector, including employers, recruiters, subcontractors and suppliers, to build partnerships that promote conditions for decent work, prevent abuse and exploitation, and ensure that the roles and responsibilities within the recruitment and employment processes are clearly outlined, thereby enhancing supply chain transparency;
- Strengthen the enforcement of fair and ethical recruitment and decent work norms and policies by enhancing the abilities of labour inspectors and other authorities to better monitor recruiters, employers and service providers in all sectors, ensuring that international human rights and labour law is observed to prevent all forms of exploitation, slavery, servitude, and forced, compulsory or child labour;
- Develop and strengthen labour migration and fair and ethical recruitment processes that allow migrants to change employers and modify the conditions or length of their stay with minimal administrative burden, while promoting greater opportunities for decent work and respect for international human rights and labour law;

- Take measures that prohibit the confiscation or non-consensual retention of work contracts, and travel or identity documents from migrants, in order to prevent abuse, all forms of exploitation, forced, compulsory and child labour, extortion and other situations of dependency, and to allow migrants to fully exercise their human rights;
- Provide migrant workers engaged in remunerated and contractual labour with the same labour rights and protections extended to all workers in the respective sector, such as the rights to just and favourable conditions of work, to equal pay for work of equal value, to freedom of peaceful assembly and association, and to the highest attainable standard of physical and mental health, including through wage protection mechanisms, social dialogue and membership in trade unions;
- Ensure migrants working in the informal economy have safe access to effective reporting, complaint, and redress mechanisms in cases of exploitation, abuse or violations of their rights in the workplace, in a manner that does not exacerbate vulnerabilities of migrants that denounce such incidents and allow them to participate in respective legal proceedings whether in the country of origin or destination;
- Review relevant national labour laws, employment policies and programmes to ensure that they include considerations of the specific needs and contributions of women migrant workers, especially in domestic work and lower-skilled occupations, and adopt specific measures to prevent, report, address and provide effective remedy for all forms of exploitation and abuse, including sexual and gender-based violence, as a basis to promote gender-responsive labour mobility policies; and
- Develop and improve national policies and programmes relating to international labour mobility, including by taking into consideration relevant recommendations of the ILO General Principles and Operational Guidelines for Fair Recruitment, the United Nations Guiding Principles on Business and Human Rights, and the IOM International Recruitment Integrity System (IRIS).

The GCM is the culmination of several regional and global processes over a long period of time that have endeavoured to address international cooperation in the field of migration, including labour migration. When it was adopted at the UN General Assembly, several countries either voted against it or abstained from the vote, but it was supported by all other UN Member States, including the Member States of COMESA, the IOC and SADC. The GCM objectives and commitments are fundamentally rooted in the core universal human rights instruments, international labour standards and a range of other conventions that are of relevance to regional and national migration (including labour migration) policies and legislation. Given the emphasis of the GCM on shared responsibility and unity of purpose, it provides an important starting point for achieving cooperation between States in the management of labour migration. The implementation of the Global Compacts will require considerable political will and a whole-of-

society approach.¹²² Overall responsibility for implementation rests with the new United Nations Network on Migration.¹²³

The UN Network has recently released a detailed workplan which identifies the following five priority areas: (i) Promoting fact-based and data driven migration discourse, policy and planning; (ii) Protecting safety and wellbeing of migrants, including through addressing the drivers and mitigating situations of vulnerability in migration; (iii) Addressing irregular migration including through managing borders and combatting transnational crime; (iv) Facilitating regular migration, decent work and enhancing the positive development effects of human mobility; and (v) Improving the social inclusion and integration of migrants.¹²⁴ In February 2020, the UN released draft terms of reference for a Regional United Nations Migration Network for East and Southern Africa to be hosted in Pretoria and Nairobi.¹²⁵

5.1.3 Specific Standards on Labour Migration

There are two specific ILO standards on labour migration:

CO 97: Migration for Employment Convention (Revised), 1949
CO 143: Migrant Workers (Supplementary Provisions) Convention, 1975

Support for these conventions in Southern Africa has been tepid (Table 26). Five countries have ratified CO97, and none since 2001. CO143 has only been ratified by one country. Only Madagascar has ratified both conventions (in 2001 and 2019 respectively).

Table 26: Ratification of Specific Standards on Labour Migration in Southern Africa

	Migration for Employment Convention (Revised) 1949 (No. 97)	Migrant Workers (Supplementary Provisions) Convention 1975 (No. 143)
Angola		
Botswana		
Comoros		
DRC		
Eswatini		
Lesotho		
Madagascar	2001	2019
Malawi	1965	

¹²²J. Kevin Appleby, “Implementation of the Global Compact on Safe, Orderly, and Regular Migration: A Whole-of-Society Approach” *Journal of Migration and Human Security* (2020) At: <https://doi.org/10.1177/2331502420907377>

¹²³https://migrationnetwork.un.org/sites/default/files/docs/un_network_on_migration_tor.pdf

and <https://migrationnetwork.un.org/>

¹²⁴https://migrationnetwork.un.org/sites/default/files/documents/final_nw_workplan.pdf

¹²⁵https://migrationnetwork.un.org/sites/default/files/docs/tors_esa_11_feb_2020.pdf

Mauritius	1969	
Mozambique		
Namibia		
Seychelles		
South Africa		
Tanzania	1964	
Zambia	1964	
Zimbabwe		

5.1.4 Standards with Express Provisions on Migrant Workers

A second group of standards with express relevance to the SAMM project include:

- CO19: Equality of Treatment (Accident Compensation) Convention, 1925
- CO29: Forced Labour Convention
- CO102: Social Security (Minimum Standards) Convention, 1952
- CO118: Equality of Treatment (Social Security) Convention, 1962
- CO121: Employment Injury Benefits Convention, 1964
- CO157: Maintenance of Social Security Rights Convention, 1982
- CO181: Private Employment Agencies Convention, 1997
- CO189: Domestic Workers Convention, 2011
- P29: Protocol to the Forced Labour Convention, 2014

The final column of Table 27 shows the total number of ILO Conventions (C) and Protocols (P) that have been ratified by Southern African states. While the number of convention ratifications varies from a high of 48 (Zambia) to a low of 15 (Botswana), it is clear that all countries have ratified a considerable number of conventions and continue to do so. However, ratifications of the standards with express reference to migrant workers conventions have been few and far between. While all states have now ratified CO 19 and CO29, only 6 have ratified P29 (two only partially). Only 9 out of a possible 96 convention ratifications (all states ratifying all conventions) have occurred to date. Only 5 countries (Madagascar, Namibia, South Africa, Zambia and Zimbabwe) have ratified any convention since 2000.

Table 27: Ratification of ILO Conventions

	CO19	CO29	CO102	CO118	CO121	CO157	CO181	CO189	P29	No. Ratified
Angola	1976	1976								35C
Botswana	1988	1997								15C
Comoros	1978	1978								33C
DRC	1960	1960	1987*	1987*	1967					37C
Eswatini	1978	1978								33C
Lesotho	1966	1966							2019**	23C,1P
Madagascar	1962	1960		1962*			2019	2019	2019	47C,2P
Malawi	1965	1999							2014**	32C, 1P
Mauritius	1969	1969						2012		51C
Mozambique	?	2003							2018	18C,2P
Namibia	?	2000							2017	15C,1P
Seychelles	?	1978								37C
South Africa	1926	1997						2013		27C

Tanzania	1962	1962								37C
Zambia	1964	1964					2013			48C
Zimbabwe	1980	1998							2019	26C,1P

Source: <https://www.ilo.org/dyn/normlex/en/f?p=1000:11003:::NO:>

The significance of this list of ratifications is that while most COMESA, IOC and SADC Member States have ratified the Fundamental ILO Conventions and many other conventions, very few have ratified the Conventions that specifically address labour migration. This suggests that they have particular convention-specific reasons for non-ratification.

Output 2.1 of the SADC Labour Migration Action Plan (2020-2025) notes that “human rights-based approach to the management of labour migration requires Member States to ratify and implement key international labour standards, as well as other international instruments on the protection of migrant workers” including CO97 and CO143. Projected activities to achieve this output include (a) developing model laws and policies to incorporate principles and rights contained in ILS and other relevant treaties into policy frameworks and legislation; and (b) promoting ratification and implementation of international labour standards and other treaties relevant to labour migration; and (c) producing progress reports on the ratification and implementation of labour migration instruments.

In March 2018, ELS Ministers (i) requested Member States to develop National Action Plans to improve compliance with ILO Conventions Nos. 87, 98, and 144 and give a brief on progress made to the SADC ELS Annual meetings; (ii) requested the ILO to consider assisting Member States in meeting the requirements of Convention No. 87; (iii) requested Member States to strengthen tripartite structures for the specific purpose of consultations regarding International Labour Standards under Convention No.144; and (iv) urged Member States that had not yet ratified Convention no. 151 to do so and to take measures to implement the provisions of the Convention and report on progress at the next ELS meeting in line with the resolution of the 2012 ELS meeting held in Luanda, Angola.¹²⁶

5.1.5 ILO Multilateral Framework on Labour Migration¹²⁷

The ILO Multilateral Framework on Labour Migration was published in 2006 sets out 15 non-binding principles and accompanying guidelines for implementation, to work towards the achievement of a rights-based approach to labour migration. The Framework draws on a range of international instruments and specifically, on the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention 1975 (No. 143), and the accompanying Recommendations Nos. 86 and 151. The 15 principles and guidelines cover the following areas: Decent Work; Means for International Cooperation on Labour Migration; Global Knowledge Base; Effective Management of Labour Migration; Expanding avenues for regular labour migration; Social Dialogue; Consultations with civil society and migrant associations; Protection of migrant workers; The applicability of

¹²⁶ <https://www.tralac.org/images/docs/12814/2018-sadc-els-draft-record.pdf>

¹²⁷ https://www.ilo.org/global/topics/labour-migration/publications/WCMS_178672/lang--en/index.htm

International Labour Standards and other international instruments to migrant workers; The application and enforcement of national laws and regulations to protect the rights of migrant workers; Prevention of and protection against abusive migration practices; The promotion of orderly and equitable labour migration processes; Licensing and supervision of recruitment and placement services for migrant workers; Social Integration and Inclusion; and Migration and Development.

5.2 Labour Migration Instruments

5.2.1 African Union

AU Common Position on Migration and Development

Adopted in June 2006, the African Common Position on Migration and Development acknowledges that “...migration can be an effective tool for development by enhancing income distribution, promoting productive work for growth in Africa, enhancing women empowerment and gender equality, combating HIV/AIDS, Malaria and Tuberculosis amongst migrant population and improving partnership amongst the developed and African countries and other stakeholders.” Reflecting on the potential positive impact of migration on development, the Common Position identifies eleven priority issues that need to be addressed. Specifically, in terms of labour migration (Priority Issue 3.3), the Common Position notes that “labour migration is a current and historical reality in Africa impacting directly the economies and societies of African countries in important ways. Establishing regular, transparent and comprehensive labour migration policies, legislation and structures at the national and regional levels can result in significant benefits for States of origin and destination. For countries of origin, for example, remittances, and skills and technology transfers can assist with overall development objectives. For countries of destination, labour migration may satisfy important labour market needs. Labour migration policies and legislation that incorporate appropriate labour standards also benefit labour migrants, members of their families, and can have a positive impact on society generally.”

Under Priority Issue 3.11 on Regional Initiatives, the Common Position further notes that “Bilateral and multilateral efforts aimed at strengthened co-operation on labour migration assist in ensuring systematised and regular movements of labourers; responding to the supply and demand needs of domestic and foreign labour markets; promoting labour standards; and reducing recourse to illegal and irregular movements. The need for all parties to work together for the success of the new understanding contained in the common position is also emphasized.”

AU Migration Policy Framework for Africa and Plan of Action (2018-2030)

In November 2016, AU Member States agreed to revise the AU Migration Policy Framework for Africa was adopted in 2006 and subsequently published the revised version as the “Revised

Migration Policy Framework for Africa and Plan of Action (2018-2030)” (MPFA).¹²⁸ The MPFA is a non-binding, reference document and does not impose any obligations on Member States. The purpose of the Framework is to guide Member States and Regional Economic Communities (RECs) in the management of migration, and takes into account AU priorities, policies, Agenda 2063, the Sustainable Development Goals (SDGs) and international migration management policies and standards. The Framework and Plan of Action is formulated as a comprehensive set of policy guidelines and principles to assist Member States and RECs in the formulation and implementation of their own national and regional migration policies. Specifically, in terms of labour migration, the MPFA calls for the establishment of regular, transparent, comprehensive and gender-responsive labour migration policies, legislation and structures at national and regional levels. In 2015, as noted above, the AU Commission established the Joint Labour Migration Programme (JLMP) for the purpose of promoting the facilitation of the free movement of workers as a means of advancing regional integration and development. Key activity areas of the JLMP include skills portability and mutual recognition of qualifications, as well as the development and implementation of Labour Market Information Systems.

The MPFA calls for accountable labour recruitment and admission systems, and the promotion of standardised bilateral labour agreements to ensure the protection of migrant workers and facilitation of remittance transfers. The framework also advocates for the integration of migrants into the labour market and the education and training sector, as well as the provision of social protection and social security benefits for migrants while working abroad, as well as upon their return. The MPFA also advances the argument that regional cooperation and harmonization of labour migration policies can foster regular labour migration to meet the supply and demand of domestic and foreign labour markets, promote the enforcement of labour standards, and reduce recourse to irregular migration. In this regard the framework recommends the harmonization and strengthened implementation of AU and REC free movement provisions related to residence and establishment, as well as enhanced cooperation among Member States in regard to the facilitation of free movement.

5.3 Regional Economic Communities (RECs)

5.3.1 SADC

*SADC Protocol on the Facilitation of Movement of Persons*¹²⁹

The SADC Protocol on the Facilitation of Movement of Persons was adopted in 2005.¹³⁰ The focus of the protocol is the movement of persons in the region generally, but its stated objectives

¹²⁸https://au.int/sites/default/files/newsevents/workingdocuments/32718-wd-english_revised_au_migration_policy_framework_for_africa.pdf

¹²⁹<https://www.sadc.int/documents-publications/show/800#:~:text=The%20SADC%20Protocol%20on%20Facilitation,people%20of%20the%20region%20generally>

¹³⁰Vincent Williams Lizzie Carr, “The Draft Protocol on the Facilitation of Movement of Persons in SADC: Implications for State Parties” SAMP Migration Policy Brief No. 18, 2006.

have important implications for labour migration and mobility since it specifically provides for movement for the purpose of employment. In terms of its objectives (which in turn are aligned with the objectives of the Treaty Establishing SADC, 1992 and the Treaty Establishing the African Economic Community, 1991), the Protocol seeks to “develop policies aimed at the progressive elimination of obstacles to the movement of persons generally into and within the territories of State Parties.” Specifically, the Protocol promotes the following objectives: (a) entry for a lawful purpose and without a visa, into the territory of another State Party for a maximum period of 90 days per year for bona fide visits 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 Protocol has only been signed and ratified by four states (Botswana, Eswatini, Mozambique and South Africa and has yet to come into effect pending the required number of ratifications. There have been various studies of the obstacles to ratification by all countries.¹³¹ In 2017, the SADC member states started a consultation process to assess achievements and challenges regarding the status of the free movement of persons within the REC. The first Consultative Meeting of Experts in Botswana urged member states to sign, ratify and implement the Protocol. Experts also recommended using a ‘phased approach’ to implement the necessary changes toward issuing an African passport.¹³² There have also been discussions about a SADC UNIVISA. COVID-19 may give added impetus. A Tweet from the SADC Secretariat on 26 June 2020 noted that “SADC Protocol on Facilitation of Movement of Persons was adopted in 2005, only 7 Member States have ratified it. There is urgent need to ratify it as COVID-19 points to the need to facilitate movement of persons during normal times states & during pandemics.”¹³³

Through consultation with various stakeholders, it is confirmed as per the SADC Tweet, that the following Member States have ratified the SADC Protocol on the Facilitation of Movement of Persons: Botswana, Eswatini, Lesotho, Mozambique, Namibia, South Africa and Zambia.

*SADC Protocol on Employment and Labour (2014)*¹³⁴

¹³¹Belinda Dodson and Jonathan Crush, *Migration Governance and Migrant Rights in the Southern African Development Community (SADC): Attempts at Harmonization in a Disharmonious Region*, Research Paper 2015-3, United Nations Research Institute for Social Development (UNRISD), Geneva, 2015; Peter Mudungwe, “Promoting Free Movement of People in Southern Africa A Case for Ratification of the Protocol on the Facilitation of Movement of Persons in the SADC Region” African Diaspora Policy Centre Research Report, The Hague, 2015; Aurelia Segatti, “The Southern African Development Community: A Walk Away from the Free Movement of Persons?” In A Pécoud et al. (eds.), *Migration, Free Movement and Regional Integration* (Paris: UNESCO, 2017; Ottilia Anna Maunganidze and Julian Formica, “Freedom of Movement in Southern Africa A SADC (Pipe)dream?” ISS Southern Africa Report, Pretoria, 2018.

¹³²<https://www.sadc.int/news-events/news/immigration-sub-sub-committee-other-experts-consultative-meeting-free-movement-persons-implementation-african-passport/>

¹³³https://twitter.com/SADC_News/status/1276530107394465792

¹³⁴https://www.sadc.int/files/5714/6193/6406/Protocol_on_Employment_and_Labour_-_English_-_2014.pdf

The SADC Protocol on Employment and Labour was adopted in 2014 and has yet to come into effect pending the required number of ratifications. While addressing labour and employment issues generally, the Protocol does not distinguish between the employment of nationals and migrant workers, except to the extent that its provisions are subject to national policies and legislation of State Parties. The Protocol sets out the following specific objectives: (a) setting minimum standards on employment and labour, social security, safety and health at workplace and related matters; (b) providing a framework for harmonization of policies and legislation on employment, labour, social security, safety and health standards at the workplace and enhancing cohesion and common approaches to labour market challenges; (c) providing a framework for regional cooperation in the collection and dissemination of labour market information; (d) promoting gender equality in the employment and labour sector, in particular equal treatment and opportunities for men and women; (e) promoting the development of institutional capacities and vocational and technical skills in the Region; and (f) promoting employment and income-generating opportunities for all, and in particular for vulnerable groups as a basis for achieving full, freely chosen, productive and decent employment within the Region.

To date, only Zimbabwe has ratified the 2014 Protocol and following a review pertaining to the challenges experienced with the ratification of the Protocol, the SADC Summit held in August 2020, made a decision to withdraw the 2014 Protocol and to begin the process of drafting a new one.¹³⁵

5.3.2 COMESA¹³⁶

There are two primary legal instruments governing the free movement of people in COMESA: (a) the Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements (Visa Protocol) and (b) the Protocol on Free Movement of Persons, Labour, Services, Right of Establishment and Residence (Free Movement Protocol).¹³⁷ The Visa Protocol was signed by the Heads of COMESA Member States in 1984. The Protocol provides for a ninety-day visa free regime and access to visas on arrival. Several COMESA States have already started implementing the provisions of the Protocol either by providing visas on arrival, issuing visas at no cost and in some cases, having eliminated visa requirements for citizens from other COMESA Member States. The Visa Protocol recognizes that two or more Member States can maintain existing bilateral or multilateral arrangements (or enter into new ones) among themselves in respect of free movement of persons which provide for more favourable treatment for their nationals than are provided for in the protocol and these measures are encouraged.

¹³⁵Communique of the 40th Ordinary Summit of SADC Heads of State and Government, 17 August 2020

¹³⁶See <https://www.uneca.org/pages/comesa-free-movement-persons>. This section draws on G. Urko and A. Hakami, *Regional Migration Governance in Africa: EU and RECs* (Luxembourg: European Union Commission, 2018), pp. 36-39

¹³⁷COMESA-IOM, *Free Movement of Persons Within the Common Market for Eastern and Southern Africa: Trainers Manual* (Lusaka, 2017), pp. 64-65. At: https://publications.iom.int/system/files/pdf/trainers_manual_comesa_en.pdfhttps://publications.iom.int/system/files/pdf/trainers_manual_comesa_en.pdf;

The Free Movement Protocol was adopted in 2001 and was developed with the vision towards the operationalization of the COMESA Common Market and its objective is to remove all restrictions to the free movement of persons, labour, and services and provide for the right of establishment and right of residence. It envisages five stages of implementation: Stage 1: Part II – Articles 3 to 8 Objective: Gradual removal of visa requirements and co-operation in the prevention and the fight against crime; Stage 2: Part III – Article 9 Objective: Enhancing movement of skilled labour; Stage 3: Part IV – Article 10 Objective: Movement of services; Stage 4: Part V – Article 11 Objective: Right of Establishment; Part VI – Article 12 Objective: Right of Residence. Burundi, Kenya, Rwanda and Zambia have signed the Protocol and only Burundi has ratified. National Monitoring Committees have been set up in Zambia and Zimbabwe in order to revitalize the process of implementation of the COMESA Protocol on free movement.

A COMESA Model Law on Immigration was set up in 2006 in order to harmonize national laws and practices, but progress has been slow on national implementation. The Model Law provides directives on both regular and irregular migration, regulating the entry and stay of persons within the region as well as the removal of irregular migrants. Procedures on a variety of areas are included in the document, such as 37 permits for business, study, visitors, retired persons, workers, cross-border traders and their families, long-term residents and asylum seekers. However, no specific provisions on free movement of citizens of COMESA member states are included. The COMESA Medium Term Strategic Plan (2011-2015) supported the establishment of one-stop border posts. One was launched in 2009 at the border between Zambia and Zimbabwe.

In 2017, IOM and the COMESA Secretariat published an extended trainers manual on Free Movement of Persons in the Common Market for Eastern and Southern Africa (COMESA).¹³⁸ The Manual was developed to assist with the task of building the capacity of the COMESA Secretariat and COMESA Member States, and to improve the knowledge and understanding of National Focal Points, National Monitoring Committees and other relevant COMESA and government officials on the COMESA Free Movement Agenda. The Manual gauges levels of knowledge, understanding and capacity to administer roles and responsibilities in relation to the COMESA Visa Protocol and the COMESA Free Movement Protocol.

5.3.3 Tripartite Agreement¹³⁹

COMESA, SADC (and EAC) signed a memorandum of understanding in June 2018 to establish a common free trade area which requires 14 ratifications to come into force. As part of the Tripartite Agreement, member states of the three regional organisations also aim to establish a free movement area in Phase II of the negotiations. The implications of this development for labour migration need further exploration

¹³⁸Marius Olivier, *Trainers Manual: Free Movement of Persons in the Common Market for Eastern and Southern Africa (COMESA)* (Lusaka, 2017) At:

https://publications.iom.int/system/files/pdf/trainers_manual_comesa_en.pdf

¹³⁹www.tralac.org/resources/by-region/comesa-eac-sadc-tripartitefta.html

5.4 Labour Migration Actions

5.4.1 SADC Labour Migration Policy (2013)

A Draft SADC Labour Migration Policy (LMP) was published in 2013 “to reflect, contribute to, and refine existing legal frameworks at regional, bilateral and national level, and international and regional legal instruments and obligations relating to migration and labour.” Reference is made to the SADC Charter of Fundamental Social Rights (2003), the SADC Protocol on Employment and Labour (2013), the SADC Protocol on Facilitation of Movement of Persons (2005). The key principle of the Policy is “to align with regional and international frameworks on labour migration, harmonise respective national, and bilateral policies, and work towards an inclusive labour migration regime balancing international frameworks with the specificities of Southern African economies and labour market dynamics.” Its overall objective is to “develop a harmonised regional policy framework to regulate labour migration within SADC that benefits sending and receiving countries, protects the rights of migrant workers, contributes to equitable and just development in the region, and builds on principles of mutual respect and cooperation.”

Specific objectives include:

- to achieve legal and policy convergence in the region in the area of labour migration;
- to establish, maintain, and disseminate a system of sub-regional data collection in key areas of labour migration including but not limited to migration stocks & flows; labour market data, legislations; comparative sector based qualitative research; impact assessments (discussed above in 3.3.1);
- to develop an integrated and evidence-based strategy aimed at retaining existing skills within the sub-region, improving and expanding the skills pool within SADC and attracting new skills from outside the region that will contribute to the development of the region’s economy;
- to improve understanding of low-skilled migrant workers’ mobility strategies; and to design pro-poor labour migration policies assisting and protecting this category of workers towards increased and more sustainable income generating activities;
- to ensure the mainstreaming of self-employed migrants in migration, labour, rural and urban development strategies;
- to ensure the full integration of migrant workers into national and sub-regional workers’ organisations without discrimination based on their citizenship or length of residence;
- to create a harmonised social protection regime across SADC for migrant workers and nationals that takes into consideration a minimum floor of social security for migrant workers; and
- to create mechanisms for monitoring and evaluation of labour market integration.

The SADC Labour Migration Policy provides an important sub-regional framework and mechanisms for cooperation between SADC Member States in the development of national labour migration policies and the management of labour migration. It was followed by three labour migration action plans designed to implement the LMP:

2013 – 2015 SADC Labour Migration Action Plan¹⁴⁰
 Draft Labour Migration Action Plan 2016-2019¹⁴¹
 Draft SADC Labour Migration Action Plan 2020-2025

The regular release of updated LMAPs indicates that SADC remains committed to implementing the core 2013 SADC Labour Migration Policy (2013). However, a review by SADC of progress in implementing the LMAP conducted in November 2019 showed limited achievement of intended outcomes and supporting activities.¹⁴² The new LMAP noted that “there had been an overall low implementation rate” with only 19% of 17 planned outputs completed across six outcomes.¹⁴³ Nearly 60% had not even started. The completion rate for Outcome 3 on improving the availability of data and statistics on migration among member states was only 22%. Of the remaining outputs, 23% were not completed while 58% were not started during the implementation period. One of the agreed outcomes of the 2016-2019 Action Plan was that all SADC Member States would have in place a National Labour Migration Policy, broadly reflective of provisions of the Draft SADC Labour Migration Policy of 2013. The review noted that only 3 SADC Member States (Mauritius, Namibia and Zimbabwe) have policy frameworks that cover labour migration issues in a comprehensive manner, although other Member States were at various stages of consultations and/or the drafting of such policies.

Table 28: Status of Implementation of 2016-2019 LMAP at November 2019¹⁴⁴

OUTPUT	ACTIVITY	COMPLETION STATUS
OUTCOME 1 – Governance of SADC Labour Migration Activities (LMAs)		
Output 1.1: SADC ELS small and efficient steering committee for the coordination, monitoring & evaluation of SADC Labour Migration Action Plan between SADC ELS Secretariat, member states, social partners, international organisations and key stakeholders established	1.1.a. Draft the ELS Labour Migration steering committee Terms of Reference and work Plan and ensure validation at SADC ELS meeting	Not completed
	1.1.b. Establish the ELS Labour Migration Steering Committee and Convene first meeting of the Committee.	
	1.1.c. Produce regular reports to ELS Technical Committee Meetings and to Member States and Social Partners in-between meetings/reminders of due dates, etc.	
Output 1.2: Mechanism for benchmarking and monitoring of Bilateral Labour Migration Agreements between SADC member states established and implemented	1.2.a Develop Guidelines for benchmarking of SADC BLMAs	Completed
	1.2.b Establish reporting system to be spearheaded by SADC LM steering committee	Not Started

¹⁴⁰ https://www.iom.int/sites/default/files/our_work/ICP/RCP/2017/SADC-LABOUR-MIGRATION-ACTION-PLAN-2013.pdf

¹⁴¹ <https://www.iom.int/sites/default/files/icp/sadc-labour-migration-action-plan-for-2016-2019.docx>

¹⁴² SADC Secretariat, “SADC Labour Migration Action Plan 2016-2019: Implementation Assessment”

¹⁴³ SADC Secretariat, *Draft SADC Labour Migration Action Plan (2020-2025)*, pp. 10-11.

¹⁴⁴ SADC Secretariat, “SADC Labour Migration Action Plan 2016-2019: Implementation Assessment: Annexure II”

Output 1.3: Agreements and commitments between SADC ELS and international organisations formalised	1.3.a Review SADC/IOM MoU to cater for labour migration	Completed
	1.3.b Review and update ILO – SADC MoU & SADC DW Programme	Completed
Output 1.4 SADC citizens are informed and sensitized on labour migration policies in SADC	1.4.a Communicating achievements of Action Plan to broader public	Not Started
	1.4.b Support Member states in their communication efforts (sensitization campaigns to benefits of labour migration)	Not Started
OUTCOME 2: Harmonised labour migration policies and legal frameworks in SADC		
Output 2.1: SADC LMPF developed	2.1.a Hold regional stakeholder consultation meetings	Completed
	2.1.b Establish a task team to draft a regional migration policy (use existing technical working group)	Completed
Output 2.2: Policies and legislations in Member States reviewed and formulated in conformity with International Labour Standards, African Union Migration Policy Framework for Africa and Joint Labour Migration Programme, and SADC Labour Migration Policy Framework	2.2.a Produce Progress reports on ratification of International Instruments on Labour Migration among SADC Member States	Not completed
	2.2.b Sensitise Member States to the need to ratify the 2005 Protocol on Facilitation of Movement of Persons	Not completed
	2.2.c Promote the ratification of the SADC Protocol on Employment and Labour in member states	Not completed
	2.2.d Hold national stakeholders' consultative meetings to sensitize constituents to new frameworks and review policies and legislation in at least 10 SADC member states	Not completed
	2.2.e Develop rights based, gender sensitive national labour migration policies / instruments in at least 10 member states	Not completed
	2.2.f Harmonise and review bilateral labour agreements (BLAs) by establishing a benchmarking system among SADC member states and between them and third countries	Not completed
Output 2.3: Labour Migration Policies legislations implemented in SADC Member States	2.3.a Conduct national labour migration assessments and skills audits.	Not completed
	2.3.b Develop and implement temporary labour migration programmes	Not completed
	2.3.c Develop and implement an intra-SADC labour migration circulation model (highly-, semi-, and low-skilled)	Not completed
OUTCOME 3: Availability of Data and Statistics on Migration Among Member States		
Output 3.1: LMIS inclusive of migration indicators established and ongoing	3.1.a Identify Labour Migration Indicators to be included in the LMIS.	Completed
	3.1.b Develop a standardised template for data collection pertaining to labour migration	Completed
	3.1.c Produce biennial reports to be submitted to SADC Secretariat and made available online	Not Started
Output 3.2: Knowledge- Production: research & publications	3.2.a Produce reports and studies (for all outcomes)	Not Started
Output 3.3: Ensuring evidence-based policymaking	3.3.a present findings at annual validation workshop (SADC/Member States level)	Not Started
	3.3.b Use of findings for policy development processes/policy development workshops/parliamentary hearings etc.	Not Started
Outcome 4: Migrant workers to have access to health care across borders and at the workplace		
Output 4.1. SADC Declaration and Code on TB in the Mining Sector implemented	4.1.a Adoption of the Declaration and Code	Completed
	4.1.b Development of a framework for harmonised management guidelines	Completed
	4.1.c Resource mobilisation for implementation of the Declaration, Code and Framework	Completed
	4.1.d Conduct an assessment of the implementation of	Not Started

	the Code of Conduct on HIV/AIDS and Employment	
Output 4.2 An evaluation tool is developed and applied to provide insights on the existing systems and databases/registries; and to inform the harmonisation process	4.2.a Review existing national referral systems and health database/ registries/ workers compensation schemes and make proposals for sub-regional harmonisation and establishment of a common referral system and database/links to national databases/registries and recording and notification systems	Not Started
	4.2.b. Develop a database pertaining to primary health / HIV status /TB and occupational exposures.	Not Started
	4.2.c. Development of harmonised guidelines for the operation of databases/registries	Not Started
	4.2.d Apply in all Member States to review Workers Compensation and occupational health surveillance tools/practices and the recording and notification of occupational accidents and diseases	Not Started
Output 4.3: Critical ILO-OSH conventions in accordance with the needs of Member States with further support for their domestication and implementation ratified and implemented	4.3.a. Ratify relevant ILO conventions pertaining to OSH	Not Started
	4.3.b. Establish Tri-partite OSH task teams at National Level	Not Started
	4.3.c Analyse/Review existing laws, best practices and develop a set of minimum standards.	Not Started
	4.3.d. Conduct National OSH Profile assessment Establish/Set up Tri-Partite Task Team to ensure implementation	Not Started
OUTCOME 5: Improved mechanism for remittance transfers across SADC Region		
Output 5.1: Effective financial and regulatory frameworks and policies to facilitate and harmonise remittance transfers are developed and obstacles to remitting removed	5.1.a Commission the development of guidelines to member states and key stakeholders based on existing good practice and available evidence	Not Started
	5.1.b Drawing on guidelines commissioned previously, develop a schedule of targets to be reached by member states by 2019 and implement a strategy at national and multilateral level;	Not Started
Output 5.2. Efficient systems to promote the productive use of remittances for an increased development impact put in place	5.2.a Commission a study to review existing practices within SADC and proposing relevant global good practice examples applicable to the SADC context;	Not Started
	5.2.b Drawing on the study, draft an implementation plan for member states to enhance the productive use of remittances	Not Started
OUTCOME 6: Strengthening of migrant workers' access to pension and social protection across SADC region		
Output 6.1: SADC policy and legislation to provide for portability and pension contribution developed	6.1.a Support technical research to develop guidelines for member states to improve migrant workers' access to social benefits and pension schemes	Not completed
	6.1.b Develop portability of social security benefits	Not completed
	6.1.c. Develop schedule of measures to be adopted by member states by 2020	Not Started
Output 6.2 Effective and efficient technical structures operational within SADC member states' ministries of labour to assist returned migrant workers	6.2.a Review existing structures and issue guidelines for administrative reform across SADC member states	Not Started
	6.2.b Hold training, sensitization workshops to capacitate existing structures within MoL to assist returned migrants claim their benefits with at least 10 member states	Not Started

5.4.2 Draft SADC Labour Migration Action Plan (2020-2025)

The latest LMAP articulates a “new strategic orientation” and is considered to be “one of the key instruments to advance regional cooperation and integration in SADC and to facilitate achievement of sustainable development and poverty eradication.” The LMAP is an extremely

ambitious, yet practical and achievable, strategy with 5 core principles, 3 strategic objectives, 10 outputs and 45 activities. The principles include variable geometry, subsidiarity, human rights; state sovereignty and gender-responsiveness. The three strategic objectives are:

- To strengthen labour migration policies and regulatory systems for better labour migration outcomes;
- To protect migrant workers' rights and improve advocacy and awareness of their contribution to development and regional integration; and
- To enhance the participation of migrant workers in socio-economic development processes in countries of origin and destination.

Table 29 lists the 3 objectives, 10 outputs and 43 activities in the LMAP.

