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RESEARCH Paper

Integrating Migration with Development in EAC: Policy Challenges and Recommendations

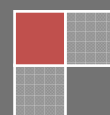
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Executive Summary

Migration issues in East Africa may be traced way back to the pre-colonial era. It was characterised by the non-existence of “boundaries” as we know them today; there was strong interaction of societies, free movement of persons and goods. This state of affairs was facilitated by strong cultural and tribal linkages. Such linkages forged strong bondages, fortified by barter trade between clans.

When the former East African Community (EAC) was created in 1967 following the signature of a treaty of cooperation between Tanzania, Kenya and Uganda, the free movement of persons within the region was ensured as one of the key elements of cooperation. Unfortunately, the EAC disintegrated in 1977 due to political differences between Partner States. Nonetheless, after a period of about two decades, the three countries of Kenya, Uganda and Tanzania renewed efforts to restore the past glory of the East African Community, and the governments of the three countries made commitments to re-establish their ties. These efforts later led to the rebirth of the East African Community in 1999, with the signing of the Treaty for the Establishment of the East African Community (EAC). These three founding members were later joined by Rwanda and Burundi in 2007 to make the EAC a five-member regional economic bloc.

The Treaty establishing the EAC has free movement of people clearly provided for. Article 104 of the Treaty provides for Free movement of persons, Labour Services, Right of Establishment and Residence. The scope of the article stipulates “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”.

Despite continued measures to improve the situation, the migration process is not as smooth as it used to be in pre-colonial and post independence era. Migration issues in East Africa today, are complex and challenging. They include large mobile population of refugees, internally displaced persons (for some parts of the community for a number of reasons), labour migrants and migrants in an irregular situation.

The above-mentioned challenges coupled with negative mindsets for some in the EAC and poor infrastructure are key issues that need to be worked upon to ensure smooth and uninterrupted movement of people in the region. The signed Common Market Protocol scheduled to be implemented in July 2010 is expected to solve existing challenges and ensure smooth movement of people within the region.

Characteristics of Migration in EAC: Migration flow in East Africa today is no different from the rest of the continent. Migration happens towards more developed areas, which for an individual migrant means a better paying job or a (well) paying income-generating activity. However, there are other reasons that may influence migration. To a greater extent, migration takes place due to economic reasons, although in East Africa, due to its proximity to the Great lakes Region, other factors are increasingly playing a significant role, more significantly of which are civil wars, which have generated large numbers of refugees. Other

factors may include, natural disasters like drought, floods, volcanic eruptions, to mention a few. Nevertheless, the economic factor is still playing a significant role.

For a very long time now, Kenya has been considered as the booming economy of East Africa, and hence has had an allure to her neighbours. A good number of Tanzanians and Ugandans are known to have “migrated” to Kenya in search of greater economic opportunities and social well-being. In recent years, however, that attraction has slowly 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.

There is also another trend of changing dynamics in what is motivating movements of people. For example, some skilled experts have been targeting emerging economies with gaps in expertise to take advantage of the existing needs. This has been the case where Kenyan and Ugandan experts have increasingly been moving to Rwanda and Burundi to provide their much needed skills and expertise. Also, the business people have been targeting seemingly virgin and less competitive areas which has led to a number of companies including banks from Kenya to move to Rwanda and Burundi (a case of Nakumatt and Kenya Commercial Bank “KCB”).

The EAC Common Market: The East African Community Common Market Protocol attempts to establish a legal framework for the free movement of goods; the free movement of persons; the free movement of labour; the free movement of services; the free movement of capital; the right of establishment; and the right of residence. The key objective is to accelerate the economic growth and development of the Partner States through the attainment of these freedoms.

Within the broad scope of the Common Market Protocol, there are a number of provisions that deal directly and indirectly with the movement of EAC citizens within the EAC Common market. These include provisions on the free movements of labour, persons and services as well as provisions on the right of establishment and residence.

Key Policy Recommendations: 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 much better and smoother more than ever before. Nevertheless, the following policy options may be considered to ensure that the great expectations are truly realised;

- Facilitating labour mobility in regional integration
- Removing visa fees and other restrictions
- Establishing an informed and transparent labour migration system
- Enforcement of labour standards in all sectors of activity
- Preventing discrimination and xenophobia
- Ensure full and effective implementation of the EAC Common Market Protocol

Chapter 1: Background and Context

1.1 Introduction

The EAC Partner States of Burundi, Kenya, Rwanda, Tanzania and Uganda have taken integration to a deeper level. With the conclusion and signature of the Common Market and the region expecting to be in a Common Market starting July 2010, the region is looking forward to a Monetary Union in 2012 and ultimately a Political Federation. One of the key developments in the EAC integration process is the way the movement of people in the region will be affected. For example, within the EAC Common Market, there will be free movement of people as well as rights of residence and establishment. In light of this, ACCORD-Rwanda in collaboration with CUTS International commissioned this study on “Integrating Migration with Development in EAC: Policy Challenges and recommendations”.

It is important to note the fact that the EAC integration is fast taking shape. Three important parallel developments are currently underway in the East Africa Community (EAC) viz. (a) Continuation of the internal process of integration where negotiations for the establishment of an EAC Common Market were successfully completed and the Common Market slated for implementation in 2010; (b) Tripartite discussions between the EAC, SADC and COMESA aimed at the integration of the three economic blocs; and (c) Negotiations for an Economic Partnership Agreement (EPAs) aimed at formation of a free trade area between the EAC and the European Union (EU).

While the integration process is reaching some of its benchmarks, migration of people within the EAC is becoming a central issue in both practice and policy implications. There is a need to understand better what migration means for development and poverty reduction in the region. There is no doubt that migration has a developmental impact, but we need to look at the most beneficial policy change that member states should put in place in order to reduce barriers to migration, to liberalise the mobility of people, to ensure social protection for migrants, to engage diaspora in contributing to the development of countries of origin, and to harmonise where necessary the policy development on migration.

It is important to appreciate the fact that successful management of migration lies at the heart of successful implementation of the EAC Common Market Protocol, at least, according to 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 of the negotiations. However, the point is: effective integration of migration and development policies in EAC cooperation could bring social and economic benefits for the Partner States. Migration policies could be adapted to facilitate and promote development; and development policies could be used to offset some of the negative aspects of migration in the region and national states.

