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Regional solutions:

REGULATING RECRUITMENT AND PROTECTION OF AFRICAN MIGRANT WORKERS IN THE GULF AND THE MIDDLE EAST

MIGRATION

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Low-skilled migrants from sub-Saharan African countries working in the Gulf and the Middle East are vulnerable to exploitation and abuse, something which has become more apparent and amplified by the COVID-19 pandemic. Migrant workers for instance – and especially construction workers – are exposed to infections as a result of living in unsanitary and overcrowded hostels.

This paper provides an overview of the status of labour migration from the African continent to the Gulf and Middle East countries. It identifies the regional measures taken by African governments to improve conditions for the recruitment and protection of African migrant workers in destination countries.

The paper argues that the African Union and regional economic communities – ECOWAS, IGAD and EAC – can play an important role in closing the regulatory gap in the recruitment and protection of low-skilled migrant workers from sub-Saharan African countries. It explores the options available to regional organisations and proposes a number of practical steps towards achieving regional responses.

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Acknowledgements

Acronyms

ADD	Abu Dhabi Dialogue
AU	African Union
BLMA	Bilateral Labour Migration Agreement
CIOP	Comprehensive Information Orientation Programmes
DTM	Displacement Tracking Matrix
EAC	East African Community
ECDPM	European Centre for Development Policy Management
ECOWAS	Economic Community of West African States
EU	European Union
FAO	Food and Agriculture Organisation of the United Nations
GCC	Gulf Cooperation Council
GCM	Global Compact for Safe, Orderly and Regular Migration
GDP	Gross Domestic Product
GFMD	Global Forum for Migration and Development
GHS	Ghanaian cedi
HRW	Human Rights Watch
ICCR	Interfaith center on corporate responsibility
ICFUAE	International Campaign for Freedom in the United Arab Emirates
IGAD	Intergovernmental Authority on Development
ILC	International Labour Conference
ILO	International Labour Organisation
IOM	International Organisation for Migration
KSA	Kingdom of Saudi Arabia
KSH	Kenyan Shillings
MDW	Migrant Domestic Worker
MoLSA	Ministry of Labor and Social Affairs
MoU	Memorandum of Understanding
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NGO	Non-Governmental Organisation
PEA	Private Employment Agency
RA	Recruitment Agency
REC	Regional Economic Community
SDG	Sustainable Development Goals
UAE	United Arab Emirates
UNODC	United Nations Office on Drugs and Crime
USD	United States Dollar
WSQ	Women's Studies Quarterly

1. Introduction

Migration from African countries to the Gulf and Middle East countries is increasing. People regularly choose to migrate for economic and employment reasons. However, the challenge with low-skilled migration to Gulf and Middle East countries exists around the prevalence of exploitation and abuse of migrant workers (Business and Human Rights 2019; Balasubramanian 2019). The vulnerability of migrant workers has become more apparent and amplified by the COVID-19 pandemic. In particular, there has been increased attention on the plight of low-skilled migrant workers from sub-Saharan Africa in the Gulf and Middle East countries (Amnesty 2020b). This paper discusses the role of regional cooperation in addressing protection gaps of migrant workers from sub-Saharan African countries in Gulf and Middle East countries.

On 24 January 2020, East African ministers signed a regional cooperation agreement aimed at harmonising regional labour migration policies and establishing a common platform for engagement with Gulf countries[1] and other employers of African migrants (Ssebwami 2020). This agreement illustrates well that African governments and their regional organisations seek to tackle the abuse and exploitation faced by African migrant workers in Gulf countries. African countries have for example taken wide-ranging measures such as bilateral labour migration agreements (BLMAs) with destination countries including Gulf and Middle East countries. These are largely ineffective as they are outdated or not respected. In addition, unilateral measures taken by African countries of origin have been frustrated by partial measures or by lack of implementation in countries of origin and destination. African governments have tried to close the gaps in the protection of migrant workers in both countries of origin and destination at two levels. First, there are the regional and continental level measures (AU 2020). Secondly, there are those measures that need to be prioritised unilaterally or bilaterally.

One year later, the 13th Global Forum for Migration and Development (GFMD) summit held from 18 to 26 January 2021, emphasised the importance of regional perspectives and innovative initiatives in promoting sustainable human mobility and development. Improving labour migration governance and addressing the gaps in the protection of migrants are some of the key themes of the current GFMD summit (GFMD 2020). With the United Arab Emirates (UAE) being the chair of the summit this led to an increased focus on the working conditions of migrants and on the innovative policy measures countries in the Gulf and Middle East are introducing to improve the protection of migrant workers, in a region renowned for the abuse of migrant workers. The discussions in the Summit acknowledged the role of COVID-19 in exacerbating migrant protection gaps and emphasised the need for addressing these gaps as one of the goals of reconstruction (GFMD 2021). The Summit has also emphasised the importance of regional processes and building dialogue platforms for exchange between migrant sending and migrant receiving countries as provided in the case of the Abu Dhabi Dialogue and the Comprehensive Information Orientation Programmes (CIOP) (ADD 2021a). The CIOP, which has been piloted between the UAE, Kingdom of Saudi Arabia and South-East Asian countries combines pre-employment, pre-departure and post-arrival orientation for migrant workers, with the aim of protecting migrant workers and creating a better integration into the work environment (ADD 2021).