Table 29: Objectives, Outputs and Activities in SADC Labour Migration Action Plan (2020-2025)

Strategic Objective	Outputs	Activities
1: To strengthen labour migration policies and regulatory systems for better labour migration governance.	Output 1.1 Ratification and implementation of key global, continental and regional migration instruments promoted, including the SADC Protocol on Employment and Labour, 2014, and the SADC Protocol on Facilitation of Movement of Persons, 2005.	1.1.1 Undertake scoping studies of existing capacities in SADC Member States for implementing global, continental and regional instruments. 1.1.2 Undertake campaigns to promote ratification of the Protocols. 1.1.3 Strengthen laws and regulations for effective labour migration governance. 1.1.4 Produce progress reports on the ratification and implementation of global, continental and regional commitments. 1.1.5 Convene symposia and knowledge exchange programmes to promote labour mobility within the SADC region. 1.2.1 Undertake a scoping study of existing labour migration policies and laws within SADC Member States to assess their compatibility with regional efforts on migration governance. 1.2.2 Develop a model policy framework and accompanying implementation guidelines to facilitate domestication by Member State governments. 1.2.3 Develop comprehensive national labour migration policies that are rights based and gender sensitive 1.2.4 Hold stakeholder consultative meetings to sensitize constituents at Member States' level on labour migration 1.2.5 Promote social dialogue and tripartite consultation between government and social partners on labour migration matters at both regional and national levels 1.2.6 Promote regular national and regional dialogue forums to engage actors beyond the traditional tripartite constituents as part of the whole of government and whole of society approach. 1.3.1 Review and conclude BLAs and MoUs to ensure that the rights of migrant workers are sufficiently guaranteed. 1.3.2 Develop Model provisions on BLAs and MoUs to facilitate harmonisation of standards in the region. 1.4.1 Undertake capacity building of governments and social partners in labour migration governance at all levels. 1.4.2 Undertake continuous resource mobilisation for implementation of interventions under the LMAP. 1.4.3 Participate in labour migration training and capacity-building programmes with the support of ICPs. 1.4.4
	Output 1.2 National policy frameworks that address labour migration, including in combination with other thematic areas, adopted and implemented in all SADC Member States.	
	Output 1.3 Bilateral cooperation on labour migration strengthened.	
	Output 1.4 Institutional mechanisms, including the Secretariat, strengthened.	

		Participate in continental initiatives and experience sharing forums that promote better labour migration governance 1.4.5 Recruit labour migration expert to assist the SADC Secretariat in its roles and responsibilities on the management of labour migration issues.
2: To protect migrant workers' rights and improve advocacy and awareness of their contribution to development and regional integration.	<p>Output 2.1 Core labour standards and those relating to labour migration ratified and implemented, through responsive legislation and practice.</p> <p>Output 2.2 Fair and ethical recruitment initiatives implemented.</p> <p>Output 2.3 Labour migration knowledge products, including statistical reports and research papers, produced and disseminated.</p>	<p>2.1.1 Develop model laws and policies to incorporate principles and rights contained in ILS and other relevant treaties into Policy Frameworks and legislation. 2.1.2 Promote ratification and implementation of international labour standards and other treaties relevant to labour migration, 2.1.3 Produce progress reports on the ratification and implementation of labour migration instruments. 2.1.4 Participate in continental programmes on labour migration, including exchange programmes with other Regional Economic Communities. 2.2.1 Produce fair and ethical guidelines for cross border recruitment for use by governments, employers and workers, as well as employment agencies. 2.2.2 Develop guidelines for pre-departure and post-arrival orientation programmes based on international best practice. 2.2.3 Enhance capacities of social partners, CSOs, business and media to provide information to migrant workers in countries of origin and destination. 2.2.4 Conduct studies on recruitment realities and practices in SADC and disseminate the findings to promote fair and ethical recruitment. 2.2.5 Strengthen Member States' regulations on private recruitment agencies. 2.2.6 Strengthen the capacity of Member States to monitor the enforcement of recruitment regulations. 2.3.1 Conduct regular Labour Force Surveys that include a module on labour migration, at least every two years 2.3.2 Provide training and technical support to statistics officials, think tanks, academics and other relevant regional institutions within Member States on labour migration data collection, analysis and management 2.3.3 Produce and disseminate statistical reports on labour migration in the region. 2.3.4 Fully operationalise the SADC Labour Market Information System 2.3.5 Conduct awareness campaigns on the rights and obligations of migrant workers in selected labour migration corridors. 2.3.6 Undertake case studies that profile best practices on labour migration, including the role of the diaspora in comparable regions.</p>
3: To enhance the participation of migrant workers in socio-economic development processes in countries of origin and destination.	<p>Output 3.1 Mechanisms for remittance transfers improved.</p> <p>Output 3.2 Promote access to and portability of social security benefits.</p>	<p>3.1.1 Reduce cost of remittance transactions. 3.1.2 Provide access to formal remittance methods among labour migrants, including through targeted financial incentives and financial education. 3.1.3 Engage migrant workers in the diaspora for investment and development in countries of origin and destination, through special targeted facilities. 3.1.4 Undertake scoping studies and assessment for the development of mechanisms to leverage human, social and cultural capital of migrant workers. 3.2.1 Implement SADC Guidelines on Portability of Social Security Benefits. 3.2.2 Promote bilateral agreements to ensure the portability of social security benefits. 3.2.3 Develop legislation that does not discriminate against</p>

	Output 3.3 SADC Qualifications Framework Promoted.	migrant workers on nationality grounds when it comes to access to social security, including with respect to occupational health and safety. 3.3.1 Support Member States in the development of NQFs that are aligned to the SADC QF. 3.3.2 Support the development of sector specific regional mutual recognition arrangements in line with the SADC QF. 3.3.3 Conduct awareness and capacity building workshops, as appropriate, targeting labour and employers' representatives in the region to promote the SADC QF. 3.3.4 Conduct skills audits to profile supply and demand for selected sectors.
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5.4.3 SADC Decent Work Programme (2013-2019)¹⁴⁵

The SADC report Promoting Decent Work for all in the SADC Region provides a comprehensive overview of this regional decent work regional programme (DWP).¹⁴⁶ The SADC DWP was initially endorsed by the SADC ELS Annual Meeting of Ministers of Employment and Labour held in 2012 in Luanda. Subsequently revised, it was endorsed by the SADC ELS Annual Meeting of Ministers of Employment and Labour and Social Partners held in 2013 in Maputo. While not specific to the issue of labour migration, but employment and labour in general, the Decent Work Programme nevertheless has an important bearing on the contents of labour migration policies and legislation, and the implementation thereof. Table 30 sets out the priorities and outcomes of the Decent Work Programme:

Table 30: SADC Decent Work Programme

Priority	Outcomes
1 REGIONAL TECHNICAL WORK	Outcome 1.1: Functional SADC Labour Market Information System harmonized and strengthened Outcome 1.2: Labour Migration Systems Developed Outcome 1.3: Human Trafficking Eliminated
2 PROMOTIONAL WORK	Outcome 2.1: International Labour Standards ratified, domesticated and complied with Outcome 2.2: Youth Employment Promotion Strategy Promoted Outcome 2.3: Compliance with SADC Codes (Social Security, Child labour, safe use of chemicals, HIV and AIDS, TB in Mining) Outcome 2.4: Decent work promoted in the informal economy in SADC Member States
3 INFORMATION SHARING	Outcome 3.1: Improved knowledge of best practice in employment and labour policies, legislation,

¹⁴⁵<https://www.sadc.int/documents-publications/show/4379>

¹⁴⁶Southern African Development Community, *Decent Work Programme (2013-2019): Promoting Decent Work for All in the SADC Region* At: https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---program/documents/genericdocument/wcms_561085.pdf

	programmes and social protection floors among Member States Outcome3.2: Skills development policies harmonised and strengthened
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With regard to labour migration, the DWP identifies six major challenges identified: rapidly changing dynamics of labour migration; increasing migration pressure to South Africa and Botswana; brain drain and skills shortage; Irregular migration and informalisation of labour migration; migrants' access to social protection and the need for harmonisation of legislation and policies across SADC. Outcome 1.2 of the DWRP has four outputs (1): Labour migration policy in SADC developed and adopted; (2) SADC Member States are supported to domesticate regional labour migration policies; (3) Ratification of the SADC Protocol on Facilitation of Movement of Persons and (4) Member States are supported to finalize and implement the Code of 37 Practice on TB in the mining sector. The Director of ILO Pretoria Office has overall responsibility for managing the implementation of the SADC DWP and provides the technical expertise for the execution of the outputs and activities under the political guidance of the SADC ELS Technical Committee and the annual Meeting of Ministers of Labour and Employment and Social Partners. ILO Pretoria Office will share responsibility with the SADC Secretariat to mobilize resources to fund programmes and projects, and in some cases cost-share activities and projects. SADC DWP evaluations are scheduled for every two years.

5.5 National Labour Migration Policies and Governance

The SADC Labour Migration Action Plan (2016-2019) called on all Member States to have a National Labour Migration Policy in place by 2019. To date, only five Member States (Lesotho, Mauritius, Namibia, Swaziland and Zimbabwe) have comprehensive national labour migration policies, whereas other Member States are at various stages of development of such a policy. The Labour Migration Action Plan (2020-2025) repeats the call for all Member States to develop comprehensive national labour migration policies and while no specific timeline is attached, it is assumed that it has to be done within the framework of the LMAP and 2025 would be the target date.

National labour migration policies are intended to provide a set of objectives and outcomes that need to be achieved in the management of, and processes related to labour migration. However, the actual requirements and procedures for obtaining work permits are determined by the provisions of the immigration policies and legislation of Member States and are usually provided for in immigration laws and its accompanying regulations. The country tables below reflect the applicable requirements and procedures for obtaining work permits in individual Member States.¹⁴⁷ Most Member States also have specific provisions pertaining to the employment of foreign workers in their domestic labour legislation and these are also reflected in the country

¹⁴⁷Information regarding requirements and processes for obtaining work permits was primarily sourced from official government websites and from <https://www.globalization-partners.com/globalpedia/> No information was available for Comoros

tables below.¹⁴⁸ Where it was possible to get information and updates on the development of national labour migration policies in Member States, brief summaries of the key elements of these policies are in the country tables below.¹⁴⁹

¹⁴⁸The authors express their gratitude to Ms Zoe Isaacs for the permission to reproduce the information pertaining to the employment of foreign nationals found in the SADC Labour Law Guide that is maintained by the SADC Private Sector Forum (SPSF) and available at <https://www.sadclabourlawguide.spsf.org.bw/>

¹⁴⁹Available information indicates that only 5 SADC Member States (Eswatini, Lesotho, Mauritius, Namibia and Zimbabwe) have a National Labour Migration Policy, with Malawi having reached the stage of publishing a Situational Analysis report in preparation for the drafting of its NLMP. The authors were unable to obtain a copy of the Mauritius NLMP for the purpose of this report.

Angola	
Type of permit	Work permit
Application requirements	<p>A letter from the applicant addressed to the Embassy, A Photocopy of the applicant's passport, with a validity of at least 18 months Two passport sized photos and following documents:</p> <ul style="list-style-type: none"> • A declaration that the applicant will abide by Angola's laws • Proof that the applicant has no family ties to individuals living in the country • An employment contract • A criminal record from the applicant's country of residence • A certificate showing good health from an official health institution in the country of residence • Copy of yellow fever certificate • Academic and professional certificates • A curriculum vitae • Proof of your company's legal status in Angola
Duration of permit	Initially 12 months and can be extended twice for up to 36 months
Employment of Foreign Nationals	<p>The Presidential Decree sets very strict procedures that must be followed in the hiring of non-resident foreigners. The provisions shall apply to the employment of foreign workforce under a technical workforce agreement. The terms and conditions should be made on equal conditions as those applicable to domestic employees, namely remuneration and working conditions. However, in general terms, companies, either domestic or foreign, are only allowed to employ a quota of 30% of non-resident foreign workforce and the remaining 70% must be filled by Angolan nationals.</p> <p>To employ any non-resident worker, the employee must meet the following main requirements: to be of age under both Angolan Law and the relevant foreign law; to have a technical or scientific qualification, duly approved; to have physical and mental ability as duly attested by a medical certificate issued in the country of employment; not to have any criminal record, as duly attested by document issued in the worker's country of origin ; and lastly the worker must not have acquired Angolan nationality or citizenship.</p> <p>The employment agreement must be made in writing and include the following elements: employer's and worker's identification; worker's job classification and occupational; workplace; working hours; amount, terms and period of payment of salary; commitment to return to the country of origin following termination; date of commencement; place and date of execution of agreement; lastly the worker and employer party's signature. The agreement must be registered with the Employment Centre of the company location within 30 days from the date of commencement of employment. The Employment Centre must keep a copy for its files and forward a copy to the applicant with the entry and registration number. The other copy must be forwarded to the services in charge of control of aliens. A 5% fee on the remuneration amount expressed in the agreement is payable for each employment registration.</p> <p>Generally, the non-resident foreign worker must pay taxes in accordance with the law. In the event of a dismissal of the non-resident foreign worker, employers must settle</p>

	<p>all accrued or accruing obligations; maintain the housing conditions established in the employment agreement until the Migration and Foreigner services is notified; and provide an airline ticket for return to the country of origin.</p> <p>Besides other duties, such employees should assure that the Angolan employees with whom they will cooperate can to gather from their activity the greatest possible knowledge and information to other Angolan workers. This type of agreement will have a minimum duration of 3 months and a maximum limit of 36 months, after which the non-resident foreign employee must return to his country of origin. The work visa shall be used by the respective holder within 60 days following its granting and it will grant the employee multiple entries in the country and a stay until the end of the contract. On the date of the signature of the agreement, the non-resident foreign workers shall sign a sworn statement through which the worker undertakes to respect and ensure the respect for the laws of the Angolan Republic. The agreement must be registered at the employment office and be available on the company premises.</p> <p>Any work visa is granted by the Angolan Diplomatic missions or Consulates and is necessary to allow the entry of any work visa holder in the Angolan territory, with the purpose of performing a professional activity in the country. Any employee who is a holder of a work visa is only allowed to perform the professional activity for the company that has applied for that work visa, in an exclusivity regime.</p> <p>The Private Investment law and the legal provisions establish that Angolan companies should adopt an Angolanization policy. This requires that companies should gradually substitute foreign employees with the national workforce. The employment of Angolan workers for management functions and leading positions is considered as a priority. In the oil sector, the employment of foreign personnel is subject to the prior authorization from the Ministry of Petroleum and the grounds for the employment of foreign workers instead of national workers must be justified.</p> <p>The Angolan recruitment policy for the oil industry stipulates that all oil companies must employ Angolans in all categories and posts. The hiring of foreign employees will only be done through the authorization of the Ministry of Petroleum. All companies already operating in Angola must send a name list of foreign staff employed by them and indicate their names, occupations, wages, standards and other social privilege to justify their recruitment to the Ministry of Labour. All employees, whether foreign or Angolan should be paid the same salaries, enjoy the same social benefits and the same working conditions if they work in the same category and posts.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The Provincial Courts, through the Chamber of Labour, have jurisdiction to hear and judge all individual labour disputes.</p> <p>The General Labour Inspectorate primarily responsible for all monitoring and compliance within the labour market. They are responsible for all labour inspections which can be initiated by the worker, employer or a judicial authority.</p> <p>The Ministry of Public Administration, Employment, and Social Security is the leading authority for labour issues.</p>

Botswana	
Type of permit	Work permit; Emergency work permit for up to 3 months
Application requirements	<p>Complete the Work permit application form and submit with following supporting documents:</p> <ul style="list-style-type: none"> • Copy of job advert not older than six months old • Contract of employment • Application letter for work (signed) • Letter of offer or appointment letter • Applicants' Curriculum vitae (CV) • Certified copies of educational certificates. Please note that all certificates in foreign languages must be translated to English and be confirmed by Botswana Qualification Authority • Certified copy of a valid passport – biographic data page (picture, passport number, date of birth, birth place, expiry, etc.) • 2 x Passport-size photos (with a white background) • Clearance from relevant professional regulatory bodies • Letter from the patient's doctor (Nurse Aid/ Care taker) • Supporting letter from relevant Ministries for Government projects • CV for understudies <p>Additional requirements as per the profession such as heavy-duty driver, farm worker, medical professionals etc. details available in the link provided</p>
Duration of permit	The permit duration is decided after reviewing the application by the immigration board;
Employment of Foreign Nationals	<p>The Immigration Act provides that any foreign national entering Botswana must have valid travel documents that is a passport and a valid residence permit. The Act provides detailed provisions on various persons who are considered prohibited immigrants and their entry into or presence in Botswana is considered unlawful. This includes: a person suffering from a prescribed disease, any prostitute, a person who is mentally incapacitated and any person who is declared undesirable.</p> <p>An employer who is seeking to employ a foreign national must initially advertise the vacancy in a local Botswana newspaper, in which case the advertisement ought to run, at least for a minimum period of 14 working days. The immigration law requires the employer to provide reasons why local applicants were not eligible for the position. All foreign nationals are prohibited from commencing employment in Botswana without a work permit or an exemption certificate. An employer is also prohibited from allowing a foreign national to commence employment with such employer if the foreign national has not been issued with a work permit or an exemption certificate. An application for a work permit must be in the prescribed form, as per the immigration act. Applications for work permits are considered by the Immigration Selection Board which is established in terms of the Immigration Act. As a general rule, the application in question must be submitted to the Department of Labour, in the Immigration Section. The Board must consider every application submitted to it and it may call for and obtain such additional information relating to the applicant as it may deem necessary. The Board must submit each application received by it to the Minister together with the recommendation. When the Board makes its recommendation, it must consider: whether the applicant is of good character; has the</p>

	<p>relevant qualifications; whether the applicant has the substantial means to support himself and any dependents; and lastly that it would be in the interests of Botswana that the residency permit is issued.</p> <p>The processing time for the department, will take approximately 3 months to complete. Thereafter, the application will be passed on to the Police Department for examination. Subsequently, the application will go to the Department of Intelligence and Security, whose role in this case, would be to do a determination on whether the permit is to be granted. After this, the file will be put before the Immigration Board. A work permit is issued in the prescribed form for such a period not exceeding 3 years and subject to any conditions that the Minister may attach. The permit may from time to time be renewed.</p> <p>A foreign employee who applies for a work permit is required to simultaneously apply for a residence permit. If the work permit is revoked the residence permit will also be revoked. A person whose position is specified in an exemption order, published under the Immigration Act, shall apply to the Director of Immigration or Commissioner of Labour, in the prescribed form to be issued with an exemption certificate in lieu of a work permit. Any individual whose application for a permit is rejected by the Immigration Board may appeal to the Minister of Labour and Home Affairs. The appeal must be lodged within 30 days after the day on which decision complained of was communicated to such persons. Botswana recognises two categories of permits relevant to employment: the work permits and the residence permit. There are no special permits for individuals who possess scarce skills. Individuals possessing scarce skills obtain more points in the visa evaluation process. The Minister may cancel a residence permit if the holder of the permit does not take residence in Botswana within 6 months of the date of issue of the permit.</p> <p>Where an employee has been brought to the place of employment by the employer, the employee has the right to be repatriated, at the employer's expense, to his place of recruitment on termination of the contract of employment. This right applies to both citizen and expatriate employees, regardless of whether the place of recruitment is situated within or outside Botswana. where the employee's family has been brought to the place of employment by the employer, the family must be repatriated at the expense of the employer in the event of the employee being repatriated or of his/her death.</p>
National Labour Migration Policy	No information available

National Labour Market Institutions	<p>The Industrial Court is a creature of the Trade Disputes Act and is headed by a Judge President. Industrial Court Judges are appointed by the President. The Judge sits with two assessors one nominated by an organization representing the workers, and another by an organization representing the employers. The Court has jurisdiction to hear and determine all trade disputes except disputes of interest including those to interdict any unlawful industrial action and to hear appeals and reviews from decisions of mediators and arbitrators. The Court has the power to direct the Commissioner to assign a mediator to mediate a dispute where in the opinion of the Court, the matter has not been properly mediated or requires further mediation. To direct the Commissioner to refer a dispute that is before the Court, to arbitration. Further to refer any matter to an expert and at its discretion to accept his/her report as evidence in the proceedings.</p> <p>The Minimum Wages Advisory Board shall investigate the wages in the trade, section of trade, industry or section of industry in question and make recommendations to the Minister as to the minimum wage which should, in the Board's opinion, be payable to employees belonging to the relevant category. The Board shall take into account any statements which the employers, registered employers' organizations, employees or registered employees' organizations concerned may wish to make to the Board and shall, where it is reasonably practicable to do so, make arrangements for such employers, registered employers' organizations, employees or registered employees' organizations to be heard by the Board. In formulating its recommendations to the Minister, the Board shall take into account the needs of the employees concerned and their families, taking into consideration the general level of wages in Botswana, the cost of living, any social security benefits and the relative living standards of other social groups; the desirability of eliminating discrimination between the sexes in respect of wages for equal work and economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment; and The Labour Advisory Board advises the Minister on any proposed legislation, rules, codes, guidelines or model agreements relating to dispute prevention and resolution. The board reviews dispute prevention and resolution procedures under the Trade Disputes Act and to advise the Minister thereon where necessary. The board has an advisory capacity in advising the Minister on the qualifications, appointment, terms and conditions of appointment, and the removal of mediators and arbitrators.</p>
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DRC	
Type of permit	<ol style="list-style-type: none"> 1. Work establishment visa 2. Specific work establishment visa
Application requirements	<ul style="list-style-type: none"> • A valid passport with at least 6 months validity • 4 passport pictures • International vaccination card • Proof of qualification • Certificate of service • Present an employment contract endorsed by the National Employment Office

Duration of permit	<ol style="list-style-type: none"> 1. Work establishment visa: 1 to 2 years 2. Specific work establishment visa: 1 year
Employment of Foreign Nationals	<p>In terms of the Immigration Act, the law seeks to promote the hiring of the nationals. Labour migration is regulated through a series of existing migration or labour policies at national level. A Ministerial Decree has fixed the amount authorized percentage of foreign workers, within the limits set out by the Labour Code, per sector and per category of workers. The list of the positions/functions for which it is forbidden to hire expatriates is detailed in A.D no 86/001 March 1981. Generally, if the employer wants to recruit a foreign national to work in DRC, they are required to apply for a work card on behalf of the prospective employee, together with supporting documents. These include: the applicants resume, supporting qualifications, the draft employment contract, the job description, the list of the company's expatriate employees and the training and professional adjustment programs. The application must be made to the National Committee of Employment of Foreigners within the Ministry of Labour.</p> <p>The Ministry of Labour controls expatriate residence and work permits. The employer has the right to hire staff of its choice to fill management positions, but the company must pay a special tax on expatriate salaries. The tax that is applicable to expatriate salaries is regulated by a separate piece of legislation. Generally, employers are required to comply with legislation which states that their corporation workforce may consist of no more than 15% foreign nationals in total.</p> <p>When the work card is granted, the expatriate worker can obtain a visa for settlement with employment purpose. The law recognises two types of work permits which may be issued in the DRC. The visa d'établissement de travail allows a person to work in the country for one or two years, depending on the circumstances. By contrast the visa d'établissement de travail spécifique has a nominated fixed term, which may be applicable for up to one year, and this visa cannot be renewed. If the employee's services are terminated, the expatriate worker must be repatriated or find another job that would justify proof for holding the work card.</p> <p>There is an additional tax levied on the expatriate's taxable salaries as an expense for the employer. This is known as the exceptional tax on expatriate's salaries. Employers employing expatriates are subject to the payment of a special tax applied on the basic salary of these employees. The holder is liable to pay the exceptional tax on expatriates at a standard rate of 25%. The rate is 10% for mining companies (and their subcontractors) and 25% in all other cases.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The Minister of Labour and Social Security has primary responsibility for the administration of labour. This entails employment, training and social security.</p> <p>The Labour Inspectorate ensures the enforcement of the legal provisions pertaining to working conditions and protection of workers in the performance of their profession, such as provisions pertaining to the duration of work, salaries, health and safety. This includes collective and individual industrial disputes.</p> <p>National Employment Bureau contributes to the implementation of the employment</p>

	<p>policy. It examines and regulates employment in the non-structured and rural sector. Periodically summarizing the situation of employment and its evolution.</p> <p>National Alien Employment Commission has overall responsibility for the issuing of work permits for foreigners.</p> <p>The National Labour Council is chaired by the Ministry of Labour and Social Security; it regulates all health and safety within the workplace.</p> <p>The Mediation Committee investigates all labour disputes within the workplace. It mediates all disputes and issues recommendations regulating the labour market.</p>
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Eswatini	
Type of permit	Temporary residence permit
Application requirements	<p>Foreigners willing to work in Eswatini should apply for Temporary residence permit from their country of residence with following documents:</p> <ul style="list-style-type: none"> • A duly completed application form • An original certificate of police clearance from the applicant's country of origin • Two passport photographs • A medical certificate • A cover letter from the employer in Swaziland • Copies of the applicant's certificates of qualification for the position, such as a diploma • Proof that the position was advertised in Swaziland • A certificate of incorporation for the company
Duration of permit	Two years period
Employment of Foreign Nationals	<p>According to the Immigration Act 17 of 1982, any person who is not a Liswati citizen, or exempted by the immigration regulations, may not engage in any employment without being authorized to do so by a work permit.</p> <p>All foreign nationals who have been offered employment or wish to work in Eswatini must apply for a work permit from their country of origin or residence and must await the outcome of their application in their country of residence prior to entering the country, or applying for a permit from inside Eswatini. Prospective employees are strictly prohibited from engaging in any work without obtaining a valid work permit. If the employee engages in work without the necessary documentation it is regarded as an offence and the individual can be declared undesirable.</p> <p>Generally, when an application is made for the work permit, the application must be accompanied by applications for the rest of the family that will be accompanying the individual. Work permits are issued up to 2 years at a time, they are position and company specific and are not transferable. Applications for work permits may take up to 2 months to prepare due to the requirements stipulated which include: evaluation of foreign qualifications by a single authority in Eswatini; police clearance and the advertisement. Foreign nationals working in Eswatini on a temporary basis are not subject to taxation on their employment income provided certain conditions are met.</p>

National Labour Migration Policy	<p>Eswatini has a National Labour Migration Policy that was adopted and validated in July 2019 and a Draft Implementation Plan that was prepared in December 2019. The NLMP provides an overview of the appropriate international and regional instruments and frameworks that are applicable to the management of labour migration and confirms the commitment of the Government of Eswatini to give effect to its international obligations in terms of these instruments and frameworks. The NLMP also notes that there are various pieces of domestic legislation, policies and initiatives that are of relevance in the governance of labour migration, as follows:</p> <ul style="list-style-type: none"> - Constitution of Eswatini, 2005 (regulates acquisition and loss of citizenship) - Immigration Act No.17 of 1982; - Citizenship Act, 1992; - People Trafficking and People Smuggling Act of 2009 - Refugees Act 142 of 2017 - Industrial Relations Act of 2000 - Code of good practice: Employment discrimination (prohibits discrimination but does not explicitly refer to nationality, citizenship or migrant status as a prohibited criterion) - The Employment Act 1980, No. 5/1980 - Workmen's Compensation Act, 1983 (No.107) - Occupational Safety and Health Act, 2001. - National Development Plan - National Development Plan Medium-Term Policy (2013-2017); - Revised National Development Strategy (2017); - Ministries' Action Plans 2018-2022; - Strategy for Sustainable Development and Inclusive Growth (2017); - Vision 2022 (1997) and National Development Strategy (1997); - Eswatini – ILO Decent Work Country Programme (2019-2023) - Technical and Vocational Education and Training and Skills Development (TVETSD); - National Employment Policy; - National Human Resources Development Plan; - Social Security Reform - Small and Medium Enterprises policy <p>In terms of its objectives, the NLMP sets out the following:</p> <ol style="list-style-type: none"> a) To effectively regulate labour migration, ensuring safe, orderly and regularized immigration and emigration for work b) To develop a NLMP that is aligned to national, regional, continental, and international standards and frameworks. c) To enhance the welfare of migrants, and particularly migrant workers and their family members, as well as returnees' rights to access social protection mechanisms and to ensure the portability of social security in the region d) To enhance opportunities for productive employment and skills development, retention and transfer for all Emaswati e) To facilitate engagement with the diaspora, including effective management of remittances, and to actively manage the return and reintegration of migrants returning home f) To have well-functioning, up to date and reliable information systems on labour migration that supports policy and programmes g) To establish technical and administrative cooperation across ministries and with
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	<p>social partners such as worker associations, unions, business and other relevant stakeholders.</p> <p>h) To ensure a rights-based labour migration system, including border management control that eradicates human trafficking, smuggling, child labour and forced labour and migration in an irregular situation and a regulated and ethical private employment agency sector that is aligned to international conventions.</p> <p>The NLMP identifies 5 policy areas that need to be addressed and for each policy area, sets out a clear statement of intent:</p> <p>Policy Area One: Governance Ensure good governance as an important pillar for regulation and management. Appropriate, evidence-based policy frameworks are aligned to regional and global best practices; and are monitored and enforced.</p> <p>Policy Area Two: LMIAS: Labour Migration Information and Analysis Systems</p> <ul style="list-style-type: none"> • Having comprehensive, up to date information on labour markets, migration, skills and employment is essential to ensure safe and regular migration leading to economic growth. This includes the establishment of a LMIS • An efficient LMIS includes the ability to have access to, interpret and disseminate evidence as needed. This policy area aligns to the SADC LM Action Plan for 2016-2019. <p>Policy Area Three: Rights And Protection Aligned to Sustainable Development Goal (SDG) 8 and relevant SADC LM processes, migrant workers domestically and abroad will have equal access to basic human rights and especially labour, social protection and health rights</p> <p>Policy Area Four: Migration and Development</p> <ul style="list-style-type: none"> • A Whole of Government and Whole of Society Approach, emphasizes the interconnection and coordination of migration at all levels of politics and society which guides this NLMP. • A properly managed, and mainstreamed labour migration system can have a positive effect on national development indicators in line with the principles outlined in the 2030 Agenda for Sustainable Development. <p>Policy Area Five: Health Safe and equitable access to adequate, holistic health care services for migrants, returnees, and their families, is an integral part for safe, orderly, and regular migration. The accompanying Action Plan of the NLMP sets out the key outcomes, timelines and designated authorities/stakeholders responsible for the implementation of specific activities to achieve the objectives of the NLMP.</p>
National Labour Market Institutions	<p>The Labour Advisory Board will consider and advise the Minister upon any matter affecting employment and labour referred to the Board by the Minister and without prejudice to the generality of this requirement, such matters shall include proposals for any new legislation to employment; amendments to this Act or any other law relating to employment; proposed action in regard to agenda items or texts to be discussed by the International Labour Conference; the submission of International</p>

	<p>Labour Conventions or Recommendations to the Government; recommendations and unratified International Labour Conventions; questions arising out of reports submitted under Article 22 of the Constitution of the International Labour Organisation; (v) the denunciation of ratified International Labour Conventions.</p> <p>The Conciliation, Mediation and Arbitration Commission is primarily responsible for the resolution of all labour disputes. The disputes are initially referred for conciliation or mediation, in an attempt to resolve the matter amicably. In the event that parties fail to resolve the matter, the dispute is referred to arbitration. Either of the parties to the dispute can refuse arbitration and bring the case to the Industrial Court, which can also order arbitration.</p> <p>Labour Inspectors shall make periodic inspections of places of employment as directed by the Labour Commissioner; ensure that all laws relating to conditions of employment and the protection of employees in their occupations are being fully applied; where necessary providing information and advice as to the means of complying with such laws, including a time limit by which such compliance shall be effective; bring to the notice of the Labour Commissioner any difficulty or abuse relating to employment which is not covered by existing laws; make studies and collect data relating to employment as may be required by the Labour Commissioner. The inspector may require an employer to provide any information requested by him as to the wages, hours of work or other conditions of employment of persons employed by that employer; carry out any examination, test or enquiry which he considers to be necessary in order to satisfy himself that all legal provisions relating to employment are being complied with.</p> <p>The Industrial Court has exclusive jurisdiction to hear, determine and grant any appropriate relief in respect of an application, claim or complaint or infringement of any of the provisions of this, the Employment Act, the Workmen's Compensation Act, or any other legislation which extends jurisdiction to the Court, or in respect of any matter which may arise at common law between an employer and employee in the course of employment or between an employer or employers' association and a trade union, or staff association or between an employees' association, a trade union, a staff association, a federation and a member thereof. In the exercise of its powers under this, the Court shall take into consideration any guidelines relating to wage and salary levels and other terms and conditions of employment that may from time to time be prevailing in Government and other related or relevant industries or enterprises.</p> <p>There shall be a right of appeal against the decision of the Court on a question of law to the Industrial Court of Appeal. The Industrial Court of Appeal, in considering an appeal shall have regard to the fact that the Court is not strictly bound by the rules of evidence or procedure which apply in civil proceedings.</p> <p>Wage Councils to perform, in relation to the employees specified in the order and their employers, the effective regulation of the wages or conditions of employment of those employees.</p>
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Lesotho

Type of permit	Two years residence permit
Application requirements	<ul style="list-style-type: none"> • a copy of passport, • a visa application form (can be completed online) • two passport photographs, • details of a place of residence during your time in Lesotho • an invitation letter from the employer • Police clearance from Lesotho • Police clearance from the country of origin for the first time applicants • Letter from Applicant (Requesting Permission from Director of Immigration to reside in Lesotho) • Letter from Employer • Copy of previous permit (For Renewal applications) • Employment contract <p>Additional requirements as per the profession</p>
Duration of permit	Two years period
Employment of Foreign Nationals	<p>The Aliens Controls Act is the immigration framework that provides that a foreign nation seeking employment must apply for two separate permits that is the residence permit over and above the work permit. Renewal of short-term work authorizations. Long term work authorization permits are granted for a maximum of two years and are renewable.</p> <p>Generally, a prospective employee needs to obtain a separate residence permit in Lesotho, over and above the work authorization (work permit). The Ministry of Labour is responsible for processing and granting work permits to foreigners. In order to obtain an employment certificate, an employer must provide a motivational letter, stating reasons why a foreign national is required to do the job. Further, the employer may provide a transfer skills plan to accompany the motivational letter, though this is not compulsory. Long term work authorization is granted for a maximum period of two years and is renewable. Renewing an employment certificate is a more stringent approach, as the employer must submit to the Ministry of Labour another motivational letter, stating reasons why it has not been possible to replace the foreigner with a local in 2 years. The processing time for the work authorization application is between four to seven weeks on average.</p>
National Labour Migration Policy	<p>In 2017, a Labour Migration Management Assessment was conducted and a report, based on this assessment, was drafted and validated. The report identified the key issues and challenges in Lesotho in relation to labour migration and became the basis for a National Labour Migration Policy that was adopted and validated in 2018. In addition to the NLMP, the process followed by Lesotho included the drafting of several other documents to support the implementation of the NLMP, as follows:</p> <ul style="list-style-type: none"> • A Labour Migration Management Assessment (LMMA) providing a review of the most up-to-date data on labour migration into and from Lesotho for policy analysis and development; • A training curriculum for labour migration management; • A Plan of Action for the implementation of the Lesotho NLMP; and, • Guidelines for the development of bilateral labour agreements and a model agreement for Lesotho