1.2 Purpose of the Study

This study is intended as a tool for development policymakers grappling with migration issues in EAC to help to clarify the basis of current EAC Partner States' migration policies and indicate the potential of the existing framework for a development-orientated approach to migration management in the EAC. It examines the implications of migration policies within the EAC Partner States, highlights policy challenges and pitfalls and makes policy recommendations based on the present migration and development related issues with a relative comparison in the EAC region.

In particular, the study:

- Examines the content and implications for EAC Partner States' policies linking migration with development and foreign relations;
- Assesses the main impacts of migration on political and socio-economic development in the EAC;
- Highlights policy options for development planners in the region for addressing the synergies between migration and development processes; and,
- Relatively compares Rwanda's policies with the EAC regional context in relation to other EAC Partner States.

1.3 Methodology of the Study

The study was prepared based on the following methodology:

1. Undertaking the study and preparing an analytical report on the basis of the study findings;
2. Conducting a desk study using relevant information sources as well as field interviews with the relevant government and non-governmental stakeholders as well as individual actors affected by the relevant policies;
3. Analyzing and reviewing of existing relevant regional documents, such as the EAC Treaty and the EAC Common Market Protocol as well as national documents such as, the government policies, laws, rules and regulations;
4. The work also involved consultations where possible with other EAC Partner States and the EAC Secretariat in Arusha; and
5. Drafting the study based on the information gathered.

1.4 Scope of the Study

The study was commissioned to assess and analyse the economic importance of migration policies within EAC and to make relevant recommendations. The study also analyses the Common Market Protocol provisions relevant to the movements of people (movement of labour, right of residence and right of establishment) and links it to how migration can be taken advantage of to enhance development aspirations in the EAC region. The study further looks at the current regional relevant policies with particular emphasis on Rwanda and provides relevant recommendations.

Chapter 2: Key Elements on Migration and Development

It is widely believed by economists, policy makers and politicians that movements of people in turn yields much in terms of tangible contribution to nations' economic development.

Traditionally being treated as separate policy portfolios, migration and development are today increasingly viewed through the prism of the many links that exist between these two fields. While development-oriented actions can help tackle the root causes of migratory flows, migration can, in turn, contributes positively to development, including economic growth, social empowerment and technological progress.

On the other hand, if not well managed, migration can also pose challenges to countries' development efforts. Such phenomenon as 'brain drain', experienced by a number of developing countries in key development sectors, call for more cohesive and sustainable policies. Greater partnership between countries of origin, transit and destination as well as the full integration of the migratory dimension in development policies and dialogue on all levels are crucial steps in enhancing the development potential of migration.

Building on the global momentum on migration and development, in September 2006 the United Nations dedicated a General Assembly plenary session to migration issues in the form of a High Level Dialogue on International Migration and Development (UN HLD). This ground-breaking international event provided for the first time ever a unique opportunity to countries of origin, transit and destination to move towards a concerted approach to migration and development.

2.1 Interesting Facts about Migration

The history of migration is that of people's struggle to survive and to prosper, to escape insecurity and poverty, and to move in response to opportunity. Migration is not a panacea for development problems, but if properly managed it can deliver major benefits in terms of development and poverty reduction. Global flows of aid amount to US\$68.5bn per year. The United Nations estimates that the Millennium Development Goals could be met if aid were increased to US\$100bn per year.

A slight relaxation of restrictions on the movement of workers – increasing the proportion of migrants in the workforce of developed countries to three percent – would deliver global gains of perhaps US\$150bn per year¹. 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. The costs and benefits of migration are distributed, unevenly, between and within countries and social groups. The balance and distribution of costs and benefits depends upon the nature of the migration in

¹ International Development Committee, *“Migration and Development: How to make migration work for poverty reduction”*

question, and on the links which migration establishes between places of origin and destination.

In a nut shell, it is believed that, more radical liberalisation offers economic gains which far exceed those which a successful conclusion to the World Trade Organisation’s (WTO) “Development Round” might achieve². It is also important to note that, when well managed, a win-win deal is ensured: Migrants have the chance to employ their energies and enterprise in pursuit of a better life; Host societies have the opportunity to benefit from an influx of skills; 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.

2.2 Key Terms Commonly used in Migration Issues

Migrant	A person who lives or has lived away from his or her place of birth for a period of one year or longer, having crossed the boundary of a political or administrative unit with the result that he or she does not automatically enjoy the same rights of citizenship and residence as someone who is a citizen or permanent resident of that place.
Seasonal Migrant	A migrant who – in an exception to the one year or longer criterion for a “migrant” – moves to and fro between home and another place on a seasonal basis.
Internal Migrant	A migrant who has moved within his or her country of birth, crossing a boundary between provinces, districts, municipalities or other political or administrative units.
International Migrant	A migrant who has moved outside his or her country of birth, crossing an international boundary.
Refugee	An international migrant who has fled his or her home country because of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and who has been granted refugee status by a receiving state according to the United Nations 1951 Geneva Convention on Refugees.
Asylum-seeker	An international migrant whose claim to refugee status is yet to be determined.
Economic migrant	A migrant who moves for economic reasons and who has no legitimate claim to refugee status.
Country of Origin	This is the migrant’s country of origin, that is, where he comes from, originates and belongs. In other words, the country of origin is the migrants’ home country.
Host Country	This is the country currently hosting the migrant, that is, where he/she is based currently, having come from the home country.

² Dani Rodrik of Harvard University states that “liberalising cross-border labor movements can be expected to yield benefits that are roughly 25 times larger than those that would accrue from the traditional agenda focusing on goods and capital flows”. Dani Rodrik, *Feasible Globalisations* John F. Kennedy School of Government Working Paper Series RWP02-029, July 2002, pp.19

Chapter 3: Migration in EAC

3.1. Historical Background

Migration issues in East Africa may be traced way back to the pre-colonial era. It was characterised by the non-existence of “boundaries” as we know them today; there was strong interaction of societies, free movement of persons and goods³. This state of affairs was facilitated by strong cultural and tribal linkages e.g. the Bantus who are found in the Lake Victoria Basin, were (and still are) found in Uganda, Tanzania, Rwanda, Burundi; or the Nilotic, who were found in parts of Southern Kenya and Kilimanjaro region in Tanzania. Such linkages forged strong bondages, fortified by barter trade between clans⁴. Even systems of government in this era were similar due to commonalities in traditions and customs. Migration during the era was the result of a collective decision of a cultural group and affected all its members.