The paper provides an overview of the status of labour migration from the continent to the Gulf and Middle East countries (section 2). It subsequently identifies and discusses regional measures that are taken to improve conditions for the recruitment and protection of African migrant workers in destination countries. Such regional measures can be taken by two sets of actors. First there are the actions taken by African governments, acting alone or in conjunction with other governments in the region, primarily to improve the employment conditions of migrant workers, particularly by regulating the recruitment industry (section 3 and 4). Secondly, Africa's regional and continental

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[1]   Gulf cooperation council states are made up of the Kingdom of Bahrain, the State of Kuwait, the Sultanate of Oman, the State of Qatar, the Kingdom of Saudi Arabia and the United Arab Emirates (UAE). This brief focuses on these countries, where necessary, other Middle Eastern countries will be referred to directly (e.g. Lebanon).

organisations – notably the regional economic communities (RECs) and the African Union (AU) – can also contribute to promoting safe recruitment practices and protection in countries of origin and destination (section 5). Section six concludes with practical steps towards achieving regional responses.

2. Overview of labour migration from sub-Saharan Africa to the Gulf and Middle East countries

In 2019, there were over 272 million international migrants globally. Migrant workers[2] accounted for 59% of international migrants (ILO 2019a). Most migrant workers are employed in high income and upper middle income countries. Gulf countries host a high number of migrant workers, with 13.9% of international migrant workers employed in these countries. Migrant workers in Gulf countries make up a significant proportion of the labour force and a high percentage of the total population (IOM 2020e).[3] These comprise both high and low-skilled migrant workers.[4] Migrant workers are an important part of the economic development of Gulf countries providing the needed labour in construction, services and increasingly highly skilled and professional work. Low-skilled employment in the labour market is based on gendered roles. Male workers are employed in the construction sector and also in domestic work such as drivers, gardeners and cleaners. Female migrants on the other hand mostly work as domestic caregivers, cleaning and cooking. These workers originate from countries in Africa and Asia and move to Gulf countries with a demand for cheap labour and available employment opportunities.

African countries, when compared to Asian countries, are a new player in sending migrant workers to Gulf countries (Martius von 2017; Tonah et al. 2015).[5] Countries in the Horn of Africa, like Ethiopia and Somalia, preceded other sub-Saharan African countries in sending migrant workers to the Gulf and the Middle East countries. As a result, a large proportion of migrant workers still originate from these countries, in addition to an increasing number from West and East African countries (Atong et al. 2018). Several factors account for the growing number of African migrant workers in the Gulf and Middle East countries. They include the availability of jobs in these countries, and the relatively high pay compared to wages in the countries of origin. Migrants' choice may also be influenced by the recruitment industry, partially based on deception and misinformation (ILO 2019b).

Migrant workers, regardless of their countries of origin, have reported severe human rights abuses, but low-skilled migrant workers are the most affected (McGill and Scala 2019; ICFUAE 2019). In general, low-skilled migrant workers are scarcely protected by legal and cultural frameworks in destination countries. In the Gulf countries, the legal and institutional frameworks contribute to the conditions that lead to the negative treatment of migrant workers, by creating gaps for the exploitation and abuse of migrant workers by their employers (Martius von 2017; Atong et al. 2018).

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[2] For the definition of international migrant workers see ILO 2018, para 20.

[3] In Oman, migrant workers constitute over 85% of the total population of the country. In Qatar, they constitute 88% and 80% in the United Arab Emirates (ILO 2018).

[4] There is an increasing number of highly skilled professionals employed in Gulf countries, but this brief does not focus on them. As they have their conditions of employment regulated by contract and by the labour law provisions. In this paper, 'low-skilled migrant workers' is used loosely to refer to blue collar jobs including domestic workers, construction workers, similar jobs in the hospitality industry.

[5] Most migrant workers in Gulf countries were from Asian countries like the Philippines, Indonesia, Bangladesh and India (ILO 2018).

The legal and institutional provisions governing entry, stay and exit requirements in Gulf countries, especially the 'Kafala' sponsorship system,[6] have been criticised bilaterally and in international forums for reinforcing the abusive treatment of low-skilled migrant workers (Manseau 2007).

African migrant workers, especially low-skilled migrant workers, are a key aspect of poverty alleviation. They contribute towards raising the standard of living for their communities including in remote and hard to reach areas, at the household level, these may be areas to which most governments may not be able to easily access with their development programmes. In Ethiopia for example, low-skilled migrants originate from urban but also remote areas, they send money to their families, often consistently. These remittances act as cash transfers at the household level. They contribute towards education for children, food security, better housing, health etc. Often these remittances from migrant workers constitute safety nets for the poor societies from which these workers originate.

Countries of origin benefit from sending migrant workers to the Gulf countries. Remittances received from migrant workers in Gulf and Middle East countries contribute to improved livelihoods of families and development of regions. Also, these countries provide employment opportunities for Africans, which mitigates the rising levels of unemployment in African countries of origin. Abuse of their citizens puts African governments in a difficult position. Some African governments, such as Ethiopia and Uganda, have reviewed their legal and institutional framework in line with international standards to minimise the abuse and exploitation of migrant workers and harness the development outcomes of these remittance flows (ILO 2019b). There has been a recent resurgence in the negotiation and signing of bilateral labour migration agreements (BLMAs) between African countries of origin and destination countries in the Gulf and Middle East (ILO and IOM 2019). But, most African countries have a weak negotiating position in bilateral discussions with the governments of Gulf countries, given the economic and political power dynamics. As a result, it is difficult for them to demand stronger provisions in bilateral labour migration agreements, enforce the cooperation of destination countries or ensure that international standards and practices (such as ILO regulations) are implemented by destination countries. Hence, African countries have limited policy options to prevent the abuse and exploitation of their citizens in the Gulf and Middle East countries.

