

Concept note – draft

ITUC-Africa GCM/Ratification/Fair Recruitment implementation Strategy development meeting – Lagos, Nigeria 10-12 April, 2018

Background

The United Nation Global Compact for Safe, Orderly and Regular Migration process is as an opportunity to reframe migration policies based on the recognition of human mobility as part of human nature and contribution to sustainable development, thereby transforming the prevailing negative perceptions and empowering migrants.

The GCM has had its Stocktaking meeting in 4-6 December 2017 in Puerto Vallarta, Mexico. The Chair's summary of the meeting and the UN Secretary General's reports, which were products of the Stocktaking reports have been taken and both led to the development of the zero draft. The Zero Draft is the document for the negotiation round of the GCM process. It is anticipated that the final document will be signed in December in Morocco.

The African Trade Union Migration Network (ATUMNET) is an ITUC-Africa migration forum comprising all affiliates of the ITUC-Africa in 51 of the 55 African countries. The network helps to coordinate migration governance and interventions in these countries. It meets annually. For this year, it will meet in Lagos, Nigeria from 10-12 April, 2018.

Context and Rationale

Trade unions are part of the non-state actors constituency participated in the entire process till the stocktaking stage. Their roles will equally be critical till the GCM is adopted. Their roles will be far more important after the adoption of the GCM. This is because already, the non-binding nature of the instrument is being taunted as a possible disguise for not respecting it. The task is to get African governments to commit to supporting workers and trade unions' positions through lobby and national level engagement, including securing a leading role for the International Labour Organisation (ILO) on Labour Migration. More critical, is the need to prepare possible approaches and strategies for the effective implementation of the GCM in Africa.

Furthermore, the issues of ratification of relevant ILO instruments on migration as part of the ways to improve spaces for the effective protection of the rights of migrants and members of their families and to secure paths to enhance migration contributions to developments were high points within the GCM consultation and stocktaking process. These issues are also contained in the zero draft. For ITUC-Africa, twice we have taken Congress Resolutions to advance the increase in ratification of relevant ILO instruments (Conventions and Protocols) and AU protocols.

In recent times, the focus has been to advance migration promotion related instruments.

For the ILO-IOM-AU-EU Joint Labour Migration Programme (JLMP), the action plan submitted by ITUC-Africa (being the workers' social partner representative on the JLMP) contained activities aimed at achieving relevant migration promoting instruments ratification. This is because we know that these instruments have been proven over time to help advance the protection of the rights of migrant workers. Similarly, the ILO has developed a tool kit for trade unions on how to better protect the rights of migrants and how to advance ratification campaign. This meeting will be a good opportunity to present the tool guide to ATUMNET/trade unionists and their civil social allies. Also, ITUC-Africa has prioritized Conventions 97, 143 and 189 for possible (minimum) 5 countries ratifications before the next ITUC-Africa Delegates' Congress in 2019. To achieve this will demand a practical strategy and knowledge.

The African Union at its July 2015 Heads of State Summit in Johannesburg South Africa made declaration AU/18 (XXV on Migration in Africa). The declaration espoused the need to work towards visa at ports of entry for Africans notwithstanding reciprocity arrangement; to accelerate the operationalization of the African Passport to better facilitate free movement on the continent; take concrete and effective steps to enhance the compatibility, comparability and acceptability of higher education credentials to facilitate knowledge, skills and expertise exchange, placement and transferability; employability; place primacy on the empowerment of African women and youth through education, training and exchange programmes, as well as work on education curriculum improvement; sustain efforts at combating human trafficking and smuggling through implementation of existing international and regional instruments. The ATUMNET has been pursuing the effective implementation of this very important AU Declaration. This meeting will also offer opportunity to advance the issues.

Also, the ITUC-Africa together with the Organisation of Africa Trade Union Unity (OATUU) will be entering into a partnership with the African Union through the Social Affairs Commission. Business Africa is also expected to be part of this partnership. Already, one of the issues identified that the partnership will work together on is migration and protection for African Domestic Workers to the Middle East. This issue is in strong tandem with ITUC-Africa's desire to advance protection and the rights of African migrants to the Gulf Cooperating Council (GCC) states, notably Saudi Arabia and the United Arab Emirates as they, combined, have the highest number of African migrants and have recorded the most abuses against African migrants. We will want to work with these African partners so as to improve and increase the chances for the better enjoyment of rights by African migrant workers.