When the former East African Community (EAC) was created in 1967 following the signature of a treaty of co-operation between Tanzania, Kenya and Uganda, the free movement of persons within the region was ensured as one of the key elements of cooperation. Unfortunately, the EAC disintegrated in 1977 due to political differences between Partner States. The differences were manifested into, amongst other areas, restrictions into the free movement of persons, goods and services.

Nonetheless, after a period of about two decades, the three countries of Kenya, Uganda and Tanzania renewed efforts to restore the past glory of the East African Community, and the governments of the three countries made commitments to re-establish their ties. These efforts later led to the rebirth of the East African Community in 1999, with the signing of the Treaty for the Establishment of the East African Community (EAC). These three founding members were later joined by Rwanda and Burundi in 2007 to make the EAC a five-member regional economic bloc.

3.2 The EAC Treaty on the Movement of Persons

The Treaty establishing the EAC has free movement of people clearly provided for. Article 104 of the Treaty provides for Free movement of persons, Labour Services, Right of Establishment and Residence. The scope of the article stipulates “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”. The article goes further to articulate the means by which the partner states are to achieve this objective by:

(a) Easing border crossing by citizens of the Partner States

³ Anthony Rutabanzibwa’s *Conference paper, presented at an ILO organized conference (Stanley Hotel, Nairobi, March 15-17, 2004)*

⁴ *Ibid.*

- (b) Harmonising and maintaining common employment/labour policies, programmes and legislation.

This provision was the basis of the Common Market Protocol that was negotiated and signed to ensure effective implementation of this principle. The Protocol is to be implemented in July 2010.

3.3 Current State of Play

Despite the continued measures to improve the situation, the landscape pertaining to migration continues to be far from being as easy going as it was in the pre-colonial and post-independence era. Migration issues in East Africa today are complex and challenging. They include large mobile population of refugees, internally displaced persons (for some parts of the community for a number of reasons), labour migrants and migrants in an irregular situation.

Again, despite the continued efforts to ensure the free movement of people within the region, the situation is not yet as smooth as it is desired to be. The above-mentioned challenges coupled with negative mindsets for some in the EAC and poor infrastructure necessary to facilitate are the key issues that need to be worked on to ensure smooth and uninterrupted movements of people in the region. The signed Common Market Protocol scheduled to be implemented in July 2010 is expected to solve existing challenges and ensure smooth movements of people within the region.

All in all, important to note is that, the East African Community has particular interest in promoting labour migration for development for two main reasons. Firstly, migration of skilled workforce from the region will ensure East Africa will harness the benefits of the much needed foreign exchange for the development of the region, and secondly, the Labour migration strategy will boost the Partner States efforts to create employment and thus contribute significantly to poverty reduction in the region.

3.4 Characteristics of Migration in EAC

Migration flows in East Africa today are no different from the rest of the continent. Migration flows head in the direction of the more developed areas, which for the individual migrant means a paid job or a (well) paying income-generating activity. However, there are other reasons that may influence migration. To a greater extent, migration takes place due to economic reasons, although in East Africa, due to its proximate location to the Great lakes Region, other factors are increasingly playing a significant role, more significantly of which has been civil wars, which have generated large numbers of refugees. Other factors may include, natural disasters like drought, floods, volcanic eruptions, to mention but a few. Nevertheless, the economic factor is still playing a significant role.

For a very long period now, Kenya has been considered as the booming economy of East Africa, and hence has had an allure to her neighbours. A good number of Tanzanians and Ugandans are known to have “migrated” to Kenya in search of greater economic opportunities and social well-being. In recent years, however, that attraction has slowly

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.

There is also another trend of changing dynamics in what is motivating movements of people. For example, some skilled experts have been targeting emerging economies with gaps in expertise to take advantage of the existing needs. This has been the case where Kenyan and Ugandan experts have increasingly been moving to Rwanda and Burundi to provide their much needed skills and expertise. Also, the business people have been targeting the seemingly virgin and less competitive areas which have led a number of companies including banks from Kenya move to Rwanda and Burundi (a case of Nakumatt and Kenya Commercial Bank “KCB”).

On the international scale (abroad), the region is also getting considerable amount of money from remittances as illustrated below;

Table 1: Workers' remittances, compensation of employees, and migrant transfers (in US\$mn)												
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	Estimate 2005	estimate 2006
Burundi	..	..	..	..	..	..	..	..	..	0	0	0
Kenya	298	288	352	348	432	538	517	395	494	494	494	494
Rwanda	21	5	5	5	5	7	8	7	9	10	9	9
Tanzania	1	19	2	12	7	8	16	12	9	11	16	16
Uganda					233	238	338	416	285	347	642	642

Source: Adapted from World Bank (2006)

3.5 The Relevant Legal and Institutional Framework in the EAC

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

Burundi: The requirements for entry in Burundi include; A passport, visa, and evidence of immunisation against yellow fever. Only those travellers, residing 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 twenty-four hours of arrival.

However, for all citizens of EAC Partner States, they do not need to have visas before coming to Burundi because their passports are stamped on upon arrival and no fee is charged.

Uganda: The relevant institution is the Immigration Department which is within the Ministry of Internal Affairs. The Mandate of the Immigration Department is to facilitate, monitor and

control the movement of persons (both citizens and non citizens) in and out of Uganda. The general mandate is achieved through the following activities:

1. Issuing Visas and Visitors' Passes at the gazetted and authorised entry/exit points.
2. Issuing Entry Permits and other Passes to those foreign nationals intending to work or stay for longer periods in Uganda.
3. Issuing travel documents to citizens, refugees and in other instances to non citizens who may not have their respective missions/embassies here in Uganda.
4. Monitoring the activities of Immigrants within Uganda by executing on spot checks, ensuring constant inspection and verifications.
5. Weeding out undesirable aliens and prohibited immigrants by way of prosecution, deportation and organised departure.
6. Providing record data on Immigrants to those organs of state that may need such information for security and statistical purposes.
7. Processing of Uganda Passports and other travel documents.