The recruitment industry plays a key role as a connecting link between migrants in countries of origin and potential opportunities in countries of destination. Recruitment processes in countries of origin have been linked to an increase in the chances of exploitation of migrant workers (Martius von 2017). In most cases, migrant workers are initially exploited in their countries of origin based on the recruitment process. In the same vein, safe recruitment practices in countries of origin reduce the propensity of migrant workers facing abuses and the risks they are exposed to in countries of destination (ILO 2019b; Atong et al. 2018; Awumbila et al. 2018). Therefore, adequate and efficient regulation of recruitment practices by African countries contributes to reducing a substantial part of the abuse and exploitation migrant workers face. Governments, especially regulatory agencies, in countries of origin that promote safe recruitment practices experience a reduction in the abuse and exploitation of migrant workers in the Gulf (Martius von 2017). In addition to unilateral measures taken by countries to regulate recruitment practices, regionally oriented solutions such as harmonised standards for private employment agencies (PEAs) and recruitment firms contribute to promoting safer migration options and outcomes for migrants.

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[6] The kafala system "comprises a suite of laws, policies, practices, and customs that characterise the governance and accommodation of the migrant workforce" (ILO 2020b). It gives employers control over migrant workers that limits the migrant workers' mobility and employability. This has led to abuses, threat of detention and deportation and puts migrant workers at risk of forced labour. The laws tie the legal residency of the migrant worker to their employer. Consequently, the migrant workers cannot leave or change employers without consent of current employers. More so, employers of migrant workers are seldom held accountable for abuses against migrant workers due to the domestic legal systems (ILO 2017).

The COVID-19 pandemic and African migrant workers in the Gulf and Middle East countries

The current COVID-19 pandemic has worsened the conditions under which migrants live and work in Gulf countries. Migrant workers were exposed to infections as a result of living in unsanitary and overcrowded hostels, this was especially the case for construction workers (Shaoul 2020). Limited actions were taken by employers to ensure the health and safety of their employees despite directives from public health and government agencies (Al Daaysi 2020; Alsharif and Malit 2020). For example, workers in the construction sector in countries like Qatar continued to work without adequate personal protective equipment and did not comply with public health directives (Business and Human Rights Resource center 2020). In addition, migrant workers lost their jobs, especially those employed in the services and tourism sector as a result of the lockdown measures. For domestic workers[7] lockdown measures implemented by governments resulted in longer working hours without compensation in pay or overtime (Amnesty 2020). Also, increases in the abuse of domestic migrant workers – mostly female – were recorded, as a result of being indoors with abusive employers (Aoun 2020).

As a fallout of the COVID-19 pandemic and job losses, there are increasing cases of wage theft by employers of migrant workers (Piper and Foley 2021).[8] These employers refused to pay their workers, and terminated their employment without paying severance or their outstanding wages. In other cases, migrant workers had to urgently return back to their countries of origin on specially arranged repatriation flights without getting the opportunity to collect their wages. Also, most migrant workers were unable to benefit from social protection measures and welfare packages offered by governments as pandemic assistance. This worsened the situation for migrant workers who had no alternative means of survival, especially for those who had lost their jobs. In a much worse situation were the irregular migrant workers who could not seek assistance from their governments (Içduygu 2020). In general, the pandemic has deepened the existing asymmetries between migrant workers and their employers, exacerbated the gaps in migrant protection and further weakened the rights of migrant workers (especially in destination countries).

African countries of origin undertook limited measures to assist their migrant workers in the Gulf and Middle East countries during the COVID-19 pandemic. For many low-skilled migrant workers who had been laid off without the alternative of returning to their home countries, repatriation flights were conducted with the assistance of international organisations. Several African countries including Ethiopia, Uganda, Nigeria and Ghana carried out several repatriation flights for migrant workers who wished to return (Africanews 2020, IOM 2020g) This resulted in unemployment, destitution and even hunger of a significant number of migrant workers in the countries of destination (Amnesty 2020b). Because the governments of countries of origin were slow to respond to the needs of their citizens in the Gulf and Middle East countries, migrant workers associations and diaspora organisations filled this gap by taking care of citizens in distress through providing food and shelter for workers who have been laid off (AJ plus 2020).

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[7] The Domestic Workers Convention of 2011 (number 189) provide three main categories of domestic workers: "a) Work performed in or for a household ; b) Any person engaged in domestic work within an employment relationship and c) A person who performs domestic work only occasionally or sporadically and not on occupational basis is not a domestic worker".

[8] "Wage theft refers to the unlawful intentional under- or non-payment of an employee's wages or entitlements by their employer (or recruitment agency) for work carried out. It can take a variety of forms ranging from unauthorised deductions from employee's wages ("reduced payment"), to the underpayment (or delayed payment) of wages, overtime, termination pay and entitlements such as sick leave and annual leave – or no payment at all."

Families of migrant workers have experienced a decline in their remittances received as a result of the tenacious situation in which the migrants find themselves (FAO 2020; Bisong et al. 2020). More so, the travel restrictions imposed by countries of origin and destination have made it difficult for migrant workers to return to their jobs in those cases where these are still available, or to take up new employment opportunities (Knoll et al. 2020). Consequently, most migrants are compelled to travel through routes that may expose them to traffickers or smugglers and antecedent danger (Mbiyozo 2020; UNODC 2020). Lastly, the pandemic and consequential job losses has led to the return of large numbers of migrant workers to more economically dire situations in their countries of origin. For several migrant workers this has resulted in unemployment, as there are no available jobs in their countries of origin. In addition, most countries do not have systems to support their reintegration into the society, leaving migrants and their dependents in an equally precarious situation.

To ensure the protection of migrant workers during the pandemic, International organisations issued standard operating procedures and guidelines for employers of migrant workers. However, these are yet to be strictly adhered to (ILO 2020; IOM 2020f). Furthermore, the African Union called on all its member states to renegotiate labour migration agreements with a view to ensuring the 'adequate health and safety, social protection and portability, and other human and labour rights protections' of all migrant workers including domestic migrant workers (AU 2020).