	<p>The main objectives of the NLMP are to:</p> <ol style="list-style-type: none"> ensure that governance of labour migration in Lesotho is in line with relevant international labour standards and good practices and adheres to the regional provisions on labour migration safeguard all human rights of migrant workers within and outside Lesotho's territorial boundaries promote employment and decent work through labour migration ensure access to social security by migrant workers and their families ensure that labour migration contributes to the development objectives of the economic development of Lesotho. <p>Based on 3 Key Priority Areas, the NLMP and its accompanying Action Plan sets out selected interventions as follows:</p> <ol style="list-style-type: none"> Building Lesotho's approach to labour migration as a rights-based, gender-sensitive, employment and development oriented labour migration policy Governance of labour migration in Lesotho Labour migration data for policy-making Capacity-building activities for Government officials, social partners and civil society organisations Promoting ethical recruitment (Pre-departure training, Contract vetting, Regulation of Private Employment Agencies) Strengthening the social protection of migrant workers Social welfare of migrant workers: Financial education, banking, productive investments, educational loans, Return and reintegration Reforming the work permit system (Digitalisation, Modernisation of labour market tests, Re-design of application process and coordination with immigration) Labour inspectorate and Complaint mechanism (Capacity-building, legislative reform) Improve communication and integration between migrant workers and local workers in private sector business and between migrants and local communities to foster a stable and inclusive society Social protection and welfare (living conditions) of migrant workers in Lesotho
National Labour Market Institutions	<p>The Labour Court has exclusive jurisdiction as regards any matter provided for with regards to labour laws, including but not limited to labour disputes. No ordinary or subordinate Court shall exercise its civil jurisdiction regarding any matter provided for under the Code.</p> <p>The National Advisory Committee on Labour is the committee that is mandated with advising the Minister of Labour and Employment on matters relating to labour. It has representation from the Government, the trade unions and employer organizations.</p> <p>The National Advisory Council for Occupational Safety, Health and Welfare reviews and advise the Minister and the National Advisory Committee on Labour on the operation of any legislation or regulations relating to employees' health, safety and welfare at work.</p> <p>The National Employment Service collects information with regards to any employment related issue including information on vacancies, collecting information</p>

	<p>and statistics regarding the labour market, including information on labour requirements and labour supply, to be forwarded to the Labour Commissioner.</p> <p>Labour Officers are appointed by the Minister. A labour officer may, for the purpose of ascertaining that the provisions of the Code and any other written law relating to labour, employment, industrial relations, working conditions or workers' compensation are being duly observed at all reasonable times, whether by day or night, and without previous notice enter freely, inspect and examine any premises. The labour officer cannot have a direct or indirect interest in any business or undertaking under their supervision. Any person who willfully delays or obstructs any labour officer or other officer while such officer is exercising any power or performing any duty and fails without lawful excuse to comply with any lawful direction, requirement or demand or to answer any question of such officer made or given shall be guilty of an offence and liable to a fine nor to imprisonment for a term not exceeding six months or both.</p> <p>The Wages Advisory Board upon being required to do so by the Minister, inquire into the wages and conditions of employment of any employees in such part of Lesotho as may be specified in the order. The Board shall advise the Minister and the National Advisory Committee on Labour on such other matters relating to wages and conditions of employment as the Minister may refer to it. The Board meets not less than once a year. Every employer to whom a wages order applies shall display a copy of such wages order in every work place in which employees to whom the wages order applies work.</p> <p>The Industrial Relations Council consists of three members representing the Government, three members representing the employers and three members representing the employees. The functions of the council will be to advise on the qualification and appointment of judges, assessors, conciliators and arbitrators.</p> <p>Directorate of Dispute Prevention and Resolution attempts to prevent and resolve labour disputes through conciliation and arbitration. It also has an advisory capacity to employers and employees on prevention and resolution of disputes. The directorate or its officer shall not disclose to any person information, knowledge or document that is acquired on a confidential basis or without prejudice.</p>
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Madagascar	
Type of permit	Work Permit.
Application requirements	<p>For Transformable Visa:</p> <ul style="list-style-type: none"> - A completed application form. Delays may occur if all questions are not answered. - Two (02) recent passport photos - Return air ticket - Passport valid for at least six (6) months from intended return date, with at least three (3) blank pages - Yellow fever vaccination Certificate for visitors who stayed the last six (06) days in infected countries

	<ul style="list-style-type: none"> - Letter of motivation - Criminal Record (Police Clearance) issued by the country of origin of less than six (6) months (translated in French or English by the issuing country or a sworn translator). The validity duration assigned to the document by the issuing authority if the said duration exceeds the six (6) months - Passport photocopy - Legalized Proof of accommodation and financial support as attested and signed by your host or Lease Agreement - Photocopy of Host ID (CIN) or Resident Card (CR) - Certificate of Residence of the Host - Additional documents depending on the category in which the immigrant falls, as follows: <p>Work permit delivered and signed by the Ministry of Work</p> <ul style="list-style-type: none"> - Employment contract stamped by the Ministry of Public Service, Labour and Social Legislation (MFPTLS) - Employment authorization or work permit for foreigners delivered by the Ministry of Public Service, Labour and Social Laws - Certificate of employment issued by the employer - Company's Certificate of Registration issued by the Registrar of Companies (RCS) - Company's Tax Identification Card (CIF) - Company's Statistics Cards - Photocopy of the Identity Card (CIN) or the Resident Card of the Manager
Duration of permit	No clear information available. The employee needs to get a transformable visa (immigrants visa:30 days) then apply for a long-term visa once reaching Madagascar.
Employment of Foreign Nationals	<p>The Madagascar immigration framework provides for the requirements, processing time, employment eligibility and benefits for accompanying family members. All expatriates who wish to work in Madagascar require a work permit. All applications for a work permit must be filed prior to entry. Securing a work permit requires a prospective employee to have sponsorship from a local employer. If an employee changes the employer, their work permit must also be changed. A licensed company needs to sponsor an employee for the duration of the project. The sponsoring company will assume legal responsibility for the employee while they are working in Madagascar.</p> <p>An immigrant visa called professional visa is issued to all foreign investors, whether they are tied to a Malagasy company or by an employment contract or whether they fulfill their term of office within that company to assume the duties of a manager, assistant general manager, general director, and chairman to the board of directors or chief executive officer. The visa is delivered by the Home Office. The professional visa is valid for three years starting upon receipt of the application. Once granted, that visa is as good as a residence permit. Furthermore, a certificate is issued in compliance with the legislation in force. Application for the visa renewal must be filed one year before its expiry date. Spouse and children dependent upon the holder automatically benefit from the same rights during the same period of time. If an employee is working on the wrong business visa or temporary entry visa, this can expose the employer to potential legal and financial difficulties. Those who plan to be self-employed will need to arrange a permit for themselves.</p> <p>The government does not mandate hiring of local nationals, except in the mining</p>

	<p>sector, in which companies qualifying for the special regime for large mining investments are required to give preference to nationals. Specific professionals such as attorneys, certified public accountants, and notary publics will require registration and authorization with the relevant industry governing body prior to practicing in Madagascar.</p> <p>Expatriate employee's employment contracts may validly not comply with the labour laws and the social regulations with regard to the following: insurance under a social security scheme in Madagascar; insurance to the corporate service; length and grounds for appeal to a fixed term contract and applicable recruitment regulations.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The Ministry of Labor is responsible for enforcing the minimum wage and working conditions. The government is also charged with setting occupational health and safety standards for workers and workplaces, but penalties for noncompliance are not defined in the Labor Code, which only requires an inspection before a company can open.</p> <p>The Works Council is a bipartite consultative body and is a platform of negotiation, dialogue and stakeholder collaboration in the enterprise. It is consulted and gives its opinion on all questions concerning the lives of workers: working conditions, social and cultural affairs, health, safety, health and work environment, individual or collective dismissal for economic reasons, labour dispute.</p> <p>The National Labor Council is a tripartite body for consultation, dialogue and monitoring. It provides a framework for consultation and negotiation between the social partners on wages and working conditions and an information framework on all matters included in its jurisdiction.</p> <p>The National Labor Institute's mission is to ensure the continuous training of workers to enable them to participate actively in the economic and social life of the company and the country, and fully ensure effective functioning of their trade union representatives. Therefore, it aims to: develop human resources; strengthen the capacity of employers 'and workers' organizations on the promotion of social dialogue; and provide leaders, union officials and workers, technical assistance and general training in the areas of labour, business management, economics and working conditions</p> <p>The Labor Code provides for an independent and powerful labour inspection system in the country. Labor Inspectors, under the Ministry of Labor, ensure the implementation of laws and regulations related to conditions of work and protection of workers in the exercise of their function, such as provisions on working hours, wages, safety, hygiene and well-being as well as provisions of a collective agreement. It is the responsibility of the inspector to provide information and technical advice to employers and workers on the most effective means of complying with legal provisions in force and to bring to the attention of the competent authority defects or abuses, which are not specifically covered by existing laws and regulations. Labor Code authorizes the Labor Inspector to enter the workplace at any time during the day or night without previous notice to carry out examinations, test or inquiry; interview anyone; ask for or take copy of any prescribed book/register, record or other document; and take or remove samples. Labor inspectors are also authorized to</p>

	prescribe measures to eliminate defects observed in plant; layout or work methods if they may have reasonable cause to believe it constitutes a threat to health or safety of workers.
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Malawi	
Type of permit	Temporary Employee Permit (TEP)
Application requirements	<p>First need to secure a visa, then the employer is responsible to apply for a TEP for its foreign employee</p> <p>Required documents for a visa:</p> <ul style="list-style-type: none"> • Two passport photos • A detailed cover letter • Airplane tickets/itinerary • Confirmed hotel booking • Bank statements from the last three months • Proof of yellow fever vaccine if coming from a country at risk <p>Required documents for TEP:</p> <ul style="list-style-type: none"> • Completed application form • Employment contract • Valid passport • CV • Advertisement for the job vacancy • Academic qualifications
Duration of permit	6 months to 2 years; Can be renewed twice
Employment of Foreign Nationals	A foreign national who would like to enter Malawi for short term consultancy or other work related activity must apply for Temporary Employment Permit. This permit is issued to persons before they enter Malawi for the purpose of taking up specified employment in Malawi. A temporary employment permit is valid for two years and can be renewed twice through submission of temporary employment permit renewal forms to Immigration Office. An application for renewal must be submitted three months before the expiry of the permit. All applicants for new temporary employment permit are required by law to wait outside Malawi until their applications have been approved. The organisation has the responsibility to apply for the permit on behalf of the applicant. The temporary employment permit application form and supporting documents are submitted at the Immigration Headquarters or Regional Immigration Offices for processing upon payment of the processing fees.
National Labour Migration Policy	<p>Malawi is in the process of working towards the drafting and adoption of a National Labour Migration Policy. In July 2020, a Situational Analysis report was published that provides a diagnostic review of migration patterns, issues and challenges that provide the context for the proposed NLMP. The Situational Analysis recommends the following as the goal and policy objectives of the NLMP, to be considered in consultation with stakeholders:</p> <p>Goal</p> <p>The main goal of the national Labour Migration policy is to harness the benefits of</p>

	<p>labour migration for socioeconomic development in Malawi.</p> <p>The following policy objectives and areas are suggested for consideration by stakeholders:</p> <ol style="list-style-type: none"> 1. To enhance good governance of labour migration. Possible Areas: Legislative Framework; Regulatory Framework; Institutional Framework; international cooperation. 2. To strengthen systems for protection of migrant workers and their families in Malawi and countries of destination. Possible Areas: Migrants Protection; Combatting Trafficking and Smuggling; Social Security Portability 3. To enhance mechanisms for harnessing and maximizing the developmental impacts of labour migration. Possible Areas: Remittances; Skills transfer; Mainstreaming Migration into Development Planning, Partnerships and Migrants led businesses 4. To strengthen labour market and migration information systems.
National Labour Market Institutions	<p>The main institutions are the Tripartite Labour Advisory Council, the Industrial Relations Court, and Principal Secretary, Labour Commissions and Labour officers. Enforcement of the Act is by labour officers who have broad rights of inspection, entry, search unless a private residence, and to make any examination, require documents or make enquiry in order to check compliance with the Act.</p> <p>The Tripartite Labour Advisory Council is appointed for a three year term by the Minister and consists of four persons appointed by the Minister, four persons nominated from the most representative trade unions and four nominated by the most representative employer organisations. One person from each category should be a woman. The Council shall meet at least once a year and advise the Minister on all labour and employment issues, promotion of collective bargaining, labour market and human resource development and specified activities pertaining to the ILO.</p> <p>The LRA provides for the constitution of the Court, headed up by a Chief Justice, Deputy Chief Justice and five persons nominated by each of the organisations of employers and trade unions. At least one of each of the five nominated must be a woman. Each sitting consists of the Chief Justice or Deputy Chief Justice and one member from the employer and one member from the employee nominated list. The majority constitutes the decision of the Court. The court has jurisdiction to hear any disputes on labour matters, including those identified in the Act. Appeals against the decisions of the Court may be made to the High Court. It should be noted that appeals do not stay the order or award, unless otherwise directed by the Court.</p> <p>The Employment Act provides Labour Commissioner shall be appointed in the public service and is responsible for administration of the Employment Act. Functions range from inspections, providing technical advice to employers and employees, making proposals to review the Act, and reporting to the Minister. Enforcement of the Act is by Labour Officers who have broad rights of inspection, entry, search unless a private</p>

	<p>residence, and, to make any examination, require documents or make enquiry in order to check compliance with the Act. Labour offices are also responsible for enforcement of posting of any notices required by the Act. Labour officers may be accompanied by a member of the police force if there is reasonable cause that the officer may be obstructed in the performance of the officer's duties. The labour officer has the authority to require alteration in the interests of health and safety or in the event of the imminent danger to the health and safety of employees.</p> <p>The labour officer must submit a report to the Regional Labour Officer within 30 days of the inspection. There is also a regular three monthly reporting requirement that results in an annual general report on inspections that is circulated to all registered employer and employee organisations. Any disputes and complaint, including a question difference or dispute on any matter in the Employment Act or relating to a contract of employment, by employer or employee, may be referred to a labour officer who shall attempt to resolve the matter. Any person alleging a violation of the Act may file a complaint with the District Labour Officer who may institute a prosecution to enforce the Act. In both instances, a trade union or employers' organisation may represent the person. Notwithstanding this provision, a person may personally present a complaint to the Court for relief within one month of the District Labour Officer deciding not to prosecute.</p>
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Mauritius	
Type of permit	<p>Three categories: Occupation permit; Work Permits; and Certificate of Exemption.</p> <p>However, majority of foreign employee need work permit.</p>
Application requirements	<p>Applications for Work Permit should be submitted by the employer. Foreign individuals planning to work in Mauritius also need residence permit. Application checklist:</p> <ul style="list-style-type: none"> a) Applications for Work Permit should be submitted on the prescribed form. b) Covering Letter from Company requesting for work permit for the expatriate c) 4 Passport sized photographs. The photographs should be between 35mm and 40mm in width and between 45mm and 50 mm in height and taken against a light background. d) Copy of relevant parts of passport showing name, date of birth, place and date of issue of passport, photo, passport number and movement for each foreign employee. e) Where applicable, certified copies of academic, vocational and professional qualifications and details of work experience should be submitted in either French or English. f) Job profile of each expatriate. g) If the salary is MUR 30,000 or less, a copy of Contract of Employment duly vetted by the Labour Division of the MLIRET. If salary is more, documentary evidence from the employer certifying that the expatriate will earn a monthly salary of more than MUR 30,000. h) A provisional medical clearance obtainable from the Ministry of Health and Quality of Life. i) A copy of the Certificate of Incorporation and Business Registration Card of the company.

	<p>j) Original Press advertisements which have appeared in two leading newspapers in A5 size. Name of Newspaper and date of advert should be clearly visible on the press advert and outcome of selection exercise must also be submitted.</p> <p>k) Latest National Pensions Fund (NPF) Receipt with list of local workers registered with the NPF.</p> <p>l) Particulars of Licensed Recruiting Agent (Both local and overseas) and valid recruitment licence.</p> <p>m) Turnover of the company for the last 3 years.</p> <p>n) Deputation letter, where applicable.</p> <p>o) Covering Letter from company specifying address of accommodation of expatriate.</p> <p>Additional documents for specific sectors are required.</p>
Duration of permit	<p>Normally for a period of 4 years (for foreign skilled workers)</p> <p>Renewal: three months prior to the expiry of the current Work Permit</p>
Employment of Foreign Nationals	<p>The Non-Citizens Act provides that non-citizen cannot engage in any occupation in Mauritius unless they have a valid work permit. Work permits are issued by the Employment Division of the Ministry of Labour Industrial Relations Employment and Training subject to certain conditions being met. The Immigration Act contains provisions and guidelines on prohibited immigrants, residence permits, and liability of transport companies. There are three categories of permits which: occupation permit; work permit and exempt from permit.</p> <p>The occupation permit is a combined work and residence permit that allows foreign nationals to work and reside in Mauritius. An occupation permit may be granted to foreign nationals under three categories: investor, self employed and professional. Different financial transfers are required for investors and self employed persons in order to qualify for such permit. A professional employee employed in a company based in Mauritius may obtain a permit provided the person earns in excess of a certain amount.</p> <p>Generally, work permits for non-citizen are issued by the Employment Division of the Ministry of Labour, Industrial Relations, Employment and Training. Foreign workers normally be aged between 20 and 60 years are eligible for a work permit if they possess the skills, qualifications and experience required for the job. A Mauritian company that is seeking to employ a foreigner must make an application for a work permit to the Ministry. Depending on the industry, the employer needs to seek prior approval to recruit foreign labour before submitting an application. The Ministry will then decide whether there is a scarcity of such labour on the local market and allow the employer to look for an ideal candidate abroad. The contract of employment for foreign employees earning under a certain earnings threshold must be vetted by the Labour Division of the Ministry. The purpose is to ensure that all conditions mentioned in the contract comply with defined definitions and legislation. The Labour Division puts a seal on the contract of employment, and then sends it back to the employer. The process takes 3 to 5 working days.</p> <p>A provisional health clearance from the migrant worker section of the Occupational health unit of Ministry of health and Quality of life is required for each foreign worker</p>

	<p>to be employed. The company wishing to employ foreign workers must submit a complete medical report for each migrant worker obtained from their country of origin prior to their arrival.</p> <p>The Employment Non-Citizens exemptions regulations, stipulate that certain categories of expatriates are exempted from a work permit during his/her period of employment. In the case an application is not approved by the Minister, the employer may appeal against the decision by means of a letter. Only one appeal per application is allowed.</p> <p>A final health clearance will be granted upon the arrival of the expatriates after repeating the following tests: chest X-ray, a medical certificate for expatriates traveling from India certifying that the expatriate is not suffering from leprosy; and a HIV test and test for Filariasis.</p> <p>Companies should submit applications for renewal of work permits in respect of their workers 3 months prior to the expiry of their current work permits. In case the company will no longer employ the workers after expiry of their work permits, arrangements should be made within the shortest period of time for them to be sent back to their country of origin. Applications for renewal of work permits received after expiry of current work permits will not be considered. The application for renewal follows the same process that is followed when applying for a new work permit; however foreign employees who have stayed more than 4 years in Mauritius must swear an affidavit that they will not apply for Mauritian citizenship.</p>
National Labour Migration Policy	<p>Mauritius does not have a dedicated National Labour Migration Policy. However, in 2018, a Migration and Development Policy document and an accompanying Action Plan was published, which broadly addresses the linkages between migration and various sectors and includes a specific section on migration and national labour market and employment policies. The broad objective of the section on migration and national labour market and employment policies is to tap into the potential of migration with the aim to achieve the labour market's and employment policies' goals. To achieve this broad objective, several policy measures are proposed, as follows:</p> <ul style="list-style-type: none"> • Establish a fully-fledged national employment policy to aim at increasing employment and meeting the demands of the labour market and of the economy, based on the decent work agenda principles. Considering the status of Mauritius, as both a receiving and sending country, the employment policy shall fully take into consideration the socio-economic role of migration in shaping the domestic labour market needs and derive maximum benefits from labour migration, including diaspora engagement and immigration; • Evaluate quantitatively and qualitatively, from skills and employment perspectives, the labour market needs and priorities linked to further developments in relation to diverse sectors and national strategies (e.g. ocean economy, manufacturing, Mauritius Africa Strategy) in order to determine future scenarios and the impact on the labour market, and inward and outward migration; • Take action for the revalorisation of certain sectors and jobs, such as manufacturing (the largest employer in the country) and construction sectors,

	<p>so as to attract local jobseekers. Working conditions, various incentives and remuneration policies need to be reviewed and provide more favourable conditions;</p> <ul style="list-style-type: none"> • Establish programmes supporting local jobseekers to acquire knowledge from foreign professionals (foreign companies, foreign workers and specialists) and diaspora members to be able to serve in various sectors; • Based on the assessment of the emerging needs of the market, explore possibilities and opportunities for collaboration in the labour field with countries in the region and in Africa (in light of the Mauritius Africa Strategy and its expected outcomes), in particular with member states of COMESA, SADC and the IOC; • Operationalise the Accelerated Program for Economic Integration (APEI) framework in order to cater to the labour market needs and to create employment opportunities; • Improve, on a regular basis, the Labour Market Information System and enhance the role and capacities of the Public Employment Information Centres in terms of information and services delivery to job seekers, returned migrants, and would-be migrants.
National Labour Market Institutions	<p>The main institutions are the Labour inspectors and the Labour Advisory Council. The Permanent Secretary has a wide range of entry, access and search powers.</p> <p>Labour inspection is the responsibility of the Ministry and charged with enforcement of the Act under the office of the Permanent Secretary. The Permanent Secretary has a wide range of entry, access and search powers. Workers may also make complaints on any matters arising out of employment for investigation by the Permanent Secretary. Where non-compliance is found, a compliance order may be issued. The employer has seven days to challenge a compliance order in Court, failing which compliance is required within 14 days. The Council consists of equal numbers of public officers and representatives of employers and workers. The Council advises the Minister on the operation and enforcement of the ERA, is responsible for ILO input, consideration and submissions. Where there is reason to believe, an offence may have been committed, the Permanent Secretary may issue summons and investigate the matter. Inspection services are protected from obstruction.</p>

Mozambique	
Type of permit	<p>Work visa: for 30 days, can be extended up to 60 days</p> <p>Permit for Temporary Residence: if employment contract is more than 60 days</p>
Application requirements	<ul style="list-style-type: none"> - Passport or similar document: The document should have a validity not less than six (6) months / 180 (one hundred eighty) days. - Proof of possession of sufficient funds during the applicant's stay in Mozambique. - one recent passport sized photo. - Criminal Record Certificate with validity not exceeding ninety days, issued by the competent authority of the country of origin or country of residence for the last 2 years. (must be translated into Portuguese) - Medical certificate - Authorization by the ministry of justice if the work is related to religious

	<p>organization</p> <ul style="list-style-type: none"> - Document of investment and/or permission of work signed by the competent authority if applicant is an entrepreneur. - Authorization or permission to work, issued by Ministry of Labour, if the applicant will be working with or without pay - Employment contract signed by the competent authorities, if employed by others. - The form entitled APPLICATION FOR ENTRY TO MOZAMBIQUE has to be duly completed and signed by the applicant. The form can be filled only in English, Portuguese or French - Medical certificate
Duration of permit	No clear information available
Employment of Foreign Nationals	<p>The Immigration Act provides detailed guidance in terms of the prescribed requirements, manner and procedures to be followed to obtain a work permit. All foreign national who resides in the national territory has the same rights and guarantees as a Mozambique citizen. The hiring of foreign employees is not subject to prior authorization or approval from the Ministry, but must be communicated or notified to the Ministry. The employer can hire a fixed percentage of foreign employees depending on the total number of national employees in its service in the preceding calendar years, as follows: where the company has more than 100 employees, 5% of the total number of employees; where the company has between 10 and 100 employees, 8% of the total number of employees; where the company has up to 10 employees, 10% of the total number of employees. To determine the 'quota' the employer should present a staff plan including information on employee start dates. This means that any employer just starting up business or wishing to start a business should be registered with the Ministry of Labour otherwise it will not be permitted to hire foreign employees. Generally, as a rule, a company carrying out a foreign investment project approved by the Mozambican Investment Promotion Centre may be granted the right to employ more expatriate employees than it would be entitled to under the general quota regime. Where the employer intends to hire expatriates, the employer must provide evidence that: the prospective expatriate employees possess the required academic and professional qualifications; and that there are no, or not enough, Mozambicans with those qualifications. The employer will be obliged to ensure that the foreign employees, after gaining three years of work experience, effects a knowledge transfer to the local employee in order to engineer the foreign employee's replacement by the local employee. Employers will need to put in place processes to enable or support this transfer. Specific rules apply to the mining and petroleum sectors.</p>
National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The Labour Inspectorate shall monitor the legality of labour matters and will ensure that there is compliance by both parties being the employer and employee. Their powers extend to proving training in cases where they deem necessary. They have free access to all establishments that are subject to their supervising. The employers are obliged to provide them with all the necessary information that is required to carry out their functions. They cannot under any circumstances have a direct or indirect interest in the enterprises that are under their supervision. Fines will be payable for any</p>

	<p>violation that is reported by the Labour Inspectorate.</p> <p>The National Labour Advisory Commission gives advice on restructuring and development policies, participation of representative organizations of employers and workers.</p> <p>The Labour Mediation and Arbitration Commission means a body that shall seek to resolve labour related matters as way to speedily resolve the dispute without going through courts.</p>
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Namibia	
Type of permit	<p>Work Visa: for a maximum of 3 months</p> <p>Temporary work permit: for 1 to 3</p>
Application requirements	<ul style="list-style-type: none"> - Duly filled and signed application form (3-1/0001) [PDF] - Representation by Employer form (3-1/0002) [PDF] - Radiological Report form (3-1/0004) [PDF] - Medical Certificate form (3-1/0003) [PDF] - Two (2) Passport size photos of applicant and accompanying spouse - Highest Educational Qualifications and/or Certificates - Previous Work Reference or Certificates of Service - Police Clearance Certificate from Country of Origin (For applicants 18 and older) - If married to a Namibian Citizen, Marriage Contract - If position was advertised, a copy of Advertisement - A letter from Namibian Company/Institution - A letter from Company/Institution from which you are presently employed with - Copy of valid Passport - Deed of Surety application form (3-1/0005) [PDF]
Duration of permit	<p>Work Visa: for a maximum of 3 months</p> <p>Temporary work permit: for 1 to 3 years</p>
Employment of Foreign Nationals	No specific information available other than what is reflected above
National Labour Migration Policy	<p>Under the auspices of the Ministry of Labour, Industrial Relations and Employment Creation, Namibia published a National Labour Migration Policy in July 2019. Following a contextual analysis and with reference to relevant international, regional and national frameworks, instruments, policies and laws, the goals and objectives of the NLMP with the following guiding principles:</p> <ul style="list-style-type: none"> (a) Maximising migration for development (b) Decent Work (c) Skills Enhancement (d) Diaspora Inclusion (e) Migrant workers, including vulnerable workers' protection (f) Normative framework and benchmarking (g) Multi-actor involvement

	<p>(h) Adequate data support</p> <p>(i) Sound regulation</p> <p>(j) Decent job opportunities, at home and abroad</p> <p>(k) Improved migration management</p> <p>The NLMP then sets out specific policy objectives and strategies as follows:</p> <p>Objectives</p> <ul style="list-style-type: none"> (a) To develop a labour migration system that benefits optimally from the developmental impact of migration to and migration from Namibia; (b) To ensure effective border control and sound management of migration flows including the eradication of human trafficking, smuggling, child labour and forced labour and irregular migration; (c) To have an informed well-regulated legal mandate and policy context, which are appropriately aligned to relevant international and regional standards; (d) To employ immigrant labour to provide and transfer critical skills, in the absence of available human resources; (e) To appropriately regulate the recruitment and selection of migrant workers, through supervised private employment agencies and public employment services, in accordance with universal good practice; (f) To effectively include and make use of the ability of Namibia workers abroad to support development in Namibia and to impart skills to other Namibians; (g) To extend rights-based protection to migrant workers, as well as to victims of trafficking, refugees and asylum seekers in the form of, among other, labour and social protection, and access to justice; (h) To ensure positive health outcomes for migrant workers and affected households and communities; (i) To deal with abuse of migrant workers, including Namibian migrant workers abroad; (j) To ensure the collection, analysis and dissemination of reliable migration statistics; and, (k) To improve the skills of Namibians to bridge the skills gap in the country through training (including internship, mentorship and apprenticeship programmes) and projection of demand and supply of human resources. <p>Strategies</p> <ul style="list-style-type: none"> (a) Address labour migration shortcomings through enhanced data collection, analysis and availability; (b) Strengthen labour inspections at workplaces to ensure compliance with work permit skills imparting obligations and with other relevant laws; (c) Review the Human Resources Development Plan and the Standard Classification of Occupation to better understand and profile education and skills competencies in the Namibia labour market; (d) Conduct regular skills audit surveys; (e) Explore unique work opportunities for Namibian migrants abroad through circular migration. This should be linked to ensuring sufficient protection of these workers at pre-departure, while they are abroad, and upon return; (f) Extend services rendered by regulated PEAs and public employment services to migrant workers, with a particular emphasis on promoting ethical recruitment, self-regulation and utilising a dedicated and enhanced public employment service framework;
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	<ul style="list-style-type: none"> (g) Profile Namibia diaspora and engage them by developing and appropriate supportive framework; (h) Liaise with the Namibia diaspora via Namibia foreign missions and diaspora associations in creating a platform for engagement and a conducive environment for involvement; (i) Integrate remittances in economic, social and migration frameworks in Namibia; (j) Enhance skills development, training and human resource management in Namibia, by reforming the education sector (including TVET); (k) Implement strategic frameworks on migration and health and improve health facilities and build capacity; (l) Ensure access to and portability of social security benefits for migrant workers, and address deficient protection of Namibian migrant workers abroad; (m) Improve and manage a dedicated Cross-border Migration Management System; (n) Address human trafficking by protecting victims of Trafficking (VOTs) and finalise the new, overarching law on human trafficking; (o) Benchmark the implementation of the Labour Migration Policy against international, AU and SADC instruments and programmes; (p) Develop and implement binding/enforceable Bilateral Agreements addressing labour migration needs; (q) Enhance the collection and use of labour migration data by strengthening the NSA and the migration statistical environment; develop labour migration indicators; expedite LMIS development, and mainstream labour migration data; (r) Adopt a proper legal/regulatory framework informing the implementation of this policy; (s) Monitor and evaluate the implementation of this policy; (t) Develop a dedicated communication plan or strategy, supported by the establishment of an Information Management System (IMS); (u) Address the widespread problem of foreign labour migrants changing their status in the labour market and those that are starting their own business, after arrival in Namibia; (v) Enforce understudy and skills importation obligations, supported by an appropriate legal mandate. Amend the relevant legislation to deal with the shortcomings pertaining to understudy programmes; (w) Streamline the work permit process by ensuring permanent and full-time members of the Immigration Selection Board; and, (x) Harmonise the qualifications and standardised evaluation framework for foreign qualifications within the SADC and AU context.
National Labour Market Institutions	<p>The Labour Advisory Council is made up of a chairperson and 12 other members represented equally by the State, and members nominated by registered trade unions and registered employers' organisations.</p> <p>The Council must investigate and advise the Minister on a wide range of issues including: national policy, collective bargaining, reducing unemployment, issues arising from the ILO, or international or regional states of which Namibia is a member, legislation on labour matters, collection and compilation of information and statistics,</p>

	<p>performance of dispute prevention and resolution by the Labour Commissioner, and panels to resolve issues of national interest.</p> <p>Various provisions relating to the removal and filling of members, committees, meeting governance, administration and appointment of a permanent secretary of the Labour Advisory Council are set out in the Act.</p> <p>The Committee for Dispute Prevention and Resolution is established to advise the Labour Advisory Council on matters relating to rules, policies, guidelines, ethical standards and criteria for appointment of conciliators and arbitrators; and in order to review and report upon the performance of the Labour Council. The composition of the Committee includes a chairperson and two representatives from the State, registered employers and registered trade unions.</p> <p>The Essential Services Committee investigates and recommends designation of essential services to the Labour Advisory Council. The Committee is made up of a chairperson, who is a member of the Labour Advisory Council, and four members with knowledge and experience in labour law and labour relations appointed or designated by the Labour Advisory Council.</p> <p>The Wages Commission is constituted at the discretion of the Minister and is required to investigate terms and conditions of employment, including remuneration and report to the Minister for the purposes of making a wage order. The Commission consists of a chairperson and equal numbers of representatives from registered employers and trade unions. A Permanent Secretary is available as required for the work of the Commission. The Wages Commission is directed by a terms of reference determined by the Minister that specifies the industry, categories of employees and matters for investigation. Wage orders or collective agreements may only be investigated after 12 months of being in force. The Minister must publish a notice in the Gazette setting out the details of the investigation and inviting written representations.</p> <p>The Labour Court is a division of the High Court. It is presided over by a Judge-President and judges. It has exclusive jurisdiction to determine appeals from the decisions of the Labour Commissioner, arbitrations and compliance orders; reviews of arbitration tribunals, the Minister, Permanent Secretary or Labour Commissioner in terms of the Act and any other employment or labour related matter. It has a wide range of specified powers and inherent powers in relation to labour matters. Cost orders by the Court are, however, limited to incidences of frivolous and vexatious conduct.</p> <p>The Labour Commissioner and Deputy Labour Commissioner are appointed by the Minister. Functions of the Labour Commissioner include registration of disputes, advice, conciliation and resolution of disputes, arbitration, compilation and publication of information.</p> <p>The Minister may appoint labour inspectors that are to be confirmed by the Permanent Secretary. Inspectors have general powers of entry, search and seizure. Inspectors may issue compliance orders. It is an offence to hinder, obstruct, or provide false information, falsely claim to be a labour inspector or fail to comply with a compliance order of an inspector. Offences may carry a fine or up to two years' imprisonment or</p>
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Seychelles	
Type of permit	Gainful Occupation Permit (GOP)/Work Permit
Application requirements	<p>The employer is responsible to apply for the permit but in case of self-employed the individual seeking employment is required to submit the application.</p> <p>Application should be submitted before one week before the employee is expected to start work Sr.1000 for processing the GOP application</p> <p>The fee for the whole duration of the permit being sought for is Sr. 700/- per month or part thereof should also accompany the application form.</p> <p>In considering an application for a Gainful Occupation Permit, the followings are taken into account: (a) the character, reputation and health of the prospective employee and where relevant, any member of his/her household to be endorsed on the permit; (b) the professional or technical qualification of the person to be employed; (c) the availability of the services of persons already exist in Seychelles; (d) the protection of local interest; (e) the economic and social benefit which the applicant / prospective employee may bring to Seychelles or enhance by his presence.</p> <p>A Residence Permit is issued to a person who - (a) is not a prohibited immigrant; (b) has a family or domestic connection with Seychelles; (c) has made or will make special contribution to the economic, social or cultural life of Seychelles.</p>
Duration of permit	No specific information available. The application requirement asks for a fee of Sr. 700 per month for the whole duration of the permit being sought.
Employment of Foreign Nationals	<p>The Immigration Act provides the parameters within which the employment of foreign nationals is regulated. The application for a Gainfully Occupation permit must be made in the prescribed manner to the Minister of Home affairs and Transport through the Director of Immigration subject to specific provisions being met. Every person who arrives in Seychelles must appear before an Immigration Officer and be in possession of a valid passport, documentary evidence relative to his claim to enter or remain in Seychelles. The Director of Immigration may require, in respect of any person entering Seychelles as a condition, the deposit of a sum of money or the furnishing of such guarantee as the Director of Immigration may accept in lieu of such deposit.</p> <p>Generally, foreign nationals traveling to Seychelles do not require a business visa. A visitor's permit is issued upon arrival and is initially valid for one month. A visitor's permit can initially be extended for another two months and thereafter in three months' increment. After the initial entry on a visitor permit, foreign national may obtain a "Gainfully Occupation Permit" work permit that allows the holder to be gainfully occupied in Seychelles and this could be on an employer or on a self-employed basis. The application for the work permit should be submitted at least 10 weeks before the employee is due to start work, and the employee must not enter the</p>

