

**Plenary Session 3: Parliamentary Engagement, Exchange between RECs and Parliamentarians on Free Movement, Labour Migration and Trade Nexus**



## 1. Background

African Continental Free Trade Agreement (AfCFTA) adopted alongside with Migration Policy Framework for Africa (MPFA) and the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (AU Free Movement Protocol) frameworks in 2018 have positioned the continent in a strategic mode for accelerated development to reap the economic gains including migration, human mobility and trade nexus and concomitant developmental spinoffs.

Through the Migration Policy Framework for Africa and Plan of Action (2018-2030), African Union Member States and the Regional Economic Communities (RECs) noted that, the realities of migration in Africa, including its increasing importance and untapped potential underscore the need for RECs and States to strengthen inter-State cooperation and enhanced data and security mechanisms that protect the rights of migrants and address transnational organized crime. Such efforts will require enhanced dialogue at sub-regional, regional, and pan-African levels. RECs' roles lie in the regional coordination and harmonization of migration-related standards, policies, initiatives, and laws, among their Member States. Moreover, RECs are well placed to identify regional trends and enhance regional cooperation through regional policies, dialogue processes,

capacity building and programmes.

RECs are the building blocks of the AU and have a key role in promoting the implementation of AU legal instruments and policy frameworks and ensuring coordination, harmonization and collaboration with other regional processes which have a bearing on migration and trade. In addition, RECs promote labour migration governance and management as an integral part of the regional development agenda through increased intra-regional trade and investment. They also ensure alignment of RECs policies, strategies, programmes and plans with Agenda 2063 to ensure ownership, commitment and involvement in its implementation, monitoring evaluation and reporting.

Notably, many of the RECs are endowed by an independent parliamentary arm to ensure separation of powers at regional level. Parliamentary entities within RECs, when properly constituted, can act as powerful catalysts to regional integration by identifying bottlenecks within Executive organs, especially with regards to the implementation of AU and international treaties and protocols and the adoption of regional legal instruments and policy frameworks. Further, they oversee the enforcement of these laws, identify implementation gaps and hold the Executive branch of Governments to account. As representatives of the

people, they have the responsibility to ensure that decision-making is inclusive based on the engagement of all societal groups, including the disadvantaged and marginalized. They also have the capacity to generate political will and provide a space for a wide range of civil society stakeholders to engage in debate and dialogue.

## 2. The State of Migration Governance at the RECs' level

Since their formation, RECs have become increasingly engaged in migration management by integrating migration-related provisions in their framework documents as illustrated below:

- **Arab Maghreb Union (UMA):** the 1989 Treaty establishing AMU contains provisions to achieve free movement of persons, services, goods, and capital of member states.
- **East African Community (EAC):** The Treaty for establishing of the EAC, 1999, provides for the right for Movement of Persons, Labour, Capital and Services and the rights for Establishment and Residence (Art 104); the EAC Common Market Protocol (2009), that covers realisation of the rights and freedoms of citizens; ease of cross border movement of persons and adaption of integrated border management; removal of restrictions on movement of labor; services and the right of establishment and residence.

EAC in collaboration with AUC JLMP is also working on a regional labour migration policy and its Action Plan, which is aimed at ensuring migration governance, promotion of workers' rights maximizing benefits arising from labour migration.

- **Economic Community of Central African States (ECCAS):** the ECCAS Protocol on Free Movement and Rights of Establishment of Nationals of Member States is annexed to the 1983 Treaty Establishing ECCAS.
- **Economic Community of West African States (ECOWAS):** 44 years ago, ECOWAS adopted the Protocol on Free Movement, Right of Residence and Right of Establishment and developed supplementary protocols to deal with employment, enterprise creation and social protection between 1985 and 1990.
- **Community of Sahel-Saharan States (CEN-SAD):** among the objectives of the 1998 Treaty Establishing CEN-SAD as adoption of measures to facilitate the free movement of persons, capital, freedom of residence, work, ownership, and economic activity.
- **Common Market for Eastern and Southern Africa (COMESA):** Labour mobility in the region is promoted through the Protocol on Free Movement of Persons, Labour, Services, the Right of Establishment and Residence (2001). COMESA has also adopted the Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements

- **Intergovernmental Authority on Development (IGAD):** the 2012 IGAD Regional Migration Policy Framework aspires to provide a regional approach to migration management including labour migration, border management, irregular migration, migrants' human rights, migration data and migration and development.