3. Country-level cases in three African regions

In general, there is a lack of data on migrant workers especially in sub-Saharan African countries.[9] There are no accurate figures of African migrant workers in the Middle East and Gulf countries, making it difficult for African governments to determine who is in need of protection or what steps they can take to assist their citizens in these countries.[10] The African Union estimates that there are over 3 million Africans living in the Gulf countries (IOM 2019b). In 2017, 12% of 28.1 million workers in the Gulf countries were African (Atong et al. 2018). Most African migrant workers in Gulf countries originate from Ethiopia, Eritrea, Uganda, Kenya, Nigeria, and Ghana.[11] They are mostly employed in Saudi Arabia, UAE and Kuwait.[12] A significant proportion of African migrant workers are low-skilled and employed in domestic work and construction. Most of these migrant workers make use of the services of private employment agencies. The general increase in the number of private employment agencies in African countries working with counterparts in the Gulf and Middle East is a reflection of the changing labour market needs and the contemporary recruitment landscape (ILO 2018). This section presents country-level dynamics around migration to the Gulf and Middle East in three different regions in Africa, with specific attention to the variations in these recruitment landscapes.

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[9]   This includes data on migrant workers within the regions; between countries and those that emigrate out of the region to third countries. This is an important gap that needs to be addressed, as the current paucity of data limits the possible policy interventions by policy makers.

[10] However there are estimates from different studies for several time periods.

[11] Although there are African migrant workers from other countries, these are the African countries with the highest number of migrant workers in Gulf countries.

[12] There are fewer African migrants in Oman, Bahrain and Qatar, compared to Saudi Arabia, UAE and Kuwait (Atong et al. 2018).

3.1. Migration from the Horn of Africa to the Gulf and Middle East countries: Ethiopia

Irregular migration from the Horn of Africa to the Gulf countries occurs through land journeys from Somalia or Djibouti to Yemen and further by land to Saudi Arabia (Frouws and Akumu 2016).[13] Migrants have also been known to be kidnapped and held for ransom by rebel groups in Yemen. However, these difficulties do not deter irregular migrants from using these routes. The prospects of employment in the Gulf countries serves as a motivation to embark on the journey. But, the current COVID-19 pandemic has resulted in the reduction of migrant flows between the Horn of Africa and the Gulf countries. This is because of the restrictions to mobility imposed by most countries of origin and transit countries, making internal movements within countries more difficult (IOM 2020c; Hirsch 2021). Migrant flows from Djibouti and Somalia diminished at the onset of the pandemic because migrants have been stigmatised for importing diseases and there are limited access to healthcare in most transit countries. However, these flows picked up later in the year (IOM).

Ethiopia began to send its citizens to the Middle East and Gulf countries in the 1980s (Laiboni 2019). It is estimated that between September 2008 and August 2013 about 460,000 Ethiopians had legally migrated to the Middle East and Gulf countries especially to Saudi Arabia, Kuwait, UAE and Lebanon (ILO 2019b). 86% of these migrants were female. Most female migrants resorted to legal channels while most male workers resort to irregular channels (ILO 2019b). Most female migrants are employed as domestic workers. Although there are no estimates of the number of migrant workers that have migrated through irregular channels to the Gulf Countries, between May 2017 and February 2020 Saudi Arabia returned about 360,000 irregular migrants to Ethiopia (IOM 2020b). There is a high demand for low-skilled labour in the Gulf and Middle East Countries, which makes it easy to absorb irregular migrants into the workforce. Although strict migration policies such as strict border controls and large scale returns continue to be enforced, this does not deter migrants from irregular entry and stay in these countries, given their possibility of gaining employment (IOM 2020d).

The role of recruitment agencies is determined by the choice of the migration channel that the migrant uses. Most female migration is legal and occurs with the assistance of private recruitment agencies (ILO 2017). These migrants mostly travel by air. Recruitment agencies assist migrants with their journeys to their countries of destination. However, in parallel, there are journeys through irregular channels aided by smugglers or sometimes traffickers that migrants may use. In a bid to protect migrant workers from exploitative practices and abusive working conditions in countries of destination, the Ethiopian government imposed a ban on labour migration to Gulf countries in 2013, this was lifted by the new Prime Minister in 2018. During the period of the ban, Ethiopians still migrated to the Gulf for work through unofficial or irregular channels. Previously, the relationship between recruitment agencies in Ethiopia and the Gulf was limited and characterised as informal and ad hoc (Walkeret al. 2018: 96). This informal system multiplies the number of intermediaries involved in recruiting, training and organising the travel, stay and exit of the migrant workers. It therefore exacerbates the unaccountability of the system and distorts the original concept of sponsored responsibility under the '*kafala*' system (Walker et al. 2018).

In order to address these irregularities and promote legal migration pathways, the Ethiopian government improved its labour migration regulatory framework. It has amended the Overseas Employment Proclamation (OEP) No. 923/2016, which regulates labour migration and seeks to enhance the protection of Ethiopian migrant workers (Laiboni 2019). The proclamation clearly defines the role of the Ethiopian government and the public and private employment agencies. It has equally implemented provisions to regulate the activities of recruitment agencies. It also promotes the rights, safety and dignity of Ethiopians going abroad for employment pursuance; identifies the required qualification and ability to work overseas; strengthens the mechanism for monitoring and regulating domestic and

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[13] This route is used mostly by Ethiopians and Somalis. DTM data shows that in 2019 there were 138,213 migrant arrivals in Yemen, 92% of which were Ethiopians and 8% were Somali. Out of these arrivals, 88% were headed for Saudi Arabia to work in various jobs in the domestic sector. (IOM 2020c).

overseas employment exchange services; and emphasises the importance of a bilateral agreement or a memorandum of understanding with destination countries. In addition, access to basic health care schemes to migrant domestic workers (MDWs) is also addressed in the new regulation.