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: The migration issues in Kenya are handled by the Department of Immigration. The department 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.

Derived policies include: Maintaining and enhancing security, Safeguarding interests of the country, Encouraging investment and transfer of skills and Poverty eradication.

United Republic of Tanzania: After the Zanzibar Revolution in 1964 and the unification of these two sister countries, Tanganyika and Zanzibar, issues of Citizenship were partly unified by amending Citizenship Act No. 3 1961, and passing the Zanzibar Decree No. 5 of 1964, Immigration matters continued to be regulated by two laws Emigration Control Decree of Zanzibar 1964 and Immigration Act 1963, which was repealed by the Tanzania Immigration Act 1972. In spite of the union, Immigration and Citizenship laws were not harmonized until 1995, with the coming into force of the Immigration Act No. 7 of 1995 and the Tanzania Citizenship No. 6 of 1995 and their subsequent Regulations.⁵

⁵ Source of information: Tanzanian Ministry of Home Affairs

Chapter 4: Provisions of the EAC Common Market Protocol

4.1 Background and Effects on the Movement of People

The East African Community Common Market Protocol attempts to establish a legal framework for free movement of goods; free movement of persons; free movement of labour; free movement of services; free movement of capital; the right of establishment; and the right of residence. The key objective is to accelerate the economic growth and development of the Partner States through the attainment of these freedoms.

Within the broad scope of the Common Market protocol, there are a number of provisions that deal directly and indirectly with the movement of EAC citizens within the EAC Common market. These include provisions on the free movements of labour, persons and services as well as provisions on the right of establishment and residence.

It must be noted that these provisions, though they are separate, are all interconnected and they 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 provisions deal with the movement of people, some of the provisions 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.

4.2 General Provisions of the Protocol

The Common Market protocol provides that its main principles⁶, particularly those related to the treatment of EAC nationals are as follows:

- i. The nondiscrimination of nationals of other Partner States on grounds of nationality;
- ii. The extension to nationals of other EAC Partner States, treatment not less favourable than that accorded to third parties;

With regards to defining the scope of cooperation⁷ of the common market protocol, particularly with regards to the aspects of the Common Market Protocol relating to the movement of persons, the EAC partner States agreed to:

- i. remove restrictions on movement of labour, harmonise labour policies, programmes, legislation, social services, provide for social security benefits and establish common standards and measures for association of workers and employers, establish employment promotion centers and eventually adopt a common employment policy;

⁶ Article 3, EAC Common Market protocol

⁷ Article 5, EAC Common Market Protocol

- ii. remove restrictions on the right of establishment and residence of nationals of other Partner States in their territory in accordance with the provisions of this Protocol;
- iii. remove measures that restrict movement of services and service suppliers, harmonise standards to ensure acceptability of services traded;

EAC Partner States further agreed to;

- i. cooperate to harmonise and to mutually recognise academic and professional qualifications as well as coordinate and harmonise their social policies;

These general principles lay the foundation for the substantive provisions on the free movement of persons and labour as the right of establishment and resident. They establish the basis for the work to be done by the Partner States in establishing the free movement of EAC citizens in the Common Market. In particular, it establishes that the focus is on the elimination of the different restrictions that may already exist in the Partner states laws, legislations and policies on the movement of citizens of EAC Partner States.

The general provisions lay the foundation for the more substantive provisions in the Common Market Protocol.

4.3 The Free Movement of Persons

Article 7 of the Common Market protocol provides for the free movement of persons. The provisions on the free movement of persons only apply to visitors; persons who seek to enter a Partner State for the purpose of medical treatment; persons in transit through the territory of a Partner State; persons who are admitted as students in training establishments in a Partner State; and persons entering a Partner State for any other lawful purpose other than as a worker or as a self employed person.⁸

The Article guarantees the free movement of EAC citizens in the territories of EAC Partner States. EAC partner States are to ensure the non-discrimination against the citizens of EAC partner states with regards to:

- i. the entry and exit of citizens of the other Partner States into the territory of the Partner State without a visa;
- ii. the stay and free movement of persons who are citizens of the other Partner States within the territory of the Partner State; and
- iii. the protection of citizens of the other Partner States while in their territories.

The implementation of the Article on Free movement of persons is to be in accordance with the East African Community Common Market (Free Movement of Persons) Regulations, specified in Annex I to the Protocol.

The rights granted in these provisions are however subject to limitations imposed by the host Partner State on grounds of public policy, public security or public health.

⁸ The East African Community Common Market (Free Movement of Persons) Regulations, specified in Annex I to the Protocol

In addition, a citizen who is issued with a pass under the provisions and Regulations on the free movement of persons shall not undertake any employment in the territory of the host Partner State except where the citizen is a student on internship or industrial training.

Citizens of partner states who seek to enter or exit the territory of another partner state are expected to do so at entry or exit points designated in accordance with the national laws of the Partner State and in accordance with the established immigration procedures. Upon fulfillment of the requirements, the citizen concerned shall be issued with a pass, which shall entitle the citizen to enter into the territory of the host Partner State and stay for a period of up to six months with the possibility of extensions upon justification.

The common market protocol also provides that Partner States shall establish a common standard system of issuing national identification documents to their nationals, which shall be the basis for identifying the citizens of the Partner States within the Community.

4.4 Stay of Students

The Regulations on the free movement of persons provide special requirements for the stay of students in EAC partner States. To qualify for a student pass, the student must be admitted in an approved training establishment of the host state. In addition, the student is expected to provide a confirmation of sponsorship for the training and where the student is a child (under the age of 18 years), the identification of the guardian to be responsible for the child while the child is in the host Partner State. A student's pass is to be issued, subject to terms and conditions, for a period not exceeding one year and shall be renewable, annually, for the duration of the study.