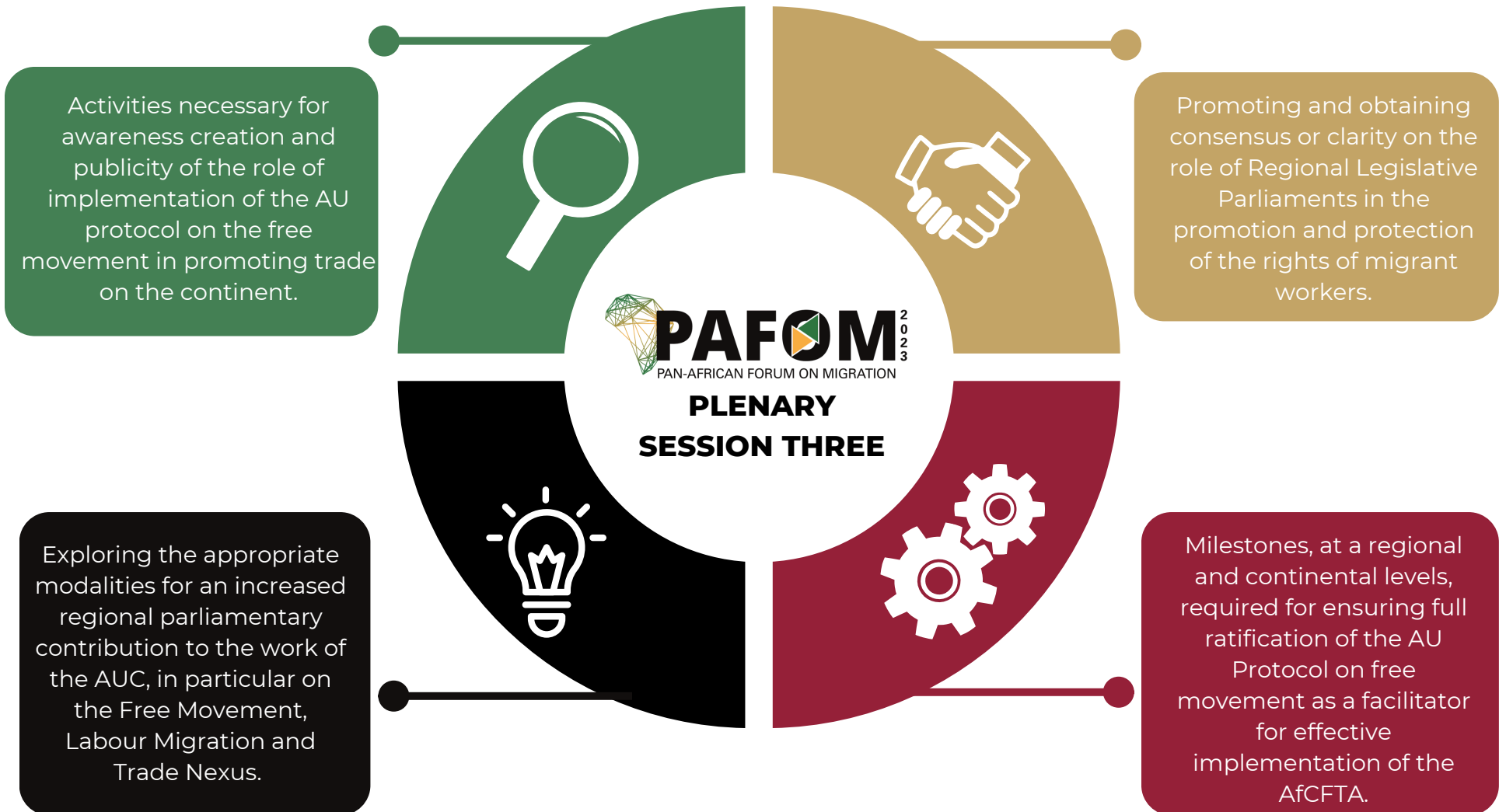
- **South African Development Community (SADC):** Key instruments in SADC include the 1992 SADC Treaty, the SADC Protocol on Facilitation of Movement of Persons (2005), SADC Protocol on Employment and Labour (2014), and the SADC Labour Migration Policy Framework. In 2020, SADC elaborated its Labour Migration Action Plan, which makes provisions for decent work, protection of migrant workers, maximizing the benefit of migration for sending and receiving countries, facilitation of intra-regional labour migration, data management as well as harmonization of labour migration policies.