	<p>country for the purpose of taking up employment prior to be obtaining the work permit.</p> <p>The application for the permit must be made in the prescribed manner to the Minister through the Director of Immigration by the person seeking permit in the case of a self-employed or by the prospective employer. The Minister must in considering the application take into account: the character, reputation and health of the applicant and, where relevant, any member of his household; the professional qualification of the applicant; the availability of services of persons already in Seychelles; the protection of local interests and the economic and social benefit which the applicant may bring to Seychelles or enhance by his presence.</p> <p>The employers from tourism sector, construction, agriculture, manufacturing, fishing and financial services are subject to the quota system and employers can recruit workers overseas within the quota limit without needing to advertise jobs in Seychelles. All locally registered companies in these sectors wishing to recruit non local workers will apply for a certificate of entitlement in writing at the Ministry of Labor and Human Resource Development. To be eligible for the entitlement certificate, a company must show proof that it is currently adhering to all provisions of the Employment Act and government regulations and is within the quota entitlement. If the application is approved, the Ministry will provide the employer with a certificate of entitlement confirming that the employer is eligible to recruit under the quota entitlement. If the application is not approved in cases where the company is above the quota entitlement or not adhering to Seychelles laws, the employer shall have the right of appeal to the Minister for Labour and Human Resource Development. The certificate issued is only valid for a period of one year and its renewal will not be automatic. The company will need to apply to the Ministry of Labour and Human Resource Development to inform of the intention for renewal.</p> <p>Once the entitlement certificate has been issued by the Ministry of Labour and Human Resource Development, the employer will be required to produce the certificate together with the company updated establishment list, which should not be older than one month, to the Ministry of Home Affairs and Transport when applying for work permit. Following the issue of the work permit by the Ministry of Home Affairs and Transport, employers are required as per the Employment Act to submit within one month after recruitment, the contract of employment of the foreign worker to the Ministry of Labour and Human Resource Development, for attestation. to ensure that the terms and conditions of employment are in conformity with national labour laws. Companies are required to submit their establishment list every three months to the Ministry, as part of the monitoring process of employment of foreign workers. Employers under the quota entitlement are also required to submit the list and details of vacancies. Where applicable the employer may be required to submit a localization plan by request of the Ministry of Labour and Human Resource Development.</p> <p>The following sectors: trade and commerce, domestic workers for private elderly homes and domestic workers for individual employers are obliged to first test the local labour market to fill in their vacancies and the Labour Ministry has to be satisfied that indeed they cannot find qualified willing local person to fill those posts before the employer can apply for a certificate of entitlement to bring in a foreign</p>
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National Labour Migration Policy	Information not available
National Labour Market Institutions	<p>National Consultative Committee on Employment consisting of representatives of such organizations and of the Government to advise the Minister on matters relating to industrial relations and any specific matter referred to the Committee by the Minister.</p> <p>The Employment Advisory Board's functions are to advise the Minister whenever a matter is referred to it by the Minister.</p> <p>Competent Officers may, for the purpose of ascertaining may interrogate any employer or worker on any labour related matter and require the production by the employer for examination of any register, record, return or other document. Further they may require an employer to furnish projections of the future activities and of the manpower needs of the employer. Competent officer may give any directions or advice necessary to ensure compliance.</p>

South Africa	
Type of permit	<p>General Work Visa</p> <p>Critical Skills Work Visa: For high skill professionals such as engineers, planers, financial auditors, doctors etc</p> <p>Intra-company transfer work visa: When multi-national companies decide to transfer their key employees working in a foreign branch to South Africa</p>
Application requirements	<p>For General Work Visa:</p> <p>Prior to submitting an application for a general work visa, the applicant's prospective employer is required to apply to the Department of Labour for a certificate confirming that-</p> <p>despite diligent search, the prospective employer has been unable to find a suitable candidate with qualifications or skills and experience equivalent to those of the applicant;</p> <p>the applicant has qualifications or proven skills and experience in line with the job offer;</p> <p>the salary and benefits of the applicant are not inferior to the average salary and benefits of citizens or employees occupying similar positions in the Republic;</p> <p>a contract of employment stipulating the conditions of employment and signed by both the employer and the applicant is in line with the labour standards in the Republic and is made conditional upon the general work visa being approved;</p> <p>proof of qualifications evaluated by SAQA and translated by a sworn translator into one of the official languages of the Republic was submitted; and</p> <p>full particulars of the employer, including, where applicable, proof of registration of the business with the Commission on Intellectual Property and Companies (CIPC).</p> <p>Then the application to the general work visas can be submitted and the following will be required for a general work visa application:</p> <p>Job offer and acceptance.</p>

	<p>CV.</p> <p>Proof of the employer's attempts to first recruit a South African permanent resident or citizen for the position.</p> <p>SAQA registration, confirming the applicant's qualifications.</p> <p>Proof of good health and character.</p> <p>Visa application should be made in the applicants home country. Renewal process can be done in South Africa</p>
Duration of permit	<p>2 to 4 years and can be extended.</p> <p>After 5 years continuous work, the employee can apply for a permanent residency</p>
Employment of Foreign Nationals	<p>According to the Employment Services Act an employer may not employ a foreign national before verifying that the foreign national has a valid work permit. The Immigration Act provides detailed provisions and guidelines on the procedures to be followed when employing a foreign nation subject to specific requirements being met. Employers must ensure that they have a skills transfer program in place in respect of any position in whichever foreign national occupies. All employees in an employment relationship in South Africa, regardless of their status enjoy the protection of the labour laws. In order to work in South Africa, the employee should be a citizen or in possession of a valid work visa issued by the Department of Home Affairs, on satisfaction by the Department of Labour that the person has scarce or critical skills that cannot be performed by a South Africa. The employer must ensure that the following measures are adhered to before employing a foreign national: before recruiting a foreign national, the employer must satisfy themselves that there is no other persons in the Republic with suitable skills to fill a vacancy; and the employer must ensure that it has programme in place for skills transfer in respect of any position in which a foreign national is employed. The general work visa will be issued to a foreign employee who has obtained a position with a South African company. The employee's credentials will be screened by the Department of Labour to ensure they have the relevant qualifications for the positions.</p> <p>Generally, a foreign national with specialized or exceptional skills can be issued with a critical skills work visa for three years with a possibility for extension. The Minister of Labour and Minister of Trade and Industry annually publish a list of critical skills. The applicant does not have to obtain a position of employment prior to applying for critical skills work visa. Under the visa the individual may enter South Africa for up to one year at which time the visa will expire if relevant employment has not been obtained. The applicant must demonstrate that they have the said critical skills such as holding an advanced degree or publications in their field. The individual must register with the specialized South African professional group and the employee's qualifications will be evaluated based on South African standards.</p> <p>The Department of Home Affairs may issue an Intra-Company Transfer work visa, which allows a foreign employee of a company with business relations in South Africa to work in-country for up to 4 years with said company. Permissible companies include those with a branch, subsidiary, or affiliate in South Africa. The applicant must be an employee of the parent company for at least 6 months prior to transfer.</p> <p>An individual may hold a South African visa but not be employable. These visas include: relatives visa; spousal visa unless specific accommodation has been granted; life partner visa unless specific accommodation has been granted; retired persons</p>

	visa; medical treatment visa and a volunteer permit.
National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The LRA provides for the establishment of the Commission for Conciliation Mediation and Arbitration, the Governing Body consisting of a chairperson and three members each from government, business and labour. It is headed up by a Director and is staffed with commissioners and support staff. The Commission is independent and operates throughout South Africa. The mandatory functions include resolving disputes through conciliation and arbitration in terms of the LRA; assist in the establishment of workplace forums; review rules and publish information. Discretionary functions include providing advice, training, conducting, overseeing or scrutinising of elections or ballots of unions or employers' organisations. One of the functions of the Commission is to accredit bargaining councils and private agencies for dispute resolution, provided the necessary conditions and standards are achieved. Specific provisions apply in relation to the effect of arbitration awards that may be enforced or reviewed in the Labour Court, or varied or rescinded by the Commission.</p> <p>The Labour Court is established under the LRA and consists of a Judge President and a number of permanent and acting judges. The Court has the same standing as the High Court in relation to matters under its jurisdiction. The Court has broad powers to grant interdicts, issue declaratory orders, order compensation, and damages. It has inherent jurisdiction in relation to employment matters. The Labour Appeal Court has a Judge President, and consists of a three person panel and also includes High Court judges. The Labour and Appeal Courts also have exclusive civil jurisdiction to grant certain relief under the BCEA. They also have concurrent jurisdiction with the civil courts on matters relating to employment contracts.</p> <p>The Department of Labour includes an Inspection Service that appoints labour inspectors to monitor all employment legislation including compliance with the Labour Relations Act, Basic Conditions of Employment Act, payment of levies and health and safety and employment equity compliance. This inspection service can also be conducted by a relevant Bargaining Council and is conducted by a separate inspectorate for the mines and transport.</p> <p>The Employment Conditions Commission is established under the BCEA and is an advisory Commission responsible for advising the Minister on any matter arising out of the application of the Act; trends and impacts in collective bargaining that may undermine the purposes of the BCEA; or related policies. The Commission consists of three experts appointed by the Minister that are knowledgeable about the labour market and conditions of employment; and one member and alternate member representing organised labour and organised business nominated through NEDLAC. A chairperson is appointed from among the members.</p> <p>The National Economic Development & Labour Council (NEDLAC) is an independent statutory body, constituted under separate legislation, consisting of an executive council with representatives of government, labour, business and community. Community is only represented on the Development Chamber, whereas the other constituents are represented on the trade and industry; public monetary and</p>

	<p>finance and labour market chambers. All employment matters must go through NEDLAC before being presented in Parliament, and other related socio-economic issues may also be referred to NEDLAC.</p> <p>In terms of the Employment Equity Act, the Commission for Employment Equity is established and operates as an advisory body to the Minister on all matters of employment equity and affirmative action in terms of the EEA. It is constituted with two representatives each from government, labour, business and community and a chairperson appointed by the Minister.</p>
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Tanzania	
Type of permit	<p>A residence permit is required to stay in Tanzania for more than 90 days.</p> <p>Three types:</p> <p>Class A: For self-employed foreigners (investors)</p> <p>Class B: For expatriates working in company/ private institutions.</p> <p>Class C: For other class of foreigners such as researchers, retired persons, Missionaries, Volunteers etc.</p>
Application requirements	<p>Most employees need to get a class B work permit and application must be made prior to the entry of the prospective employee into Tanzania</p> <p>General requirements for class B (also for renewal after expiration)</p> <p>Dully filled online application,</p> <p>Application Letter</p> <p>Work Permit issued by Labour Commissioner (Tanzania Mainland and Zanzibar),</p> <p>A Copy of National Passport (With validity of not less than six month),</p> <p>Covering letter from the employer,</p> <p>Passport size photograph,</p> <p>One full size photograph</p> <p>Curriculum Vitae of the employee,</p> <p>Certified copies of the Academic Certificates,</p> <p>Official translation of documents/certificates in case they are written in languages other than English or Swahili,</p> <p>Job description for the expatriate/employee,</p> <p>Employment Contract</p> <p>Previous Original Class B permit (in case of renewal or replacement),</p> <p>Organization structure of the company</p> <p>Registration of certificates from professional boards where necessary e.g. NBAA, ERB, PSPTB, Nurses and Midwifery council, medical council etc or qualifications that require registration with authorized Institutions and Certificate, Clearance or Licenses be issued. These include: Accountants, engineers, Architects, Surveyors, Doctors, Teachers, Nurses, Pilots, Employees in Security Companies, Executive Personnel in Financial Institutions such Banks, Bureau De Change etc.</p> <p>Business License</p> <p>Memorandum and Articles of Association or Extract from Registrar showing Company shareholders, share distribution and nominal capital of the company</p> <p>Certificate of incorporation or Certificate compliance or Business Name Registration or Certificate of change of name</p> <p>Letter of no objection (if the application has shifted from another company)</p> <p>Tax Clearance</p>

	Tax Payers' Identification Number (TIN) Certificate
Duration of permit	<p>For Class A: Generally 2 years for Class A permit holders and can be replaced for additional 2 years</p> <p>Class B: Class B permits are generally valid for two years and can be renewed for additional periods</p>
Employment of Foreign Nationals	<p>There are three classes of residence permits which are issued and regulated by the Immigration Act. All residence permits are generally not issued for any period exceeding 5 years (including renewals) subject to certain condition. The Non-Citizen (employment regulation) Act regulates the employment of migrant workers in Tanzania mainland. The Act does not apply to members of diplomat community or to other persons exempted by the Minister of Labour and Employment Matters. There are detailed provisions regulating the employment of non-citizens. The issuing of permits is restricted to specific classes of employment or other occupations specifically listed in the Government Gazette. Any person who wishes to employ or engage a foreign national must apply to the Labour Commissioner. The Labour Commissioner is primarily responsible for regulating and implementing the provisions of the Act. The Labour Commissioner also advises the Minister on all matters relating to the employment of non-citizens. Generally, the Labour Commissioner has the authority to issue work permits, cancel work permits, supervise and ensure the implementation of the succession plan as provided for by the employer.</p> <p>A non-citizen cannot engage in any work without a valid work permit or alternatively a certificate of exemption issued in accordance with this Act. When the application for the work permit is submitted to the Labour Commissioner, he must satisfy himself that all possible efforts have been explored to obtain a local expert. The Labour Commissioner when considering an application for a work permit must take into account all regional and bilateral agreements which the republic is a signatory. The Labour Commissioner may summon the person who lodged the application for an examination at such a time and place as he may specify. An employer intending to employ or engage a non-citizen must submit to the Labour Commissioner a succession plan which must set out a clearly articulated plan of succession of the non-citizens knowledge or expertise to the citizens during his tenure of employment, any other information as maybe directed by the Labour Commissioner. The employer must establish an effective training programme to produce local employees to undertake the duties of the non-citizen expert.</p> <p>Generally work permit are issued for a period of 24 months subject to renewals that must not exceed 36 months in total. A non-citizen must keep the work permit and produce it if so required. The Labour Commissioner may cancel a work permit if: the holder fails without reasonable cause, to comply with the condition prescribed in the work permit; the holder ceases to engage in the employment or occupation for which such permit was issued for; it has come to the knowledge of the Labour Commissioner that there is misrepresentation of information in the application; and lastly the Labour Commissioner is of the opinion that the continued presence of the permit holder jeopardizes public interest. Any person aggrieved by the decision of the Labour Commissioner to refuse to grant or cancel a work permit may, within thirty days appeal to the Minister.</p>

National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The President appoints a Labour Commissioner and Deputy, responsible for administration of labour laws. The Minister appoints a Registrar of Organisations and Deputy responsible for regulation of trade unions and employer organisations in Act. The Minister shall also appoint Assistant Labour Commissioners to head up Labour Relations, Labour Inspection and Social Security sections. As many labour officers as are necessary to administer and enforce the laws are permitted.</p> <p>Labour officers have wide powers of entry, search, questioning and seizure. Where the labour officer has reasonable grounds to believe there has been non-compliance, the labour officer may issue a compliance order on the employer, registered trade union and each affected employee. The order should be displayed in a prominent place by the employer. If the employer wishes to object to the compliance order, this should be done within 30 days of receipt of the order, with a copy being served on the Labour Commissioner, union and affected employees. The Labour Commissioner may confirm, modify or cancel the order or specify compliance. If the employer fails to comply the issuing labour officer or Labour Commissioner, as the case may be, may apply to the Labour Court for enforcement. The Court may impose or suspend the order pending appeal.</p> <p>The Labour Court is established as a division of the High Court. It consists of a number of Judges and a Chief Justice. There are also two panels of assessors – one from the employers and one from the employees. Decisions are made by the Judge after taking into account the opinions of the assessors and if not in agreement with the opinions, reasons must be given. The Labour Court has exclusive civil jurisdiction over labour matters with all the powers of the High Court. The Labour Commissioner is able to refer any point of law to the Labour Court or Court of Appeal if there are conflicting decisions of the Court on the same point of law; and parties to the dispute have not appealed. Any registered organisation or federation may in relation to issues of law request to be joined as parties to the proceedings.</p>

Zambia	
Type of permit	Short-term work permit: initially 3 months and can be extended up to 6 months Employment permit (long-term work permit)
Application requirements	<p>Requirements for a new application</p> <p>Covering letter from employer addressed to the Director General of Immigration;</p> <p>Employment contract or Letter of offer;</p> <p>Police clearance from country of residence;</p> <p>Curriculum Vitae;</p> <p>Registration certificate from the relevant professional body in Zambia (where required);</p> <p>Certified copy of qualifications (academic, professional);</p> <p>Copy of marriage and birth certificates (where available);</p> <p>Certified copy of valid passport (bio data & last endorsement stamp for Zambia);</p> <p>Certified Certificate of Share Capital and List of Directors;</p> <p>Copy of succession plan which shall include an understudy training program to be</p>

	<p>conducted by the foreign national to transfer knowledge and/or skills to the Zambian worker;</p> <p>A copy of the Certificate of Incorporation;</p> <p>In the case of Construction, Mining Sector, ICT, Engineering and other project based engagements, a covering letter specifying the project on which the expatriate would be employed, copy of letter of award specifying completion date and value of project must be submitted;</p> <p>Original Press advertisements which have appeared in two leading newspapers in A5 size. Name of Newspaper and date of advert should be clearly visible on the press advert and outcome of selection exercise must also be submitted;</p> <p>One recent passport size photographs; and</p> <p>Prescribed fee.</p> <p>Requirements for renewal /extension</p> <p>Covering letter to the Director General of Immigration from concerned employer;</p> <p>Extended contract;</p> <p>Certified copy of valid passport (bio data & last endorsement stamp for Zambia); and</p> <p>Prescribed fee.</p>
Duration of permit	<p>Long term Employment permit: 6 months and more and can be extended for maximum of 10 years</p> <p>Short-term work permit: initially 3 months and can be extended up to 6 months</p>
Employment of Foreign Nationals	<p>The Immigration and Deportation Act 18 of 2010 provides the prescribed requirements, procedures and forms specified for the issuance of an employment permit to the foreigner. Generally, all employees including foreign nationals enjoy protection of the labour laws. In order to work in Zambia, an employee must be in possession of a valid work permit. The application must be made to the Director General of Immigration who may consult with the Ministry of Labour to ascertain whether the skills possessed by the applicant are already available in the country. According to the Immigration Act and Deportation Act, any person who is not a citizen cannot enter Zambia unless that person is in possession of a valid temporary residence permit, residence permit or a valid border pass. An application must be made to the Director General of Immigration in consultation with the Ministry responsible for Labour, in the prescribed manner for an employment permit. The Director General of Immigration must ensure that the applicant for employment is not a prohibited immigrant, which is anyone who belongs to a class set out in the second schedule. The prospective employer must first ensure that there are no locals available to fill the position before hiring a foreign national. The employer must furnish in support of the application the prospective employee's relevant qualifications; their curriculum vitae; the employment offer with terms and conditions offered; details of the prospective employer; and a comprehensive application form. Generally, an employer must ensure that they have a skills transfer program in place for the position that the foreign national will occupy.</p> <p>There are two types of work permits, a short-term work visa which is only valid for a maximum period of 3 months and an employment permit valid for a maximum period of 24 months. The work permits can be extended for a maximum period of 5 years from the date of issuance. The application for an employment permit must be made outside of the country and the applicant must wait till the issue of the permit before traveling to Zambia. The processing time for the permit varies between 1-6 weeks.</p>

National Labour Migration Policy	No information available
National Labour Market Institutions	<p>The Labour Commissioner and his officers are responsible for administering the labour laws and ensuring compliance through inspection and investigations. They are also usually the primary method of dispute resolution in both individual and collective disputes. For individual disputes, Labour Officers serve as informal mediators under the Employment Act. For collective disputes, the Labour Commissioner plays an extra-legal dispute resolution role as he has no legal role but a significant practical one.</p> <p>The Industrial Relations Division of the High Court of Zambia in accordance with the Industrial and Labour Relations Act has exclusive jurisdiction to hear and determine any industrial relations matters. Industrial relations matters include issues relating to: inquiries, award and decisions in collective disputes; interpretation of the terms of award, collective agreements and recognition agreements; general inquiries into, and adjudication on, any matters affecting rights, obligations and privileges of employees, employers and their representative bodies. The Court shall not consider a complaint or application unless it is presented to it within 90 days of the occurrence of the event which gave rise to the complaint or application. The Court may extend the ninety-day period for three months after the date on which the applicant has exhausted the administrative channels available to them. The Court is not bound by the rules of evidence in civil and criminal proceedings but the main objective of the Court is to do substantial justice between the parties before it. Any award, declaration, decision of judgment of the Court is binding on the parties. The court may summon witnesses, call for the production and inspection of books, documents records and other things. This includes the power of the court to examine witnesses. Any party can appeal the decision of the Court on any point of law or any point of mixed law and fact to the Court of Appeal. Appeals on findings of fact are not permitted.</p> <p>The Employment Review Tribunal the Minister may appoint three members one of whom shall be designated by the Minister as the chairman of the Tribunal. The tribunal is only applicable during a period when a declaration of a state of emergency under the Zambian Constitution is in force. Their powers extend to hearing and determining review applications in employment disputes. The decision of the tribunal on any application reviewed under the state of emergency shall be binding and final.</p> <p>The Tripartite Consultative Labour Council is a statutory council which will be comprised of members representing trade unions, employers and Government as the Minister may determine, being not less than 21 in total. The council is chaired by the Minister; its function is to advise the Government on all issues relating to labour matters, manpower, development and utilization. The body plays a purely advisory role and the Government is not legally bound by the decisions of the council.</p>

Zimbabwe	
Type of permit	<p>Temporary Employment Permit: available for the employees belonging to many categories including following:</p> <p>Journalists</p>

	<p>Professionals with specialized skills that are not common in Zimbabwe</p> <p>Foreign researchers with clearances from the Research Council of Zimbabwe</p> <p>Short-term employees on six-month contracts with local businesses</p>
Application requirements	<p>To obtain a temporary employment permit, applicants will need to provide the following:</p> <p>Passport should have at least 6 months of validity</p> <p>Probably a proof of yellow fever vaccination</p> <p>A letter containing a job offer from a Zimbabwean company</p> <p>Proof of the applicant's qualifications for the position, including prior work experience</p> <p>Two passport photos</p> <p>A birth certificate and marriage certificate, if applicable</p> <p>Payment of the application fee</p> <p>Employer need to apply for the work permit (Temporary Employment Permit) on behalf of the employee. General steps for submitting an application for TEP:</p> <p>The employee sends the necessary supporting documents to the employer.</p> <p>The employer submits the work permit application to the relevant officials in Zimbabwe.</p> <p>Upon approval, the employee can travel to Zimbabwe and begin working.</p>
Duration of permit	N/A
Employment of Foreign Nationals	<p>The Immigration Act provides detailed provisions on prohibited migrants, the prescribed procedures and parameters in which a work permit is issued. A temporary employment permit will be issued for a maximum period of 5 years. All employees including foreign nationals enjoy protection under the Labour Act. According to the Immigration Act 1990 and Immigration Regulation of 1998, no person may enter Zimbabwe without having a valid travel document or a permit. The Minister generally issues regulations which prescribe and provide detailed parameters under which permits may be issued and the procedures to be followed. The Chief Immigration officer may, on application of a person who wishes to engage in an occupation in Zimbabwe, issue a temporary employment permit. The temporary employment permit will authorize the person, in respect of whom it is issued, subject to the conditions specified to enter or remain in Zimbabwe for the period, not exceeding 5 years. A temporary permit may authorize the spouse and children of the person in respect of whom it is issued, to enter or remain in Zimbabwe for the same period. A temporary employment permit may be issued, with the consent of the Minister, to a person who is already in Zimbabwe. The Chief Immigration Officer may extend a temporary employment permit for any period which, together with the period or periods for which it has been in force, does not exceed 5 years. A person whose temporary employment permit expires must leave the country immediately.</p> <p>The temporary employment permit is subject to the following conditions: the holder of the permit can only engage in the occupation specified in the permit and shall not engage in any other occupation; the holder of the permit must enter and remain in the</p>

	<p>service of that employer; the holder must leave the country on or before expiry of the permit; and the holder of the permit must surrender such permit to an immigration officer before leaving the country. The Chief Immigration Officer may, on a written application of the holder of the employment permit, authorize the holder to cease to engage in the occupation specified in the permit, to engage in a different occupation from that so specified, and to enter into the service of another employer.</p> <p>The Chief Immigration Officer may, if so directed by the Minister, without prior notice to the person concerned, cancel a temporary employment permit if it was obtained on any information which is materially incorrect; or if the holder of the permit fails to comply with any conditions under which the permit was issued, or any condition imposed.</p> <p>Visas are not required for qualifying countries on a list available at the Department of Immigration. Nationals of countries in the second category may obtain visas at the port of entry in Zimbabwe. In the latter category visas must be applied for and issued in advance of travel, from the respective Zimbabwe embassies or Trade Consulates.</p> <p>Any foreign investors wishing to take up residence in the country need to acquire an investment license. Certified copies of investment license, indigenization compliance, proof of funds for investment and police clearance from the country of origin are the major requisites when applying for the investor residence permit.</p> <p>Any foreigner seeking to take up residence in Zimbabwe is required to hold a valid work permit. Regulations are in place to allow local companies to employ foreigners under temporary work permits. These work permits are issued by the Department of Immigration upon an application by the company which is considered by the Foreign Recruitment Committee. The guiding condition is that the company should provide proof that the required skill cannot be sourced within Zimbabwe. Foreign employees are subject to the minimum conditions laid down in the labour legislation. Any foreign employee seeking to work for an organisation or a company registered in Zimbabwe can apply for a temporary employment permits. However, the only people that can apply for a temporary employment are professionals offering scarce skills, which are not easily available in Zimbabwe; journalists on assignments; personnel on short contracts and researchers (who must first be cleared by the Research Council of Zimbabwe). Temporary employment permits are usually issued for a period of 12 months. Temporary employment permits application forms are submitted directly to the Department of immigration in Harare.</p>
National Labour Migration Policy	<p>With the support of the ILO and the IOM, Zimbabwe initiated a process of developing a NLAMP in 2011. Following the drafting of a Situational Analysis Report and a series of consultations with a variety of stakeholders, the NLMP was adopted in 2016. The following sets out the Vision, Mission and Strategic Objectives of the NLMP:</p> <p>Vision A well-managed and sustainable labour migration management system that promotes good governance on labour migration, effective regulation of labour migration, and protects the rights of labour migrants and their families and the various stakeholders involved.</p>

	<p>Mission Maximisation of benefits of both inward and outward labour migration through safe migration, provision of decent working conditions for labour migrants especially female labour migrants and protection of their fundamental human and labour rights and those of their families.</p> <p>Strategic Objectives 1. To strengthen governance of labour migration and management of labour migration in line with international norms; 2. To promote provision of decent working conditions for both male and female labour migrants and protection of their fundamental human and labour rights and those of their families; 3. To develop mechanisms to inform labour migrants and potential labour migrants on migration options, risks of irregular migration and opportunities for regular migration; 4. To enhance effective mechanisms for harnessing remittances for investment and development in line with the Migration and Development Strategy; 5. To strengthen and engender the Labour Migration Information System ; 6. To strengthen dialogue on labour migration at national level; 7. To strengthen effective participation in regional and international dialogue on labour migration; 8. To strengthen Migration Resource Centres (MRC) that will provide educative, informational material and awareness programmes to migrant workers; and, 9. Harmonise existing efforts and initiatives that have been undertaken to harness the positive benefits from labour migration</p> <p>The NLMP identifies four broad policy areas and the action plan that accompanies the NLMP sets out the challenges that need to be addressed and actions to be undertaken. The four broad policy areas are:</p> <ol style="list-style-type: none"> 1. Governance of Labour Migration, 2. Protection and Empowerment of Migrant Workers, 3. Harnessing Labour Migration for Development, 4. Migration data
National Labour Market Institutions	<p>The Labour Court hears and determines any applications and appeals referred to it. The Minister may also refer matters to the labour court and a determination must be made. The labour court can appoint a labour officer, a designated agent or any other person to conciliate the disputes if it considers it expedient to do so. The Labour Court in the case of an appeal conducts a hearing into the matter or decides it on record. In the case of an appeal the labour court can vary, reverse and set aside any decision. In the case of an application made the labour court can remit the matter to the same or different labour officer with instructions directing that officer to attempt to resolve the matter.</p> <p>The Minister may appoint on recommendation or of his own volition an Advisory Council which will investigate and make recommendations in connection with wages, salaries and benefits. Their powers extend to declaring a service as an essential service.</p>

5.6 Bilateral Labour Agreements

Though there are various regional instruments that make provision for, and attempt to achieve consistency between Member States in terms of the management of labour migration, the low levels of ratification of these instruments means that they are not in effect and as an alternative, Member States rely on BLAs or MOUs to facilitate labour migration usually within specific economic sectors such as mining and agriculture. Both the IOM and ILO have provided tools for the development of BLAs.

5.6.1 General Guides to BLAs

In 2016, IOM published a *Regional Guide to Facilitate South–South Labour Mobility in Southern Africa* in which it noted that “bilateral labour migration agreements play a critical role in strengthening the regulatory framework aimed primarily at the protection of migrant workers in the labour migration process, particular low- and semi-skilled workers.”¹⁵⁰ The IOM Guide sets out a comprehensive system for identifying the key issues to be addressed and the stakeholders involved in managing labour migration and the role that they could play in the process of developing BLAs or MOUs between countries. The guide also proposes an extended framework consisting of five phases for managing circular migration in the region and that could be important elements in the process of preparing BLAs/MOUs; namely, planning, recruitment, pre-departure, preparation for employment and return.

In 2018, ILO and IOM’s joint project on *Towards Comprehensive Global Guidance on Developing and Implementing Bilateral Labour Migration Arrangements (BLMAs): Unpacking Key Obstacles to Implementation in the African Region* released a tool for the assessment of BLA’s in Africa.¹⁵¹ This was “designed ...to contribute to better analysis of both the design of new and the implementation of bilateral labour migration agreements, and to provide practical guidance on how they could ensure effective functioning.”¹⁵² In a paper jointly published by the ILO and the IOM in 2019, the increasing use of Cooperation Agreements on labour migration in Southern Africa was noted:

Increasingly in SADC, use is made of MOUs or other cooperation arrangements. Several of these arrangements have been concluded by South Africa, but other SADC countries have followed suit. South Africa have concluded such arrangements with Lesotho (first in 2006, and again in 2013), Mozambique and Zimbabwe (replacing preceding MOUs of

¹⁵⁰IOM, *Regional Guidelines for the Development of Bilateral Labour Agreements in the Southern African Development Community* (2016). At:

https://publications.iom.int/system/files/pdf/regional_guide_bilateral_labour_agreements.pdf

¹⁵¹https://www.ilo.org/global/topics/labour-migration/projects/WCMS_722207/lang--en/index.htm; ILO and IOM, *Bilateral Labour Migration Agreements in African Union Member States: Taking Stock and the Way Forward*. At: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_721949.pdf

¹⁵²Natalia Popova and Francesco Panzica, *Tool for the Assessment of Bilateral Labour Migration Agreements Pilot-Tested in the African Region*. At: https://www.ilo.org/global/topics/labour-migration/publications/WCMS_722208/lang--en/index.htm

2004 and 2009). Similarly, Zimbabwe has concluded MOUs with Malawi and Mozambique; renegotiating a lapsed bilateral (labour) MOU with Namibia and considering the conclusion of MOUs with Botswana and Zambia are some of the priorities of the Zimbabwean government.¹⁵³

The stocktaking also included a study of bilateral labour migration arrangements in the Lesotho-South Africa and Zimbabwe-South Africa labour migration corridors.¹⁵⁴

While not specifically involved in advising or assisting COMESA, IOC or SADC Member States in the drafting of BLAs or MOUs, the ILO has also provided a technical note of comments on an AU Model Agreement (April 2020), that the AUC plans to finalize together with accompanying guidelines on BLAs for member states. This will be supported by ILO via the JLMP project. The ILO has also developed an online toolkit on BLAs for Africa which is yet to be officially launched.¹⁵⁵ The tool is divided into three parts, as follows:

- general aspects, common to all types of bilateral labour migration agreements;
- assessment methodology for the BLMAs, and
- an adjusted assessment framework used in the SADC, reflecting regional labour migration policy needs.

5.6.2 BLAs in Southern Africa

A research paper published by the Southern African Trade Union Coordinating Council (SATUCC) in 2017 provides a useful overview and summary of bilateral agreements between SADC Member States (particularly between South Africa and other Member States).¹⁵⁶ Bilateral Labour Agreements (BLAs) and, in some cases, Memoranda of Understanding (MOUs) have become key instruments in the management of labour migration between countries in the COMESA, IOC and SADC regions. There are two main types of bilateral agreement namely; Joint Permanent Commissions for Cooperation (JPCC) or Joint Bi-lateral Commission of Cooperation (JBCC); and Memoranda of Understanding (MOUs). In some countries, the MOUs are a product of the implementation of the JPCCs and JBCCs. In the JPCCs or JBCCs, the partners agree on the sectors of cooperation in which they both seek to achieve a common objective. South Africa has signed JPCCs and JBCCs with seven SADC countries.