4.5 The Free movement of Workers

The Common Market Protocol guarantees the free movement of workers, who are citizens of the other Partner States, within their territories. It provides that the Partner States shall ensure non-discrimination of the workers of the other Partner States, based on their nationalities, in relation to employment, remuneration and other conditions of work and employment.⁹ The provisions of the protocol entitle a worker to:

- i. apply for employment and accept offers of employment made;
- ii. move freely within the territories of the Partner States for the purpose of employment;
- iii. conclude contracts and take up employment in accordance with the contracts, national laws and administrative actions, without any discrimination;
- iv. stay in the territory of a Partner State for the purpose of employment in accordance with the national laws and administrative procedures governing the employment of workers of that Partner State;
- v. enjoy the freedom of association and collective bargaining for better working conditions in accordance with the national laws of the host Partner State; and

⁹ Article 10, Common market Protocol

- vi. enjoy the rights and benefits of social security as accorded to the workers of the host Partner State.¹⁰

The Protocol also provides that workers shall have the right to be accompanied by the spouse and children. The spouse and children are also entitled to be employed as workers or engage in economic activities subject to the national labour laws.

The protocol prohibits national discriminations by providing that citizens of the Partner states will be entitled to the same assistance as that accorded to the citizens of the host Partner States. In addition, it prohibits against laws preventing EAC citizens from taking up employment that has been offered.

However, the free movement of workers is subject to a number of limitations. The provisions do not apply to employment in the public service unless the national laws and regulations of a host Partner State so permit. In addition, the free movement of workers is subject to limitations imposed by the host Partner State on grounds of public policy, public security or public health.

It must be noted that the implementation of the provisions on free movement of workers shall be in accordance with the East African Community Common Market (Free Movement of Workers) Regulations, specified in Annex II to this Protocol.

The regulations provide that citizens of a Partner State who seek to enter or exit the territory of another Partner State as a worker, shall do so at entry or exit points designated in accordance with the national laws of the Partner State and shall comply with the established immigration procedures. The worker shall be granted a pass, which entitles the worker to enter into the territory of the host Partner State and stay for a period of up to six months for purposes of completing the formalities for obtaining a work permit. The spouse or child of the worker shall also be issued with a pass of a period not exceeding six months upon pending the completion of formalities to obtain a dependant pass.

A worker who has a contract of employment of a period of more than ninety days in the territory of another Partner State is expected to apply to the competent authority for a work permit within 15 working days from the date of entry into the territory of the host Partner State. Where a worker secures employment for a period of not more than 90 days, the worker is expected to apply for, and be issued with a special pass. However, the Protocol does not elaborate on the nature and terms of this special pass. It is also not clear, whether this would apply to short term services contracts of a few weeks and whether it is desirable that it should be applicable.

Most importantly, the regulations provide that the competent authority shall, within thirty days of application for a work permit, issue a work permit for an initial period of up to two years, which may be renewed upon application.

¹⁰ With respect to the right to enjoy the benefits of social security, the protocol provides that the Council shall issue directives and make regulations on social security benefits.

The regulations also provide that where a work permit is denied, the competent authority shall notify the applicant in writing, stating the reasons for the rejection. The applicant has a right to appeal under this circumstance.

The Common Market Protocol does not provide for an immediate freedom of movement for all classes of workers. The movement of workers is subject to a schedule showing the different classes of workers that the different Partner States are willing to allow from the beginning of the Common market Implementation (attached as annex). This schedule is a major limitation on the scope of the freedom of workers. An examination of the Schedule shows that only Professionals, administrators, technicians and similar skilled workers will enjoy the benefit of the freedom of movement of workers. This addresses the fear that the Common market will lead to large-scale migration that will threaten individual labour markets. At the same time, there is a danger that the Common market protocol will be seen as catering only to certain segments of the society.

4.6 The Right of Establishment

Apart from the provisions relating directly to the movement of persons and workers, provisions on the right of establishment and residence also impact the movement of persons in the EAC Common Market.

The right of establishment as provided in Article 13 of the Common market protocol entitles nationals of EAC Partner States to take up and pursue economic activities as self employed persons; and to set up and manage economic undertakings, in the territory of another Partner State;

The provisions on the right of establishment also provides that workers who are citizens of a Partner State employed in the territory of another Partner State are allowed to remain in that territory for the purpose of taking up economic activities as self employed persons, where they satisfy the conditions which they would be required to satisfy if they were entering that Partner State at the time when they intended to take up such economic activities;

4.7 The Right of Residence

Furthermore, the protocol guarantees the right of residence to the citizens of the other Partner States who have been admitted in their territories in accordance with the articles on free movement of workers and the right of establishment. The right of residence also applies to the spouse, child and a dependant of a worker or self-employed person entitled to rights provided in the free movement of workers and the right of establishment.

The right of residence is however subject to limitations imposed by the host Partner State on grounds of public policy, public security or public health. The Partner States further agreed that the national policies and laws of the Partner States should govern matters relating to permanent residence.

The implementation of the provisions on Right of establishment and residence shall be in accordance with the East African Community Common Regulations, specified in the annexes to this Protocol.

The annexes provide conditions for the acquisition of work permits and resident permits to the workers and self employed persons on conditions largely similar to those under the regulations for free movement of workers.

Chapter 5: Immigration and Migration Policies in Rwanda

5.1 General Background

Rwanda after the 1994 genocide and the civil war embarked on major economic and social sector reforms that were geared towards lifting its people from the state of the abject poverty to a good standard of living and this could be only achieved by addressing obstacles to economic growth. These obstacles to growth were largely exacerbated by the 1994 genocide and the civil war that destroyed the country's economic and social fabric.

The obstacles to growth included among others:

- i. Poor economic and social infrastructure;
- ii. Lack of skilled human capital;
- iii. Low level of technology and innovation;
- iv. Heavy reliance on subsistence and traditional agriculture;
- v. Weak institutional capacity to deliver the services to the citizen;
- vi. Inherited huge government deficit;
- vii. Limited integration with the world;

The Government of Rwanda initiated major economic and social reforms to bring back the country on the right path of economic and social development. On the side of the economic reforms, the country restored macroeconomic stability by reducing inflation that was almost 64 percent to a single digit level of 5 percent. The Government of Rwanda also initiated major fiscal reforms such as establishing semi-autonomous revenue agency that was assigned the task of collecting and administering the government revenues. This agency executed its duties with high level of professionalism and integrity that saw the government revenue to GDP ratio moving from 3 percent to 15 percent by the year 2009.