Bilateral Labour Migration Agreements (BLMAs) have been used to perpetrate the slavery-like working conditions African migrants, especially domestic workers otherwise recruited from home to the GCC states. Engagement on how to improve BLMAs; the need to improve the reform of the *Kafala* sponsorship system of recruitment; opportunities for access to justice and remedies

for migrants' rights violations, as well as spaces for trade unions to monitor the agreements are some of the issues demanding attention. Already, ITUC-Africa has a Memorandum of Understanding with Asian, Latin American and Arab trade unions to work together to advance these issues. It is also worth noting that the ILO and ITUC is working a pilot project called Migration Recruitment Advisory (MRA) tool to be able to monitor recruitment processes with the aim to better protecting migrants against exploitation and other rights abuses suffered in the course of recruitment, travel and work. Again, against these backgrounds, this meeting will offer the opportunity to further process practical and useful approaches to achieving fair recruitment and better rights protection for African migrants.

Voluntary return is one of the positions that the trade union movement subscribes to and advocate for. There continue to be reports of migrants and refugees returning home. What are the assistances rendered to help them to be effectively rehabilitated and re-integrated? It is from these contexts that the ATUMNET will be meeting in Lagos, Nigeria from 10-12 April, 2018 to further engage on these issues.

Objectives of meeting

The following objectives underpin the rationale for the meeting:

- Take reports from ATUMNET members of the level of lobby and discussion with their governments on the GCM Zero Draft and to seek ways to improve gains from the Negotiation round currently on-going.
- To further discuss and develop ratification strategy so as to advance the quest to achieve at least 5 ratifications of relevant migration conventions before the end of 2019.
- Push for fair and better labour recruitment practices in Africa and by African migrants to the GCC states with the view to improve their protection.
- Visit the GIZ supported Nigeria returnee migrants and refugees centre with a view to learn lessons on how trade unions can contribute to voluntary return processes and for returnee re-entry, rehabilitation and re-integration.
- Take stock of trade union contributions to sub-regional/regional migration/integration processes, especially as a follow-up to the 2017 interface with ECOWAS FMM

Expected Outcomes

Some of the expected outcomes will include:

- Situational progress report of trade union engagement with the zero draft in relation to the GCM negotiation stage will be known and mapping of areas (countries) of strength and support identified.

- A practical and effective ILO migration related conventions ratification strategy would have been developed and adopted.
- Progress report on the fair recruitment campaign would have been taken and other efforts to consolidate gains and correct challenges would have been discussed and agreed.
- Solidarity visit to the migrants and refugees returnee centre would contribute to boost the morale of the returnees, as well help to inform ATUMNET members of how they can advance and be part of similar initiatives in their countries.
- Further suggestions on how to advance the ECOWAS FMM and other similar sub-regional initiatives will be discussed and formalized as action plans, as well as get more African governments to announce visa on arrival arrangements for Africans.

Target groups

Participants to this 3-day meeting will is estimated to be 47 participants, which include trade unions, civil society organisations, employers' representative and that of the African Union. The others are facilitators and resource persons.

- ATUMNET members from: Nigeria, Benin, Burkina Faso, Cote d'Ivoire, Ethiopia, Ghana, Guinea, Kenya, Mali, Niger, Mauritania, Morocco, Senegal, Togo, Rwanda, Sierra Leone, Tunisia, South Africa, Zambia, Zimbabwe, - 20
- Sub-regional trade union organisations – (OTUWA, EATUC and SATUCC) - 3
- ITUC Brussels staff – 2
- Global Union Federation in Africa – PSI, IUF, BWI, IDWF, StreetNET– 4
- African NGOs on migration – 3
- Journalists – 2
- African Union – Commission on Social Affairs representative – 1
- Business Africa representative – 1
- Organisation of African Trade Union Unity (OATUU) – 1
- ITUC-Africa staff – 2
- ILO staff – 2
- IOM – 2
- Solidarity Center - 2
- Reporter - 1

Methodology and faculties

The meeting will be for two days workshop session. The third day will be for field visit to the GIZ supported returnee centre in Lagos.

It will be a semi-formal structure meeting where participants will be encouraged to be very participatory and active through their organised contributions.

Faculties (resource persons) will be drawn from the ATUMNET network, the ILO, IOM and the African Union.

Date and Venue

The meeting will take place in Lagos, Nigeria from 10-12 April, 2018.

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