RECs have further established dedicated divisions and units working on different aspects of migration management such as immigration and labour, statistics, gender, economic and social protection, health, environment, and social dialogue. They oversee programmes and projects and coordinate Regional Consultative Processes (RCPs), and inter-regional cooperation processes. At various levels, inter-States dialogue has increased

stakeholders' appreciation of migration as well as their challenges. States are primary actors in national governance of migration, however international partnerships and cooperation is vital for labour migration governance beyond borders.

### ***3. Focus and objectives of the Session:***

With a view to enhance cooperation and interaction, the session will focus on the contribution of the RECs and the Regional Legislative Assemblies of the RECs in working with the AUC to ensure safe and dignified migration, facilitation of trade and the rule of law in Africa. Specifically, the session aims at:-



The institution of parliament has mandatory roles of:

- Oversight
- Constituency representation
- Budget appropriation
- Legislative and law making.

Based on the role of parliament to follow through on the implementation of regional frameworks, policies, instruments and guidelines, eight (8) discussants from the RECs will covering the following questions:

# QUESTIONS

1

What has your REC done/plans to do to create appropriate institutional, mechanisms to support and facilitate movement of persons, labour mobility, and trade within your region?

2

How can RECs strengthen the capacity of their Member/Partner States on harmonisation of immigration, labour, and social security laws within the region?

3

How can RECs strengthen inter-RECs collaboration on the nexus on trade, free movement of persons and labour migration?

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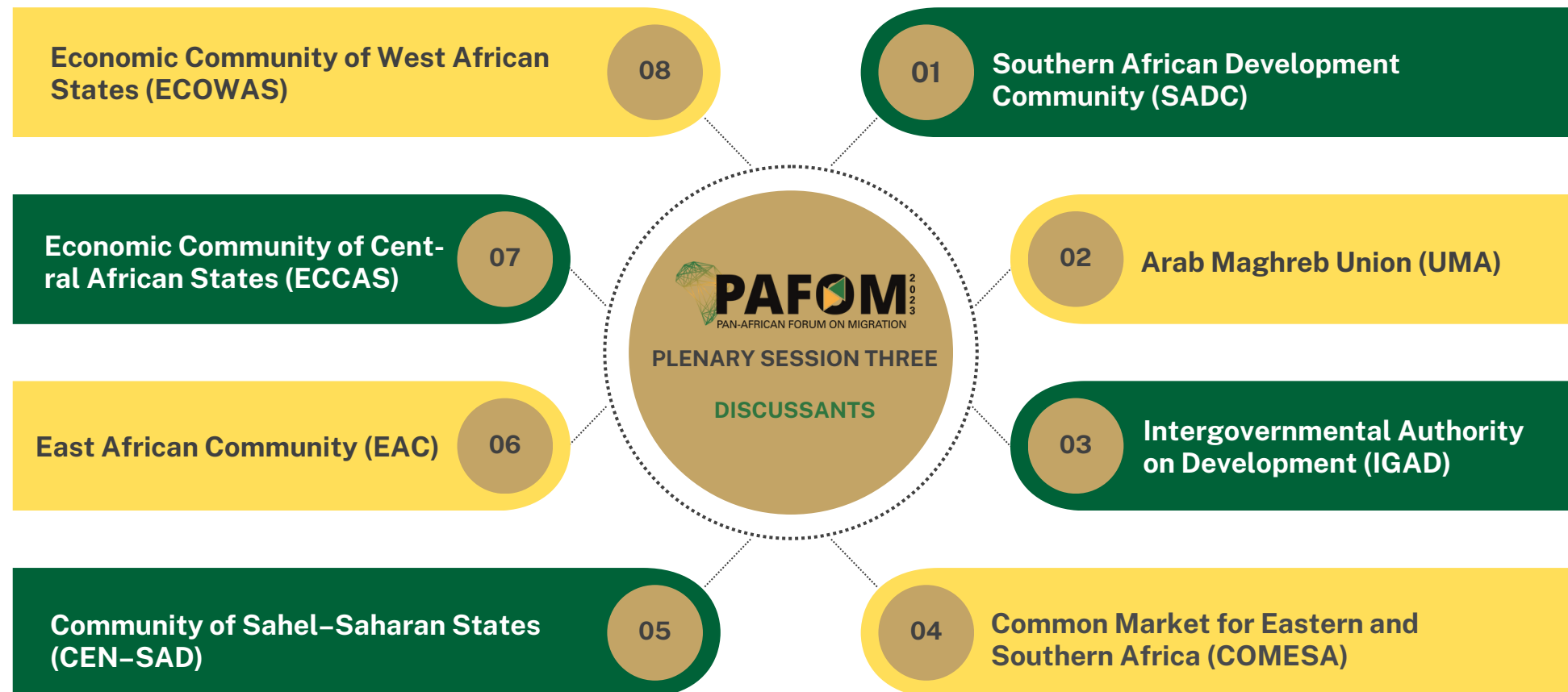
Any Recommendations on strengthening the RECs, Parliaments engagement to support the work of the AUC on optimising the benefits of labour migration and free movement of persons in the implementation of the AfCFTA?

