

SOCIAL DIALOGUE IN EAST AFRICA
MINUTES OF REGIONAL STAKEHOLDERS CONFERENCE

01st / October 2014
Arusha Hotel, Arusha - Tanzania

I. Introduction

A Regional Stakeholders Conference was held on 01st October 2014 in Arusha-Tanzania as part of the Project on Promotion of Social Dialogue in East Africa, funded by DANIDA and implemented by the East African Trade Union Confederation (EATUC) and the East African Employers Organizations (EAEO) in collaboration with the Federation of Danish Industries (DI) and the LO/FTF Council (The Danish Trade Union Council for International Development Cooperation).

The conference brought together representatives of EAC Partner State governments, namely from Ministries of labour, Ministries of home affairs (Immigration) and Ministries of EAC affairs and National Social Security Funds / Authorities along with representatives from national employers organizations affiliated to EAEO and national trade union centres affiliated to EATUC. In addition, representatives of ILO Geneva (on behalf of ACTRAV and ACTEMP) and ILO Dar es Salaam Office and of East African Law Society (EALS) participated along with representatives of ITUC-Africa, Business Africa, those of DI and LO/FTF Council and members of the media.

The Conference served to present the historical collaboration between social partners (Trade unions and employers organizations) in the EAC region and to present and disseminate the EAEO and EATUC joint position paper on removing barriers for free movement of labour to national and regional stakeholders. It also served to present and confirm social partners willingness and readiness to engage and participate in moving the integration process and advocate for the development of a (tri-partite) framework and road map for the promotion of the social agenda (free movement of workers and people) at national and regional levels as part of the implementation of the EAC Common Market Protocol (CMP) - necessary for furthering the wider EAC integration process.

The EATUC and EAEO membership potential outreach currently stands at over 8.500 companies and business entities and 100 associations and chambers affiliated to national employers organizations and more than 2.5 million workers organized in unions affiliated to the national trade union centers across the EAC).

Lastly, the Regional Stakeholders Conference provided a platform for political decisions makers, regional and international organizations (stakeholders) and donors to discuss how to further the integration process (social agenda).

The programme for the Regional Stakeholders Conference and list of participants are herein enclosed together with copies of presentations given as per the programme. Furthermore the EAEO/EATUC joint position paper is enclosed.

The program of the day had to be readjusted and tailored according to available presenters as some representatives cancelled their participation at the last minute due to circumstances beyond their control.

II. Presentations given:

1. Presentation and dissemination to social partners the EATUC and EAEO joint position paper on removing barriers for free movement of labour within the EAC (Caroline Mugalla, EATUC and AdrikoRaymond ,EAEO)

During their dissemination of the EATUC and EAEO joint Position Paper on removing of barriers on free movement of labour in the EAC the presenters shed light on the back ground of the paper and highlighted the EAEO and EATUC joint recommendations both short and long term ones, as per the position paper. The recommendations range from the abolition of work permit fees in EAC, setting up of a tripartite One Stop Desk for work permit processing in each of EAC Partner State to coming up with one uniform work permit regime across the EAC region as well as improving and securing mechanisms and frameworks for collection of statistical data on work permit issuance and migration flows and for monitoring and evaluation of progress in CMP-implementation. The presenters concluded by urging government representatives and other participants to step to the table and breath more momentum in the removal of barriers on free movement of labour in their respective countries.

2. From idea to implementation, how do we make free movement of labour work on the ground? (Mr.Byenkya Tito, CEO, East African Law Society (EALS))

During his presentation, Mr. Byenkya Tito shared on lessons learned and best practice in the process of harmonization and approximation of national legislations to the CMPprovisions as well as highlighted the progress thus far made in facilitating the collaboration on free movement of services among different professions and professional organs in EAC. Many of professional regional platforms were set up in collaboration with Trade Mark East Africa and EABC so as to offer professionals opportunity to converge at regional level to discuss how to realize cross border movement and sign Mutual Recognition Agreements among all stakeholders.

Mr. Byenkya Tito highlighted some challenges to be dealt with in furthering the regional integration:

- a. Despite the commitments under the CMP, some partner states are yet to commit on liberalization their services trade.

