

AFRICAN UNION



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**FIRST SESSION OF THE SPECIALISED TECHNICAL
COMMITTEE ON SOCIAL DEVELOPMENT,
LABOUR AND EMPLOYMENT (STC-SDLE-1)
ADDIS ABABA, ETHIOPIA
20-24 APRIL 2015**

Theme: *“Social Protection for Inclusive Development”*

**TOR OF THE TRIPARTITE AFRICAN LABOUR MIGRATION ADVISORY
COMMITTEE**

I. Introduction:

1. Well-managed labour migration has the potential to yield significant benefits to origin and destination countries. Labor migration has played an important role in filling skills gaps and labor needs in agriculture, fishing, tourism, trade, construction and other sectors, thus contributing to economic development in Africa. The beneficial feed-back effects of migration such as remittances, knowledge and skills transfers, and return migration have made major contributions to economies of origin countries.
2. In contrast, if mismanaged or unmanaged, labour migration flows can negatively impact on States' and migrants workers' well-being, national and regional security, inter-State relations and relations between migrant workers and host communities.
3. The absence of tripartite dialogue, cooperation, and coordination on labour migration law, policy and practice across Africa remains a major hindrance to the development and implementation of coherent, stakeholder-owned effective policy and practice. While tripartite social dialogue mechanisms exist in a number of countries, there are very few national level mechanisms on labour mobility and migration fields. Only two RECs have mechanisms for tripartite discussion of labor migration issues. There is no dedicated space at the Africa-wide level for tripartite policy exchange, dialogue, coordination or harmonization on labour and skills mobility/migration.
4. The Joint Labour Migration Programme recognizes the imperative to remedy this serious lacuna by supporting, facilitating and where needed convening specific mechanisms for tripartite exchange and coordination on labour migration. These will be developed at national, REC and continental levels, in consultation with existing mechanisms for social dialogue.
5. These mechanisms will promote both intra- and inter-RECs cooperation by facilitating dialogue, exchange and technical consultations among the respective REC secretariats as well as oversight mechanisms for regional circulation/mobility regimes. At the regional level, the tripartite forum will involve the Pan African Parliament, ECOSOC and African Commission on Human and Peoples' Rights as well as facilitate appropriate labour migration-related agenda items and discussions at the AUC-RECs-AfDB annual coordination meetings. It should also reinforce information sharing and coordination between the RECs and the AU and EU and other regional and global partners.
6. It is expected that this effort will consolidate an ongoing structured and result-oriented dialogue on labour migration among social partners and relevant government entities, namely ministries of labour/employment. This dialogue will support and facilitate national and regional governance of free movement and migration and enhance the adoption and implementation of regional instruments and policies, including the provisions of the AU Migration Policy Framework on:
 - i. National Labor Migration Policies, Structures and Legislation
 - ii. Regional Co-operation and Harmonization of Labor Migration Policies
 - iii. Labour Movement and Regional Economic Integration.
7. The AUC-ILO-IOM-ECA Joint Programme on Labour Migration provides for the necessary continental dialogue platform through the establishment of an "AU-LSAC

associated consultative-advisory body on labour migration established with links to REC forums/mechanisms”.

8. The AU Plan of Action on Employment, Poverty Eradication and Inclusive Development request the AUC to *“Create a tripartite African Labour Migration Advisory Committee of the AU LSAC to improve labour migration governance in Africa, addressing the issues of labour force gaps, social protection mechanisms initiated by member states, and RECs”*. The Committee is constituted without representation of Governments given that it is being established to proffer advice to Governments.

9. This Committee is the first of a three layer comprehensive and integrated consultation mechanism on labour migration/mobility consisting of coordination and consultation structure at national, RECs and continental levels.

II. Establishment of the African Labour Migration Advisory Committee:

10. An African Labour Migration Advisory Committee of the LSAC hereinafter called ‘the Committee’ is established to promote and protect the rights of migrant workers and members of their families.

