

Integrating Migration with Development in EAC *Policy Challenges and Recommendations*

Migration, as a fundamental element for development and poverty reduction, needs an efficient management. With the deepening of East African Community's (EAC) regional integration and the appreciation of ensuring free movement of people, the issues of managing migration in the region have increased in importance. The EAC Common Market Protocol is expected to solve existing challenges: to ensure smooth movement of people, services and capital and to guarantee the right of establishment and the right of residence within the region.

This Policy Brief aims at analysing the link between a correct management of migration and the positive effects it could have on the economic growth and poverty reduction. It focuses on Rwanda's migration policy as an example to underline the efforts that the country is making in order to become a prosperous welcoming and secure nation.

Introduction

Successful management of migration lies at the heart of successful implementation of the EAC Common Market Protocol (Articles 76(1) and 104(2) of the Treaty). As was observed during the EAC Common Market Protocol negotiations, migration stuck out as a salient issue in the negotiations. In the provision of a deeper integration process within the EAC region (a Monetary Union in 2012 and ultimately a Political Federation), it is fundamental to understand the central role that migration can play for development and poverty reduction. For this, it is necessary to identify which policy changes Member States should put in place to reduce barriers to migration, to liberalise the mobility of people, to ensure their social protection and to make it beneficial for the development of both the countries of origin and destination. This Policy Brief, based on the Study on "Integrating Migration with Development in EAC: Policy Challenges and Recommendations" commissioned by ACCORD-Rwanda in collaboration with CUTS Geneva Resource Centre brings out key issues and policy recommendations.

Background and Context

Migration in East Africa is an old phenomenon that can be traced back to the pre-colonial era. At the time, it was characterised by the non-existence of "boundaries". Furthermore the strong interaction between the different societies and the strong cultural and tribal linkages, made movement of persons and goods easy and smooth.

Today's migration flows in East Africa have mostly the same characteristics as the ones in the rest of the

continent. They move towards more developed areas where it is possible to find a paid job or a (well) paying income-generating activity. Despite this role of the economic factor as a cause of migration, flows have also been influenced by other factors like natural disasters or conflicts.

Considered as the booming economy of the region, Kenya has always represented an important pole of attraction for migration flows, although in the recent years this role has gradually shifted to Tanzania which has become the destination of incoming foreign direct investment (FDI) and the darling of donor countries. With increasing employment opportunities being generated with FDI and privatisation, and with a local workforce that lacks the skills required to take advantages of these opportunities, Ugandans and Kenyans are trickling into the country to fill in the emerging lacunae.

In 1967, the free movement of persons within the region had been ensured by the treaty of co-operation between Tanzania, Kenya and Uganda: the original Member States of the EAC. Due to political issues between them, the EAC disintegrated in 1977. Then came the 1999 Treaty for the Establishment of the EAC, which provides for free movement of persons, Labour Services, and Right of Establishment and Residence. Article 104 states clearly that "Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the community". These measures consist in easing border crossing by citizens of the Partner States and

harmonising and maintaining common employment/labour policies, programs and legislation.

The three founding members were later joined by Rwanda and Burundi in 2007 to make the EAC a five-member regional economic bloc. Despite all these efforts and measures to improve the situation, migration is still a complex and challenging issue for the region and the variety of actors involved in this phenomenon (refugees, internally displaced persons, labour migrants and migrants in an irregular situation) make the situation even more complicated.

The Common Market Protocol in force from July 2010 is expected to solve existing challenges and ensure smooth movements of people within the region. This study considers the negative mindsets and the poor infrastructures as key points to work on in order to ensure smooth and uninterrupted movements of people in the region.

Key Elements on Migration & Development

Migration cannot be considered as the panacea for development problems, but as this study shows, there is a tight link between development and migration.

Migration, when well managed, can contribute positively to development. It can ensure a win-win deal: migrants get the chance to deploy their energies and enterprise in pursuit of a better life while host societies have the opportunity to benefit from an influx of skills. Finally home societies can benefit from resources remitted by people who have moved away, and from the return of migrants, armed with new skills and ideas. On the other hand, if not managed properly, migration can generate negative results such as the 'brain drain' phenomenon, experienced by many developing countries in key development sectors.

It is interesting to note that a slight relaxation of restrictions on the movement of workers – increasing the proportion of migrants in the workforce of developed countries to 3 percent – would deliver global gains of about US\$150bn per year, more than the annual Official Development Assistance (ODA) flows.

It is also been noted that remittances sent home by international migrants through official channels currently amount to US\$93bn per year; with informal transfers included, remittances are likely to amount to around US\$300bn per year. Migration delivers massive economic gains, which could be used for poverty reduction.

To better understand the importance of the remittances' global flows towards the region, it might be helpful to consider the Table 1.