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- b. There is no policy framework adopted by the EAC yet to guide on the finalization of MRAs, or even that on Work Permits by the EAC.
- c. Non-Tariff Barriers that negate the freedoms under the CMP. Most latent of this is the Work and residence permits.
- d. Membership to overlapping regional integration schemes, including COMESA, SADC, IGAD, EAC, AU, each of which may have its unique (but not necessarily convergent) commitments with regard to movement of labour.
- e. Different education and skill levels, as well as languages (Kiswahili, French, Kirundi, Kinyarwanda, English). The Civil Law / Common Law divide doesn't make the harmonization process any easier.
- f. Capacity and financial issues. Process of harmonization is very technical, and quite costly.
- g. Knowledge deficit of EAC commitments and documentation at the national level of the EAC partner states.
- h. Free Movement of labour under the CMP is subject to limitations imposed by the partner states on grounds of public policy, public security or public health. There is need to define the breadth of these otherwise unqualified claw back clauses.
- i. Poor infrastructure and limited resources across the EAC partner states, that would otherwise fast track the process of the free movement of labour e.g Not all countries have national Identity cards, limited numbers of labour inspectors, etc. One could argue that the support mechanisms need to be put in place alongside any harmonisation processes.
- j. Protectionism and stereotyping.
- k. Disparate social protection and pension schemes across the EAC partner states.

He concluded his presentation by urging all stakeholders to continue to work together to make the full implementation of the CMP a reality.

3. How far has the EAC gone in implementing CMP provisions on free movement of labour? Progress and challenges / Furthering the EAC Labour Market Integration by making free movement of workers a reality in the EAC region. Next steps to be taken. How can social partners and other CSO/PSO stakeholders contribute to the regional integration process in general and the promotion of free movement of workers in specific. Need for tri-partite mechanisms? (Merged Agenda issues, conducted as round table discussion by Dr. Mohammed Mwamadzingo, ILO, Geneva, Regional Desk Officer for Africa Bureau).

During his facilitation of the round table discussion, Dr. Mohammed Mwamadzingo gave a brief overview of the CMP provisions and their tentative implementation timetable. He highlighted the challenges and progress that has been so far registered and came up with more or less the same challenges as identified by Mr. Tito Byenkia in his presentation earlier on.

Government representatives were given opportunities to share on their country's experiences and progress so far in furthering the free movement of labour and persons (e.g. use of ID cards /voters cards as travel documents, issuance of work permits and other types of permits, scraping of work permit fees, etc). Kenya and Rwanda stood out as best practicing countries. Both countries clarified some information that had been disseminated earlier saying that they had the highest number of work permit classes and the highest rejection rates. They deflected such information by explaining that only one permit category (class D for Kenya and class H for Rwanda) is used for "Workers" while other permit classes are for investors, self-employed persons and retired persons. They thereby declined that age limits and other criteria hampered the free movement of "workers" at the same time noting that most people in the EAC region are

self-employed (informal sector), which need to be taken into consideration when furthering the free movement of labour and persons.

The presentation and round table discussion served to raise awareness on the CMP-provisions and the progress and challenges in making the free movement of labour and persons across the EAC region a reality and brought all participants to the same page. Some government representative welcomed the idea of working closer together with Social Partners at national level and suggested the setting up of national working groups. However, more of the government representatives had no specific ideas as to how collaboration with social partners and other stakeholders can be strengthened and organized. It was difficult to gauge from the round table discussion what the Partner States are doing to move the agenda on free movement of workers forward. Kenya and Rwanda has taken specific measures but for some of the other EAC countries it is in fact not very clear how deep the commitment is to furthering the integration process and what should be next steps to be taken at national level. Bringing the discussions on the integration issue to the table therefore seems to be a first step in defining the way forward.

III. Conclusion

The Stakeholders Conference took place under amiable ambiance as government representatives acknowledged the social partners as relevant and important stakeholders in EAC integration issues and recognized social dialogue as an important mechanism in furthering the integration process through sharing of knowledge and experience and working together in paving the way forward in common understanding of challenges for the benefit of both parties. The Government representatives showed more interest in the implementation of the Social Dialogue Project in EAC and urged national centers and employers organizations to engage them more in their national activities.

As for the social partners the Stakeholders Conference was a chance to increase their visibility and to establish direct contact and working relations to relevant national government representatives while at the same time presenting the joint position of trade unions and employers organizations on what need to be done for removing the barriers for free movement of labour in the EAC.