## Proceedings:

**-Moderator:** (From Government / Parliament of Botswana)

**Setting the Scene:** Keynote Speaker, Commissioner HHS (5 minutes)

Ms. Boemo Sekgoma, Secretary General, SADC PF (5 minutes)



**Note:** There will be interventions from the Members of the Regional Parliaments after each presentation.

## Format

The duration of the session will be from 09:15 -11:00 am. The presentations will be followed by an interactive discussion as guided by the Moderator of the Sessions.

Each Member will have 5 minutes to respond to each question and will react to specific questions from the floor from Members of the Regional Parliaments.

*All other participants will participate as observers and will not be given the floor to interact in this session.*

## Expected Outcome

1. Better understanding of the work of roles of RECs and Regional parliaments in the promotion and protection of the rights of migrant workers and how this contributes to the work of the AUC.
2. Better understanding of cooperation of Regional Parliaments, including the cooperation of the Parliaments and the RECs and how these activities can also contribute to the AUC's work.

3. Identification of possible ways to enhance and possibly institutionalize synergies between the AUC and the Parliaments.

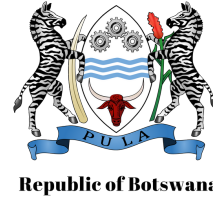
4. Increased awareness among Regional Parliaments and the RECs about the various initiatives on the promotion of facilitation of movement of goods, services and people in Africa; and identification of ways to further sensitize and foster collaboration and synergies with the RECs and the Regional Parliaments to enhance their involvement in this stream of work.

## Related Sources

- *Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (AU Protocol on Free Movement):* <https://au.int/en/treaties/protocol-treaty-establishing-african-economic-community-relating-free-movement-persons>
- *Agreement establishing the African Continental Free Trade Area (AfCFTA):* <https://au-afcfta.org/wp-content/uploads/2022/06/AfCFTA-Agreement-Legally-scrubbed-signed-16-May-2018.pdf>



- *The AU Migration Policy Framework for Africa (MPFA) and its Plan of Action (2018-2030), available [here](#).*
- *Agenda 2063 (popular version), available [here](#).*
- *African Integration booklet (has information on trade and free movement including the RECs performances) <https://au.int/en/documents/20190905/african-integration-booklet>*
- *Africa Regional Integration Index Report (has information on trade and free movement including the state of play at the RECs ) <https://au.int/en/documents/20200523/africa-regional-integration-index-report>*



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