The ILO provided support to Public Employment Agencies for the development and validation of their internal codes of conduct and their revision in line with the new Proclamation 923/2016 (ILO 2017). Under the Proclamation, the private employment agencies with a license from the Ministry of Labour and Social Affairs can engage in recruitment and deployment of migrant workers for overseas employment. It is estimated that there are more than 900 private employment agencies registered in Ethiopia, and an unknown number of informal agencies. As at 2018, there were only 20 companies who were issued with the license to recruit workers for foreign employment (Tsige 2018). The Proclamation requires bilateral agreement as a prerequisite for overseas deployment. For example, Ethiopia has also signed a bilateral agreement on labour mobility with Saudi Arabia which became effective in January 2019 (Laiboni 2019).

The situation of migrant workers has improved with the introduction of the new law and the several steps taken by the government and international partners such as the ILO to provide pre-departure training and the sensitisation on preventive measures from abuse (ILO 2019b). Yet enforcement continues to be a problem, both domestically and in the countries of destination. Some rogue recruitment and private employment agencies exist outside government control and use mostly informal channels of recruitment. The Ministry of Labour and Social Affairs has to develop a strategy that ensures proper monitoring of the recruitment practices including licensing of recruitment agencies, their inspection, and proper enforcement and follow-through (IOM 2019b).

3.2. Migration from East Africa to the Gulf and Middle East countries: Kenya and Uganda

Migrant workers from East African countries in the Gulf are predominantly from Uganda and Kenya. The Uganda Association of External Recruitment Agencies estimates that there are about 165,000 **Ugandan migrant workers** in the Gulf countries (Nattabi 2020).[14] The Ugandan economy also benefits largely from remittance inflows of migrant workers in the Gulf countries accounting for up to USD 600m (about Shs 2.2 trillion) annually (Kibet 2019). This constitutes about 4% of the GDP of Uganda (WB 2021). Unemployment and underemployment in the domestic labour market are the main push factors for workers to leave Uganda and look for work opportunities in the Gulf countries. Most of the migrant workers use the services of private recruitment employment agencies which are strictly regulated by the government. There are currently over 151 private recruitment agencies in Uganda which have been accredited by the Ministry of Labour (Assumpta and Laiboni 2019).

Uganda had previously imposed travel bans on emigration of low-skilled migrant workers to some Gulf countries. However, these bans were unsuccessful as migrants moved to Kenya or Tanzania for further migration to the Gulf through irregular channels (Assumpta and Laiboni 2019). Migrants choose to emigrate from neighbouring countries because of the lower administrative requirements in the neighbouring countries. In some cases, migrating through neighbouring countries may be a cheaper alternative. Also unscrupulous recruitment agencies may assist migrants with alternative migration routes, thus evading formal pathways. Presently, the government of Uganda has signed bilateral labour migration agreements with Saudi Arabia and Jordan. These agreements have helped to improve the recruitment conditions and treatment of migrant workers in these countries.[15] This has been done through improved

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[14] Officials indicate that between 2016 and early 2019, there were 21,716 Ugandan migrant domestic workers in Saudi Arabia and Jordan alone: 17,597 in Saudi Arabia and 4,119 in Jordan.

[15] Interview with Ugandan government official, May 2020

communications between recruitment agencies, the migrants and the government. Also, migrants have been provided more information on migration, work and cultural expectations. Migrant workers in countries where Uganda has no labour migration agreements, can only receive limited assistance from the Ugandan missions in these countries (Assumpta and Laiboni 2019).

The Kenyan government estimates that 100,000 Kenyans work in the Gulf countries, but other sources contradict this estimation and put it closer to 300,000 Kenyan migrant workers throughout the Gulf (Njiru and Laiboni 2019; Malit and Youha 2016). Low-skilled Kenyan migrant workers in Gulf countries are often educated up to primary or secondary school and have a limited knowledge of their rights. Most migrant workers go to Saudi Arabia, UAE (Dubai), Qatar and Bahrain.

Kenya has developed legal and institutional frameworks that govern the migration of low-skilled workers to other countries including the Gulf countries (Keenan and Rugene 2019; Mutambo 2019). These measures, coupled with strict regulation of the recruitment agencies in the country have contributed to streamlining and harmonising the process of legal recruitment for job opportunities in the Gulf countries.[16] Between 2014-2017, the Kenyan government banned private recruitment agencies from sending domestic workers to the Gulf countries. By 2018, 65 recruitment agencies had been accredited by the government under the new regulations. In addition, Kenya has also signed bilateral labour migration agreements with Saudi Arabia (specific to domestic workers), United Arab Emirates, and Qatar (all workers). These agreements are aimed at protecting and improving the working conditions of its citizens working in these countries. For example, in January 2019 Kenya signed another agreement with Saudi Arabia, specifying a minimum wage of KSH 40,000 (USD 400).

Furthermore, Kenya has labour attachés in Saudi Arabia, UAE and Qatar to protect migrant workers welfare and rights and to monitor the implementation of the bilateral labour agreements (IOM 2019a).
However, some Kenyans still migrate through irregular channels through Ethiopia and Djibouti. Lack of regional cooperation between state agencies has made it possible for migrants and unscrupulous recruitment agencies to evade national regulations by transiting through neighbouring countries. Nairobi, being a regional travel hub, is often used to transport migrants from neighbouring countries who are avoiding compliance with stricter national regulations. Migrants still choose to use irregular channels because it is cheaper than migrating through regular channels. For example, although the laws state that migrants should not bear the costs of their travel and recruitment, in practice, these costs are still borne by the migrants, hence the preference for irregular channels. In addition, traveling without a valid job offer is possible through the irregular or informal channels. It is often a requirement to have a valid job offer when migrating through formal channels, the process of securing this may be time consuming for migrants who want to emigrate urgently.