A radical liberalisation of migration regimes offers economic gains which may far exceed those which a successful conclusion to the World Trade Organisation's (WTO) "Development Round" might achieve.

EAC Common Market Protocol and Effects on the Movement of People

The EAC Common Market Protocol is expected to solve existing challenges and ensure smooth movements of people within the region. It attempts to establish a legal framework for free movement of goods, persons, labour, services and capital; right of establishment and residence. The key objective is to accelerate the economic growth and development of the Partner States through the attainment of these freedoms.

The Protocol is based on two key elements stated in Article 3:

1. The non discrimination of nationals of other Partner States on grounds of nationality; and
2. The extension to nationals of other EAC Partner States, treatment not less favorable than that accorded to third parties.

It must be noted that these provisions, though separate, are interconnected and form the overarching framework of the legal provisions that will affect the movements of persons in the East African Common Market. It should be noted that while some of these Protocol provisions deal with the movement of people, some others deal with the nature of the rights that EAC Partner States citizens will enjoy as residents of other EAC Partner States. It is, therefore, the combination of the provisions allowing for the movement of EAC citizens as well as the provisions guaranteeing the nature of the legal rights that they will enjoy as residents in EAC States that make up the totality of the legal provisions affecting the movement of people in the EAC Common Market Protocol.

EAC Partner States further agreed to cooperate to harmonise and mutually recognise academic and professional qualifications as well as to coordinate and harmonise their social policies.

Immigration and Migration Policy in Rwanda

After the 1994 genocide and the civil war, the Government of Rwanda initiated major economic and social reforms in order to lift up its people from poverty towards a good standard of living and to bring back the country on the right path of economic and social development.

In 1998, it established the Rwanda Investment Promotion Agency (RIPA) which later turned into the

Table 1: Workers' remittances, compensation of employees, and migrant transfers (in US\$m)

	2005	2006	2007	2008
Burundi	71,562	11,471	189,949	3,645,091
Kenya	805,000,000	1,128,000,000	1,588,000,000	1,692,000,000
Rwanda	20,890,000	21,155,010	51,270,440	67,797,400
Tanzania	19,366,300	15,380,680	14,326,980	18,641,850
Uganda	321,808,500	411,000,000	451,571,900	723,521,000

Source: Adapted from World Bank (2008)

Rwanda Investment and Export Promotion Agency (RIEPA) with the primary function to promote the country as a viable destination for investments. RIEPA was later merged with other institutions that formed what is currently known as the Rwanda Development Board (RDB). RDB has executed its functions quite well and Rwanda is regarded as the most preferred investment destination in the sub-Saharan Africa (SSA).

In this context it is important to note that the Rwanda Directorate of the Emigration and Immigration has been playing an instrumental role in facilitating movement of persons and investors by issuing them with business visas and work permits.

The Migration policy is a newly prepared document that seeks to fulfill the key tenets of the Rwanda Economic Development and Poverty Reduction (EDPRS) and the Vision 2020. The intention of the government in the vision 2020 is also to double the income per-capita from the current level of US\$500 to US\$900 by the year 2020.

In this regard, the Government of Rwanda has accorded high priority on social sector development such as health, education, and clean drinking water rural roads. These policies and programs are geared towards benefiting the largely poor masses. The migration policy is crafted along these tenets of vision 2020 that seeks to transform Rwanda into a prosperous welcoming and secure nation anchored on principles of good governance, human resource development, infrastructure development, entrepreneurship and private sector driven, agriculture modernisation and regional integration.

Based on three important growth sectors (tourism, skills and human productivity and investment development and promotion) that would trigger the Rwandan economic development in the long-run, the policy aims at facilitating and encouraging tourists to come to Rwanda without any constraint; at allowing the entry of the foreign skilled workers found to be lacking in Rwanda's labor market; at allowing and facilitating the entry of investors with substantial funds to come and invest in Rwanda and at enabling the Rwandan Diaspora to contribute towards nation building.

Conclusion

In conclusion, it is important to note that, with the deepening of EAC's regional integration and the appreciation of ensuring free movement of people, the migration issues in the region are becoming important.

From the study it is clear that the current migration policy of Rwanda is well aligned with its investment,

Box 1: Legal and Institutional Framework in the EAC at a Glance

Rwanda: Migration issues are handled by the Directorate of Migration and Immigration. The key laws are the Immigration Law, the Organic Law relating to Rwandan Nationality and the Presidential order on acquiring Rwandan Nationality.

Burundi: In order to be allowed to enter the country it is necessary to have a passport, visa, and evidence of immunisation against yellow fever. Travellers resident in countries where there is no Burundian embassy are eligible for entry stamps, without a visa, upon arrival at the airport. These entry stamps are not a substitute for a visa, which must be obtained from the Burundi Immigration Service within 24 hours of arrival. Citizens of EAC Partner States do not need to have visas before coming to Burundi because their passports are stamped on upon arrival and no fees are charged.