The agency also played an important role in educating the taxpayers about their roles and obligations which ultimately increased compliance and simplified tax administration. On the monetary policy side, the Rwanda exchange rate was restored and stabilised and the market forces effectively determined the price therefore, the government's role was to regulate and guide the proper functioning of the economic actors without causing any distortionary effects.

The Government of Rwanda in order to stimulate and attract investment established the Rwanda Investment Promotion Agency (RIPA) in 1998 which later turned into the Rwanda Investment and Export Promotion Agency (RIEPA) whose primary function was to promote the country as a viable destination area for investments. RIEPA was later merged with other institutions that formed what is currently known as the Rwanda Development Board (RDB). RDB has fully executed its function and Rwanda is regarded as the most preferred investment destination in the sub-Saharan Africa.

RDB has not only been involved in the investment attraction, promotion and image building but also provides one stop centre services to the investors. This means that all investors

both local and foreign can obtain all the requirements for registration and investment under one single roof.

The one stop centre within RDB groups the following government services:

- i. Revenue services related to exemption and other taxes that may be borne by the investor,
- ii. The immigration services related to issuance of visa and work permits, the labour services related to work permits and visa,
- iii. The Rwanda Environmental Management Authority(REMA) which deals with assessing whether the investor fulfills the Environmental Impact Assessment requirements
- iv. Office of the Business Registry that deals with business registration
- v. Public notary services that deals with document notification and authenticity

Therefore, it takes a maximum of twodays to get registered if one fulfills all the requirements for investment. Apart from these key institutions, the government of Rwanda also established other institutions to facilitate and promote the private sector through efficient public service delivery and these institutions include:

- i. National Tender Board, it deals with public procurement function which involves identifying, analysing and publicising the government tenders.
- ii. The office of the Auditor General responsible for ensuring accountability and transparency in the government expenditure, providing the value for money and avoiding wastage of the government scarce resources.
- iii. With the support from the African Investment Climate Facility, Rwanda also undertook major reforms in the legal and judicial institutions, most of the laws that were outdated and unfriendly to business and investment operations were reviewed and aligned with the best practice in the region and the world. Good laws and capable government institutions that are private sector oriented have enabled Rwanda to be ranked among the top reformers in the World Doing Business Report 2009.

The Rwanda Directorate of the Emigration and Immigration has been playing instrumental role in facilitating movement of people and investors by issuing them business visa and work permits.

5.2 The Migration Policy in Rwanda

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 above two important documents provide a clear road map of how Rwanda and its people envisage to be in the year 2020. The overriding goal in the vision 2020 is that Rwanda seeks to transform its economy from the agriculture driven to knowledge based economy. The prime mover of the knowledge based economy is highly skilled labour and well educated workforce who is able to increase productivity and competitiveness.

The global economy places a premium on ability to make rapid changes and compete, therefore, economic prosperity of Rwanda will entirely depend on having well educated and technically skilled workers who are able produce value added products that meet international demands.

The intention of the government in the vision 2020 is also to double the per-capita income from the current level of US\$500-US\$900 by the year 2020. Usually it is not an easy task to double the per-capita income in one decade but Rwanda is committed to realise this target.

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 programmes are geared towards benefiting the poors. 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 modernization and regional integration.

5.3 Objectives of the Migration Policy in Rwanda

The policy aims at achieving the following four key objectives:

- i. Facilitate and encourage tourists to come to Rwanda without any hesitation;
- ii. Allow the entry of the foreign skilled workers found to be lacking in Rwanda's labour market;
- iii. Allow and facilitate the entry of investors with substantial funds to come and invest in Rwanda
- iv. Enable the Rwandan Diaspora to contribute towards nation building.

The above objectives are focused on three important growth sectors that would trigger the Rwandan economic development in the long-run and these sectors are:

1. Tourism sector;
2. Skills and human productivity;
3. Investment development and promotion

The selection of these sectors has merit and innovative policy aspects due to the fact that they generate quick wins in terms of the economic and social growth. Skills attraction and development is critical factor in the realisation of the knowledge based economy for Rwanda.

Therefore the migration policy has singled it out as key component in the Rwanda's economic transformation. The policy intends to maximise the benefits of the skilled migration while at the same time mitigating the consequences of illegal migration through a skilled work programme. The government of Rwanda believes that those immigrants with necessary skills will greatly contribute to the Rwandan economic development by doing jobs that Rwandese cannot do and also pay high taxes to the government. There is a win-win situation through this initiative because government will gain in terms of taxes and Rwandese will be able to learn from their counterparts from the region. Skilled labour migration to Rwanda will play important role in filling labour needs in the various sectors of

the economy such as education, health, construction, Agriculture, banking sectors and other economic sectors that are essential to Rwandan economic growth and development.

These immigrants play important role in terms of the knowledge and skills transfer to the recipient country. It is important to highlight that, the recent survey on national skills audit (2009) revealed that 60 percent of the required skills needed in public, private and civil society are lacking hence it was recommended that government should put in more efforts to design policy and programmes to attract regional and international skilled labour. The skills gap necessitated the country to review its development policies and programmes to address this challenge and thus the migration policy had to be crafted along the above lines. With respect to tourism, the migration policy introduces flexible tourist regimes such as group tourism visa, long-term multiple entry visitor's visa, online entry and professional visitors' visa.

The promotion of tourism is an important tool for the Rwanda's economic transformation since tourism is a major source of government revenue. Tourists spend money in hotel accommodation, transport services, food and other social amenities that have positive bearing on socio-economic development. The tourism sector has an important multiplier and spillover effect on other priority sectors such as agriculture, transport industry and financial services as the sector provides both backward and forward linkage.

The Skilled Work Programme (SWP) is also intended to attract skilled labor to Rwanda who will supplement and fill the existing gaps in the labor market. This initiative is important in increasing labor productivity in the country since the skilled workers will possess the requisite knowledge and expertise to manage and run business sectors in a profitable manner. The program has an enormous potential to contribute to economic and socio – economic development of Rwanda in the sense that the skilled labour will improve country's productivity through efficient means of production. It is widely acknowledged that those countries with highly skilled and well educated labour force grow much faster than those with more capital intensive techniques for example Asian tigers such as Singapore and South Korea. Their economic transformation is greatly attributed to heavy investment in the skilled and productive labor.