3.3. Migration from West Africa to the Gulf and Middle East countries: Ghana and Nigeria

Saudia Arabia, United Arab Emirates (UAE), Kuwait and Qatar are the main destination countries for migrant domestic workers from **Ghana** (IOM 2019c). Female migrants prefer to emigrate to Saudi Arabia, while male migrants prefer Qatar, this is mostly due to referrals from other migrants. There are more unlicensed recruitment agencies that offer to employ people in Kuwait, compared to licensed agencies. Consequently, more migrants choose to emigrate to Kuwait, because the services of unlicensed recruitment agencies are faster and less administratively strenuous than using the licensed recruitment agencies. Most migrants base their choice of destination and use of recruitment agencies on the referral from previous migrants. Low-skilled migration to the Gulf countries from Ghana is highly gendered. About 82% of all Ghanaian domestic workers in Gulf countries are females (IOM 2019c). These workers have a low level of education with at least Junior or Senior High School education. The decision to migrate to the Gulf

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[16]   Kenya has also introduced a Labour Migration Information Website Launched to Promote Safe Migration of low-skilled migrant workers to gulf countries (www.kenyamigrantworker.org) (IOM 2019a).

countries as domestic workers was predominantly made by the domestic workers themselves. Economic factors provide the strongest motivation for their migration (IOM 2019c; Awumbila et al. 2018).

The increase in the number of Ghanaian domestic workers in the Gulf countries can be linked to the increasing number of licensed and unlicensed recruitment agencies (IOM 2019c; Awumbila et al. 2018). Recruitment agencies which previously linked domestic workers with employers in urban centres in Ghana have extended their scope to cover recruitment to the Gulf and Middle East countries. These agencies facilitate their placement and travel to employment opportunities in Gulf countries. The cost of migration varies depending on the intermediary used by aspiring domestic workers. Whereas 'connection-men' charge on the average GHS 2,327 (USD 400), travel agencies charge GHS 3,950 (USD 680) and registered recruitment agencies charge about GHS 3,592 (USD 620) (IOM 2019c). In June 2017, Ghana imposed a travel ban on low-skilled labour migration to Gulf countries particularly Kuwait, Oman and Jordan (Ghanaian Times 2020). Although the government of Ghana has attempted to regulate the recruitment industry through imposing strict financial and administrative requirements, there is still a prevalence of informal brokers and agents which work together with licensed recruitment agencies (Awumbila et al. 2018).

It has been estimated that **Nigeria** sends the highest number of domestic workers to Gulf countries in West Africa (Awumbila et al. 2014). But officially, Nigeria estimates that there are only between 5,000 to 10,000 low-skilled migrant workers in the Gulf countries.[17] This information is incoherent and unsubstantiated because the emigration of low-skilled migrant workers is not properly documented. Also, there are several organisations involved in the return of low-skilled migrants and this makes it difficult to have harmonised and accurate data.[18]

Most of the travel to Gulf countries occurs by air and it is facilitated by recruitment and private employment agencies.[19] In Nigeria, emigration of low-skilled migrant workers is regulated by the Federal Ministry of Labour and Employment and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). All recruitment agencies are required to register with the ministry which issues a licence for each recruitment exercise. Thereafter, they are expected to submit their proof of registration and approval to NAPTIP for due diligence, to ensure that the rights of the prospective employees are fully protected. The agency also verifies job opportunities for foreign employment especially for low-skilled workers. NAPTIP also monitors the activities of these recruitment agencies through periodic surveillance online and physical inspection of recruitment and travel agencies. The agency collaborates with relevant government agencies to check the movement of people travelling to the Gulf countries and identify or rescue potential victims of trafficking.

Nigeria also imposed a travel ban in 2014 to several Gulf countries for low-skilled workers, however, this was unsuccessful as migrants moved to neighbouring countries and emigrated from there. The ECOWAS free movement protocols make it easy for citizens to move to neighbouring countries. On the basis of this, migrants would travel to neighbouring countries, where their onward travel is facilitated by recruitment agencies either through regular or irregular channels (Martius von 2017). Although Nigeria has a prototype Bilateral Labour Agreement which all countries requiring low-skilled labour from Nigeria are required to sign, there are no signed bilateral agreements between Nigeria and any of the Gulf countries.

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17 Interview with a Nigerian government official, 23.04.2020.
18 The new National Action Plan against Trafficking creates a coordination mechanism for harmonising data on return migration.
19 Interview with a Nigerian government official, 23.04.2020.

3.4. The role of the recruitment industry: formal and informal channels of migration

Recruitment agencies (RAs) and private employment agencies (PEAs)[20] are the primary actors that identify, connect and broker employment opportunities between workers and employers in Gulf countries. As shown above from the regional contexts, a significant proportion of African migrant workers in Gulf countries use the services of recruitment and private employment agencies. While countries have taken unilateral measures to streamline the activities of recruitment and private employment agencies in line with international best practices as recommended by the International Labour Organisation (ILO) and the International Organisation for Migration (IOM), these measures have not been entirely successful. For example, countries including Ethiopia, Uganda, Kenya, Nigeria and Ghana as shown above require that all recruitment agencies should be registered and accredited by the responsible state authorities. According to the regulations and the representatives of government agencies, recruitment agencies are equally subject to frequent checks, monitoring of activities and stringent financial and administrative requirements imposed by the government authorities. However, the high number of private employment and recruitment agencies in most countries of origin, makes it difficult for government agencies to monitor compliance with these regulations. In many countries, private employment and recruitment agencies are only monitored and investigated upon submission of a complaint (ILO 2016).

Although migrant workers travel through formal and regulated RAs, they still face problems of protection and exploitation and abuse in the destination countries. This situation is much worse for migrants travelling informally through irregular channels. However, this reveals that current measures towards 'regularisation' of labour migration to the Gulf and Middle East countries are not working, as there are still gaps in the protection of migrant workers. Hence it underscores the need for African countries of origin to adopt a different approach towards regulating the recruitment sector and engaging with destination countries.