Uganda: The institution in charge of migration issues is the Immigration Department, within the Ministry of Internal Affairs. Its mandate is to facilitate, monitor and control the movement of persons (both citizens and non citizens) in and out of Uganda. The services offered by the Immigration department can be summarised as issuance of the following: Visas, Special Passes, Entry Permits (Work Permits), Dependants Passes, Pupils Passes, Certificates of Residence and Granting of Citizenship.

Kenya: Migration issues in Kenya are handled by the Department of Immigration which operates under The Kenya Citizenship Act Cap 173, The Immigration Act Cap 172 and the Aliens Restriction Act Cap 170 respectively, and the Constitution of Kenya.

United Republic of Tanzania: Immigration matters are regulated by two laws: the Emigration Control Decree of Zanzibar of 1964 and the Tanzania Immigration Act of 1972 which replaced the Immigration Act of 1963.

tourism and skills development policies. Since these factors have been earmarked as the potential driver for the Rwandan economic development it is now necessary to effectively accelerate the implementation of this policy so as to achieve its intended goals.

In addition, there is a need for the Directorate of Immigration and Emigration to push the Parliament to expedite the process of passing the new laws and regulations that would govern operation of this policy.

The following are key policy recommendations that deserve due attention and consideration:

1. **Facilitating labour mobility in regional integration:** As recognised in the Treaty establishing the EAC, freedom of labour to move geographically, transfer jobs and change employers is essential to ensuring the most productive use of labour, including both skilled and less-skilled migrants. The Common Market should be used as a tool to further improve the situation.
2. **Further smoothening of movements in the EAC:** It is important to note the encouraging level of integration that the EAC has reached at. In this light, further smoothening of movements in the EAC should be a continued effort until a time when the people will be able to move in the region using national identity cards and also, the process of ensuring that the EAC population gets access to an EAC Passport should be expedited.

3. **Establishing an informed and transparent labour migration system:** Such a system would be set up to respond to legitimate, measured labour needs, taking into account domestic concerns as well. Closer collaboration will be required between the immigration and labour departments, with use of reliable labour market assessments conducted in consultation with the social partners in identifying and responding to current and emerging needs for workers. Reduction of exploitation, trafficking and smuggling of migrants can only be achieved through a comprehensive migration policy.
4. **Enforcement of labour standards in all sectors of activity:** This is important to prevent exploitation of migrants and discourage irregular employment. This involves enactment of clear national minimum standards for protection of workers, national and migrant, in employment, where those do not exist. International Labour Organisation Convention on such aspects as occupational safety and health, against forced labour, and on discrimination provide minimum international norms for national legislation. A necessary complement is monitoring and inspection in such areas as agriculture, domestic work and other sectors of 'irregular' employment, in particular to identify and prevent exploitation of children and to detect and stop forced labour, as well as to uphold minimal decent work conditions.
5. **Preventing discrimination and xenophobia:** The recent conferences against Racism and Xenophobia as well as relevant debates have recognised discrimination and xenophobia against non-nationals as one of the major social and political challenges of our time. In this regard, the EAC Partner States must ensure that citizens moving within the region are all treated based on the principle of equality and non-discrimination.
6. **Ensure full and effective implementation of the EAC Common Market Protocol:** The EAC Common Market Protocol and its annexes have very important provisions. Once the Protocol comes into force, the migration issues in the region will become much smooth and much better.
7. **More recommendations (from participants of the National and Regional workshops):** During the national and regional validation workshops, the participants made a number of recommendations. The key recommendations included:
 - i. EAC Partner States should enhance skills development and satisfy the domestic labour market in order to export surplus developed, skilled and competitive labour force.
 - ii. Another study indicating the magnitude of gains each member country would get from the migration and trade integration policies in EAC should be conducted to engage the countries in a more informed way and do away with any fear in the progress.
 - iii. A culture of competition should be embraced. This will not only develop the economies of individual EAC Partner States but the whole EAC as a region.
 - iv. Cultural and linguistic integration should be encouraged to have the common people as one society that will be a strong pillar to support the integration process among border population.
 - v. There should be a promotion of cross-border development projects which will eventually contribute to minimising or removing cross-border conflicts.
 - vi. There should be a compilation of laws and regulations in specific sectors and identification of missing gaps to be filled.
 - vii. There should be a well structured platform for sharing information between the government and the civil society.
 - viii. There should also be harmonisation of relevant laws and regulations, such as traffic regulations, education systems and mutual recognition of relevant documents such as certificates, diplomas, driving licenses, to mention but a few. This harmonisation and mutual recognition should be applied in all relevant areas.

Finally, this study should be used by policymakers to ensure effective implementation of the recommendations therein. This study should also be used as a foundation to build on by conducting more detailed and specific studies.

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