Table 31: South Africa's JPCCs with SADC Countries

¹⁵³ILO and IOM, *Preliminary Stocktaking Study: Development and Implementation of Bilateral Labour Migration Arrangements by African Union Member States* (Geneva, 2019), p. 61.

¹⁵⁴Marius Olivier, "Bilateral Labour Migration Arrangements in Two SADC Corridors" In ILO and IOM, *Preliminary Stocktaking Study*, pp. 52-81.

¹⁵⁵Email communication from Kenza Dimechkie, ILO Geneva

¹⁵⁶The information in this section is sourced from Southern African Trade Union Coordinating Council (SATUCC), *Developing a Cohesive and Transformative Labour Migration Policy Framework for SADC. Regional Research on Migration Report* (2017).

Country	Year	Name of Commission	Objectives specific to (labour) migration	Frequency of meetings
Lesotho	2001	Joint Bilateral Commission of Cooperation	Facilitate movement of people, goods and services between the two countries taking into consideration the unique geographical position of Lesotho.	3-4 times a year
Malawi	2007 and reviewed in 2012	Joint Commission for Cooperation	None	Every 2 years, with extraordinary session upon request
Mozambique	1994	Joint Permanent Commission for Cooperation	None	Terminated
	2011	Bi-National Commission	None	Annually
Namibia	1997 Terminated in	Heads of State Economic Bilateral Meeting (HOSEB)	None	Terminated
	2012	Bi-National Commission (BNC)	None	Annually, with extraordinary sessions upon request
Swaziland	2004	Joint Bilateral Commission for Cooperation	Facilitation of people, goods and services between the two countries by ensuring user-friendly border posts	Annually
Zimbabwe	1995	Joint Commission for Economic, Social, Scientific, Technical and Cultural Cooperation	None	Every 2 years, with extraordinary session upon request

Source: SATUCC

South Africa has a long history of concluding MoUs especially in the mining and agriculture sector dating back to the 1920s. South Africa has renewed and active MoUs with Botswana, Swaziland, Lesotho, Zimbabwe, Mozambique, and Zambia.

Table 32: Countries with MoUs on Labour Migration with South Africa

Country		Description is issues related to labour issues
Botswana	1973	Governs employment of citizens of Botswana in South Africa, including: - issues remittances and workers' welfare and compensation funds; - governs movement of persons across the countries; - establishes a Botswana Government Labour Office in South Africa provides regulations for repatriation of former migrant workers
Swaziland		Governs:

		<ul style="list-style-type: none"> - movement of persons across the borders; - establishment of an office for a Swaziland Government Labour representative in South Africa; - provides regulations for the repatriation of former migrants
Lesotho (established under the SA-Lesotho JBCC)	2013	<p>Governs five areas of cooperation on labour issues which include:</p> <ul style="list-style-type: none"> - dispute resolution mechanisms and institutions; - social dialogue mechanisms and institutions; - compensation in respect of occupational diseases and injuries to citizens of both countries working in either country; - training of arbitrators; - social security; and, - review of the Labour Agreement between the two governments signed in 1973.
Zimbabwe	2009	<p>Cooperation between the countries' Ministries and Departments of Labour. The result was the establishment of the Beitbridge Labour Migration Centre;</p> <ul style="list-style-type: none"> - facilitation of dialogue in areas such as labour dispute resolutions, labour law reform and employment services; - facilitation of interface between ex-Zimbabwe migrant workers in gold mines in South Africa and their previous employers and ex-employing agencies.
	2013	<p>Facilitation of recruitment of Zimbabwean workers in South African farms in the Limpopo province. The aim was to bring to an end the exploitation of Zimbabweans working in South Africa farms and especially in the Limpopo Province as illegal immigrants.</p>
Mozambique ¹⁵⁷	1964, revised in 2015	<p>Covers</p> <ul style="list-style-type: none"> - improvement in status and conditions of migrant workers. - social protection to legal migrant mineworkers.
Zambia	2016	<p>Cooperation in the following areas:</p> <ul style="list-style-type: none"> - collective bargaining; - dispute resolution systems; - labour inspections; - social dialogue; - labour market information; - occupational health and safety including HIV/AIDS and wellness in the workplace; - international labour cooperation issues; - social security issues relating to unemployment insurance and compensation; and - productivity issues.

¹⁵⁷For an extended analysis of the history and current form of the Mozambique-South Africa BLA, see Marius Olivier, "Developing a Framework for a Redesigned Bilateral Labour Migration Regime between South Africa and Mozambique, with Particular Emphasis on Mozambican Mineworkers" Report for IOM and Lawyers for Human Rights, Institute for Social Law and Policy, Northwest University, 2016.

Malawi and Zambia also have a social security bilateral agreement. The social security bilateral agreement states that the Workers Compensation Fund in Zambia has to identify a medical practitioner in Malawi to administer medical examinations or assessment for pneumoconiosis/silicosis for Malawian miners who worked in Zambia. In the long run, it should also facilitate the remittance of monthly pension through the Malawi High Commission in Lusaka.

6 Work on Labour Migration by International Agencies

6.1 International Labour Organization (ILO)¹⁵⁸

6.1.1 Decent Work Country Programmes

The Decent Work Country Programme (DWCP) approach was launched by the ILO in 1999.¹⁵⁹ DWCPs have been implemented as part of the Decent Work Agenda in as many as 13 Southern African countries.¹⁶⁰ These include Botswana (2010-2016), Comoros (2008-2012, 2015-2019), DRC (2009-2011), Eswatini (2010-2014), Lesotho (2006-2009, 2012-2018), Madagascar (2008-2012, 2015-2019), Malawi (2011-2016), Mauritius (2009-2012), Seychelles (2009-2012), South Africa (2010-2018), Tanzania (2006-2010, 2013-2016), Zambia (2007-2011), and Zimbabwe (2000-2005, 2008-2011, 2012-2015).¹⁶¹ Although labour migration was not a planning focus in most of these DWCPs, the ILO adjusted its programme of work to contextual changes as “unanticipated international cooperation programmes and country office advocacy, in collaboration with tripartite constituents, opened the promotion of fair migration as a new, relevant area of work.”¹⁶² Several labour migration-related projects were therefore undertaken in these countries, usually in partnership with other ILO programmes or organizations:

¹⁵⁸ ILO’s previous work on labour migration in Southern and Eastern Africa (to 2015) is summarized at https://www.ilo.org/wcmsp5/groups/public/---africa/documents/publication/wcms_385959.pdf

¹⁵⁹ <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/program/dwcp/lang--en/index.htm>

¹⁶⁰ https://www.ilo.org/wcmsp5/groups/public/---ed_mas/---program/documents/genericdocument/wcms_561870.pdf

¹⁶¹ For evaluations of DWCPs in Southern Africa see Ali Dastgeer and Francisco L. Guzmán, Independent Evaluation of the ILO’s Country Programme for the United Republic of Tanzania: 2004-2010 (Geneva: ILO, 2010); Shubh Kumar-Range and Carla Henry, *Independent Evaluation of the ILO’s Country Programme for Zambia: 2001-2007* (Geneva: ILO, 2008); ILO, *Independent Evaluation of the ILO’s Strategy to Promote Sustainable Enterprises and Decent Work: Volume II. Annexes 3-6* (Geneva, 2013); Simbarashe Sibanda, *Promoting Decent Work in the Rural Economy. Lessons from Zimbabwe 2008-2018* (Geneva: ILO, 2019); Rafael Muñoz-Sevilla, Dwight Ordoñez and Sandy Wark, *Independent Evaluation of ILO’s Programme of Work in Four Selected Countries of the Southern African Development Community (SADC) (Lesotho, Madagascar, South Africa and the United Republic of Tanzania), 2014-2018* (Geneva: ILO, 2019).

¹⁶² Muñoz-Sevilla et al., *Independent Evaluation of ILO’s Programme of Work in Four Selected Countries*, p. 2. On the place of migration in the first round of DWCPs see Priya Deshingkar, Jon Sward and Elisenda Estruch-Puertas, “Decent Work Programmes and Human Mobility” Migrating out of Poverty Research Programme Consortium, Working Paper 5, University of Sussex, 2012.

Global Action to Improve Recruitment Framework of Labour Migration (REFRAME): as part of ILO's global REFRAME programme¹⁶³, this project in Madagascar involved (a) establishment of an interministerial framework on labour migration; (b) development of a roadmap on professional migration in Madagascar (with IOM); (c) inventory with respect to the provisions of international labour standards on labour migration; (d) negotiations of bilateral labour migration agreements with Saudi Arabia, Lebanon and Mauritius.¹⁶⁴

*Global Action Programme on Migrant Domestic Workers and their Families (GAP-MDW) (2013-2016)*¹⁶⁵ sought to promote the human and labour rights of migrant domestic workers by concentrating on ten countries and five main migration corridors including Zimbabwe-South Africa. The main output was a guide for Zimbabwean migrant workers seeking employment in domestic service in South Africa.¹⁶⁶

Assessing the Economic Contribution of Labour Migration in Developing Countries as Countries of Destination (ECLM) (2014-2018) in collaboration with the OECD Development Centre, this ILO project aimed to assess the economic contribution of labour migration in developing countries of destination.¹⁶⁷ South Africa was one of nine countries involved in the project, and the only one in Southern Africa. Major outputs included a general comparative report and a South Africa country report.¹⁶⁸ The primary data for South Africa is demographic and economic statistics from the 2001 and 2011 South African Census. The report demonstrates the contribution of immigrant workers to South Africa's economy, and focuses on three dimensions: labour markets, economic growth and public finance. Findings include that immigrants are well-integrated into the labour market in terms of employment and unemployment rates, and in general do not seem to displace native-born workers, and that the impact of immigration on gross domestic product (GDP) per capita is positive.

Ratification of International Labour Conventions and Protocols in Madagascar: at the request of the Government, the ILO helped with legal and regulatory work for the ratification of five international labour Conventions and one Protocol to the Government in 2018. In December 2018, the Malagasy Parliament voted in favour of ratification, which was followed up with formal ratification by the Government in mid-2019. Ratification opened up new avenues for

¹⁶³<https://www.ilo.org/global/topics/labour-migration/projects/reframe/lang--en/index.htm>

¹⁶⁴REFRAME, *Examen des lois, politiques et pratiques concernant le recrutement des travailleurs migrants à Madagascar* (Geneva : ILO, 2020). At: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_742457.pdf

¹⁶⁵https://www.ilo.org/global/topics/labour-migration/projects/WCMS_222567/lang--en/index.htm#:~:text=Project%20Objectives,risks%20of%20exploitation%20and%20abuse.

¹⁶⁶https://www.ilo.org/global/topics/labour-migration/publications/WCMS_502772/lang--en/index.htm

¹⁶⁷https://www.ilo.org/global/topics/labour-migration/projects/WCMS_344706/lang--en/index.htm#Outputs

¹⁶⁸OECD/ILO, *How Immigrants Contribute to Developing Countries' Economies* (Paris: OECD Publishing, 2018); OECD/ILO, *How Immigrants Contribute to South Africa's Economy* (Paris: OECD Publishing, 2018).

follow-up action by the ILO and ILO constituents, including awareness raising and capacity building to uphold ratification commitments.¹⁶⁹

*Farm Workers' Living and Working Conditions in South Africa:*¹⁷⁰ a research project commissioned by ILO in 2015 focused on 10 case study sites across South Africa. In total, 48 farms were visited, individual interviews were conducted with 208 farm workers of which 158 were permanent and 50 were seasonal workers. Group interviews were conducted with an additional 250 farm workers that comprised both permanent and seasonal workers. In-depth interviews were conducted with 48 producers and 90 other stakeholders. Section 2.5 of the report focuses on the use of migrant labour on farms.

Currently operational DWCPs in Southern Africa include Angola (2019-2022); Lesotho (2019-2023) Seychelles (2018-2022) and South Africa (2018-2022). However, only the Lesotho DWCP has specific labour migration priorities.¹⁷¹ The DWCP notes that “strategies at maximising the benefits inherent in labour migration have not been adequately explored. There is no systematic structure to link labour migration with diaspora issues and remittances issues. Moreover, limited provisions of labour migration in the labour legislation need to be addressed so that the National Labour Migration Policy can be effectively implemented.” Outcome 2.3 in the DWCP is Strengthened Labour Migration Management and Governance and ILO strategies are designed to support adoption and implementation of the National Labour Migration Policy and Action Plan. ILO support is provided to (a) ensure that governance of labour migration in Lesotho is in line with relevant international labour standards and good practices and adherence to regional provisions on labour migration; (b) strengthen labour migration governance to safeguard the human rights of migrant workers and their families within and outside the country; and (c) promote women workers rights and the core ILO gender conventions.

6.1.2 ILO Fair Migration Agenda

According to the ILO website on the Fair Migration Agenda, work on labour migration issues fits squarely within ILO’s mandate for social justice.¹⁷² The ILO is promoting the rights of migrant workers through its body of standards as well as through its [Multilateral Framework on Labour Migration](#). The ILO also brings together Ministries of Labour, employers’ and workers’ organisations, and civil society to build consensus on a fair migration agenda that takes into account labour market needs, while protecting the interests and rights of all workers. The REFRAME project falls under the Fair Migration Agenda which has also published technical reports of labour migrants in several key economic sectors including construction, commercial

¹⁶⁹ Muñoz-Sevilla et al., *Independent Evaluation of ILO’s Programme of Work in Four Selected Countries*, p. 3.

¹⁷⁰ Margaret Visser and Stuart Ferrer, *Farm Workers’ Living and Working Conditions in South Africa: Key Trends, Emergent Issues, and Underlying and Structural Problems*. Report for ILO Pretoria Office, 2015 at https://www.ilo.org/wcmsp5/groups/public/---africa/documents/publication/wcms_385959.pdf

¹⁷¹ Government of Lesotho, *Decent Work Country Programme III 2018/19-2022.23: Promoting Decent Work for All* (Maseru, 2018).

¹⁷² <https://www.ilo.org/global/topics/labour-migration/fair-migration-agenda/lang--en/index.htm>

agriculture and mining. The construction industry report contains a case study of South Africa and the mining industry report has a case study on Chinese migrants in Zambia.¹⁷³

6.2 International Organization for Migration (IOM)

IOM's current regional programme for Southern Africa has six key areas of intervention: labour migration and development; migration health; regional cooperation; immigration and border management, migration assistance; and emergencies and transition. In addition, IOM has country specific programmes. In South Africa, the Regulating Migration Programme is the most relevant of five programmes to labour migration. IOM Mozambique has a Labour Migration and Human Development Programme

This section first identifies relevant recent and current labour-migration related projects in several of these programmes and then turns to the labour migration component of the organization's regional strategy for 2019-2023.

6.2.1 Labour Migration and Development

Developing a Roadmap to Facilitate South-South Labour Mobility in Southern Africa Project (2015-2017) managed by IOM Mozambique the project involved nine SADC Member States (DRC, Madagascar, Malawi, Mauritius, Mozambique, Madagascar, Namibia, Tanzania, Zambia and Zimbabwe). The two-pronged approach was (a) to enhance labour migration management capacities and (b) to build innovative rights-focused frameworks to strengthen regional labour migration plans and policies. Key reference tools drafted by the project included regional guidelines on bilateral labour agreements, a regional labour exporting framework; a model intra-SADC circular migration programme and a regional guide to complement the SADC Labour Migration Action Plan.¹⁷⁴

Voices from the Underground: Building the Advocacy and Human Rights Capacity of Migrant Mineworkers and their Families (2014 – 2016): IOM Mozambique worked to improve the protection and advocacy capacity of migrant mine workers and their families in Southern Africa through institutional capacity-building of the Mozambican Mine Workers Association (AMIMO); strengthening legal services for mine workers and families in South Africa and Mozambique in partnership with Lawyers for Human Rights (LHR); and devising advocacy

¹⁷³Michelle Buckley, Adam Zendel, Jeff Biggar, Lia Frederiksen and Jill Wells, *Migrant Work and Employment in the Construction Sector* (Geneva: ILO, 2016); Mylène Coderre-Proulx, Bonnie Campbell, Issiaka Mandé, *International Migrant Workers in the Mining Sector* (Geneva: ILO, 2016).

¹⁷⁴*Regional Guidelines for the Development of Bilateral Labour Agreements in the Southern African Development Community* (Maputo: IOM, 2016) at https://publications.iom.int/system/files/pdf/regional_guide_bilateral_labour_agreements.pdf; *Regional Guide to Facilitate South-South Labour Mobility in Southern Africa* (Maputo: IOM, 2016) at https://publications.iom.int/system/files/pdf/regional_guide_to_facilitate_south-south_southern_africa.pdf

strategies to increase national and regional protection of migrant mine workers and their families.¹⁷⁵

6.2.2 Migration Health

Partnership on Health and Mobility in East and Southern Africa (PHAMESA) (2004-2017). The health-related consequences of labour migration have been a major focus of IOM over the last decade, with a particular focus on negative Sexual Reproductive Health (SRH) outcomes. The programme unfolded in three phases: (a) Partnership on HIV and Mobility in Southern Africa (PHAMSA) (2004-2008)¹⁷⁶; (b) Partnership on Health and Mobility in East and Southern Africa (PHAMESA) (2010-2013)¹⁷⁷ and (c) PHAMESA II (2014-2017) and is now officially concluded.¹⁷⁸ PHAMESA activities covered 11 countries (South Africa, Botswana, Mauritius, Mozambique, Namibia, Zambia, Kenya, Tanzania, Uganda, Lesotho and Swaziland) and aimed to improve the management of migration health and reduce migrants' vulnerability to HIV and other communicable diseases through several components (i) service delivery and capacity building by addressing the conditions that increase the vulnerability of labour migrants, identifying gaps in health service delivery and facilitating migrants' access to health care services; (ii) advocacy and policy development for regional, national and sectoral policies that contribute to the wellbeing of migrants and the reduction of HIV incidence and impact of AIDS among migrant and mobile workers and their families; (iii) engaging in research to gather strategic information in order to develop effective evidence-based programmes;¹⁷⁹ (iv) improving harmonization of programmes and promoting migration health through regional workshops on health responses in the different labour sectors that employ mobile workers.¹⁸⁰ According to the End-of-Project Evaluation, PHAMESA funded or conducted 14 national surveys and health surveillance instruments incorporated various migration-related variables, e.g. nationality, duration of stay at current residence, reasons for moving to the country and travel away from home in the last 12 months, among others.¹⁸¹ In addition, IOM together with its partners undertook research to produce strategic information, such as regional situation analyses of

¹⁷⁵<https://mozambique.iom.int/voices-underground-building-advocacy-and-human-rights-capacity-migrant-mineworkers-and-their>; and *Vozes do Subsolo: Manual de Formação para Profissionais Paralegais sob a Associação de Mineiros Moçambicanos (AMIMO)* (Maputo, 2016).

¹⁷⁶PHAMSA, *HIV and People on the Move: Risk and Vulnerabilities of Migrants and Mobile Populations in Southern Africa* (Pretoria: IOM, 2006).

¹⁷⁷IOM, *Regional Assessment on HIV-Prevention Needs of Migrants and Mobile Populations in Southern Africa* (Pretoria, 2011). At: https://southafrica.iom.int/system/files/drupal-private/2010_02_11_Regional%20Assessment_Report.pdf

¹⁷⁸<https://ropretoria.iom.int/sites/default/files/document/PHAMESA%20blurb.pdf>

¹⁷⁹All PHAMESA reports and publications are available at:

<https://ropretoria.iom.int/publications/phamesa>.

¹⁸⁰For an argument that labour migration and health should remain a priority see Jo Vearey, "Moving Forward: Why Responding to Migration, Mobility and HIV in South(ern) Africa is a Public Health Priority" *Journal of the International AIDS Society* 21(S4) (2018): e25137.

¹⁸¹PHAMESA II: *The International Organization for Migration's Final Report to the Swedish International Development Cooperation Agency (Sida)* 2018.

migrant health as well as studies regarding health vulnerability and status, and access and barriers to health and other services for migrants and communities. At the country level, 23 research initiatives were undertaken, ranging from rapid health assessments to integrated biological and behavioural surveillance (IBBS) surveys, while six regional studies were conducted.¹⁸²

Partnership on Health and Mobility in the Mining Sector of Southern Africa (2012-2015). This EU-funded project was a response to the SADC Declaration on TB in the Mining Sector and aimed to address the health vulnerabilities of 20,000 migrant mineworkers, their families and affected communities in Southern Africa. According to the project description “through research and information dissemination, the new project will contribute to improved and increased strategic information on health, HIV and TB within the mining sector of Southern Africa to inform programme and policy development”.¹⁸³ The project was also designed to pilot interventions which directly improve access to health services for mine worker destination, sending and transit communities.

*Sexual Reproductive Health and Rights (SRHR)-HIV Knows No Borders (2016-2020)*¹⁸⁴ is a collaborative consortium between the IOM, the lead agency, Save the Children Netherlands (SC) and Wits School of Public Health to improve sexual and reproductive health and HIV (SRH-HIV) related outcomes amongst migrants (including migrant adolescents, young people and sex workers) as well as non-migrant adolescents, young people, sex workers and others in migration-affected communities. The project is being implemented in six countries: Eswatini, Lesotho, Malawi, Mozambique, South Africa and Zambia. In South Africa it is implemented in Ekurhuleni in Gauteng and 12 villages in Nkomazi in Mpumalanga.

6.2.3 Addressing Irregular Migration in Southern Africa

In principle, this project is relevant to the stocktaking since there is considerable evidence that irregular migration for employment, particularly in lower-skilled and informal sector jobs, is common across the region. An internal review of project achievements was shared by the IOM Regional Office which has been reviewed and suggests that the project has greater relevance to the stocktaking on mixed migration.¹⁸⁵ In brief, the project lasted from 2010 to 2016 and was implemented in six annual phases with funding from the US Bureau for Population, Refugees and Migration (PRM). Originally focused on South Africa alone, the project expanded to include Botswana, Malawi, Mozambique, Zambia and Zimbabwe. Its overall goal was “to support government in the 6 countries in the SADC region to manage migration effectively in order to

¹⁸² Ibid.

¹⁸³ <https://www.iom.int/news/partnership-health-and-mobility-southern-african-mining-sector-launched>. For a description of planned activities and outcomes see https://southafrica.iom.int/system/files/drupal-private/Partnershipon_healthandmobility.pdf

¹⁸⁴ Sarah Pugh, *Sexual and Reproductive Health and Rights (SRHR)-HIV Knows No Borders: Stories of Change and Best Practices* (Pretoria: IOM and SCI, 2019).

¹⁸⁵ IOM, *Addressing Irregular Migration in Southern Africa: An Internal Review of Project Achievements (2010-2016)* (Pretoria: IOM, 2017).

uphold the rights of migrants.” The project has three components: (a) support for MIDSA; (b) capacity-building workshops for government officials; and (c) direct assistance for Assisted Voluntary Return. The evaluation is relatively sanguine about the achievements of the project pointing, to example, to the challenges of implementing resolutions and recommendations of a non-binding consultative forum such as MIDSA and the small number of ARVs assisted (1,522 people in six years) of whom 80% “regretted having volunteered to return home because they realized the conditions that led them to their migration in the first place remained the same or got worse.”¹⁸⁶ While the value of MIDSA is emphasized, capacity-building workshops seem to have been of mostb practical benefit.” The project did not aim to provide data or information about the regional extent and dynamics of irregular labour migration.

6.2.4 Building and Strengthening Communities of Diversity and Peace in South Africa.¹⁸⁷

This project with UNDP seeks to address the problem of migrants' rights, strengthening the capacity and capability of the South Africa government, in particular of provinces and municipalities, in managing urbanisation, immigration and reintegration of foreign nationals. IOM will: (a) provide support to the new South Africa migration policy whereby South Africa provinces and municipalities will be trained/enabled to better manage migration issues; (b) provide strengthened conflict resolution and mediation capacities with focus on migrants and improved capacity of provinces and municipalities to better manage migrants and (c) improve inter-governmental/interdepartmental and inter-agency coordination.

6.2.5 IOM Regional Strategy for Southern Africa 2019-2023¹⁸⁸

IOM’s current regional strategy is based on the migration-related priorities identified SDGs, the Global Compact for Migration and IOM’s own Migration Governance Framework (MiGOV), the AU Migration Policy Framework and the SADC Labour Migration Policy Framework and Action Plan. The Regional Strategy has 10 strategic objectives, several of which are relevant to labour migration in the region:

- Strategic objective 1: Ensure that the mutually reinforcing links between migration and development is tapped into for the benefit of countries of origin and destination, as well as migrants themselves.
- Strategic objective 2: Ensure that vulnerable migrants benefit from increased protection by State and non-State actors while supporting governments in the fight against irregular migration.
- Strategic objective 4: Work towards well-managed labour migration that benefits migrant workers and employers, as well as the development of countries of origin and destination.
- Strategic objective 7: Improve standards of physical, mental and social well-being of migrants and migration-affected populations.

¹⁸⁶Ibid., p. 8.

¹⁸⁷<https://southafrica.iom.int/programmes/regulating-migration>

¹⁸⁸*IOM Regional Strategy for Southern Africa, 2019-2023* (Pretoria: IOM, 2019). At: https://ropretoria.iom.int/sites/default/files/IOM%20Regional%20Strategy%20for%20Southern%20Africa%202019%E2%80%932023%20_15Apr19_11.pdf

- Strategic objective 8: Strengthen migration management at borders across the region to facilitate safe, orderly and regular cross-border mobility.

6.3 World Bank

6.3.1 Southern Africa TB in the Mining Sector Initiative (2012-2018)¹⁸⁹

In 2012, the SADC Declaration on TB in the Mining Sector was signed by 15 Southern African heads of state to combat the TB epidemic in the region's mining sector. The 2015 SADC Code of Conduct on TB in the Mining Sector operationalised the Declaration. A Framework for the Harmonized Management of TB in the Mining Sector was signed in 2014 with ministries of health in Eswatini, Lesotho, Mozambique, and South Africa. The project was led by the WB's South Africa Knowledge Hub and partners included the World Bank, the Global Fund, the Stop TBH Partnership, UK-DFID, the Chamber of Mines and five gold mining companies. A recent publication on the project discusses the partnership's objectives, activities and results and presents five case studies of multisectoral partnerships that were implemented through this regional initiative to address TB in the mining sector in Southern Africa.¹⁹⁰ According to South Africa's Deputy Minister of Mineral Resources, they "make a clear case for strengthening and scaling up cross-border and cross-sector partnerships to address a regional crisis of this nature."¹⁹¹

6.4 UNHCR

UNHCR (Geneva) funded a recent SAMP project on migrant and refugees working in the South African informal economy as part of its broader project on economic impacts of refugees in urban settings.¹⁹² UNHCR also earlier commissioned an evaluation of its xenophobia related programmes in Southern Africa which details the various programmes.¹⁹³

6.5 UNRISD

¹⁸⁹<https://www.worldbank.org/en/programs/the-southern-africa-tb-in-the-mining-sector-initiative>

¹⁹⁰Paul Osewe and Barry Kistnasamy, *Tuberculosis Must Fall! A Multisector Partnership to Address TB in Southern Africa's Mining Sector* (Washington DC: World Bank, 2018).

¹⁹¹*Ibid.*, p. viii.

¹⁹²Jonathan Crush, Godfrey Tawodzera, Abel Chikanda and Daniel. *Living with Xenophobia: Zimbabwean Informal Enterprise in South Africa*. SAMP Migration Policy Series No. 77, Cape Town, 2017; Jonathan Crush, Caroline Skinner and Manal Stulgaitis, *Rendering South Africa Undesirable: A Critique of Refugee and Informal Sector Policy*. SAMP Migration Policy Series No. 78, Cape Town, 2017; Vanya Gastrow, *Problematizing the Foreign Shop: Justifications for Restricting the Migrant Spaza Sector in South Africa*, SAMP Migration Policy Series No. 80, Cape Town, 2018.

¹⁹³Jean Pierre Misago, Iriann Freemantle and Loren Landau, *Protection from Xenophobia: An Evaluation of UNHCR's Regional Office for Southern Africa's Xenophobia Related Programmes* (Pretoria: UNHCR, 2015).

UNRISD commissioned a report on obstacles to free movement within the Southern African region with a focus on labour migration.¹⁹⁴

6.6 UN-INSTRAW

UN-INSTRAW commissioned a gender analysis of migration and remittances in Lesotho as part of its global project on remittances, gender and development.¹⁹⁵

6.7 UN-ECA

ECA's migration programme is focused at the continental scale and is directed by the High Level Panel on Migration in Africa (HLPM) which commissioned a report for the African Regional Consultative Meeting on the Global Compact on Migration.¹⁹⁶ At least four technical reports commissioned by the HLPM were due for publication in February 2020.¹⁹⁷

6.8 UNCTAD

UNCTAD's 2018 Report on Economic Development in Africa focused on the theme of migration for structural transformation.¹⁹⁸ Chapter 3 provides an overview of contemporary labour migration across the continent.

6.9 UKAID/SAMP

Gender has generally been overlooked except as a “cross-cutting” issue in many projects despite its central importance to regional labour migration in Southern Africa. UKAID commissioned a stocktaking and extended report on migration, development and inclusive growth from a gender lens which based on various international and regional instruments and commitments identified several priority areas for migration programming in Southern Africa going forward:

- Building a Gendered Knowledge Base on Labour Migration

¹⁹⁴Belinda Dodson and Jonathan Crush, *Migration Governance and Migrant Rights in the Southern African Development Community (SADC): Attempts at Harmonization in a Disharmonious Region*. Research Paper 2015-3, United Nations Institute for Social Development (Geneva, 2015).

¹⁹⁵Jonathan Crush, Belinda Dodson, John Gay and Clement Leduka, *Gender and Remittances: Creating Gender-Responsive Local Development: The Case of Lesotho*. Report for INSTRAW, Santa Domingo, 2010.

¹⁹⁶Hein de Haas, *Situation Analysis: Patterns, Levels and Trends of African Migration*, Report for UN Economic Commission for Africa and IOM, Addis Ababa, 2017;

¹⁹⁷UN-ECA HLMP Technical Reports scheduled for 2020: *African Migration: Normalizing the African Migration Narrative*; *African Migration: Governance, Frameworks and Human Rights*; *Migration: Regional Integration and Development in Africa*; *African Migration: Narratives and Perspectives*.

¹⁹⁸UNCTAD, *Economic Development in Africa Report 2018: Migration for Structural Transformation* (New York: UN Publications, 2018).

- Protecting Female Migrants in Domestic Work
- Maximizing Remittance Impacts for Women Migrants
- Enhancing Female Migrant Entrepreneurship
- Deploying Diaspora Skills for Women/Youth Empowerment

The report is one of very few policy-oriented exercises with an explicit focus on the gendered dimensions of labour migration in Southern Africa.¹⁹⁹

7 Work on Labour Migration by Non-State Actors

7.1 Trade Unions

The trade union movement, through the Southern African Trade Union Coordinating Congress (SATUCC), has taken a keen interest in labour migration issues at a regional level. In a document titled, “Developing a Cohesive and Transformative Labour Migration Policy Framework for SADC”, SATUCC makes the following statement:

SATUCC needs to contribute towards the development and implementation of a comprehensive regional migration system and policies, while simultaneously strengthening its own capacities, competencies and coordination mechanisms in order to strengthen its ability to positively influence migration and labour related policy outcomes at regional level. There is huge scope for SATUCC and its affiliates in five key areas, namely to (i) undertake evidence-based research and analysis on emerging trends on labour migration; (ii) invest in capacity development through education, training and conscientisation on labour migration; (iii) strengthen its advocacy and engagement at regional and national level on ratification and domestication of the relevant labour migration instruments; (iv) strengthen networks on labour migration for sharing data and information on emerging trends and possible strategies to address emerging challenges for trade unions regarding labour migration; and (v) strengthen institutional capacities for development of bilateral or multi-lateral trade union agreements on labour migration, including revision and reform of trade union constitutions and structures to include migrant workers.²⁰⁰

SATUCC’s interest in engaging with labour, including migration issues, is reflected in a Concept Note to establish a SADC Labour Research Centre of Excellence that was submitted to the SADC Employment & Labour Sector (ELS) meeting in Windhoek, Namibia in March 2019. While not specifically about migration, the proposed SADC Labour Research Centre of Excellence could provide an important facility to conduct research on labour migration that

¹⁹⁹Jonathan Crush, Belinda Dodson, Vincent Williams and Daniel Tevera, *Harnessing Migration for Inclusive Growth and Development in Southern Africa*. SAMP Special Report, Waterloo, 2017

²⁰⁰Southern Africa Trade Union Co-ordination Council (SATUCC) “Regional Research on Migration, “Developing a Cohesive and Transformative Labour Migration Policy Framework for SADC” (no publication).

would form the basis of policy development in States, individually and collectively. SATUCC proposes the following as the objectives of the Research Centre:

- Carry out evidence-based and demand-driven policy labour research for the SADC region;
- Develop well-grounded and sustainable labour and employment policies for the SADC region;
- Develop and maintain uniform SADC monitoring metadata requirements for tracking and sharing data and information on the tracking of decent work indicators in the context implementation of the SADC protocol on labour and employment; and,
- Develop and maintain an open data portal and electronic database on labour market information in the SADC region within the context of tracking and monitoring SDG Goal 8 on the promotion of an inclusive and sustainable economic growth, employment and decent work for all.

SATUCC notes in its report that only a few of its affiliates have been directly engaged in activities pertaining to labour migration and the protection of migrant workers (see Table 33). However, between 2015 and 2018, SATUCC developed a “Strengthening National Campaigns on Ratification and Implementation of SADC Employment & Labour Protocol” that involved all its affiliated national trade union organisations.

Table 33: SATUCC Affiliates Engaged in Labour Migration Activities

Country	Trade union	Actions
Botswana	BFTU	Plans underway to convene a meeting for migrants to sensitize them on joining trade unions. Plans in place to develop a migration policy for the federation.
Zimbabwe	ZiCTU	ZiCTU has a focal person on labour migration. ZiCTU participated in the development of the policy including the validation meetings.
Zambia	ZaCTU	Undertook activities on labour migration. Have a focal person on labour migration.
Seychelles, Madagascar, S, Comoros, Reunion, Mauritania, Mayotte	Trade Union centres	In 2015 ACTRAV, the ILO Country Office in Madagascar and the ILO Pretoria Office undertook a two-day training workshop on labour migration to sensitize and train unionists to the protection of migrant workers from a Decent Work and Fair Migration perspective.