There are still a prevalent number of unregulated recruitment agencies and brokers in most African countries of origin, despite the measures taken by the state authorities to reduce their operations. These agents use informal channels like social networks to recruit potential workers and pose a risk to low-skilled migrants. They are mostly responsible for the deception about working conditions, exploitation by charging (excessive) agency fees and sometimes violence against migrant workers (Awumbila et al. 2018; Atong et al. 2018). These brokers remain in high demand by some migrants. As seen from the country cases above, most migrants use informal recruiters because they are less expensive compared to formal recruitment agencies. Also, informal recruitment agencies have less administrative requirements, which makes it easier for them to travel faster and without delay, or without the requirement to travel with a valid job offer.

Although government authorities have undertaken measures to review and regulate the private employment agencies, especially recruitment agencies, there are still challenges to implementing these measures. International best practices and national regulations prohibit the payment of recruitment fees or other fees and charges to be paid by migrant workers. However, recruitment fees are still charged by unethical recruitment agencies. Unscrupulous recruiters often charge workers high fees to secure employment in Gulf countries. These fees usually cover a range of services from work placement, orientation, transportation to the country, housing services, pre-departure training and other services. For example in Uganda, some recruitment agencies still charge recruitment fees that range

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[20] A private employment agency is any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services: (a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise there from; (b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks; (c) other services relating to job seeking, determined by the competent authority after consulting the most representative employers and workers organisations, such as the provision of information, that do not set out to match specific offers of and applications for employment. (ILO 1997). Recruitment agencies are a subset of PEAs.

between USD 57 and USD 677 for recruiting workers to Saudi Arabia and Jordan (Assumpta and Laiboni 2019). Recruitment agencies in Ethiopia, Ghana, Kenya and Nigeria have also been known to charge recruitment fees, contrary to the laws in these countries. Some recruitment agencies also do not provide employment contracts and pre-departure training as stated in the law. Government agencies have taken the responsibility of providing these trainings and also verifies the employment contracts that are issued with the recruitment agency both in the country of origin and destination.

They also do not adhere to the requirements of providing written contracts in a language that can be understood by the migrants and employer in a timely manner. Some national regulations stipulate that recruitment agencies should be responsible for providing pre-departure training for migrants, however these are not regularly monitored and so in some cases are not carried out by the agencies. Moreso, recruitment agencies are required to maintain contact with migrant workers in countries of destination in order to intervene where the migrants find themselves in a risky or abusive situation. They are also required to request for the migrant worker to be returned home in some extreme cases and should cover the costs of the return. However, in practice, these measures are seldom undertaken by recruitment agencies.

National regulations are often loosely complied with and in some cases where these regulations and requirements appear too strenuous or time consuming, migrants often opt to travel to the neighbouring countries with less strenuous requirements and emigrate from there. Long processing times have discouraged migrants from using official migration channels and registered recruitment agencies. The increase in work related migration is linked with the growth of the recruitment industry in African countries. However, this unregulated growth has created a predatory environment for migrant workers based on exploitative and deceptive practices (ICCR 2017). This exploitation takes a number of forms including debt bondage, collateral, illegal deductions from wages and confiscated or restricted access to travel documents like passports, permits and visas that limit workers' freedom of movement. Some recruitment agencies also promise job seekers a pay that the actual job in the country of destination will cover for. Recruitment agencies have also been known to influence the abuse of women migrant rights (Laiboni 2019).[21]

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[21] For more studies on this see: Justifying abuse of women migrant domestic workers in Lebanon: the opinion of recruitment agencies (Ghaddar et al. 2020; Parreñas 2017).

4. Bilateral and unilateral measures of African countries to protect low-skilled migrant workers in Gulf countries

Some African countries of origin have set standards for the employment of their citizens in destination countries, through bilateral labour agreements and additional MOUs. In addition to internationally agreed labour principles, unilateral reforms to regulate the recruitment industry in line with ILO recommendations and international best practices have limited success with registered agencies. For these reforms to achieve their objective in promoting the rights and protecting migrant workers, it is important for both countries of origin and destination to respect internationally agreed labour principles on the engagement of migrant workers.

International measures to protect migrant workers and to govern the recruitment of migrant workers are found in several forums including the ILO, IOM and the Sustainable Development Goals. The Global Compact for Safe, Orderly and Regular Migration (GCM) emphasises that states should commit to "facilitate fair and ethical recruitment and safeguard conditions that ensure decent work" (GCM objective 6). Based on this and the institutionalisation of ILO recommendations through the FAIR standards, employers, recruitment agencies and governments of most countries of origin and destination have committed to promote transparency of contract conditions for migrant workers, especially low-skilled migrant workers along corridors which are noted for irregular (unethical) practices and exploitation of migrant workers. The Sustainable Development Goals equally call for the protection of migrant workers "labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment" (SDG 8).

Adopting international and regional regulations
Through the African Union African countries have acknowledged the importance of ensuring the protection of migrant workers. The GCM priority 2 for the African Union focuses on protecting the human rights and elimination of all forms of discrimination to African migrants and diaspora (AU 2019). Also the AU's migration policy framework for Africa (MPFA) requires national laws, including constitutional, administrative and civil law and labour codes to provide women migrant workers, in particular domestic workers, with the same rights and protection that are extended to all workers. AU Member States are working towards implementing the GCM priorities as adopted in the roadmap.[22] Most African countries have also adopted the ILO regulations against the discriminatory practices and for the protection of domestic workers. These regulations, however, have not been signed by most destination countries in the Gulf and Middle East, thus limiting the effectiveness of the regulations.[23] However, beyond the adoption and domestication of these international and regional commitments, there have been significant steps taken by some African countries to implement these commitments (IOM 2019e).

