



**ITUC-Africa/OTUWA migration workshop on ECOWAS Free Movement and Migration and the UN Global Compact on Migration process: The role of Trade Unions / Civil Society Organizations**

*Abuja (Nigeria), 7 - 9 December 2017*



**SUMMARY REPORT OF THE WORKSHOP**

Enhanced movement, mobility and migration accelerate employment creation; skills exchange and supply; promote cultural regeneration and dynamism; facilitate trade and investment thereby helping to trigger economic growth; and in turn contribute to society and the progress and well-being of people.

The example of the Economic Community of West African States (ECOWAS) in terms of free movement remains edifying for the entire African region. The sub-regional organization remains one of the most advanced African organizations in terms of integration, free movement within the continent despite the existence of serious bottlenecks with regard to the effective implementation of the various decisions and protocols adopted to facilitate free movement within ECOWAS including the guarantee of the rights of the peoples whether moving, residing or establishing themselves as a bloc.

Moreover, African trade unions are convinced that the United Nations Global Compact on Migration, which aims to achieve a safe, orderly and regular migration, is a unique opportunity to advance their argumentation and to promote an approach to migration in general and labour migration in particular.

In order to further deepen the knowledge and understanding of African trade unions on the ECOWAS Free Movement and Migration Program, on the one hand, on issues of FMM as a stakeholder, on the other hand and in accordance with the conclusions of the workshop held from 31 July to 02 August 2017 in Cotonou, Republic of Benin, the African Regional Organization of the International Trade Union Confederation (ITUC-Africa) and the Organisation of Trade Unions of West Africa (OTUWA) in collaboration with ECOWAS, involved in the promotion of free movement and integration in the African sub-region, jointly organize the ***“ITUC-Africa/OTUWA/ECOWAS workshop on facilitating ECOWAS Free Movement and Migration Programme & the United Nations Global Compact on Migration: Trade Unions/CSOs roles...contributing to make migration work for ALL (migrants, peoples, communities, economies)”***

This sensitization meeting, held from 07 to 09 December 2017 at the Bolton White Hotel in Abuja, Federal Republic of Nigeria, also aimed at building the commitment of African trade unions to FMM and to help speed up its effective implementation. More specifically, it was a question of:

- improving collaboration and interface with ECOWAS on the FMM as well as with other international technical organizations with expertise in migration/labor migration.
- improving the advocacy capacity of workers and trade unions to advance the effective implementation of the FMM and the outcomes of the Global Compact on Migration;
- reinforcing the support of trade unions to the ECOWAS initiatives on the FMM and other similar programs;
- contributing to achieving effective integration of the African continent;
- contributing to improving the protection of the rights of migrants and their families.

It brought together about thirty participants, including ten women from trade union and civil society organizations. In addition to these participants, there were representatives of ECOWAS in charge of migration, the International Labor Organization (ILO) and the International Organization for Migration (IOM). The list of participants is attached as Annex 1 to this report.

An opening ceremony held under the chairmanship of Mr. Ayuba WABBA, President of the Nigeria Labour Congress (NLC) launched the workshop. Mr. Akhator Joel ODIGIE then took over to moderate the first session.

### **THEMATIC AREAS of the WORKSHOP**

The themes developed mainly concerned:

- Free movement within the ECOWAS sub region;
- The protection of the rights of migrant workers in the ECOWAS sub region;
- Labour migration and portability of social protection rights in the ECOWAS sub region;
- The Global Compact on Migration;
- Issues of interest and areas of engagement.

**Mr. Tony Luka ELUMELU**, Head of the ECOWAS Commission's "Free Movement and Migration" program in his communication on *ECOWAS FREE MOVEMENT ACROSS SECTORS: "ISSUES AND EXPERIENCES"*, addressed the following aspects:

• **Migration:** The ECOWAS sub region is characterized by very mobile peoples and migration is part of their way of life. In addition, migration is mainly intra-regional. He also noted that the profile of migration in the community area is quite diverse. This profile is more about women, educated people and many young people. According to him, the economic aspect (formal, informal and intra-regional trade), security issues (transhumance, conflict) and humanitarian issues (refugees, climate change) in the community area will continue to fuel migration which remains decisive for West Africa.