7.2 Private Sector

Private sector inputs and interests in labour and labour migration policy issues at the level of SADC is facilitated through the SADC Private Sector Forum (SPSF). While the SPSF is not directly engaged in any specific initiatives pertaining to labour migration, they represent private sector interests in the tri-partite SADC Employment and Labour Sector (SADC-ELS) and have thus been involved in all the high-level discussions and agreements facilitated by the SADC-ELS, including the SADC Draft Labour Migration Policy Framework and the SADC Labour

Migration Action Plan. Importantly, however, on the 12th of June 2020, the SPSF launched a web-based SADC Labour Law Guide via a regional online event. An ILO initiative, this guide provides extensive information about labour laws in all the SADC Member States, including sections on fundamental rights, minimum standards, social security and so on.²⁰¹

The South African mining industry has been the major private sector employer of migrant workers in Southern Africa since the late 19th century. In the post-apartheid period, there has been a steady decline in numbers and little recruiting of new workers. TEBA (the mine recruiting organization) has made data available on the numbers of mineworkers in South Africa from other SADC countries in the past and may still be willing to do so at cost. Available TEBA data (obtained for another project) shows that the numbers have more than halved from 120,000 in 2003 to 43,000 in 2018. In the 1970s, the numbers were over 300,000 leaving a massive legacy of ex-miners with occupational disease that has had to be addressed.

Table 34: Number of Mineworkers on Contract in South Africa, 2006-2018

Year	Botswana	Eswatini	Lesotho	Mozambique	Total
2003	4,204	7,970	54,479	53,829	120,482
2004	3,924	7,598	48,962	48,918	109,402
2005	3,264	6,993	46,049	46,975	103,281
2006	2,992	7,123	46,078	46,706	102,889
2007	2,845	7,099	45,608	44,879	100,431
2008	2,654	6,397	42,851	43,004	94,906
2009	2,357	5,855	38,559	39,090	85,861
2010	1,800	5,009	35,179	35,782	77,770
2011	1,783	4,779	34,583	34,940	76,085
2012	1,527	4,485	30,519	31,596	68,127
2013-2015	N/A	N/A	N/A	N/A	N/A
2016	957	3,215	22,704	23,108	49,984
2017	840	2,926	21,234	22,075	47,075
2018	762	2,712	19,410	20,359	43,234

One of the consequences of mine closures, retrenchments and the downsizing of the migrant labour force has been an upsurge in so-called “illegal mining” of gold in shuttered mines. The South African Human Rights Commission advocates for the alternative term “unregulated artisanal mining” in its commission of enquiry into the industry.²⁰² Migrants from Lesotho, Mozambique and Zimbabwe, in particular, are known to participate in this dangerous and unregulated sector. The number of migrants involved is unknown although the Minerals Council

²⁰¹ <https://www.sadclabourlawguide.spsf.org.bw/country/>

²⁰² South African Human Rights Commission, *Report of the SAHRC Investigative Hearing: Issues and Challenges in Relation to Unregulated Artisanal Underground and Surface Mining Activities in South Africa* (Braamfontein: SAHRC, 2015). At: <https://www.sahrc.org.za/home/21/files/Unregulated%20Artisanal%20Underground%20and%20Surface%20Mining%20Activities%20electronic%20version.pdf>

estimates that it is in the “many thousands”.²⁰³ Another project funded by the EU puts the number at 30,000.²⁰⁴ Control and elimination of the practice is a major aim of the Minerals Council who are working with the Department of Mineral Resources, UNODC and UNICRI on the issue.

7.3 NGOs

Both COMESA and SADC have a mechanism that provides for ongoing engagement and consultations with non-governmental organisations in the development of regional policies and initiatives. In the case of COMESA, NGOs are required to register to attend COMESA events, including Secretariat briefings, Ministerial conferences and other public events. In addition, The COMESA’s Information and External Relations Division has a team dedicated to working with NGOs. Since 2001, the COMESA Public Forum (previously known as the Public Symposium), has been the main legal channel for NGO participation in COMESA.

In SADC, the SADC Council of NGOs (SADC-CNGO) is a regional umbrella body of NGOs operating in all SADC countries with the aim of facilitating effective and meaningful engagement between civil society and SADC institutions at both national and regional levels. Cooperation between the SADC Secretariat and SADC-CNGO is within the framework of a Memorandum of Understanding signed between the two organisations, which has seen the SADC-CNGO participating in several SADC processes including the development of a SADC mechanism for engagement with Non-State Actors.

Within country, especially in South Africa, there are a large number of NGOs who have programs targeted at labour migrants including advocacy, legal support, immigration advice services, capacity-building, rights protection, and research. Prominent NGOs working in the field at the present time include: the Scalabrini Centre of Cape Town,²⁰⁵ the Consortium for Refugees and Migrants in South Africa (CoRMSA),²⁰⁶ Lawyers for Human Rights,²⁰⁷ Amnesty International,²⁰⁸ Africa Unite²⁰⁹ and MSF (Doctors Without Borders). There are also a growing number of diaspora and other migrant associations, such as the African Diaspora Forum, active in supporting their members in various ways.²¹⁰

7.4 Migration Research Programmes

²⁰³ <https://www.mineralscouncil.org.za/work/illegal-mining>

²⁰⁴ Alan Martin, “Uncovered: The Dark World of the Zama Zamas” ENACT Policy Brief, Pretoria, 2019.

²⁰⁵ <https://scalabrini.org.za/>

²⁰⁶ <https://www.cormsa.org.za/>

²⁰⁷ <https://www.lhr.org.za/>

²⁰⁸ <https://www.amnesty.org/en/countries/africa/sub-regions/southern-africa/>

²⁰⁹ <https://www.africaunite.org.za/>

²¹⁰ <https://www.adf.org.za/index.php>

The amount of research on labour migration in Southern Africa has grown exponentially in the last decade. While we have compiled a bibliography of all sources as part of the stocktaking they are too numerous to detail in this report. While this body of research provides valuable insights into migrant motivations and experiences, it is characterised by (a) a very strong focus on migrants in South Africa and the South-Africa Zimbabwe corridor; and (b) reliance on very small sample sizes and qualitative methodologies. For this report we therefore scoped those projects and programmes of research that are survey-based and employ larger sample sizes with some degree of representativeness (Table 35). Very few of these research programmes put their survey data into the public domain. This data could be very useful for the proposed SAMM Regional Migration Hub which could be a repository for the data if it has the requisite capacity.

Table 35: Research on Labour Migration

Organization	Project	Year Completed	Sample Size	Reports/Outputs
Southern African Migration Programme (SAMP)	Migrants in Countries in Crisis (MICIC): Zimbabweans in South Africa	2017	Survey: 304 In-Depth (ID): 46 Key Informants (KI): 24	https://samponline.org/outputs-of-migrants-in-countries-in-crisis/
	Migration for Inclusive Growth & Development in Southern Africa	2017	KI: 60	https://samponline.org/outputs-of-harnessing-migration-for-inclusive-growth-and-development-in-southern-africa/
	Growing Informal Cities: Migrant Entrepreneurship in Informal Sector	2016	Survey: 1181 ID: 30 KI: 15	https://samponline.org/outputs-of-growing-informal-cities-gic-project/
	Food Insecurity of Zimbabwean Migrants in South Africa	2016	Survey: 500 ID: 50 FG: 10	https://samponline.org/outputs-of-food-insecurity-of-zimbabwean-migrants-in-south-african-cities/
	Diaspora Engagement for Development	2015	Survey: 2439	https://samponline.org/outputs-of-diaspora-engagement-for-development/
	Migration of Highly-Trained Health Professionals	2015	Survey: 1383	https://samponline.org/outputs-of-the-migration-of-highly-trained-health-personnel/
	Migration & Reconstruction in Zimbabwe	2015	ID: 100 (S Africa) ID: 202 (Botswana) FG: 10 (S Africa)	https://samponline.org/outputs-of-cross-border-migration-in-the-reconstruction-and-development-of-zimbabwe/
	Xenophobia in Southern Africa	2015	Survey: 2400	https://samponline.org/outputs-of-the-politics-of-xenophobia-in-southern-africa/
	Migration &	2012	Survey: 4500	https://samponline.org/wp-

	Remittances Survey (MARS)			content/uploads/2016/10/Acrobat44.pdf https://samponline.org/wp-content/uploads/2016/10/Acrobat52.pdf
Migrating Out of Poverty Research Consortium	Zimbabwean Migrations	2018	Survey: 1,146 households	http://www.migratingoutofpoverty.org/files/file.php?name=wp64-nyikahadzo-et-al-2019-incomes-remittances-and-implications-for-the-welfare-of-sending-households-in-zimbabwe.pdf&site=354 http://www.migratingoutofpoverty.org/files/file.php?name=2018-19-11-cass-enhancing-the-welfare-of-migrant-sending-households-in-zimbabwe-ir.pdf&site=354
	Migration Drivers and Zimbabwean Migration	2018	Survey: 1193 Zimbabwe households (2015)	http://www.migratingoutofpoverty.org/files/file.php?name=wp53-litchfield-2018-drivers-of-intra-regional-and-inter-regional-migration-in-africa.pdf&site=354 http://www.migratingoutofpoverty.org/files/file.php?name=wp29-dzingirai-et-al-2015-migrating-out-of-poverty-in-zimbabwe.pdf&site=354
African Centre for Migration and Society (ACMS)	Economic, working conditions and vulnerabilities of female sex workers in Johannesburg, Rustenburg and Cape Town	2017	Survey: 1,653 (758 cross-border migrants)	https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3895178/
	African Migrants in Johannesburg	2016	Survey: 842 (2006)	https://www.tandfonline.com/doi/abs/10.1080/00220388.2015.1098628
	Xenophobia in South Africa	2015	ID: 105 FG: 2	https://www.unhcr.org/55cb153f9.pdf
	Regulating Somali Informal Trade in Cape Town	2015	ID: 147 KI: 41	http://www.migration.org.za/wp-content/uploads/2017/08/lawless-regulation.pdf http://www.migration.org.za/wp-content/uploads/2017/08/Somalinomics-A-case-study-of-the-economics-of-Somali-informal-trade-in-the-Western-Cape.pdf
	Migrant Workers in Musina	2012	ID: 100 FG: not specified KI: 15 + 11	http://www.migration.org.za/wp-content/uploads/2017/08/We-have-to-go-into-the-bushUnderstanding-the-responses-of-NGOs-and-government-in-addressing-conditions-faced-by-cross-border-migrant-workers-in-Musina..pdf
	Zimbabwean Documentation Process in South Africa	2011	Survey: 905	http://www.migration.org.za/wp-content/uploads/2017/08/The-Zimbabwean-Documents-Process-Lessons-Learned.pdf

	Migration and Construction Industry in Johannesburg	2010	Survey: 120 ID: 15	http://www.migration.org.za/wp-content/uploads/2017/08/Migration-and-Employment-in-the-Construction-Industry.pdf
	Vulnerability and Mobility in Johannesburg	2010	Survey: 2028 (2010)	http://www.migration.org.za/wp-content/uploads/2017/08/Vulnerability-Mobility-and-Place.pdf
Afrobarometer	Xenophobia and Public Attitudes to Migration in South Africa	2020	Surveys: 1800 (2018); 2400 (2016); 4900 (2015); 2400 (2010, 2013)	https://afrobarometer.org/sites/default/files/publications/Dépêches/ab_r7_dispatchno360_south_africans_question_integration_of_immigrants_and_refugees.pdf https://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r6_dispatchno72_south_africa_immigration1.pdf https://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r6_dispatchno44_xenophobia_in_south_africa.pdf https://afrobarometer.org/sites/default/files/publications/Briefing%20paper/afrobrieffno112_2.pdf https://afrobarometer.org/sites/default/files/publications/Briefing%20paper/AfrobrieffNo82.pdf
Cape Peninsula University of Technology	Migrant Street Vendors in Cape Town	2013	Survey: 208	https://www.mcser.org/journal/index.php/mjss/article/view/198/183
Finmark Trust	Remittance Corridors in the DRC	2018	Survey: 105	http://www.finmark.org.za/wp-content/uploads/2018/06/DRC-Remittances_Final-English_25-May-2018.pdf
	Remitting Patterns of Zimbabweans in Botswana	2018	FG: 10 (98 participants)	http://finmark.org.za/wp-content/uploads/2019/02/Understanding-remittances-from-Botswana-to-Zimbabwe_July2018.pdf
	Impact of Remittances in Lesotho, Malawi and Zimbabwe	2016	Survey: 60 FG: 6 (South Africa) ID: 94	http://www.finmark.org.za/wp-content/uploads/2017/06/the-impact-of-remittances-in-lesotho-malawi-and-zimbabwe.pdf
HSRC	South African Social Attitudes Survey (SASAS)	2020	Survey: 3500-7000 (per wave)	https://scholar.google.com/citations?hl=en&user=vhjHphAAAAAJ&view_op=list_works&sortby=pubdate#d=gs_md_cita-d&u=%2Fcitations%3Fview_op%3Dview_citation%26hl%3Den%26user%3DvhjHphAAAAAJ%26sortby%3Dpubdate%26citation_for_view%3DvhjHphAAAAAJ%3ABrmTIyaxlBUC%26tzom%3D240
Socio-Economic Rights Institute/SERI	Informal Traders in Johannesburg	2015	ID: 89 FG: 2	http://www.seri-sa.org/images/Seri_informal_traders_report_FINAL_FOR_SIGN_OFF_2.pdf
UNISA	Zimbabweans in Johannesburg	2015	Survey: 4000+	https://scholar.google.com/citations?hl=en&user=mrYAXAsAAAAAJ&view_op=list_works&sortby=pubdate#d=gs_md_cita-d&u=%2Fcitations%3Fview_op%3Dview_cita

				ion%26hl%3Den%26user%3DmrYAXAsAAAJ%26cstart%3D20%26pagesize%3D80%26sortby%3Dpubdate%26citation_for_view%3DmrYAXAsAAAJ%3AqxL8FJ1GzNcC%26tzom%3D240https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-2435.2012.00746.x
WIEGO	Informal Economy Monitoring Study	2013	Survey: 600 FG: 60	https://www.wiego.org/sites/default/files/publications/files/IEMS-Durban-Street-Vendors-City-Report-English.pdf
GCRO	Quality of Life Study	2018/19 (last wave)	Survey: 24,899	https://gcro.ac.za/m/documents/gcro_data_brief_informal_sector_enterprise_and_employment.pdf
North-West University	Migrant Day Labourers in South Africa	2017	Survey: 242 (2004) 335 (2007) 290 (2015)	https://www.researchgate.net/publication/318928162_Migrant_day_labourers_in_South_Africa_worker_centres_and_the_regulation_of_informality https://onlinelibrary.wiley.com/doi/abs/10.1002/psp.2119
Good Governance Africa (GGA)	Informal Economy and Enterprise Development in Ghana and South Africa	2019	Survey: 1093 (South Africa)	https://gga.org/wp-content/uploads/2019/06/OSISA-INFORMAL-ECONOMIES-STUDY-240519.pdf
UWC/UJ	Day Labour, Informality and Vulnerability in South Africa	2015	Survey: 3,830	https://escholarship.org/content/qt66b0b3kd/qt66b0b3kd.pdf?t=oix5rv
Sustainable Livelihoods Foundation	Township Economies in Namibia and South Africa	2020	Survey: 2016: 270 (Namibia) 2008: 133 (Namibia) 2019: 265 (Delft)	http://livelihoods.org.za/wp-content/uploads/2020/07/Township-Economy-Series-6.pdf
	Informal Economy Studies	2020	Surveys: Delft (879 in 2010, 1485 in 2015); Philippi (313 in 2020); Uitenhage (2000 in 2018) ID: 298 (Delft in 2010) 129 (in 2015)	
Society, Development and Work	Vulnerable Workers in Security,	2012	Survey: 2753 (2009)	Society, Work and Development Institute. (2012) Decent Work and Development: The decent work deficit challenge in Gauteng.

Institute, Wits University	Agriculture and Hospitality Sectors in Gauteng			Prepared for the Gauteng Department of Economic Development. Johannesburg: University of Witwatersrand.
	Decent Work and Development Initiative	2016	Survey: 1206 (Uses some material from above survey) ID: 39 KI: 16	http://pdj.sagepub.com/content/16/2/203.short
University of Hare	Remittances and Receiving Households in Zimbabwe	2017	Survey: 159 ID: 10 KI: 5	https://scholar.google.co.za/citations?hl=en&user=WQ4UnWcAAAAJ&view_op=list_works&sortby=pubdate#d=gs_md_cita-d&u=%2Fcitations%3Fview_op%3Dview_citation%26hl%3Den%26user%3DWQ4UnWcAAAAJ%26sortby%3Dpubdate%26citation_for_view%3DWQ4UnWcAAAAJ%3AHoB7MX3m0LUC%26tzm%3D240 http://vital.seals.ac.za:8080/vital/access/manager/Repository/vital:11957?site_name=GlobalView&exact=sm_creator%3A%22Nzima%2C+Divane%22&sort=sort_ss_title%2F
University of Free State	African Migrant Women in six South African cities	2019	Survey: 332	https://www.researchgate.net/publication/335752403_Job_Market_Perceptions_of_African_Migrant_Women_in_South_Africa_as_an_Initial_and_Long-Term_Coping_and_Adaptation_Mechanism
	Survival and Livelihoods of Zimbabwean Women in South Africa	2019	Survey: 187	http://africamigration.com/issue/july2019/NCU BE BAHTA JORDAAN Issue 10.pdf
Arizona State University	Gender, Male Out-Migration and Children's Health in Rural Southern Mozambique	2014	Survey: 1,772 (2009) 2,039 (2011)	https://repository.asu.edu/attachments/134763/content/SoaresLuz_asu_0010E_13604.pdf (also uses 2006 survey data from the above study)

Greater use of big data in analysing migration flows and characteristics has recently been advocated by several organizations and researchers.²¹¹ Case studies from other regions have used LinkedIn, Twitter and Facebook's Advertising Platform Data to estimate migration stocks

²¹¹IOM, "Big Data and Migration: How Data Innovation Can Serve Migration Policy Making". IOM Data Bulletin 5, Berlin at <https://gmdac.iom.int/data-bulletin-5-big-data-and-migration>; Cloé Gendronneau et al., Measuring Labour Mobility and Migration Using Big Data (Brussels: European Commission, 2019) at <https://ingmarweber.de/wp-content/uploads/2019/12/Measuring-Labour-Mobility-and-Migration-Using-Big-Data.pdf>; Alina Sîrbu et al. "Human Migration: The Big Data Perspective." *International Journal of Data Science Analysis* (2020) at <https://doi.org/10.1007/s41060-020-00213-5>

and flows.²¹² In Southern Africa, where the use of these social media platforms by labour migrants is likely more limited, cellphone usage records may be more useful. Such geospatial data has recently been used to monitor mobility within and from Chinese cities during COVID-19 and to predict internal migration flows in Namibia.²¹³ In the later case, MTC supplied researchers with a database with 72 billion anonymized call detail records (CDRs) to track migration. Access to similar regional data sets from call providers could be an invaluable tool in future.

8 Social Protection

The need to develop and implement effective social security, and more broadly, social protection systems and mechanisms remains high on the agenda of the Member States of COMESA, the IOC and SADC, individually and collectively. The concerns with high levels of poverty, unemployment and significant under-development are reflected in many of the Poverty Alleviation and/or Development Plans and in regional and national frameworks, strategies and policies. Most individual States have some form of social security, but this is uneven with some countries having developed much more comprehensive and advanced systems, whereas others only provide very basic social security services. In addition, to the extent that social security systems are in place and functioning, they are often only accessible to individuals in the formal economy (and by extension their families), but given the large proportion of individuals and families who do not participate in the formal economy (unemployed, informal traders, self-owned small and medium enterprises), the impact of social security and social protection systems is significantly curtailed. In addition, to the extent that social security and social protection systems exist and are functional, the impact is often limited to the confines of individual Member States and there is very little coordination or cohesion in terms of the cross-border applicability of social security and social protection systems. In the context of labour migration, this is an issue that has been identified and is referred to in several poverty alleviation strategies, labour migration frameworks and other instruments, but few substantive cross-border agreements and/or mechanisms for implementation (in cases where there are such agreements) exist.

²¹²B. State et al., “Migration of Professionals to the U.S.: Evidence from LinkedIn Data” In L. Aiello and D. McFarland (eds.) *Social Informatics* (Cham: Springer, 2014); Syridon Spyrtos et al “Leveraging Facebook’s Advertising Platform to Monitor Stocks of Migrants” *Population and Development Review* 43(2017): 721-734; Syridon Spyrtos et al. “Quantifying International Human Mobility Patterns Using Facebook Network Data” *PLoS ONE* 14(10) (2019): e0224134; M. Mazzoli et al. “Migrant Mobility Flows Characterized with Digital Data” *PLoS ONE* 15(3) (2020): e0230264; Joao Palotti et al. “Monitoring of the Venezuelan Exodus Through Facebook’s Advertising Platform” *PLoS ONE* 15(2) (2020): e0229175.

²¹³Taiyang Zhong, Zhenzhong Si and Jonathan Crush, “Mobility Controls and Urban Food Policy Responses to COVID-19 in China” COVID-19 and Food Security Research Brief No 2, Hungry Cities Partnership, 2020 at <https://hungrycities.net/covid-19-and-food-security-publications/>; Shengjie Lai et al, “Exploring the Use of Mobile Phone Data for National Migration Statistics” *Palgrave Communications* 5:34 (2019) at <https://www.nature.com/articles/s41599-019-0242-9>

8.1 ILO Convention 102 - Social Security (Minimum Standards) Convention, 1952 (No. 102)

With the exception of the Democratic Republic of the Congo, no other COMESA, IOC or SADC Member State has ratified this convention.

8.2 SADC

As a sub-regional entity, SADC has various instruments that identify the need for agreement and enhanced cooperation and coordination in the cross-border development and implementation of social security and social protection systems and mechanisms, including its applicability to migrant workers. In addition to the four instruments discussed above (Draft Labour Migration Policy, Draft Labour Migration Action, Decent Work Programme and Protocol on Employment and Labour), there are several other instruments that directly or indirectly address social security and social protection in the SADC region. These are briefly discussed below:

8.2.1 *Relevant Instruments*

Regional Indicative Strategic Development Plan (RISDP)

The RISDP is the regional framework that serves as a guide for regional and national strategies and interventions to address poverty and under-development. The Plan emphasizes the need for partnerships between SADC Member States and broadly identifies the following measures to address the challenges of poverty and under-development in the region:

- Implementing people-centred policies on sustainable human and Economic Development;
- Enhancing productive capacities of Member States and the region;
- Enhancing income-earning opportunities for the poor;
- Creating socio-economic and political conditions that favour poverty eradication;
- Addressing inequalities, marginalisation and vulnerabilities that perpetuate poverty; and
- Confronting the global imbalances and policies that hinder the situation of the majority of poor countries.

Regional Poverty Reduction Framework

The Regional Poverty Reduction Framework elaborates on the RISDP and identifies more targeted strategies and interventions to address the challenges related to poverty. Cross-border issues are more prevalent in the Poverty Reduction Framework with the intention to facilitate complementarity between national and regional strategies and interventions. In broad terms, the Poverty Reduction Framework calls for regional cooperation in the development and implementation of measures that:

- Promote the positive impact of regional trade on the poor especially activities dominated by the poor (small scale and informal cross border trade, micro and informal finance; craft and related industries);

- Invest in regional infrastructure that open opportunities for the poor (access roads to areas occupied by the poor; access to affordable energy by the poor; ICT connectivity for the poor; water and sanitation for the poor);
- Build institutional capacity for development and coordination of regional programmes that benefit the poor (integrating and mainstreaming pro poor interventions in all regional programmes);
- Invest in human capital (education and training as well as skills development at artisan level); and
- Promote regional cooperation in the provision of regional public goods that benefit the poor.

Charter of Fundamental Social Rights in SADC

The Charter of Fundamental Social Rights in SADC is a binding instrument that was adopted and entered into force in 2003. The broad objectives of the Charter are to:

- Ensure the retention of the tripartite structure of the three social partners, namely: governments, organisations of employers and organisations of workers;
- 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;
- Promote labour policies, practices and measures, which facilitate labour mobility, remove distortions in the labour market and enhance industrial harmony and increase productivity in Member States;
- Provide a framework for regional cooperation in the collection and dissemination of labour market information;
- Promote the establishment and harmonization of social security schemes;
- Harmonise regulations relating to health and safety standards at workplaces across the Region; and
- Promote the development of institutional capacities as well as vocational and technical skills in the Region.

With specific reference to Social Protection (Article 10) and its applicability to migrant workers, the Charter states that:

- Member States shall create an enabling environment so that every worker in the Region shall have a right to adequate social protection and shall, regardless of status and the type of employment, enjoy adequate social security benefits.
- Persons who have been unable to either enter or re-enter the labour market and have no means of subsistence shall be entitled to receive sufficient resources and social assistance.

*Code on Social Security in the SADC*²¹⁴

The Code on Social Security in the SADC is a non-binding agreement that provides strategic direction and guidelines to SADC Member States in the development, implementation and monitoring of social security systems. It covers a wide range of social security issues, including health care, retirement and old age, unemployment and under-employment, as well as basic social rights, such as education and housing. Specifically, in terms of migrants, foreign workers and refugees, the Code provides for the following:

- Member States should work towards the free movement of persons. Immigration controls should be progressively reduced;
- Member States should ensure that all lawfully employed immigrants are protected through the promotion of the following core principles. These principles should be contained in both the national laws of Member States and in bi- or multilateral arrangements between Member States;
- Migrant workers should be able to participate in the social security schemes of the host country;
- Migrant workers should enjoy equal treatment alongside citizens within the social security system of the host country. There should be an aggregation of insurance periods and the maintenance of acquired rights and benefits between similar schemes in different Member States;
- Member States should ensure the facilitation of exportability of benefits, including the payment of benefits in the host country;
- Member States should identify the applicable law for purposes of the implementation of the above principles;
- Member States should ensure coverage of self-employed migrant workers on the same basis as employed migrants. Illegal residents and undocumented migrants should be provided with basic minimum protection and should enjoy coverage according to the laws of the host country; and
- The social protection extended to refugees should be in accordance with the provisions of international and regional instruments.

SADC Cross Border Portability of Accrued Social Security Benefits Framework of 2016

In May 2016 SADC published a draft policy framework titled SADC Cross Border Portability of Accrued Social Security Benefits Framework of 2016. The framework makes reference to several international labour standards instruments as well as the relevant SADC frameworks and policies discussed above, and has the following as its general principles:

- Recognition and respect for the equality of all Member States;
- Respect for fundamental and basic human rights enshrined in international, regional and national legal instruments;

²¹⁴ https://www.sadc.int/files/2513/5843/3198/Code_on_Social_Security_in_SADC.pdf

- Recognition that labour is not a commodity and that decent work and social security can contribute to economic development, poverty eradication and the improvement of the standard and quality of life in the SADC Region; and
- Recognition of the challenges of precarious employment, underemployment and unemployment; and the need to promote decent employment as a priority in the SADC Region.

The specific objectives of this Framework are to:

- Provide mechanisms to enable workers moving within and outside the SADC Region to keep the social security rights which they have acquired under the legislation of the one Member State;
- Ensure that workers in the SADC Region enjoy equal rights under the social security legislation of the Member States;
- Provide a regional platform for the progressive coordination and integration of social security systems in the SADC Region; and
- Contribute towards the improvement of the standard of living and conditions of employment of persons in the SADC Region.

Section 6 of the framework provides for equality of treatment with nationals, as follows:

- Each Member State will grant within its territory to the nationals of any other Member State equality of treatment under its legislation with its own nationals, both as regards coverage and as regards the right to benefits.
- In the case of survivors' benefits, such equality of treatment will also be guaranteed to the survivors of persons who have been subject to the legislation of one or more Member States, irrespective of the nationality of such persons, where their survivors are nationals or residents of a Member State residing in one of the Member States.
- Benefits payable under the legislation of one or more Member States will not be subject to any reduction, amendment, suspension, withdrawal or confiscation on account of the fact that the primary beneficiary or his/her survivors reside in a Member State other than in which the competent institution responsible for providing benefits is situated.

Importantly, the framework has the provisions that it is the responsibility of individual Member States to develop policies and legislation to give effect to the provisions of the framework and that “all matters related to the implementation of this Framework will be decided by consensus among Member States”.

Guidelines on the Portability of Social Security Benefits in SADC

Following the adoption of the Cross-Border Portability of Accrued Social Security Benefits Framework as discussed above, a set of guidelines was published to facilitate the drafting of national policies and to enhance cooperation between SADC Member States. The guidelines provide for the following objectives and scope of application:

OBJECTIVES

- (a) providing for the coordination of social security systems so as to ensure that workers moving within the SADC Region can maintain their social security rights which they have acquired under the legislation of two or more Member States, or enjoy corresponding rights under the legislation of another Member State;
- (b) making provision for the equality of treatment of nationals and migrant workers under the social security legislation of the Member States;
- (c) establishing rules for determining the applicable legislation governing the rights of social security of a worker at any given point in time to avoid conflict of laws;
- (d) making arrangements for aggregation of insurance periods completed under the legislation of the Member States for the purpose of determining the right to receive a benefit;
- (e) providing for the portability of benefits and payment of benefits abroad; and
- (f) contributing to the improvement of the cross-border payment of social security benefits in the SADC Region.

MATERIAL SCOPE

- (a) the Guidelines apply to those of the following branches of social security for which a Member State has legislation in force:
 - (i) Invalidity benefits;
 - (ii) Retirement benefits;
 - (iii) Survivors' benefits;
 - (iv) Occupational injury and diseases benefits;
 - (v) Family benefits;
 - (vi) Maternity benefits;
 - (vii) Health insurance benefits;
 - (viii) Sickness benefits; and
 - (ix) Unemployment benefits.
- (b) the Guidelines apply to all general social security schemes, as well as to schemes consisting of obligations imposed on employers by legislation in respect of occupational injury and disease.
- (c) when concluding bilateral or multilateral agreements implementing these guidelines, each Member State needs to provide a list of social security legislation and regulations to which the Guidelines apply.
- (d) the Guidelines apply to only the aforementioned legislation and regulations as provided by the Member States.
- (e) each Member State will give notice of any amendment to the list (referred to in (c) above) as a result of the adoption of new legislation. Such notice will be given within three months of the date of publication of such legislation.

PERSONAL SCOPE

RECOGNISING the importance of access to social security and the portability of social security benefits to migrant workers and their families in SADC. MEMBER STATES AGREE that the Guidelines apply to:

- (a) migrant workers, including the self-employed, who are or have been subject to the social security legislation of one or more Member States.
- (b) the survivors of persons who have been subject to the social security legislation of one or more Member States, irrespective of the nationality of such persons, where the survivors are nationals or resident in one of the Member States.

EQUAL TREATMENT

RECOGNISING the importance of the principles of non-discrimination and equality of treatment between nationals and non-nationals as regards the rights and obligations under the social security legislation of Members States.

MEMBER STATES AGREE that:

- (a) each Member State will grant to migrant workers from any other Member State within its territory equality of treatment with its own nationals under its social security legislation.
- (b) in the case of survivors' benefit, such equality of treatment shall be guaranteed to the survivors of persons who have been subject to the legislation of one or more Member States, irrespective of the nationality of such persons, or whether the survivors are nationals or residents of a Member State.

In terms of incorporating these guidelines into national legislation and to ensure harmonization, the following mechanisms are proposed:

- (a) Competent institutions responsible for social security will be the primary institutions responsible for implementation of the Guidelines, working through structures and mechanisms as may be agreed upon by cooperating Member States;
- (b) SADC Committee of Ministers of Employment and Labour and Social Partners will be responsible for putting in place policy measures to support implementation of the Guidelines;
- (c) SADC Secretariat shall be responsible for coordinating the implementation of regional programmes that further the objectives of the Guidelines, including monitoring and reporting to the Committee of Ministers.

8.2.2 *Regional Projects*

*MIGSEC Project (2008-2010)*²¹⁵

²¹⁵ https://www.ilo.org/global/topics/labour-migration/projects/WCMS_200985/lang--en/index.htm

The main objective of the MIGSEC Project (titled “Strategies for extending social security to migrant workers and their families from and within Africa”) was to support governments of African countries to develop to national and regional approaches for the enhanced social protection of migrant workers and their families. Ten African countries were covered by this project and SADC countries included Mauritius, South Africa, Tanzania and Zambia. Through this broad task, efforts were made to strengthen existing social security programmes and their management in African countries. The project was carried out between September 2008 and December 2010. In collaboration with social partners (migrant employers’ and workers’ organizations), the project sought to (a) promote and develop stronger understanding of social security measures for migrant workers; (b) contribute to the development of social security agreements on migrant workers between countries and regions in the continent; (c) incorporate and expand social security provisions in temporary and circular labour migration programmes; (d) deepen regional arrangements for social security measures; and (e) promote voluntary insurance schemes for migrant workers in destination countries. Key activities included capacity-building and knowledge-building events for government officials and representatives of employers’ and workers’ organizations which also provided first-hand training on drafting cooperative agreements.²¹⁶ Key lessons:

- SADC countries showed strong support for the MIGSEC project in order to tackle various challenges associated with social security coverage for migrant workers in their regional setting.
- MIGSEC provided the foundation for the setting up of bilateral and multilateral agreements in Africa between countries and regions for pension portability between migrant workers’ countries of origin and destination.
- One of the key recommendations was that MIGSEC create a compendium of African experts on social security and migration to enhance project objectives.

Social Protection for Non-Citizens in the South African Development Community (2008-2012)

This project was implemented by the Institute for Social Law and Policy, North West University, South Africa, and produced the first comprehensive stocktaking of regional and national social protection policies affecting migrants and demonstrated the existence of many gaps in access to and portability of social protection benefits by migrants.²¹⁷

²¹⁶Marius Olivier, “Evaluation of the Prospects for the Conclusion of a Sub-Regional Multilateral Social Security Agreement: EAC and SADC” Report for the ILO/MIGSEC Project, 2009; Warren McGillivray, “Strengthening Social Protection for African Migrant Workers Through Social Security Agreements” ILO International Migration Paper No. 100, Geneva, 2010; F. Hempel, “Voluntary Insurance Provisions in National Social Security Schemes. Contribution to the MIGSEC Project Extending the Social Security Rights of African Migrant Workers” ESS Paper 26, International Labour Office, Geneva, 2010. Stanley A. Asangalisah, “Extending Social Security to African Migrant Workers and Their Families – RBSA Evaluation” ILO Office, Addis Ababa, 2012.