The Business Migration Programme (BMP). This programme is intended to attract investment and entrepreneurs interested in investing in the new businesses especially in those sectors that have high growth potential such as tourism, ICT, Agriculture, Mining and Banking.

The Scheme has three categories:

1. Multinational companies (MNCs) with vested interest to conduct business in Rwanda. Companies selected by the Government of Rwanda will be accorded numerous incentives such as :
 - The executives of these companies shall get permanent residence.
 - The chief executive will also be granted diplomatic privileges
2. The large Entrepreneur Category. This will encompass entrepreneurs willing to invest in bonafide projects in any sector of the economy with a capital investment in excess of US\$100,000 to be realised within a period of two years. They will be granted a five year

visa after realisation of the capital investment. The investor will also have right of employment for dependants and tax free importation of personal belongings.

3. The Medium Traders Category. This category is restricted to business persons from the regional economic communities to which Rwanda is a member. This category requires investment of capital in the range of US\$20,000-US\$100,000 to be realised within one year of their temporary stay in Rwanda. The traders falling in this category are entitled to a two year visa renewable for further three year period with employment and residence rights for dependants. They are also allowed to import personal belongings tax free upon their arrival for long-term business.

The above schemes or facilities are geared towards promoting investment and businesses that are essential for job creation and economic prosperity of Rwanda. In addition to the above schemes, the Directorate of Emigration and Immigration also provides long-term business visa to foreigners who have business in Rwanda but do not reside in the country as well as others like board members of multinational companies with branches in the country. This visa is granted for a period ranging from two to ten years but the holder cannot stay in the country for more than 90 days.

The office also has additional facilities called “Rwanda home away from home programme” this is a scheme for foreign citizens who wish to retire or live in Rwanda on a long-term basis. The foreign nationals who wish to own holiday homes and country resorts in Rwanda may also benefit from “Rwanda home away from home program.” The programme provides the following incentives:

- A five year multiple visitors’ visa that is renewable;
- A permanent resident visa after the second renewal of the temporary residence visa;
- Allowed to invest and own business in Rwanda
- The applicants are allowed to maintain their original citizenship;

The innovative aspect of the Rwanda migration policy is that it allows emigrants to continue to be connected with their families socially and economically.

5.4 The Services Provided

The following are the key services provided by Rwandan Office of Immigration and Emigration:

1. Receiving and processing the passport and laissez passé applications and issuing of travel documents including passports ;
2. Processing and issuing citizenship and nationality to qualified foreigners;
3. Processing and issuing the work permits and business visas;
4. Facilitate the entry and exit of people at the airport and border posts; and
5. Provide national security services related to the movements of people in Rwanda.

Table 2: The Services Provided and the Cost Per-service				
No	Services	Time Frame	Cost in Rwandan Francs (Rwf)	Comments
1	Ordinary Work Visa/Permit)	3 working days	50000	Originally it was costing 200000
2	Religious And Student Visa	3 working days	50000	
3	Diplomatic Visa	2hours	Free	
4	Resident and Work permit	4 working days	50000	It used to cost 200,000
5	Extended Resident Visa	3working days	50000	
6	Foreign Identity card	2 working days	5000	
7	Temporary Resident Permit for refugees	7working days	Free	
8	Single entry visa for non EAC, COMESA member states and those without bilateral agreement with Rwanda	2 working days	\$60	
9	Emergency travel documents for foreigners	2 working days	50000	
10	The Rwandan passport	5 working days	50000	
11	Certificate of nationality for naturalisation	3 months	100,000	
12	Certificate for foreigners born on the Rwandan Territory	3 months	20,000	
13	Certificate for foreigners married to a Rwandan	3 months	20,000	
14	Registration certificate for International NGOs	7 working days	free	
15	Laisser-Passer	2 working days	3000	

Source: Directorate General of Immigration and Emigration Client Charter

From the above table, one would observe that the procedures to obtain the required documents have been simplified. For example, on the average it takes three days to get the required documents and the costs have drastically reduced which illustrates Rwanda's commitment to facilitate movements of the persons within the country and Rwanda's interests to go out of the country. It should also be observed that most of these services can be obtained online by visiting the website at www.migration.gov.rw

The new migration policy mainly seeks to facilitate tourist, promote inward foreign direct investment and attract high skilled workers to fill the existing gaps in the labour market. The long term objective is to position Rwanda as a major tourist destination as well as skills and investment hub in the region. The migration services seek to contribute towards the creation of a high income, knowledge based and innovative economy anchored on excellent public service delivery.

Looking at the enterprising services offered by the Rwandan Migration Office, one would believe that these services are intended to achieve the social and economic development of

Rwanda. While conducting this research, we managed to ascertain the views of foreign investors operating in Rwanda especially those in manufacturing sector, about how they perceive the migration policy, the majority indicated to us that they are very happy and satisfied with the migration services and the charges are reasonable by any standard.

Overall the businesses, registered and operating in Rwanda appreciates the tremendous efforts employed by the immigration in terms of simplification of rules and regulation regarding visa, work permits and entry facility. However, some of the players have also recommended further improvement in the areas related to the entry facility especially to those industries that have a very good track record.

They also recommended that the documentation for the renewal of visa for their employees can be further simplified by shortening the time it takes to renew the visa. The investors also recommended that migration office should be strict on people entering the country without proper qualification because they create uncompetitive environment for the professionals and impede the proper functioning of the markets. This issue has been raised to immigration and they are well aware and they are carrying out household survey on informal immigrants so that they are able to capture them and encourage them to have proper documents to reside or work in Rwanda. These informal immigrants basically come from the neighbouring countries such as Uganda, Kenya, DR Congo and Tanzania and they are mainly involved in informal businesses such as sale of second-hand clothes, second-hand spare parts for used cars, carpentry, plumbing, haircuts, mechanics and renovation of houses. I believe it is a good initiative to trace them and encourage them to register.

Rwanda Migration policy has proved to be one of the innovative and business friendly policy when compared with other migration policies in the region in terms of facilitating the movement of persons either from the region or international level and this view is strongly echoed by the investors in Rwanda who requested that other EAC member states should adopt the same approach. The investors also pointed out that daunting challenges in the past was related to cumbersome delays and costs associated with obtaining visa and work permits and this has been resolved by the online services where one can obtain application form fill it and submit there and then and immediate response will be provided acknowledging receipt. The only hurdle that still persists is that a one cannot make payment online, but this is also being worked on by Rwanda Information Technology Agency (RITA) in collaboration with Rwanda National Bank who are planning to introduce the electronic payment systems.