• **The existence of Protocols on Free Movement:** ECOWAS has drafted texts to regulate migration in its area. It is imperative for the unions to know them and to appropriate them in order to develop mechanisms to ensure their implementation in the common space. The texts include: (i) Article 59 of the ECOWAS Treaty adopted on 28 May 1975 and revised in 1993; (ii) the protocol on free movement in ECOWAS; (iii) the ECOWAS common approach to migration;

• **The free movement of vehicles in the ECOWAS area:** vehicles with private registration are allowed to travel in the territory of another member country of the community area for a perpetual period. However, those of commercial registration are only allowed fifteen (15) days. However, free movement concerns people or human beings and not goods and services;

• **The role of trade unions:** trade unions must ensure; (i) good governance for the protection of workers; (ii) statements to protect workers outside their countries; (iii) support for ECOWAS initiatives on repatriation of citizens; (iv) organization of sensitizations on illegal immigration;

• **Border harassment:** the denunciation of these harassments is a means of combating these phenomena at the level of the community's borders. However, the community has adopted a strategy for trade by developing mechanisms that will avoid harassment. It has created a common checkpoint at each country level where both the police and the customs are located.

**The presentation by Mr. Aly CISSE** of the International Labor Organization focused on the Guide for Policy Makers on the Protection of the Rights of Migrant Workers in the ECOWAS Region; an instrument for the protection of the rights of migrant workers in ECOWAS. After having recalled the reasons which motivated the elaboration of the guide and its structuring in six (06) chapters, he then explained the key aspects of this guide. The chapters discussed are:

• **Chapter 2:** Basic Principles and Concepts; explains each concept in a technical way. It clarifies the position of ECOWAS and the latest developments in public policy;

- **Chapter 3:** International Standards and Frameworks; track the level of ratification of migration-related conventions by ECOWAS countries. It explains how a standard is used;
- **Chapter 4:** ECOWAS frameworks; gives precise information on ECOWAS. Each reference framework of the community relevant to the labour migration is presented in detail and explained;
- **Chapter 5:** Development and coordination of labour migration policies; reviews the main dimensions, components and processes involved in the development and coordination of labour migration policies at the national level. It is organized around three (03) areas of intervention namely: (i) the governance of labour migration and public policy strategies; (ii) regulation of recruitment and placement practices; and (iii) social protection, social services and accompanying measures;
- **Chapter 6:** Practical recommendations for the protection of the rights of migrant workers in the ECOWAS region; recommendations on the role of the different actors involved in worker migration.

**Ms. Taibatou SIDIBE**, Coordinator of the NSA Fund at the International Organization on Migration in the Nigeria Office, presented a paper on the free movement of people and migration in West Africa (NSA Fund), she addressed the following aspects:

- **Challenges of the West African space in terms of managing migration and free movement:** the challenges are relative to, among other things: (i) the lack of knowledge of the main provisions of the free movement protocols of the ECOWAS and migration frameworks by stakeholders in Member States (parliaments, border officials, CSOs and labour market actors); (ii) the mixed nature of migration flows; (iii) the issue of child labour in migration situations; (iv) security of persons and migration (destruction of travel documents and identity card, civil status register); (v) border harassment of cross-border traders and lack of data on the phenomenon; (vi) irregular migration of young people to Europe; (vii) the high rate of trafficking in human beings and smuggling of migrants (via recruitment of private agencies, internet, family, etc.) for the purposes of domestic work, sexual exploitation, forced labour etc. ;
- **The role of trade unions in the free movement and management of migration:** it is important for unions to be proactive in promoting and respecting decent living and working conditions for all in a more inclusive society. Trade unions must: **(i)** describe the current situation of migrant workers and refugees in West Africa through evaluations and research; **(ii)** identify how the union could influence or contribute to the migration policies of the member states, the ECOWAS common approach and the migration and freedom of movement protocols; **(iii)** define the role that the union must play in integrating migrants and refugees into the labour market and society; **(iv)** devise trade union strategies for joint action and mutual support in promoting the integration of migrants and refugees into the labour markets;
- **Limitations on union actions:** relate to (i) language barriers that constitute a problem in the definition of migrant workers; (ii) lack of data; (iii) establishment rights; (iv) lack of qualification of migrants; (v) network gaps in order to have reliable data and visibility;
- **Projects funded by the NSA Fund:** the fund has approved ten (10) projects for ECOWAS countries that are at different levels of implementation in these countries. However, five (5) Fund projects are at different levels of evaluation and review by the Grants Evaluation Committee;
- **Presentation of the NSA Fund:** NSA Fund interventions relate to the role played by non-state actors and local authorities in protecting the rights of migrants and combating trafficking in persons. The purpose of the fund is to finance projects of non-state actors (NSAs) involved in migration management. Project funding is based on a call for proposals, grants are awarded

to NSAs and local public authorities for the implementation of specific projects. The funding envelope is between 50,000 and 100,000 euros per project and for a period of between 12 and 18 months maximum. The NSAs eligible for this fund are legally registered NSAs operating in one of the 15 ECOWAS Member States or in Mauritania. Eligible non-state actors are: non-governmental organizations (NGOs); economic and social partners (such as trade unions and employers' associations); the private sector (such as professional organizations and other private sector associations); traders 'and carriers' associations or unions; media organizations; migrant associations.