²¹⁷Marius Olivier, “Regional Overview of Social Protection For Non-Citizens In The South African Development Community (SADC)” SP Discussion Paper No. 0908, World Bank, Washington DC, 2009; Marius Oliver, “Political and Regulatory Dimensions of Access, Portability and Exclusion: Social

*Southern African Social Protection Experts Network (SASPEN)*²¹⁸

SASPEN is a group of multiple stakeholders, including scholars and practitioners involved with social-protection-focused research and work in the SADC region. This group has its origins in at a meeting of regional social security practitioners attended by executives, policy makers and academics from the SADC region. It led to the formation of the SADC Core Group of Social Security Experts which served as the initial advisory arm to SADC on matters of social protection. SASPEN was created in Johannesburg in May 2012 by the Friedrich Ebert Stiftung, which provided organisational and capacity support through the initial years of the network. According to the organization's website, SASPEN actively promotes the strengthening of social protection and social protection floor initiatives in the SADC region and beyond through research and other activities. It provides various opportunities for dialogue on social protection and helps to build greater awareness of these issues. Through its network format, it connects and brings together social protection experts and institutions and encourages discussion and reflection for policy-relevant change. It organizes regular workshops, seminars and other events along with opportunities for research on social protection and provides a wider circulation of such outputs among relevant stakeholders. Each year, SASPEN holds an international conference on social protection which brings together experts on this topic from SADC countries and beyond. Its 2014 Conference focused on 'Social Protection for Migrants in the SADC: Prospects, Vulnerability and Benefits across Borders'.²¹⁹ The theme of this year's conference is 'Social Protection and Social Services in the SADC Region: Agenda 2063 and Agenda 2030'. Latest activities involve web seminars on social protection, emergency responses to the COVID-19 pandemic and its effects on various migrant groups. Key SASPEN recommendations include:²²⁰

- There is a clear need for a common SADC formal framework of rules and mechanisms on social security for migrants.
- More precise statistics are needed on migrant employment and labour-related activities to assess their social security contributions and ways in which it can be expanded. Greater attention needs to be given to informal sector activities of migrants and other less-visible migrant categories such as seasonal farm labour and irregular migrants.

Security for Migrants, with an Emphasis on Migrants in Southern Africa" In R. Sabates-Wheeler and R. Feldman (eds.), *Migration and Social Protection: Claiming Social Rights Beyond Borders* (London: Palgrave Macmillan, 2011); Marius Olivier and Avinash Govindjee, "Social Protection Lessons from SADC for the Global South" In R. Modi (ed.), *South-South Cooperation* (London: Palgrave Macmillan, 2011).

²¹⁸<http://www.saspen.org/home/en/about-us/>

²¹⁹<http://www.saspen.org/home/en/conferences/migration/>;
http://www.saspen.org/conferences/migration2014/Olivier-Overview_PPT_FES-SASPEN-INT-CONF_Social-Protection-for-Migrants_Oct-29-30-2014.pdf

²²⁰Patrick Taran, "Extending Social Security to Migrants in Southern Africa" SASPEN Brief No. 1, Lusaka, 2015.

- Stakeholders need to address restrictions, challenges and impediments in extending social security to migrants guided by the principles of universality, equality of treatment, accessibility, portability, comprehensiveness, credibility and sustainability.
- Detailed social security country profiles are required as a first step which identify legal provisions, institutional structures, practices and programs that address or are able to positively affect the social security of migrant workers.
- Putting in place concrete measures that involve migrant workers (example, reimbursement of social security contributions to migrants at departure in the absence of portability schemes; social security coverage by sending country; inclusion of such provisions through recruitment agencies).
- International standards on migrant workers and social security need to be incorporated into national legislation and implementation measures, such as the ILO Conventions on Social Security.
- Mapping exercise needs to be conducted of existing possibilities and avenues for cooperation between national security systems across the SADC countries, including portability and maintenance of rights, and also the persistent differences.
- Identify mechanisms of regional cooperation on social security in the SADC region, by referring to other successful integration programs such as EU and MERCOSUR in South America.

Decent Work and Social Protection for Migrant Workers in the Public Services in South Africa (2014-2016)

Between 2014 and 2016, PSI (Public Services International) organized the ‘Project on Decent Work and Social Protection for Migrant Workers in the Public Services in South Africa’. PSI is the global federation of trade unions representing 20 million workers in the public services of 163 countries. The main objective of this project was to promote and publicise pathways for decent work and the expansion of social security provisions for migrant works in public services. PSI partners in South Africa include the Democratic Nursing Organisation of South Africa (DENOSA), Hospital Personnel Trade Union of South Africa (HOSPERSA), South Africa Municipal Workers Union (SAMWU), National Union of Public Service and Allied Workers (NUPSAW), National Public Service Workers Union (NPSWU), and National Education, Health and Allied Workers Union (NEHAWU). The project’s main activities were: (a) outreach efforts for the inclusion and organisation of migrant workers in trade unions; (b) ‘Ethical Recruitment Campaign’ based on WHO code of practice for international staffing and employment of migrant workers and in compliance with UN and ILO standards; (c) to develop and expand ‘migrant desks’ in South African trade unions; and (d) produce new migrant-centred materials and enhance existing ones to create greater awareness of migrant rights and responsibilities. The project produced information materials for migrant workers (Return and Reintegration to South Africa, South Africa Pre-Decision and Information Kit, Passport to Worker and Union Rights in South Africa, Pre-Decision and Information Kit for Women Health & Social Service

Workers).²²¹ Produced as part of PSI's International Migration and Women Health and Social Care Workers' programme, the South Africa National Report highlights existing challenges and is based on face-to-face interviews with 300 health and social care workers in nine South African provinces and three focus group discussions with migrant nurses and midwives considering migrating, social workers, and migrant nurses and midwives who had migrated to South Africa for work.

*ILO Bilateral Agreements Study*²²²

The study attempted to map existing social protection arrangements in bilateral agreements and other cooperative arrangements for labour migration between countries globally. Three regional mapping exercises were carried out, one for African countries which included both South-South and South-North migrations. Another report focused on low-skilled workers. The report includes a case study of the 2009 Memorandum of Understanding between Zimbabwe and South Africa on Cooperation in the Fields of Employment and Labour was concluded in 2009 with the objective of defining "the basis for institutional relations under which co-operation ties can be developed between the Parties in the fields of employment and labour" (Article 1).

Towards an Instrument for the Portability of Social Security Benefits in the Southern African Development Community

The Southern Africa Trust collaborated with the Centre for International and Comparative Labour and Social Security Law (CICLASS) in a review of portability of social security benefits in SADC.²²³ The study concluded that "the portability of social security benefits is limited because of the absence of a region-wide social security coordination or portability agreement." Further, that "the diversity of national social security systems and schemes does not preclude the adoption of a regional instrument for social security coordination. SADC member states merely need to specify issues such as the social security risks or benefits (and scope of beneficiaries) to be covered; equality of treatment in the respective national systems; exportability of benefits; aggregation of insurance periods; determination of the legislation applicable; and institutional and administrative cooperation." The study includes (as an Appendix) a suggested Portability of Accrued Social Benefits Within the Region Policy Framework.²²⁴

²²¹http://www.world-psi.org/sites/default/files/documents/research/south_africa.pdf; http://www.world-psi.org/sites/default/files/documents/research/final_rrsa_information_kit.pdf; http://www.world-psi.org/sites/default/files/documents/research/en_pdkmigrationsouth_africa.pdf; http://www.world-psi.org/sites/default/files/documents/research/passport_to_workers_and_union_rights_south_africa.pdf

²²²Clara van Panhuys, Samia Kazi-Aoul and Genevieve Binette, "Migrant Access to Social Protection under Bilateral Labour Agreements: A Review of 120 Countries and Nine Bilateral Agreements" ESS Working Paper No. 57, Social Protection Department, Labour Migration Branch, ILO, Geneva, 2017.

²²³Letlhokwa George Mpedi, Mathias Ashu and Tako Nyenti, *Towards an Instrument for the Portability of Social Security Benefits in the Southern African Development Community* (Stellenbosch: SUN Press, 2017).

²²⁴*Ibid.*, pp. 128-133.

*Strengthening Capacities and Policy Instruments on Social Security, Including Portability of Rights, in the Southern African Development Community (SADC) (2017-2019)*²²⁵

The project aims to extend social protection to migrant workers, including those in the informal sector, and their families, by strengthening the capacities of RECs and member States to provide, as well as drive the implementation of regional frameworks, on the extension of social protection to migrant workers and their families. It is implemented as part of the AU Joint Labour Migration Programme (JLMP) and funded by the European Commission, through the Pan-African MMD Facility implemented by ICMPD. Stakeholders and target groups in the SADC include the SADC Secretariat and other SADC policy organs in charge of labour, migration and social protection issues, regional social partners, social security institutions, and Member States. The Action aims to support SADC and its sub-regional social partners to effectively coordinate and contribute to regional and sub-regional social protection programmes for migrant workers in both the formal and informal economy through:

- Supporting SADC and other RECs to participate in south-south cooperation initiatives and intra-RECs technical cooperation, including the participation and involvement in communities of practice at the continental and RECs level;
- Building the capacities of the AUC, selected RECs including SADC and regional and sub-regional social partners to advance social protection for migrant workers; and
- Initiatives for systematic collection and analysis of statistical information, to inform policy making and support SADC member States monitor progress towards the achievement of social protection related SDGs and relevant AU Agenda 2063 targets.

In May 2018, as part of this project, the SADC Secretariat convened a two-day workshop in Windhoek, Namibia on the project on “strengthening capacity and policy instruments on portability of social security benefits in the SADC region”.²²⁶ The objective of the workshop was to provide a platform for experts to deliberate on key issues on portability in the region by undertaking the following tasks:

- Reviewing the draft inception reports for two ongoing assessment studies on the state of social protection access and potential for portability of benefits for migrant workers in the agricultural and mining sectors in SADC;
- Identifying key intervention areas and enablers, including mechanisms for design and implementation of a model framework for portability of social security benefits in the SADC region to be elaborated through a study on the financial services sector; and
- Establishing an ELS Troika governance mechanism for the project on strengthening capacity and policy instruments on portability of social security benefits in the SADC region.

²²⁵ https://www.ilo.org/wcmsp5/groups/public/---africa/documents/publication/wcms_647944.pdf

²²⁶ https://www.usp2030.org/gimi/RessourcePDF.action;jsessionid=EtlZGjo3k3igwhSpnZPoo-Bz_zp0hWs7m5rN2dD6jvxcE-1jYv4i!1653088929?id=55324

The workshop adopted a workplan/action plan that included the following:

- Studies on social security in the mining and agricultural sectors
- A study on financial services (payment and administrative systems in SADC)
- The establishment of an Ad Hoc Troika comprising experts (one each) from the following Member States/Social Partners/organisations:
 - a) South Africa
 - b) Namibia
 - c) Eswatini
 - d) SADC Private Sector Forum (SPSF)
 - e) Southern Africa Trade Union Coordinating Council (SATUCC)
 - f) the ILO and IOM
- The modelling of portability arrangements in the SADC region

The successful implementation of the action plan would lead to the drafting/formulation of portability mechanisms for consideration by the Ministers and Social Partners in April 2019.

STIAS Project on Migration Vulnerability and Access to Social Protection

The Stellenbosch Institute for Advanced Study in South Africa (STIAS) is conducting a study on “Migration Vulnerability and Access to Social Protection”.²²⁷ This project was initiated in late 2019 and will continue to November 2023. Its principal focus is to examine access to social protection, its quality and effectiveness for three categories of migrants: migrants affected by climate or environmental change; migrants in the informal economy; and highly skilled migrants, such as business entrepreneurs and corporate transfers professionals. In the second category, focused attention is to be given to informal cross-border traders and migrant entrepreneurs participating in local economies of receiving countries. It is widely accepted that the first two categories of migrants have weak access to social protection and are often excluded from existing public schemes. A key thematic focus is the vulnerability of migrants across the various stages of the migration cycle as well as multiple forms of vulnerability tied to gender and disability. Proposed activities include two stakeholder workshops and several consultative meetings of the research team. The project has been held up by COVID-19.²²⁸

8.3 COMESA

The COMESA Social Charter was adopted in February 2014 and draws on Article 143 of the COMESA Treaty which provides for the adoption of such a Charter. The overall aims and objectives of the Charter are to:

- promote the welfare of the people of the region;

²²⁷<http://www.saspen.org/home/wp-content/uploads/2019/07/STIAS-Team-Project-ProposalMigration-vulnerability-and-SP.pdf>

²²⁸Communication from Dr Evance Kalula, STIAS

- improve the quality of life;
- accelerate economic growth, social progress and cultural development; and
- enable all individuals from the region to live in dignity and realize their full potential.

The Charter calls on COMESA Member States to cooperate in the establishment of programmes relating to employment and working conditions; labour laws; vocational training and the eradication of adult illiteracy in the region; cultural and sporting exchanges; the prevention of occupational accidents and diseases; the right of association and collective bargaining between employers and workers; radio and television programmes on matters that will promote cultural development of the region; and provision of facilities for persons with disabilities and older persons (elderly).

In terms of the labour laws of Member States, the Charter calls for the following minimum standards:

- introduction of equitable basic working and living conditions including catering for persons with disabilities;
- specifications of minimum rest periods, annual paid leave, compassionate leave, paid maternity leave, occupational health and safety protection;
- stipulation of acceptable rules and compensation for overtime and shift work;
- conditions of employment for every worker to be stipulated in national law,
- a collective agreement or a contract of employment; and specification of minimum measures for the protection of women working at odd hours.

Specifically, in terms of Social Protection, the Charter confirms that Member States shall strive to create an enabling environment so that every worker shall have a right to adequate social protection and shall enjoy adequate social security benefits in accordance with the status and the type of employment established, such as:

- reduction of people's exposure to risks through the introduction of social insurance programmes such as pension and health insurance schemes;
- reduction of inequities and improvement of social integration through changes in laws, budgetary allocations as well as retribution measures;
- enhancement of the capability of the vulnerable groups to protect themselves against risks, hazards and loss of income through labour market programmes such as public works, small business or enterprise development, micro-finance as well as skills development and training;
- promotion of social assistance and welfare programmes as a way of mitigating the impact of vulnerability of groups like persons with disabilities, the elderly, children, orphans, and persons affected and infected by HIV and AIDS and other communicable diseases;
- establishment and strengthening of capacity building programmes for the beneficiaries of social assistance so that they graduate to become self-reliant; and
- building of disaster risk management mechanisms to reduce the socioeconomic impact of random shocks or disasters through effective planning and response as well as promoting

the integration of disaster risk management programmes into sustainable development planning and programming at all levels.

8.4 National Policies

This section tabulates information on access to social security by citizens, permanent residents, temporary residents and undocumented migrants in relation to social assistance, pensions, unemployment, health care, housing and schooling. The tables in this section are adapted from Access to Social Services for Non-Citizens and the Portability of Social Benefits within the Southern African Development Community published in 2011.²²⁹ The information contained in the tables requires updating to reflect current situations and to incorporate other Member States. However, it provides a useful indication of the extent to which migrant workers (who would fall into the categories of permanent or temporary residents and undocumented migrants) may have access to social security and social protection.

Table 36: Access to Social Security

²²⁹<http://www.saflii.org/za/other/Books/2011/1.pdf>

COUNTRY	Social Assistance	National and Occupational old-age and disability pension	Unemployment Benefits	Health Care and Health Insurance	Public Housing	Public Schooling
Citizens						
Angola						
Botswana	✓	✓	✓	✓	✓	✓
Comoros						
DRC						
Eswatini	✓	✓	X	✓	✓	✓
Lesotho	✓	✓	X	✓	✓	✓
Madagascar						
Malawi	✓	✓	✓	✓	X	✓
Mauritius	✓	✓	✓	✓	✓	✓
Mozambique						
Namibia	✓	✓	X	✓	✓	--
Seychelles						
South Africa	✓	✓	✓	✓	✓	✓
Tanzania	✓	✓	X	✓	✓	✓
Zambia	✓	✓	X	✓	X	X
Zimbabwe						
Permanent Residents						
Angola						
Botswana	X	X	X	✓	✓	✓
Comoros						
DRC						
Eswatini	X	✓	X	✓	X	X
Lesotho	X	✓	X	✓	✓	✓
Madagascar						
Malawi	✓	✓	✓	✓	X	✓
Mauritius	✓	✓	✓	✓	✓	✓
Mozambique						
Namibia	✓	✓	X	✓	✓	--
Seychelles						
South Africa	✓	✓	✓	✓	✓	✓
Tanzania	✓	✓	X	✓	✓	✓
Zambia	✓	✓	X	X	X	X
Zimbabwe						
Temporary Residents						
Angola						
Botswana	X	X	X	X	✓	✓
Comoros						
DRC						
Eswatini	X	✓	X	X	X	X
Lesotho	X	X	X	X	X	✓
Madagascar						
Malawi	X	✓	X	X	X	X
Mauritius	X	✓	X	✓	X	✓
Mozambique						
Namibia	X	✓	X	✓	X	✓

Seychelles						
South Africa	X	✓	X	✓	X	X
Tanzania	✓	✓	X	✓	X	✓
Zambia	X	✓	X	X	X	X
Zimbabwe						
Undocumented Migrants						
Angola						
Botswana	X	X	X	X	X	X
Comoros						
DRC						
Eswatini	X	X	X	X	X	X
Lesotho	X	X	X	✓	X	✓
Madagascar						
Malawi	X	X	X	X	X	X
Mauritius	X	X	X	X	X	X
Mozambique						
Namibia	X	X	X	X	X	X
Seychelles						
South Africa	X	X	X	X	X	X
Tanzania	✓	X	X	✓	X	✓
Zambia	X	X	X	X	X	X
Zimbabwe						

9 Qualifications Frameworks²³⁰

9.1 SADC Protocol on Education and Training

The Protocol was adopted in 1997 and came into force in July 2000. The Protocol provides for cooperation between SADC Member States in the following areas:

- Policy for education and training;
- Basic education;
- Intermediate education and training;
- Higher education;
- Distance education;
- Training fund
- Research and development;
- Lifelong education and training; and
- Publishing and library resources.

²³⁰For background see Patrick Werquin and Francesco Panzica, *Migrant Workers' Skills Portability in Africa at Regional Economic Community and Continental Level: Guidance Towards an African Qualifications Framework?* (Geneva: ILO, 2018).

The Protocol serves as a guide for the SADC Education and Skills Development Programme which facilitates and coordinates the harmonisation and implementation of regional policies and programme to ensure access to relevant and quality education and training in the SADC region. This is expected to result in availability of educated and skilled human resource in order to contribute to poverty alleviation and regional integration.

9.2 SADC Education and Skills Development Programme

The key elements of the programme include:

- Coordinating the development and implementation of regional policies including Protocols, minimum standards and strategic frameworks on education and training;
- Monitoring of regional, continental and international commitments on education and training;
- Facilitation of exchange programmes, expertise and sharing of information and good practices on education and training-related issues in the SADC region; and
- Coordinating and harmonising SADC position on international commitments.

9.3 SADC Qualifications Framework (SADCQF)²³¹

In 2011, the SADC Ministers of Education established the SADCQF as a Regional Qualification Framework (RQF) to enable easier movement of learners and workers across the SADC region and internationally. It is underpinned by learning outcomes and quality assurance (QA) principles that will provide a regional benchmark for qualifications and quality assurance mechanisms in 8 SADC Member States; namely, Botswana, Lesotho, Mauritius, Namibia, Seychelles, South Africa, Swaziland and Zambia. They have started piloting the alignment of the national qualifications frameworks with the SADCQF and to date it has been reported by the relevant authorities in Mauritius and South Africa that their National Qualifications Frameworks are fully aligned.²³² The outcome of aligning the NQFs of Member States with the SADCQF, is that it will allow for the mutual recognition and transferability of skills and qualifications across the region. A Technical Committee on Certification and Accreditation (TCCA) – comprising a group of experts from the 16 SADC member states and supported by the SADC secretariat – was constituted and given the task of implementing the SADCQF. Six implementation areas have been identified and allocated to different countries as follows:

- Governance (SADC secretariat)
- Quality assurance (Botswana)

²³¹<https://www.saqa.org.za/docs/webcontent/2017/SADCQF%20booklet.pdf>

²³²Report on the Alignment of the South African National Qualifications Framework (SANQF) to the Southern African Development Community Qualifications Framework (SADCQF) At: http://197.81.195.225/docs/notices/2018/SADCQF%20alignment%20report_25102018.pdf; Draft Report on the Alignment of the Mauritian National Qualifications Framework (NQF) to the SADC Qualifications Framework (SADCQF) At: <http://www.mqa.mu/English/Documents/FS/Report15042019.pdf>

- Verification (Eswatini)
- Recognition of prior learning, credit accumulation, transfer and articulation (Namibia)
- Advocacy and communication (Zambia); and
- Development and alignment (South Africa).

A recent update reported on progress in implementation to 2018.²³³

10 Conclusions and Recommendations

1. There is broad agreement from a variety of SAMM stakeholders about the urgent need to improve the quality, comprehensiveness, integrity and coordination of data on all aspects of labour migration across the region. The call for improved data for better migration management is echoed in a whole variety of statements from national governments, regional organizations and international organizations. The proposed SAMM Migration Observatory is clearly warranted as a centralized repository for data that does exist, for identifying data gaps, for proposing actionable solutions, for implementing regional data gathering exercises, for commissioning research to plug data gaps, and ultimately for building a more complete and comprehensive regional picture of labour migration volumes, trends, characteristics and development impacts.
2. Official data sources collected at the country level tend to be of three types: (a) data from the national census; (b) data from sample surveys such as Labour Force Surveys; and (c) administrative data. The strengths and weaknesses of each of these data sources are discussed in this report. First, with regard to the census, implementation is the prerogative of national statistical agencies who aim to hold a census every ten years. Because there was no regional coordination in the past on implementation dates, a single census round takes place over several years instead of in all countries in the same year. Inevitably, then, census data is very dated for some countries and very current for others. A second issue is that there is no real uniformity across the region in the migration-questions asked. Standardization according to recommended best-practice and the inclusion of more migration-related questions is very desirable. Third, with the exception of some work on the 2001 and 2011 South African census by researchers to address the question of the labour market impacts of migration, raw census data is not mined in any systematic way and remains largely under-utilized. As follow-up, SAMM could commission research that mines the existing data for deeper insights into regional labour migration.
3. The inclusion of a migration module in some Labour Force Surveys is a welcome development although it would be helpful if these followed a similar template. This data is potentially extremely useful but comparability across the region is hampered by the fact that the timing and frequency of surveys varies from country to country. There have been

²³³Coleen Jaftha and Joe Samuels, “Building Trust for Better Movement Across SADC: August 2018 Update on the SADC Qualifications Framework (SADCQF)” At:

<https://www.umalusi.org.za/docs/misc/2018/An-update-on-the-SADC-Qualifications-Framework.pdf>

some attempts to use this data but in general it remains underutilized. If countries lack the capacity and resources to undertake in-depth analysis, one solution would be to make the LFS data available and open access which would enable researchers to address labour migration issues in greater depth. The Open Data Portal of DataFirst, for example, allows access to the South African Quarterly Labour Force Survey results and could be a potential model for the SAMM Observatory.²³⁴

4. Administrative or transactional data on labour migration is the most scattered, incomplete and variable. Countries collect data in different ways and there are few examples of systematic aggregation of data. South Africa's monthly Tourism and Migration Statistics Bulletin uses data from ports of entry to monitor flows into the country but there is no breakdown of purpose of entry which makes it difficult to distinguish labour migration from other forms of migration. The other major administrative data source for regular labour migration is work permit data. Here, the way in which Botswana puts work permit data in the public domain could serve as a potential model for other countries. Considerable investment of resources in human and digital technology would be necessary to improve the quality and standardization of administrative data collected at ports of entry on labour migration across the region. A more modest objective of centralizing and regular updating of work permit data is probably achievable with country-level cooperation and coordination. Even this would miss the sizable number of irregular labour migrants working across the region. An alternative transactional data source which is beginning to show results globally is the use of big data to better understand migrant movements and connections. We have only located one study to date in Southern Africa using anonymized big data (a study of internal migration in Namibia using cellphone records). We strongly recommend additional scoping of potential big data sources and analytical tools for Southern Africa.
5. Migration data collected at the country level finds its way up the chain to various global databases such as those maintained by ILOSTAT and UN DESA. However, efforts by agencies to supplement the census and labour force survey data through targeted questionnaires generally meet with a low response rate. As a result, the considerable potential for comparative analysis of a database such as ILOSTAT is hard to realize in practice. UN DESA maintains a global migration database which is updated every five years and is reviewed as an authoritative source of actual migration stock in every country. We have used the 2019 Update in this report to illustrate what kinds of data and analysis are possible for the Southern African region. However, we also evaluate and caution against the uncritical use of the UN DESA database. Absent an explanation from UN DESA about how it projects forward from sometimes old (or in some cases non-existent) census data, it is impossible to say how reliable the supposed numbers for Southern Africa in 2019 actually are. UN DESA should be urged to explain their methodology which should be subjected to an independent analysis by qualified statisticians.

²³⁴<https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/StatsSA>

6. There are clear limits to the scope and depth of quantitative data on labour migration which emerges from surveys designed for other purposes. The idea of dedicated National Migration Surveys needs to be considered by national governments, statistical agencies and SAMM. The national migration surveys in Botswana in the 1980s and Namibia in the 1990s, as well as the national surveys of migrant-sending households in SADC countries conducted by SAMP and the World Bank's Africa Migration Project all yielded an extremely rich amount of relevant labour migration data which facilitated the kind of in-depth analysis and understanding which is simply not available from censuses, labour force surveys or administrative data.²³⁵ Our primary recommendation here, therefore, is that SAMM initiate a new round of National Migration Surveys, beginning with the major migrant-sending and migrant-receiving countries.
7. There is a wide range of global, regional and sub-regional instruments (conventions, protocols, policy frameworks, action plans and guidelines) pertaining to the facilitation of movement of persons, labour migration, the protection of migrant workers, social security/protection and mutual recognition of skills and qualifications that are directly or indirectly relevant to the management of labour migration in the COMESA, IOC and SADC regions.
8. Most COMESA, IOC and SADC Member States are either legally (through adoption and ratification) or in principle (through signing) party to a significant number of these instruments and particularly those that have been developed and adopted at sub-regional levels. In many cases, where instruments have been ratified, they have been domesticated in relevant national legislation.
9. With specific reference to the management of labour migration, very few states have comprehensive national policies and legislation. Instead, policy and legislative provisions that are of relevance to the management of labour migration are reflected in a wide range of other policy and legislative instruments, such as immigration laws (work permit provisions), labour laws (minimum standards, fundamental rights, institutions) and social security/protection policies and laws.
10. While many of the labour laws of countries have provisions regarding the employment of foreign workers (mostly outlining the procedures to do so), there is a significant absence of provisions that make direct reference to the applicability of the above policies and laws to migrant workers. Simultaneously, there are very few policies and laws with provisions that

²³⁵For example, Bruce Frayne, Wade Pendleton, "Migration in Namibia: Combining Macro and Micro Approaches to Research Design and Analysis" *International Migration Review* 35(2001); Fion de Vletter, "Migration and Development in Mozambique: Poverty, Inequality and Survival" SAMP Migration Policy Series No. 43, 2006; Wade Pendleton et al. "Migration, Remittances and Development in Southern Africa" SAMP Migration Policy Series No. 44, 2006; Jonathan Crush et al. "Migration, Remittances and 'Development' in Lesotho" SAMP Migration Policy Series No. 52, 2010.

specifically prohibit their applicability to migrant workers. In the absence of provisions regarding specific applicability, it is usually assumed (and often implemented in practice) that the above policies and laws are applicable to migrant workers.

11. To the extent that governments have, or are in the process of developing National Labour Migration Policies, there appears to be two sets of issues that are being considered. Firstly, it is a focus on how labour migration policies and the implementation thereof can contribute to the achievement of labour market stability (by responding to and fulfilling labour market needs) and more broadly, contribute to poverty reduction and development objectives and strategies. Secondly, it is about the rights and protection of migrant workers in countries of destination (employment conditions, labour standards and social security, including portability of benefits).
12. While not necessarily reflected in national policies and legislation, there appears to be significant cohesion and agreement regarding the provisions and labour-related policies and legislation and its applicability to migrant workers, at least in principle.
13. Within the SADC region, Member States have committed to the development of National Labour Market Policies, in line with the SADC Labour Migration Policy Framework and the Labour Migration Action Plan. However, progress towards achieving this goal has been slow and has been hampered by a lack of capacity in terms of human and financial resources.
14. It is important to note that while the development of a National Labour Migration Policy is an important achievement, implementation thereof will be a significant challenge since it may in many cases also require amendments to other policies and laws, in particular, labour, immigration, social security and education (pertaining to recognition of skills and qualifications) policies and laws.
15. While trade unions and the private sector have been involved in the development of regional frameworks and action plans pertaining to labour migration, there does appear to be little input from other civil society organisations and in particular, migrant associations and diaspora organisations that may have an interest, particularly in national policies and legislation.
16. In conclusion, there appear to be 5 priority areas that need to be addressed in relation to achieving a comprehensive and cohesive approach to the management of labour migration:
 - 1) Development of a strategic plan for the design and implementation of the planned Migration Observatory which would allow for not only the collection and collation of existing official survey and administrative data but also serve as an impetus for the generation of new data and information on labour migration through National Migration Surveys as well as targeted research and new data sources such as big data.

- 2) Ongoing promotion of the need for the ratification of relevant international and regional instruments and assisting Member States in doing so and the domestication of such instruments.
- 3) Technical, human and financial resources to assist all countries to develop National Labour Migration Policies and to review and amend related policies referred to above. This will include further research into labour migration dynamics and labour market needs and conditions (Situation Analysis) as a basis for national labour migration policies.
- 4) The establishment, capacity-building and resourcing of an appropriate institutional framework and appropriate institutions at national and regional levels to facilitate and coordinate the conceptualization and implementation of national labour migration policies in cooperation with other legally mandated institutions.
- 5) The TOR for this report did not address the question of the immediate and longer-term impact of the COVID-19 labour migration in Southern Africa. There is a great deal of speculation and some anecdotal evidence that labour migration has been severely disrupted by the closing of borders, layoffs and unemployment in sectors in which migrants tend to work, and restrictions on work in the informal economy. We therefore recommend a major research project be mounted by SAMKK to provide the information that is currently lacking.