The fees and charges for visa and work permits have drastically reduced from 200,000 and 400,000 respectively to 50,000 and this has greatly attracted more investors to come and do business in Rwanda. The Migration policy fully recognises and takes care of the investors and citizens of the EAC and COMESA member states who are eligible to obtain visa on arrival provided they fill the application form online and the entry visa for these citizens is granted free of charge. The work permits and visa for the EAC citizens have been completely waived off and they are only required to register for record purposes.

5.5 Policy Options for Addressing Migration and Development

It is clear from the above analysis that the current migration policy is well aligned with investment, tourism and skill development policies in Rwanda. The tourism and investment promotion and attraction have been earmarked as the potential driver for the Rwandan Economic development. Therefore, what is required is 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. During the survey, the office of Immigration informed us that the laws and new regulations are still in parliament pending approval and publication and this process should be expedited. Rwanda should urge other EAC member states to learn from her best practice so that there is a harmonised system regarding the movement of persons and right of establishment within the community.

From the analysis of the Rwanda migration policy, there is an enormous economic advantage that accrues to the country which should be replicated by the EAC partner states and these advantages include:

- i. Increased productivity and competitiveness due to skilled work force;
- ii. Emigrants are able to share and exchange their best practices and experiences with the local citizens ;
- iii. There is spillover effect especially in the context of the EAC market, it is possible for skilled workers to move from Rwanda to render a service in the neighbouring countries. For example Ernst and Young in Kigali renders auditing services to business entities in Burundi and this at the end reduces the cost of hiring international expert and reduce government spending.
- iv. The change in culture, attitude and mindset towards work and leisure; this is true with Rwandese who have completely adopted the EAC business culture.
- v. The country is now able to attract huge investments especially those in the service sector due to availability of the skilled labour in the country and relaxation of the work permits requirements.

One would urge that Rwanda through its migration policy has so far started implementing some programmes enshrined in the EAC Common Market such as free movement of persons and right of establishment. There is also need for continuous collaboration between migration and other agencies such as Rwanda Development Board, Rwanda Private Sector Federation (PSF), Rwanda Workforce Authority and Human Resource and Institution Development Agency (HIDA) and National Institute of Statistics so as to ensure effective monitoring and evaluation of the policy. There is a need for the Directorate of Emigration and Immigration to invest heavily in its staff so as to be able to interpret, analyse and execute the new migration rules and regulations. The Directorate of Immigration and Emigration as the executing agency for the migration should spearhead the efforts and ensure national coordination of all stakeholders involved in implementing the migration policy.

The Government of Rwanda should try to put measures to curb illegal immigrants who hamper competition and sometimes cause insecurity in the country and this requires collaborative efforts with other EAC member states. The migration policy should not be

isolated from other development policies, rather it should be implemented in tandem with existing policies.

On a concluding note, it is important to take account of the fact that, the Rwanda migration policy has been crafted to drive investment, skills development and tourism promotion which are key components in the Rwanda's economic development and poverty reduction strategy (EDPRS) and the vision 2020. The fundamentality thrust is that the country needs talents and skills to ensure innovation, build institutions and implement developmental programs geared towards achieving its socio-economic development programmes articulated in the Vision 2020.

Chapter 6: Conclusion and Policy Recommendations

6.1 Conclusion

Indeed, the EAC Partner States of Burundi, Kenya, Rwanda, Tanzania and Uganda have taken integration to a deeper level. With the conclusion and signature of the Common Market and the region expecting to be in a Common Market starting July 2010, the region is looking forward to a Monetary Union in 2012 and ultimately a Political Federation. With the forthcoming implementation of the Common Market Protocol, migration within the EAC will be one of the key features through the provisions related to free movement of people, that is, free movement of persons (labour, workers and services providers) as well as rights of residence and establishment.

It is important to note that, currently migration issues in general and free movement of people in particular is not far from smooth with the EAC. As a region, the situation is so far encouraging despite a few bottlenecks that have to be worked on. As the Common Market is expected to come into force soon, the situation is expected to further improve. The business community is very keen and interested to see the promises and principles enshrined in the Common Market Protocol being implemented and coming to fruition. Even in areas where not lots of changes are expected, the attitude of the relevant bureaucrats will be leaning towards the fact that EAC is a Common Market hence fully facilitating the free movement of people within the region.

Again, on a final note, it is important to note that, the East African Community has particular interest in promoting labour migration for development for two main reasons. Firstly, migration of skilled workforce will harness the benefits in areas with gaps and secondly, labour migration will boost synergies within the Partner States back and forth with spillover effects and thus contribute significantly to poverty reduction in the region.

As far as the Common Market is concerned, it is important to note that; While the Common Market protocol grants broad rights relating to the free movement of persons and workers and the rights of establishment and residence, the regulations and schedules for their implementation ensure that the movement of persons under the protocol will still be controlled (for justified reasons). There are also inbuilt safeguard mechanisms that a Partner state can adopt in controlling the impact of the provisions.

6.2 Policy Recommendations

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 much better and smoother more than ever before. Nevertheless, a number of policy options may be considered to ensure that the great expectations are truly realised. 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 East African Community, freedom of labour to move geographically, transfer jobs and change employers is essential to ensure the most productive use of labour, including both skilled and less-skilled migrants. The challenge today is to provide the implementing mechanisms for more optimal allocation of labour in the larger labour market of this regional economic cooperation area. It of course also requires harmonisation of labour law and social security provisions. Again, the Common Market Protocol's implementation is expected 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 till the time people are able to move in the region using national identity cards. 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 in 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 to 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. ILO Conventions 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 as one of the major social and political challenge 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. This is very important and 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 that were made included the following;

- i. East Africa Community Partner States should enhance skill 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. We should embrace a culture of competition. This will not only develop the economies of individual EAC Partner States but the whole EAC as a region.
- iv. We should encourage cultural and linguistic integration 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.
- ix. Finally, this study should be used by policy makers 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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Annex 2:
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