**Mr. Guité DIOP**, Program Officer, Labour Migration and Social Affairs at the ECOWAS Commission, in his communication on Labour Migration and Portability of Rights to Social Protection in the ECOWAS Area. The aspects addressed are:

- General Convention of Social Security of ECOWAS (CGSS): this convention was developed to provide social protection to migrant workers in the community area. It takes into account all international standards on migrant workers. However, this convention applies only to regular migrant workers in the formal sector;
- Objectives of the CGSS: (i) to provide social security for immigrant workers residing or temporarily residing in the member states of the region as well as their family members and their survivors or dependents; (ii) to encourage the effective integration and participation of the different sections of the population in the social development of the region; (iii) promote the implementation of the protocol on the free movement of persons, the right of residence and establishment through the adoption of a general convention on social security and (iv) promote the coordination of the social security of African states in West Africa;
- Coverage areas of the CGSS: the CGSS comprises sixty-one (61) articles and seven (07) titles. It covers the material field consisting of (i) invalidity, old-age and survivors' benefits; (ii) benefits from work accidents and occupational diseases; (iii) family benefits; (iv) maternity benefits; (v) sickness benefits; (vi) unemployment benefits and the personal field including: (i) workers who are nationals of a Contracting Party and subject to the legislation of one or more Contracting Parties; (ii) refugees or stateless persons and members of their families who have acquired social security rights in the territory of a Contracting Party and reside in the territory of another Contracting Party;
- Challenges for the Convention: they relate to the harmonization of tools, the strengthening of the institutional social security culture in the Member States and wider coverage in the region;
- perspectives of the CGSS: concern (i) the development of a guide for the operationalization of the CGSS of ECOWAS; (ii) the training of coordinating staff for a perfect mastery of the modalities (Administrative Arrangement and Application Forms) and (iii) reflection on the coverage of the majority of migrants in relation to the development of the schemes. Universal coverage or social assistance schemes (exclude migrants due to residency, nationality, minimum qualifying period or other restrictive rules).

**Mr. Shabari NAIR**, Migration Policy Specialist at the Labour Migration Department of the International Labour Organization (ILO) made an introduction to the Global Compact on Migration. He spoke to participants about:

- The genesis of the process of this Global Compact as a result of a series of discussions. Indeed, the process started with the Global Forum on Migration with the 2005 discussions in Belgium that did not attach any importance to the issues of migrant rights. On the other hand, those of the Philippines approached the questions of law of the migrants but in a fragmented way. At the meeting of Greece, the upsurge of migrants' rights at this meeting was the subject of a general and open debate on the subject. In 2011, Switzerland contributed to the funding

of Civil Society Organizations (CSOs) for high-level dialogue. 2015 was the year of the beginning of the Sustainable Development Goals (SDG) process. The year 2016 saw the effective start of the Global Compact process on migration with the adoption of the New York Declaration at the UN Assembly. The consultations for this pact took place from March to October 2017. In total, there were six (06) consultations on the following topics: (i) human rights; (ii) good governance; (iii) climate change; (iv) trafficking and smuggling; (v) sustainable development; and (vi) the free movement of workers. All these consultations were conducted by the United Nations;

- dimensions addressed at the Mexico conference (06): (i) the human dimension; (ii) the global dimension; (iii) the local dimension; (iv) the national dimension; (v) the regional dimension; (vi) the global dimension;
- review and adoption of the Global Compact on Migration: the Global Compact process on migration will end in 2018 with its review in September 2018 in Germany and its adoption in October of the same year in Morocco. The communicator urged unions, upon arrival in their respective countries, to conduct exchanges with foreign ministries to include in this process the ministries responsible for labour;
- decent work: the four (04) dimensions of decent work were further explained to participants. These are (i) international standards (fundamental rights); (ii) social dialogue; (iii) social security; and (iv) employment;
- ILO's suggested commitments: the organization proposes to include in the Global Compact issues related to: (i) the right of workers and decent work; (ii) freedom of association; (iii) irregular migration; (iv) monitoring fair recruitment practices; (v) skills development and recognition; (vi) social protection; (vii) statistics on migration and (viii) bilateral and regional cooperation agreements and their negotiation.