Annex A: LIST OF KEY INFORMANTS

For the purpose of collecting documents and information and/or verifying and supplementing documentation and information found in the public domain, contact was made with several organisations and institutions. This list of key informants only provides the details of those who assisted by providing documents and information and/or provided initial comments on a draft version of the report. We wish to thank the following individuals for their kind assistance:

1. Ms Mpinane Masupa, Principal Liaison Officer, Ministry of Labour and Employment, Lesotho
2. Mr Douglas Dlamini, Ministry of Labour, Eswatini
3. Ms Nomsa Silenge, Ministry of Labour, Eswatini
4. Mr Lovemore Theu, Ministry of Labour, Malawi
5. Mr. Michael Kandukutu, Zimbabwe Congress of Trade Unions
6. Mr Jeremia Mendes, IOM Angola and Eswatini
7. Ms Mavis Koogotsitse, Southern African Trade Union Coordinating Council
8. Ms Zoe Isaacs, SADC Private Sector Forum
9. Mr Mustafa Hakki Ozel, Senior Statistician, ILO-STAT
10. Kenza Dimechkie, ILO Geneva
11. Dr Sannasee Rajah Vinesh, SADC S&HD Directorate
12. Professor Evance Kalula, University of Cape Town
13. Ms Maxine Hlaba, SADC Banking Association
14. Mr Brian Chigawa, COMESA Secretariat
15. Professor Daniel Tevera, University of Western Cape
16. Dr Ndeyapo Nickanor, University of Namibia
17. Dr Lawrence Kazembe, University of Namibia
18. Dr Ines Raimundo, Centre for Policy Analysis, Eduardo Mondlane University
19. Mr Diego Irurralde, Statistics South Africa
20. Mr Matteo Busteo, IOM Pretoria
21. Mr Sunday Omoyeni, IOM Pretoria

It is also appropriate to thank the following people list of people for their initial assistance by providing referrals to other institutions/individuals:

1. Mr Molefi Nyaka, Ministry of Foreign Affairs, Lesotho
2. Mr Mthunzi Shabangu, Commissioner of Labour, Eswatini
3. Mr George Khaki, Employers Consultative Association, Malawi
4. Mr Wafwile Musuka, Ministry of Labour, Malawi
5. Mr Joe Samuels (former CEO of the South African Qualifications Authority, retired)

Annex B: ILOSTAT Labour Migration Indicators in Southern Africa

1. Working-age population by sex, age and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2005, 2011, 2013, 2017), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
2. Working-age population by sex, age and citizenship	Botswana (2006, 2009), Comoros (2014), DRC (2005, 2012), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
3. Working-age population by sex, education and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2005, 2011, 2013, 2017), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014),
4. Working-age population by sex, education and citizenship	Botswana (2006, 2009), Comoros (2014), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
5. Stock of nationals abroad by sex and country of residence	Eswatini (2017)
6. Inflow of foreign-born working-age population by sex and country of birth	Namibia (2018)
7. Inflow of working-age non-citizens by sex and country of citizenship	
8. Inflow of foreign-born working age population by sex and education	Namibia (2018)
9. Inflow of working-age non-citizens by sex and education	
10. Inflow of nationals returned from abroad by sex and country of previous residence	
11. Inflow of foreign-born employed persons by sex and economic activity	
12. Foreign-born working-age population by sex and country of birth	
13. Inflow of employed non-citizens by sex and economic activity	Namibia (2018)
14. Inflow of foreign-born employed persons by sex and occupation	Namibia (2018), Zambia (2017)
15. Inflow of employed non-citizens by sex and occupation	
16. Outflow of nationals by sex and country of destination	Namibia (2018)
17. Non-citizen working-age population by sex and country of	

citizenship	
18.Labour force by sex, age and place of birth	
19.Labour force by sex, age and citizenship	Mauritius (2011), Zambia (2017)
20.Labour force participation rate by sex, age and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2005, 2013, 2017), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
21.Labour force participation rate by sex, age and citizenship	Botswana (2006, 2009), Comoros (2014), DRC (2005,2012), Eswatini (2016), Madagascar (2012), Namibia (2012-2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
22.Employment by sex, age and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2005, 2013, 2017), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
23.Employment by sex, age and citizenship	Botswana (2006, 2009), Comoros (214), DRC (2005, 2012), Eswatini (216), Madagascar (2012), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
24.Employment by sex, economic activity and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2005, 2013, 2017), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
25.Employment by sex, economic activity and citizenship	Botswana (2006, 2009), Comoros (2014), DRC (2005, 2012), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
26.Employment by sex, occupation and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
27.Employment by sex, occupation and citizenship	Botswana (2006, 2009), Comoros (2014), DRC (2005), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
28.Employment by sex, status in employment and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2013), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
29.Employment by sex, status in employment and citizenship	Botswana (2006, 2009), Comoros (2014), DRC (2005, 2012), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
30.Employment-to-population ratio by sex, age and place of birth (7)	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2013), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
31.Employment-to-population ratio by sex, age and citizenship	Botswana (2006, 2009), Comoros (2014), DRC (2005, 2012), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
32.Employment distribution by economic activity (by sex and place of birth)	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2005, 2013, 2017), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
33.Employment distribution by	Botswana (2006, 2009), Comoros (2014), DRC (2005, 2012),

economic activity (by sex and citizenship)	Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
34. Employment distribution by occupation (by sex and place of birth)	Angola (2009), Comoros (2014), Eswatini (2016), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
35. Employment distribution by occupation (by sex and citizenship)	Botswana (2006, 2009), Comoros (2014), DRC (2005), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016), Seychelles (2014-2018), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
36. Employment distribution by status in employment (by sex and place of birth)	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2013), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
37. Employment distribution by status in employment (by sex and citizenship)	Botswana (2006, 2009), Comoros (2014), DRC (2005, 2012), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
38. Employed foreign-born persons by sex and country of birth	Namibia (2018), Zambia (2018)
39. Employed non-citizens by sex and country of citizenship	Mauritius (2011)
40. Outflow of nationals for employment by sex and country of destination	
41. Outflow of nationals for employment by sex and education	
42. Outflow of nationals for employment by sex and economic activity	Mozambique (2018)
43. Outflow of nationals for employment by sex and occupation	
44. Unemployment by sex, age and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2005, 2013, 2017), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
45. Unemployment by sex, age and citizenship	Botswana (2006, 2009), Comoros (2014), DRC (2005, 2012), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
46. Unemployment rate by sex, age and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2013), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
47. Unemployment rate by sex, age and citizenship	Botswana (2006, 2009), Comoros (2014), DRC (2005, 2012), Eswatini (2016), Madagascar (2012), Mauritius (2011), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017), Zimbabwe (2014)
48. Mean nominal monthly earnings of employees by sex and place of birth	Comoros (2014), Eswatini (2016), Malawi (2013), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
49. Mean nominal monthly earnings of employees by sex and	Comoros (2014), DRC (2005, 2012), Eswatini (2016), Madagascar (2012), Namibia (2012-2014, 2016, 2018), Tanzania (2006),

citizenship	Zambia (2017), Zimbabwe (2014)
50. Persons outside the labour force by sex, age and place of birth	Angola (2009), Comoros (2014), Eswatini (2016), Malawi (2005, 2011, 2013), Namibia (2016, 2018), Zambia (2017), Zimbabwe (2014)
51. Persons outside the labour force by sex, age and citizenship	Botswana (2006, 2009), Comoros (2014), DRC (2005, 2012), Eswatini (2016), Madagascar (2012), Namibia (2012-2014, 2016, 2018), Seychelles (2014-2019), Tanzania (2006, 2014), Zambia (2017)

Annex C: Most Recent Population and Housing Census by Country

Country: Angola
Agency/Government Department:

Instituto Nacional de Estatística de Angola (National Institute of Statistics of Angola)
https://www.ine.gov.ao/
Year: 2014
Link to Survey Instrument: https://andine.ine.gov.ao/nada4/index.php/catalog/14/related_materials https://andine.ine.gov.ao/nada4/index.php/catalog/14/download/168
Link to Data Base: https://andine.ine.gov.ao/nada4/index.php/catalog/14/download/220
Questions on Nationality; Country of Origin/Birth: Q19; P09
Link to Report(s): Results part 1: https://andine.ine.gov.ao/nada4/index.php/catalog/14/download/174 Results part 2: https://andine.ine.gov.ao/nada4/index.php/catalog/14/download/175
Migration Publications: None
Country: Botswana
Agency/Government Department: Statistics Botswana https://statsbot.org.bw
Year: 2011
Link to Survey Instrument: http://botswana.microdatahub.com/index.php/catalog/15/download/83
Link to Data Base: http://botswana.microdatahub.com/index.php/catalog/15/data-dictionary
Questions on Nationality; Country of Origin/Birth: QA7(7)
Link to Report(s): http://www.statsbots.org.bw/sites/default/files/publications/Population%20%26%20Housing%20Census%20Dissemination%20analytical%20report%20.pdf http://www.statsbots.org.bw/sites/default/files/publications/2011%20Population%20and%20Housing%20Census%20%28Results%29.pdf http://www.statsbots.org.bw/sites/default/files/publications/Pop%20%20Housing%202011%20Census%20Administrative%20and%20Technical%20%20Report%20%281%29.pdf http://www.statsbots.org.bw/sites/default/files/publications/Cities%20%20and%20%20Towns%20Population%20and%20Housing%20Census%202011%20%20Selected%20Indicators.pdf
Migration Publications: -Chapter 12 of Census Analytical Report on “Migration” -K. Navaneetham and V. Dwivedi, “Patterns and Differentials of Migration in Botswana” <i>Botswana Notes and Records</i> 46(2014): 72-83.
Country: Eswatini
Agency/Government Department: Central Statistical Office http://www.gov.sz/index.php/component/content/article/78-economic-planning-

a-development/economic-planning-a-development/687-central-statistics-office?Itemid=799
Year: 2007
Link to Survey Instrument: https://catalog.ihsn.org/index.php/catalog/4274/download/56174
Questions on Nationality; Country of Origin/Birth: P06-P010
Other: Emigration status in Section E captures age, sex, destination, and activity involved abroad
Link to Report(s): https://www.worldcat.org/title/swaziland-population-and-housing-census-report-2007/oclc/1034948716&referer=brief_results
Migration Publications: -Vol 3 of the Census Report on international migration -UNICEF Migration Profile: https://esa.un.org/migmgprofiles/indicators/files/Swaziland.pdf -D. Tevera, "Migration and Development in Swaziland" <i>UNISWA Research Journal</i> , 26(2011): 15-27.
Country: Lesotho
Name of Agency/Government Department: Lesotho Bureau of Statistics http://www.bos.gov.ls/
Year: 2016
Link to Survey Instrument: http://www.bos.gov.ls/microdata/index.php/catalog/16/download/33
Link to Data Base: N/A
Questions on Nationality; Country of Origin/Birth: B10, B15
Link to Report(s): http://www.bos.gov.ls/microdata/index.php/catalog/16/download/36 http://www.bos.gov.ls/microdata/index.php/catalog/16/download/37
Migration Publications: -Census Analytical Report: Volume 111A: Population Dynamics, Chapter 13 (2018) -D. Tevera, "International Migration and Development in Lesotho: A Complex Interrelationship" In W. Khonje, <i>Migration and Development: Perspectives from Small States</i> (London, 2015).
Country: Malawi
Name of Agency/Government Department: National Statistical Office of Malawi http://www.nsomalawi.mw/
Year: 2018
Link to Survey Instrument: Annex to main report
Link to Data Base: http://www.nsomalawi.mw/index.php?option=com_content&view=article&id=226:2018-malawi-population-and-housing-census&catid=8:reports&Itemid=6 including Series F: Migration Tables & Series L: Emigration Tables

Questions on Nationality; Country of Origin/Birth: P07
Link to General Survey Report(s): http://www.nsomalawi.mw/images/stories/data_on_line/demography/census_2018/2018%20Malawi%20Population%20and%20Housing%20Census%20Main%20Report.pdf
Migration Publications: -General Survey Report Section 3.1 Nationality and 3.2 Emigration
Country: Mauritius
Name of Agency/Government Department: Statistics Mauritius http://statsmauritius.govmu.org
Year: 2011
Link to Survey Instrument: http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/Archive%20Census/2011%20Census/Questionnaires/2011%20Housing-Census%20Questionnaires.pdf http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/Archive%20Census/2011%20Census/Questionnaires/2011%20Housing-Census%20Questionnaires.pdf
Link to Data Base: Tables and Analytical Reports at http://statsmauritius.govmu.org/English/CensusandSurveys/Pages/census/Census-2011.aspx
Questions on Nationality; Country of Origin/Birth: P07A, P07B, P09A, P09B
Other: P10A captures if not in country for last 12 months P10C captures reason for living abroad P10D captures reasons for staying in Mauritius P11A captures if outside country 5 years ago
Link to General Survey Report(s): http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/ESI/toc1.htm http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/ESI/pop2011.pdf
Migration Publications: - Census Analytical Report Volume IV: Migration. At: http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/HPC/2011/HPC_AR_Vol4_Migration_Yr11.pdf -R. Ramtohul, “‘High Net Worth’ Migration in Mauritius: A Critical Analysis” <i>Migration Letters</i> 13(2016): 16-32.
Country: Mozambique
Name of Agency/Government Department: Instituto Nacional de Estatistica

(National Institute of Statistics) http://www.ine.gov.mz
Year: 2017
Link to Survey Instrument: Annex to main report
Link to Data Base: N/A
Questions on Nationality; Country of Origin/Birth: P7, P8
Link to General Survey Report(s): http://www.ine.gov.mz/operacoes-estatisticas/censos/censo-2007/censo-2017 http://www.ine.gov.mz/iv-rgph-2017/mocambique/censo-2017-brochura-dos-resultados-definitivos-do-iv-rgph-nacional.pdf/view
Migration Publications: V. Agadjanian, S. Hayford and B. Oh, “When Leaving is Normal and Staying is Novel: Men’s Labor Migration and Women’s Employment in Rural Mozambique” <i>Migration Studies</i> (2019)
Country: Namibia
Name of Agency/Government Department: Namibia Statistical Agency https://nsa.org.na
Year: 2011
Link to Survey Instrument: https://unstats.un.org/unsd/demographic/sources/census/quest/NAM2011enHh.pdf
Link to Data Base: https://nsa.org.na/page/central-data-catalogue/
Questions on Nationality; Country of Origin/Birth: B9, B11
Link to General Survey Report(s): https://d3rp5jatom3eyn.cloudfront.net/cms/assets/documents/p19dmn58guram30ttun89rdrp1.pdf
Migration Publications: -Namibia Statistics Agency, Migration Report, 2015. Chapter 4: International Migration at https://d3rp5jatom3eyn.cloudfront.net/cms/assets/documents/p19dmqg344hnc6jilciocta1eg21.pdf
Country: Seychelles
Name of Agency/Government Department: National Bureau of Statistics https://www.nbs.gov.sc
Year: 2010
Link to Survey Instrument: https://unstats.un.org/unsd/demographic/sources/census/quest/SEY2010en.pdf and annex in Main Report
Link to Data Base: N/A
Question on Nationality: P10
Link to General Survey Report(s):

https://www.nbs.gov.sc/downloads/population-and-housing-census-2010-report/download
Migration Publications: No
Country: South Africa
Name of Agency/Government Department: Stats SA https://statssa.gov.za
Year: 2011
Link to Survey Instrument: http://www.statssa.gov.za/?page_id=3852
Link to Data Base: Access request via https://microdata.worldbank.org/index.php/catalog/2067
Questions on Nationality; Country of Origin/Birth; Location: P07-P10b
Other: Location (P10, P11)
Link to General Survey Report(s): http://www.statssa.gov.za/publications/P03014/P030142011.pdf
Migration Publications: -Stats SA, <i>Census 2011: Population Dynamics in South Africa</i> , Report 03-01-67 (2015). -States SA, <i>Migration Dynamics of Women, Children and Elderly in South Africa</i> , Report No 03-51-04 (2019) C. Fauvelle-Aymar, "Immigration and the South African Labor Market" MiWORC Working Paper No. 2, Johannesburg, 2014. -S. Ziehl, "Comparing Migration Data from Post-Apartheid Censuses: A Challenge for Longitudinal Research" <i>South African Review of Sociology</i> 48(2017): 38-62. -S. Rule "Migrants in Cape Town: Settlement Patterns" <i>HSRC Review</i> 16(2018/19): 19-21. -T.Sparreboom, J. Mertens and S. Berger, "The Labour Market Impact of Immigration in Three Sub-Saharan African Economies" <i>Journal of International Migration and Integration</i> (2019)
Country: Tanzania
Name of Agency/Government Department: Tanzania National Bureau of Statistics https://www.nbs.go.tz
Year: 2012
Link to Survey Instrument: https://www.nbs.go.tz/nbs/takwimu/census2012/Long_Questionnaire.pdf
Link to Data Base: http://www.dataforall.org/CensusInfoTanzania/libraries.aspx/Home.aspx
Questions on Nationality; Country of Origin/Birth: B13, B16
Link to General Survey Report(s): https://www.nbs.go.tz/index.php/en/census-surveys/population-and-housing-census/164-2012-phc-tanzania-basic-demographic-and-socio-economic-profile http://www.tzdpd.or.tz/fileadmin/documents/dpg_internal/dpg_working_groups_clusters/cluster_2/water/

WSDP/Background information/2012 Census General Report.pdf
Migration Publications: National Bureau of Statistics, <i>Migration and Urbanization Report: Population and Housing Census Vol. 4</i> (2015) https://www.nbs.go.tz/nbs/takwimu/census2012/Migration_andUrbanisation_Monograph.zip
Country: Zambia
Name of Agency/Government Department: Zambia Statistics Agency https://www.zamstats.gov.zm/
Year: 2010
Link to Survey Instrument: https://catalog.ihnsn.org/index.php/catalog/4124/download/55316
Link to Data Base: https://zambia.opendataforafrica.org/juedax/zambia-population-and-housing-census-data-1969-2010
Questions on Nationality; Country of Origin/Birth: P6-9
If Yes, Identify Relevant Question No. in Survey: Section P - P8, P9
Link to General Survey Report(s): https://www.zamstats.gov.zm/phocadownload/2010_Census/2010%20Census%20of%20Population%20National%20Analytical%20Report.pdf
Migration Publications: Central Statistical Office, <i>Migration and Urbanization Analytical Report</i> (Lusaka, 2013), At: https://www.zamstats.gov.zm/index.php/publications/category/14-2010
Country: Zimbabwe
Name of Agency/Government Department: Zimbabwe National Statistics Agency http://www.zimstat.co.zw/
Year: 2012 (2017) ²³⁶
Link to Survey Instrument: Annex to the main report
Link to Data Base: No
Questions on Nationality; Country of Origin/Birth: B6, B10
Link to General Survey Report(s): http://www.zimstat.co.zw/wp-content/uploads/publications/Population/population/census-2012-national-report.pdf http://www.zimstat.co.zw/wp-content/uploads/publications/Population/population/ICDS_2017.pdf
Migration Publications:

²³⁶ Zimbabwe conducted an Inter-Censal Demographic Survey of 11,200 households in 2017.

-ZimStat, *Inter-Censal Demographic Survey 2017* (Harare, 2018), pp. 53-57.

Annex D: Labour Force Surveys in Southern Africa

Country: Botswana
Name of Agency/Government Department: Statistics Botswana
Name of Survey: Labour Force Survey/Botswana Multi-Topic Household Survey (Labour Force Module)
Years: 2016, 2019(Q3), 2019(Q4)
Sample Size: 3,885 (2019)
Link to Survey Instrument: See https://www.ilo.org/ilostat-filesountry_Dashboard/BWA.html
Labour Migration Module: No
Reports Available Online: http://www.statsbots.org.bw/latest-publications
Link to Data Base: N/A
Labour Migration Analysis: Very limited analysis: Chapter 3 of both 2019 (Q4) and (Q3) reports contain formal sector employment with data analysis categorizing citizens, non-citizens and sex. For eg: Table 1.9a and 1.9b provide total number and percentage of non-citizens employed on formal sector; similarly, table 1.10a and 1.10b provide district wise distribution of the same data; Table 1.11a: Estimated Formal Sector Employment by Education/Training Level, Citizenship and Sex; Table 1.11b: Percentage of Formal Sector Employment by Education/Training Level and Citizenship; Table 1.12: Estimated Formal Sector Employment Monthly Average Earnings by Occupation, Citizenship and Sex; Table 1.13: Estimated Formal Sector Employment Monthly Average Earnings by Industry, Citizenship and Sex. Figures 1.20 and 1.21 of Q4 report and 1.16 and 1.17 of Q3 report : Average Earnings by Occupation, Citizenship and Sex BMTHS 2015/2016 : Figure 5.16 and Table ME2 present average earnings by occupation, citizenship, and sex; Table ME2: Average earnings (in Pula) for wage earners (15 years & above) by Occupation, Sex and Citizenship; Table ME3: Average earnings (in Pula) for wage earners (15 years & above) by Industry, Sex and Citizenship; Table ME4: Average earnings (in Pula) for wage earners (15 years & above) by Subject of Training, Sex and Citizenship

Note: Statistics Botswana combined the Labour Force Survey (LFS) and Botswana Core Welfare Indicators Survey (BCWIS) planned for 2015/16 into one Botswana Multi Topic Household Survey (BMTHS). From 2019(Q3), the survey became the Quarterly Multi Topic Survey (QMTS) with a Labour Force Module.

Country: Eswatini
Name of Agency/Government Department: Ministry of Labour and Social Security
Name of Survey: Integrated Labour Force Surveys
Year: 2010, 2014, 2016

Sample Size: 3,216 households (2016)
Link to Survey Instrument: N/A
Labour Migration Module: No
Reports Available Online: https://www.lmis.gov.sz/w/publications/list (2014, 2016) http://www.ilo.org/public/libdoc/igo/divers/Swaziland%20Labour%20Force%20Survey%20Report%202010.pdf (2010)
Link to Data Base: N/A
Labour Migration Analysis: Tables on employed population by sex and country of origin in Table 6.2.10 of 2010 report. Table on citizen/non-citizen proportional breakdown by sector in 2013/14 report

Country: Lesotho
Name of Agency/Government Department: Lesotho Bureau of Statistics
Name of Survey: Lesotho Integrated Labour Force Survey
Year: 2008
Sample Size: 11,406 households
Link to Survey Instrument: http://www.bos.gov.ls/microdata/index.php/catalog/18/download/48
Labour Migration Module: No
Report Available Online: http://www.bos.gov.ls/microdata/index.php/catalog/18/download/49
Link to Database: N/A
Labour Migration Analysis: Chapter 10 of Report

Note: The last Labour Force Survey was conducted in 2008. The Bureau of Statistics launched the Continuous Multi-Purpose Household Survey (CMS) in 2009. In 2011 a module on Household Budget Survey (HBS) was incorporated. In 2013, the CMS was modified to include Labour Market Information System (LMIS) related indicators. The CMS was administered in 2014/15 (3,800 households) and 2018 (4,320 households) and collects very limited data on labour migration and remittances; see <http://www.bos.gov.ls/microdata/index.php/catalog/30/download/80>

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Country: Malawi
Name of Agency/Government Department: National Statistical Office
Name of Survey: Malawi Labour Force Survey
Year: 2013
Sample Size: 11,000 households
Link to Survey Instrument: Attached to report

Labour Migration Module: No
Report Available Online: http://www.nsomalawi.mw/images/stories/data_on_line/demography/Labour%20Force/Labour%20Force%20Survey%202013/Malawi%20Labour%20Force%20Surver%202013%20Report.pdf
Link to Database: N/A
Labour Migration Analysis:

Country: Mauritius
Name of Agency/Government Department: Statistics Mauritius
Name of Survey: Continuous Multi-Purpose Household Survey (CMPHS)
Year: 2011-2018
Sample Size: N/A
Link to Survey Instrument: N/A
Labour Migration Module: No
Reports Available Online: Annual Digest of Labour Statistics http://statsmauritius.govmu.org/English/Publications/Pages/Regular-Reports.aspx http://statsmauritius.govmu.org/English/Publications/Pages/LF_Emp_Unemp_1Qtr18.aspx
Link to Database: N/A
Labour Migration Analysis: Table 2.31 of 2018 Report (2016-2018 data); Annex 3 of 2018(Q1 Report)

Note: Statistics Mauritius collects labour force data as part of CMPHS and published annual digest of labour statistics and for Q1(2018)

Country: Namibia
Name of Agency/Government Department: Namibia Statistics Agency
Name of Survey: Namibia Labour Force Survey
Year: 2008, 2012, 2013, 2014, 2016, 2018
Sample Size: 2,480 households (2018)
Link to Survey Instrument: https://nsa.org.na/microdata1/index.php/catalog/35/related-materials
Labour Migration Module: Yes (2018)
Report Available Online: https://nsa.org.na/microdata1/index.php/catalog/35/related-materials (2018) https://cms2.my.na/assets/documents/Labour_Force_Survey_-_20161.pdf (2016) https://d3rp5jatom3eyn.cloudfront.net/cms/assets/documents/9b8e77842e3dec459407c2a76b9d79ab.pdf (2014) https://d3rp5jatom3eyn.cloudfront.net/cms/assets/documents/Namibia_Labour_Force_Survey_report_201

3.pdf (2013)
https://cms2.my.na/assets/documents/p19dmnb3g84n115kkcch9bvsk1.pdf (2012)
Link to Database: N/A
Labour Migration Analysis:
Note: Labour migration and disability modules were added in the 2016 questionnaire as per the demand from SADC

Country: South Africa
Name of Name of Agency/Government Department: Statistics South Africa
Year: Quarterly Labour Force Survey (2008-2020)
Sample Size: 30,000 dwelling units (2020)
Link to Survey Instrument: N/A
Labour Migration Module: Yes. Migration module is not a permanent feature in the QLFS. Questions on migration in QLFS for the first time in Q3 of 2012.
Report Available Online: http://www.statssa.gov.za/publications/P0211/P02111stQuarter2020.pdf (Q1 2020) http://www.statssa.gov.za/publications/catalogue/Catalogue_of_products_and_publications_Latest.pdf (pp . 12-14)
Link to Database: N/A
Labour Migration Analysis <i>Migration Dynamics of Women, Children and the Elderly in South Africa</i> . Report No. 03-51-04 (Pretoria: Statistics South Africa, 2020). <i>Labour Market Outcomes of Migrant Populations in South Africa, 2012 and 2017</i> . Report: 02-11-04(Pretoria: Statistics South Africa, 2020).

Country: Tanzania
Name of Agency/Government Department: Tanzania National Bureau of Statistics
Name of Survey: Integrated Labour Force Survey
Year: 2014
Sample Size: 11,520 households
Link to Survey Instrument: https://catalog.ihnsn.org/index.php/catalog/8477/download/89747
Link to Data Base: https://nbs.go.tz/tnada/index.php/catalog/31/data-dictionary/F1?file_name=2014_ILFS_DATASET
Labour Migration Module: Yes
Report Available Online:

<https://www.nbs.go.tz/nbs/takwimu/labour/ILFS%202014%20Analytical%20Report.zip>

Labour Migration Analysis:

Country: Zambia

Name of Agency/Government Department: Zambia Statistics Agency

Name of Survey: Labour force survey

Year: 2012, 2014, 2017, 2018

Sample Size: 10,400 households (2018)

Link to Survey Instrument: Annex to Main Report (2018)

Link to Data Base:

<https://zambia.opendataforafrica.org/search?query=labour%20force%20survey> (2018)

Labour Migration Module: Yes (2018)

Reports Available Online:

<https://www.zamstats.gov.zm/index.php/publications/category/7-labour?download=9:2018-labour-force-survey-report> (2018)

<https://www.zamstats.gov.zm/index.php/publications/category/7-labour?download=8:2017-labour-force-survey-report> (2017) <https://www.zamstats.gov.zm/index.php/publications/category/7-labour?download=6:2014-lfs-report> (2014)

<https://www.zamstats.gov.zm/index.php/publications/category/7-labour?download=5:2012-labour-force-report> (2012)

Labour Migration Analysis:

Country: Zimbabwe

Name of Agency/Government Department: Zimbabwe National Statistics Agency

Name of Survey: Labour Force Survey

Year: 2011, 2014, 2019

Sample Size: 10,475 households (2019)

Link to Survey Instrument: Annex to Main Report (2019)

Link to Data Base: N/A

Labour Migration Module: Yes

Reports Available Online:

<http://www.zimstat.co.zw/wp-content/uploads/publications/Economic/Employment/Labour-Force-Report-2019.pdf> (2019)

http://www.nada.zimstat.co.zw/nada/index.php/catalog/77/download/309 (2014)
http://www.zimstat.co.zw/wp-content/uploads/publications/Economic/Employment/Labour-Force-Report-2011.pdf (2011)
Labour Migration Analysis: Chapter 11 of 2019 Report

Annex E: Other Surveys

Botswana

Name of Survey: Botswana Demographic Survey
Year: 2017
Sample Size: 9,560 Households
Link to General Survey Report(s): http://www.statsbots.org.bw/sites/default/files/publications/Botswana%20Demographic%20Survey%20Report%202017.pdf
Table 2.5 of the report shows the total number of foreign populations as per gender. A separate chapter for migration, Chapter 5 section 5.6 provides the country wise data of international migrants living in Botswana

Name of Survey: Botswana Multi-Topic Household Survey Report
Year: 2015/16
Sample Size: households 7060; participants 25130
Link to General Survey Report(s): http://www.statsbots.org.bw/sites/default/files/publications/Botswana%20Multi%20Topic%20Household%20Survey%20REPORT%202015%202016.pdf
Table 6.5T and figure 6.4 shows household income source where remittances from outside Botswana is shown.
Table IS7: Remittances from relative abroad who supported for establishing informal businesses

Comoros

Name of Survey: Demographic and Health Survey coupled with Cluster Survey on Multiple Indicators (EDSC-MICS II 2012)
Year: 2012
Sample Size: total household- 4482; total participants: women-5329, men-2167
Link to General Survey Report(s): https://dhsprogram.com/pubs/pdf/FR278/FR278.pdf ; http://www.inseed.km/index.php/themes/statistiques-demographiques

Eswatini

Name of Survey: Multi-Indicator Cluster Survey
Year: 2014
Sample Size: 4865 households interviewed
Link to Survey Instrument: https://catalog.ihns.org/index.php/catalog/8464/download/89678
Link to General Survey Report(s): https://catalog.ihns.org/index.php/catalog/8464/download/89680 provides some information about children with parents living abroad in the main report: page 175-176

Name of Survey: Household Income and Expenditure Survey 2010
Year: 2010
Sample Size: n/a
Link to Survey Instrument: Questionnaire I: https://catalog.ihns.org/index.php/catalog/4599/download/66267 Questionnaire II: https://catalog.ihns.org/index.php/catalog/4599/download/66268
Captured data about sources of income in the questionnaire: section B, household income, B01 Sources of household income in 020 -remittances from outside Swaziland; and B020 captures remittances received from outside Swaziland

Lesotho

Name of Survey: Lesotho Multiple-indicator Cluster Survey (MICS)
Year: 2018
Sample Size: 8847 households interviewed
Link to Survey Instrument: Questionnaire is included in the annex E of the main report available at http://www.bos.gov.ls/Publications.htm
Link to General Survey Report(s): http://www.bos.gov.ls/Publications.htm
Table SR11.2 provides information about children whose at least one parent is living abroad. Tracks the information about migration from outside Lesotho (Table SR7.1W and SR7.1M)

Malawi

Name of Survey: Integrated Household Survey 2010/2011
Year: 2010/2011
Sample Size: 12288 households
Link to General Survey Report(s):

http://www.nsomalawi.mw/images/stories/data_on_line/economics/ih/IHS3/IHS3_Report.pdf
Mainly provides information of internal migration; shows movement of people outside Malawi to urban Malawi in table 2.6 in the main report

Name of Survey: Fourth Integrated Household Survey
Year: 2016/2017
Sample Size: 12288 households
Link to General Survey Report(s): http://www.nsomalawi.mw/images/stories/data_on_line/economics/ih/IHS4/IHS4%20REPORT.pdf
Mainly provides information of internal migration but has some information about migration from outside Malawi to rural and urban Malawi in figure 2.4 in the main report.

Mauritius

Name of Agency/Government Department: Statistics Mauritius
Name of Survey: Census of Economic Activities
Year: 2013
Sample Size: 3600 small establishments and 2400 large establishments
Link to Survey Instrument: Annexed to the reports (Annex B) of both Phase I and Phase II reports
Link to General Survey Report(s): http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/CEA/Small_Establishment/2013/CEAS_PhaseI_Yr13.pdf http://statsmauritius.govmu.org/English/CensusandSurveys/Documents/CEA/Large_Establishment/2007/EAL_PhaseI_Yr07.pdf
Information about ownership of the economic activities- distinguish between Mauritian and non-Mauritian ownership in equity participation (Questionnaire 2.4)

Namibia

Name of Survey: Namibia Financial Inclusion Survey
Year: 2017
Sample Size: 2114 households
Link to Survey Instrument: https://nsa.org.na/microdata1/index.php/catalog/32/download/186
Link to Data Base: https://nsa.org.na/microdata1/index.php/auth/login/?destination=catalog/32/get-microdata

Link to General Survey Report(s): Main report: https://nsa.org.na/microdata1/index.php/catalog/32/download/184
-Q 113.2 captures the money send to other country in the past 6 months. -Q 115.2 captures the money received from someone living in another country -Table 28 shows 3.1% sent money outside the country and table 29 shows 2.1 percent received remittances from outside the country

Name of Survey: Namibia Intercensal Demographic Survey
Year: 2016
Sample Size: 12480 households
Link to Survey Instrument: https://nsa.org.na/microdata1/index.php/catalog/30/download/170
Link to Data Base: https://nsa.org.na/microdata1/index.php/auth/login/?destination=catalog/32/get-microdata
Link to General Survey Report(s): https://nsa.org.na/microdata1/index.php/catalog/30/download/171

Name of Survey: Household Income and Expenditure Survey
Year: 2015/16
Sample Size: 10368
Link to Survey Instrument: https://nsa.org.na/microdata1/index.php/catalog/28/download/158
Link to Data Base: https://nsa.org.na/microdata1/index.php/auth/login/?destination=catalog/32/get-microdata (asks for registration)
Link to General Survey Report(s): Main report: https://nsa.org.na/microdata1/index.php/catalog/28/download/164 Population by sex and citizenship in Table 2.2.4 of the main report

Seychelles

Name of Survey: Household Budget Survey
Year: 2013
Sample Size: 3000 households
Link to Survey Instrument: https://unstats.un.org/unsd/demographic/sources/census/quest/SEY2010en.pdf
Link to Data Base: https://catalog.ihnsn.org/index.php/catalog/6480/data-dictionary
Link to General Survey Report(s): Main report: https://catalog.ihnsn.org/index.php/catalog/6480/download/79347

South Africa

Name of Survey: Community Survey
Year: 2016
Sample Size: approx. 1.3 million households
Link to Survey Instrument: https://catalog.ihnsn.org/index.php/catalog/7188/download/86016
Link to Data Base: https://catalog.ihnsn.org/index.php/catalog/7188/data-dictionary
Link to General Survey Report(s): Statistical release: http://www.statssa.gov.za/publications/P03014/P030142011.pdf Technical report: http://cs2016.statssa.gov.za/wp-content/uploads/2016/06/CS-2016-Technical-report_Web.pdf http://www.statssa.gov.za/publications/03-01-06/03-01-062016.pdf
Demographic, year of migration, citizenship status

Name of Survey: Living Conditions Survey
Year: 2014/15
Sample Size: 30818 Dwelling Units (DUs)
Link to Survey Instrument: https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/608/download/8921
Link to Data Base: https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/608
Link to General Survey Report(s): http://www.statssa.gov.za/publications/P0310/P03102014.pdf

Name of Survey: Labour Market Dynamics in South Africa
Year: 2017
Sample Size: n/a
Link to Survey Instrument: https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/727/download/9903
Link to Data Base: https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/727/related_materials
Link to General Survey Report(s): https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/727/download/9905

Trends of foreign-born working age population from 2012 to 2017

Name of Survey: National Income Dynamics Survey (NIDS)
Year: 2011 (Wave 2), 2012 (Wave 3), 2014-15 (Wave 4), 2017 (Wave 5)
Sample Size: 7300 Households
Link to Survey Instruments and Data: https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/452 https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/453/study-description https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/706 https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/570/ https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/712
Link to Publications: https://www.datafirst.uct.ac.za/dataportal/index.php/catalog/NIDS
NIDS data has been mainly used to date for internal migration.

Tanzania

Name of Survey: Household Budget Survey
Year: 2011/12
Sample Size: 10400 households interviewed
Link to Survey Instrument: https://nbs.go.tz/tnada/index.php/catalog/24/download/245
Link to Data Base: https://nbs.go.tz/tnada/index.php/catalog/24/data-dictionary/F1?file_name=HBS-2011-12-Poverty-Dataset
Link to General Survey Report(s): https://www.nbs.go.tz/nbs/takwimu/hbs/The_2011-12_HBSFinalReport.zip
Reason for migrating to Tanzania from other countries (Section 1 Q. 14), demographic information, time of stay (section 1, Q. 12)

Name of Survey: Household Budget Survey
Year: 2017/18
Sample Size: 9552 households
Link to Survey Instrument: https://www.nbs.go.tz/nbs/takwimu/hbs/2017_18_HBS%20QUESTIONNAIRES.zip
Link to Data Base: https://www.nbs.go.tz/index.php/en/census-surveys/poverty-indicators-statistics/household-budget-survey-hbs/477-the-2017-18-household-budget-survey-dataset
Link to General Survey Report(s): https://www.nbs.go.tz/nbs/takwimu/hbs/2017_18_HBS_Key_Indicators_Report_Engl.pdf

Reason for staying to Tanzania from other countries (Section 4 Q. 4.5), demographic information, time of stay (section 1, Q. 12)

Zambia

Name of Survey: Living Conditions Monitoring Survey
Year: 2010
Sample Size: Approx. 20000 households
Link to Survey Instrument: https://catalog.ihns.org/index.php/catalog/2597/download/38839
Link to Data Base: -Data range 1991-2015: https://zambia.opendataforafrica.org/dajivbb/living-conditions-statistics 2010 data description files: https://catalog.ihns.org/index.php/catalog/2597/data-dictionary
Link to General Survey Report(s): https://catalog.ihns.org/index.php/catalog/2597/download/38842
The survey captures the amount of remittances paid outside Zambia (Questionnaire section 11B: Remittances household expenditure Q. 18, 19 & 20)

Name of Survey: Living Conditions Monitoring Survey
Year: 2015
Sample Size: 12260 households
Link to Survey Instrument: https://catalog.ihns.org/index.php/catalog/7105/download/83852
Link to Data Base: -Data range 1991-2015: https://zambia.opendataforafrica.org/dajivbb/living-conditions-statistics 2015 data description files: https://catalog.ihns.org/index.php/catalog/7105/data-dictionary
Link to General Survey Report(s): https://www.zamstats.gov.zm/index.php/publications/category/9-living-conditions?download=125:2015-living-conditions-monitoring-survey-report
The survey captures the amount of remittances paid outside Zambia (Questionnaire section 11B: Remittances household expenditure Q. 18, 19 & 20)

Zimbabwe

Name of Survey: Poverty Income Consumption and Expenditure Survey
Year: 2017
Sample Size: 31195 households interviewed
Link to Survey Instrument:

http://www.nada.zimstat.co.zw/nada/index.php/catalog/79/download/326
Link to Data Base: http://www.nada.zimstat.co.zw/nada/index.php/catalog/79/related-materials
Link to General Survey Report(s): http://www.nada.zimstat.co.zw/nada/index.php/catalog/79/download/327
Information about international migration and disability, level of education etc in chapter 7 of the main report.