III. Mandate of the Committee

- a. Ensure the follow-up on the implementation, promotion and protection of the rights of migrant workers and members of their families enshrined in the appropriate AU and International Charters and protocols in order to progressively achieve the free movement of persons, and to ensure the enjoyment of the right of residence, the right of establishment and access to legal employment in host countries (Abuja Treaty, July 1991)
- b. Ensure and monitor the effective implementation of the AUC-ILO-IOM-ECA Joint Labour Migration Governance for Integration and Development;
- c. Facilitate harmonization of labour, social security and fiscal legal frameworks that promote and protect the rights of migrant workers between countries, in close collaboration with RECs;
- d. Commission inter disciplinary assessment on issues and challenges related to the rights of migrant workers and members of their families,;
- e. Facilitate effective communication on migrant workers’ rights, including through advocacy with media and Civil Society Organizations, on benefits of labour migration, and thus mitigate exaggerated fears;
- f. Prepare recommendations to Member States and RECs on labour migration management policies and principles in view of improving policy frameworks and legal instruments at all levels, in close collaboration with the RECs;
- g. Receive and consider annual and ad hoc reports form the RECs;
- h. Receive and consider communication from international partners and Non State Organizations on the situation of migrant workers’ rights in Member States, and submit recommendations to the AU competent policy organs;

- i. Undertake consultation and cooperation with AU-ECOSOCC, the Pan African Parliament, the AUC-RECs annual coordination meetings, and other relevant AU organs.
- j. Cooperate with other African, International and Regional similar Institutions and organizations concerned with the promotion and protection of the rights and welfare of migrant workers and members of their families.

IV. Composition of the Committee:

11. The Committee shall consist of twenty Four (24) members of high moral standing, integrity, impartiality and competence in matters of the rights migrant workers.

12. The Committee will consist of:

- One representative each of the Regional Economic Communities,
- A representative of the Pan African Parliament
- A representative of ECOSOCC
- A representative of the African Commission on Human and Peoples' Rights
- A representative of the African Committee of Experts on the Rights of Welfare of the Children
- One representatives of OATUU
- One representative of ITUC- Africa
- One representative of Business Africa
- One representative of the ILO,
- Onerepresentative of IOM
- One representative of ECA
- One representative of universities and research institutions
- Two representatives of the African Diaspora organizations (to be identified with CIDO)
- One representative of Women Cross Border Traders

13. The members of the Committee representing the RECs are designated by their Secretariat.

14. The representatives of the social partners are designated by ITUC-Africa, OATUU and Business Africa..

15. The AUC will be represented, as needed, by experts from, Human Resources, Economic Affairs, Political Affairs, Trade and Industry, Peace and Security and the CIDO.

16. The Committee can invite to its meetings representatives of relevant other UN Agencies and International Organizations, NGOs, CSOs and specialized agencies and institutions with labour migration/mobility expertise and competencies.

V. Term of Office

17. The members of the Committee are designated for a term of five years and may not be re-designated

18. The African Union Commission shall convene the first meeting of Committee in the second semester of 2015, and thereafter the Committee shall be convened by its Chairman whenever necessary, at least once a year.

VI. Bureau

- The Bureau will consist of:
 - A Chairperson who is a representative of the RECs
 - A First Vice Chairperson, representing the workers
 - A Second Vice Chairperson representing the employers
 - A Rapporteur representing the AUC

VII. Vacancy

19. If a member of the Committee vacates his office for any reason other than the normal expiration of a term, member organization shall designate another representative to serve for the remainder of the term.

VIII. Secretariat

20. The African Union Commission shall constitute the Secretary for the Committee.

IX. Functioning:

21. The Committee shall establish its own Rules of Procedure.

22. The Committee shall meet whenever necessary and at least every year.

X. Working languages:

23. The working languages of the Committee shall be official languages of the African Union.

XI. Reporting:

24. The President of the Committee is responsible for reporting on the activities of the Committee every two years to the Specialized Technical Committee on Social Development, Labour and Employment, and the Specialized Technical Committee on Refugees, Migration that shall make decisions for endorsement by the AU Executive Council and the Assembly of Heads of States and Governments.