**Mr Akhator Joel ODIGIE**, Human and Trade Union Rights Coordinator at ITUC-Africa, focused on issues of interest and areas of engagement. He addressed:

- The agenda of the African Trade Union Migration Network (ATUMNET). Unions have to identify the conventions and must work for their ratification in their respective countries. The ratification campaigns concern Conventions 97, 143, 182, 189;
- Trade union advocacy for: (i) free movement of people as well as rights issues and improved mobility in West Africa; (ii) adoption of the online visa; (iii) the fight against xenophobia, trafficking in human beings and smuggling; (iv) coverage and portability of social protection; (v) commitment and contribution to the United Nations Global Compact process on migration and (vi) equitable recruitment;
- strategy to be adopted: (i) improving union communication and information sharing; (ii) capacity building of focal points and workers; (iii) advocacy for the implementation of the decent work agenda (job creation, rights at work, social protection and social dialogue); (iv) in-depth sensitization for legal migration; (v) preparation of monitoring reports; and (vi) visit Agadez and returnee centers as well as rehabilitation sites including the Lagos center.

## **GROUP WORK**

Part of the afternoon of the first day was devoted to group work. The participants were divided into four (04) groups. Two (02) francophone groups and two (02) anglophone groups. The job is to look at the migration situation in terms of challenges, experiences, and what really needs to be done to improve the situation. At the end of this work, a restitution was made in plenary by a representative of each group.

## **NEXT STEPS (way forward)**

This was an interactive session involving the participants on the way forward. The conclusions from the group works were discussed during this session that was facilitated by Mr. Akhator Joel ODIGIE. The selected actions are:

- The establishment of a national platform on migration;
  - work with other unions;
  - hold meetings at national level
  - develop an action plan.
- Ratification campaigns of Conventions 97, 143, 189 and 112;
  - hold meetings to develop ratification strategies for conventions
- Development of awareness mechanism;
- Building the capacity of unions, including union leadership teams;
- Development of an ITUC-Africa advocacy strategy;
- An Interregional Trade Union Meeting between ITUC-Africa; ITUC-Asia / Pacific; ITUC-Latin America and ITUC-North Africa / Arab Region to operationalize the Memorandum of Understanding between the four continental organizations concluded and signed on cooperation / collaboration of interventions in the field of migration. The ILO will be contacted to facilitate this meeting scheduled for the end of the first quarter of 2018 or the beginning of the second quarter of 2018;
- Seeking support for organizing workshops on the UN Global Compact process in the East African sub-regions (Kigali / Dar E Salam), North Africa (Tunis / Marrakech) and Southern Africa ( Harare / Lusaka) and the Center to raise awareness and strengthen trade union strategies and to advocate to ensure that the bargaining stage benefits migrant workers
- Participation in negotiation processes at the national, regional and international levels. African unions will seek support to facilitate participation at these levels.

## **VIDEO PRESENTATION ON MIGRATION**

Two (02) short videos, produced by ITUC-Africa, on migration in Africa were viewed by participants. It is for them to make their observations or contributions for their improvement. According to Mr. Akhator Joel ODIGIE, it is for ITUC-Africa to put its voice on the movement of migration and discourage people on illegal migration and finally inform them of the dangers they incur.

Following the viewing of these videos, suggestions were made for their improvement. They relate to:

- put the voice of the ILO on videos in order to enhance their value and give them more credibility;
- improve the quality of videos;
- Develop partnerships for the dissemination and dissemination of these videos in countries.

## **FIELD VISIT**

The morning of the second day of the workshop was devoted to the visit of two (02) Federal Ministries of the Federal Republic of Nigeria. These ministries are involved on the one hand in migration and on the other hand in the migration of workers. This is the Federal Ministry of Labour and Productivity and the Federal Ministry of the Interior.

Before leaving for the visit, Mr. Akhator Joel ODIGIE said that the purpose of this visit is to show the solidarity of the unions to these ministries concerned by migration and to solicit their involvement to facilitate the migration of workers.

For each meeting, after the welcoming courtesies and introductions of the officials and participants, Mr. Akhator Joel ODIGIE explained to the authorities of each ministry the merits of the travel of participants, representing their union in their respective countries.

### **Federal Ministry of Labour and Productivity**

At the Federal Ministry of Labour, the participants were met by Mr. Emmanuel UDOH, Director of Employment and Compensation, assisted by two (02) employees of the Ministry. The exchange points of this meeting focused on:

- Migration: The migration issue, especially through disorderly migration, is of prime importance for Nigeria because of the size of its population and large displacements both nationally and internationally. Nigeria has a center in Lagos for the reintegration into the labour force of migrants. In addition, it has two (02) migration policies, namely the National Policy on Migration and the Labour Migration Policy. The national policy, adopted by the State in 2014, focuses on three (03) pillars including (i) the governance of migration, (ii) the protection of migrant workers and their families, (iii) the optimization of benefits labour migration for development. This policy is accompanied by an action plan.
- Involvement of the social partners: there is strong collaboration between the Ministry and the Nigeria Labour Congress (NLC). The union is still associated with the ministry's activities in their area of competence;
- Issuance of visa at points of entry into Nigeria: this concern does not fall within the competence of the ministry. However, the ministry is part of the interministerial commission on migration. He could raise this question at that level;
- Free movement: Efforts have been made at ECOWAS level to facilitate movement. Regarding the visa on arrival for all Africans, Nigeria is working on the issue. According to the Director, his country can set the pace for all the other African countries;
- The ratification of international conventions: the process is underway and all the actors will be involved;
- Work permit: this concern does not fall within the competence of the Ministry of Labour, but rather that of the Immigration Service. The department is in a better position to define the type of work to be considered in migration;
- Dual nationality: Nigeria makes no distinction on nationality. This discrimination does not concern work.

### **Federal Ministry of the Interior**

In this ministry, the participants exchanged with Emmanuel AGAMA, Secretary General, surrounded by the directors concerned by the migration issue and the representatives of the trade unions of Nigeria. The participants focused on:

- Free Movement and Migration: The Ministry encourages migration that abides by the laws of Nigeria. Free movement is highly advocated for as the ministry is part of all initiatives aimed at migration and free movement. However, Nigeria must not be the land of criminals;
- Dignity: there has been talk of preserving the dignity of migrants in their quest for employment. The Secretary-General stressed that no country can remain in isolation and that his country needs the labour force from wherever it comes. He commented on the video of the American channel CNN on the sale of Africans in Libya;

- The ministry's attitude towards migrants in Nigeria: according to the Secretary-General, most migrants are illegal immigrants and are harassed because they do not have the appropriate documents for migration.
- Labour laws: Nigeria's labour laws are progressive and non-discriminatory.
- Visa: the Secretary-General said that the ministry is in the vanguard on visa and labour force issues. He reassured the trade unionists that measures will be taken to punish the authors of the issuance of fake visa receipts at Nigeria's points of entry;

## **PRESS CONFERENCE**

A press conference was held during the workshop. It brought together the participants and the journalists. The aim was to share with them the objectives of the workshop and the actions carried out by the ITUC-Africa and the unions in the context of migration so that they disseminate the information to the general public. During the conference, a statement was read to journalists by Eustace Imoyera James, NLC's Migration Communications Officer. He went into details to help journalists better understand the realities and issues around migration and labour migration in Africa. The conference was published on the internet with the access links:

- <http://googleweblight.com/i?u=http://www.tribuneonlineng.com/ituc-africa-otuwa-meet-ecowas-free-trade-migration/&hl=en-NG&tg=320>

- <http://leadership.ng/2017/12/13/african-trade-unions-seek-ways-improve-african-migration-crisis/>

## **RECOMMENDATIONS**

At the end of the workshop, the following recommendations were made:

- Compiling a text on labour migration to enable the unions to have the capacity for claims or denunciations in case of violation of the rights of migrant workers. (ITUC-Africa);
- Write a letter to the ILO requesting technical support for improving the quality of the videos;
- Participants noted strongly and with commitment, the need to work to ensure effective implementation of the "next steps" issues. It was also affirmed that administrative and technical organisations such as the African Union (AU) and the Regional Economic Communities (RECs), as well as the International Labour Organisation (ILO) and the International Organisation for Migration (IOM) and other supporting development cooperation organisations should be approached and assist trade unions in the implementation of the "next step issues"

## **CLOSING CEREMONY**

The closing ceremony was chaired by Mr Chris UYOT, representing the Secretary General of the NLC. He congratulated the participants for the wonderful work that was done during the workshop. For him, trade unions must work for free movement in 2019 and proceed to the complete elimination of the visa system. He also reminded participants to come together to fight human trafficking and to encourage governments to create better working conditions to limit the movement of young people abroad. He finally wished the participants a safe journey back into their respective families.

## **CONCLUSION**

The workshop organized jointly by the ITUC-Africa, OTUWA and the ECOWAS commission made it possible to keep the participants abreast with the progress made by ECOWAS with regard to migration, the free movement and to reflect on the Global Compact on Migrations. It was also an opportunity to exchange with the Nigerian federal authorities on the concerns of African trade unions specifically on labour migration and migration in general.