Changing national legislation and regulatory frameworks
Several African countries of origin have adjusted their legislation regarding the recruitment of low-skilled workers for overseas employment in order to promote stricter regulations of recruitment and private employment agencies (as seen in the countries discussed above). Also, destination countries in response to the complaints and pressure by migrant sending countries are changing their visa systems. Countries like Lebanon, Qatar and Oman have revised their

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[22] It is unclear if the 5 countries that did not vote to adopt the GCM or the 2 Countries that abstained from voting will comply with the Implementation Plan of the Global Compact for Safe, Orderly and Regular Migration (GCM) in Africa.

[23] Some relevant ILO conventions and regulations signed by African countries include: The International Convention on the Protection of the Rights of Migrant Workers and Members of their Families, ILO Convention Nos 97, 143 and 189. Other ILO recommendations, decisions and frameworks include: the General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs (2019); the International Labour Conference (ILC) Resolution and Conclusions on Fair and Effective Labour Migration Governance and its follow-up Plan of Action (2017); the Guiding principles on the access of refugees and other forcibly displaced persons to the labour market (2016); and the Fair Migration Agenda (2014).

Kafala system, including several changes such as, removing the need for an exit visa (HRW 2020; ILO 2020b).[24] Thus, international organisations like the ILO have remarked that the changes introduced may mark the end of the Kafala system (ILO 2019c). Other countries like Saudi Arabia are in the process of abolishing the Kafala system (Sovereign 2020) and replacing the existing system with open contracts between employers and employees, closely monitored by government agencies.

Negotiating bilateral labour mobility arrangements
Governments in countries of origin regulate recruitment and private employment agencies for the benefit of their citizens, especially to prevent human trafficking and promote fair labour migration practices.[25] These governments, with the aim of preserving the welfare of their citizens, engage in negotiating bilateral agreements with destination countries to ensure that labour standards are respected. Some of these agreements equally ensure that migrant workers can repatriate their earnings to their countries of origin, and include provisions that help to facilitate remittance transfers. With the support of international organisations, officials in countries of origin are trained on how to negotiate BLMAs ranging from the content of the agreements to monitoring the implementation of these agreements.[26]

Recruitment bans
Some countries of origin such as Nigeria, Kenya, Ethiopia, Uganda and Ghana have gone a step further to prohibit labour migration of their citizens to countries where international labour standards and rights are not respected. In an attempt to protect nationals, they also discourage or even bar operations of recruitment agencies. These unilateral measures are intended to stop or reduce the number of migrants destined for these countries. These measures have been adopted in response to the inhuman treatment of migrant workers, in order to protect their citizens by pressurising destination states to negotiate better working and living conditions for migrant workers.

In response, some destination states have imposed their corresponding employment bans on workers from these countries. For example Qatar, UAE and Oman have placed a ban on the employment of migrant workers from Nigeria and Ghana. Such destination countries look elsewhere to meet their need for migrant workers. They have also outrightly ignored some of these bans issued by African countries or their call for mutual discussions on the treatment of low-skilled migrant workers.

Migrants on their part, have ignored bans by both home and destination countries, and use alternative migration routes to evade these measures so as to secure precarious employment in Gulf countries.[27] These alternative routes may mean travelling to neighbouring countries which do not have any travel restrictions imposed before subsequent travel to their destination countries. Choosing for such informal channels usually implies that migrants will operate in less safe or protected environments.

Sensitisation and awareness raising on irregular migration and predatory recruitment practices
Government representatives from Nigeria, Kenya and Uganda informed the authors of this paper that their governments had invested in sensitisation and awareness building for potential migrants in both rural and urban areas.

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[24] Migrant workers still face challenges in giving the required 72 hours' notice to their employers, especially where they are in an abusive situation. (for more information see Dehghan 2020).

[25] Examples of countries of origin promoting regulation of the labour recruitment sector include the Philippines, Bangladesh, Indonesia, Ethiopia, Paraguay, Brazil amongst others. These states have adopted different strategies which include prohibition, registration and licencing to regulate the activities of private employment agencies.

[26] The ILO is in the process of assisting African countries to establish a harmonised template for BLMAs with countries of destination, this aims to facilitate the process of negotiating and signing BLMAs. These measures also include setting up mechanisms to monitor the implementation of the BLMAs by both countries of destination and origin governments.

[27] Some of these bans imposed by sending countries have been unsuccessfully implemented as their nationals travel from other routes. For example, Ghana banned recruitment of workers to Gulf countries (Akewi 2017). While bans imposed by countries of destination countries may be more effective, they risk pushing migrants to use irregular channels (Arab Times 2019).

The objective of these measures is to highlight the official process for overseas recruitment of low-skilled domestic workers and to enlighten the public on the dangers of using irregular migration routes or unscrupulous recruitment agencies. Some of these measures have been successful in promoting the use of legal channels and authorised recruitment agencies by migrants. But there are still some fraudulent and unregulated agencies which take advantage of migrants who are ignorant of their tactics or practices.

Several African countries (including those discussed above) have also engaged in rescue missions especially for migrants and persons who are victims of trafficking. These rescue missions usually occur in neighbouring countries where migrants attempt to travel from when bans are imposed. For example Ghanaians travelling from Cote d'Ivoire or Ugandans travelling from Nairobi. As a result, regional travel hubs may have a huge role to play in deterring, detecting or stopping travel, traffic or smuggling of migrants.

In general, the above-discussed measures – bilateral and unilateral – have not been fully successful in protecting low-skilled migrant workers from Africa in Gulf countries. As a result, there is a need for further steps to be taken to protect migrant workers before leaving their home countries, in transit and in destination countries (see section 6).

5. The role of regional organisations in regulating the recruitment and protection of low-skilled migrant workers

As seen from the regional dynamics above, African countries have taken numerous unilateral and bilateral measures to regulate recruitment and offer protection to migrant workers in the Gulf and Middle East countries. Yet anecdotal evidence suggests that these efforts have not been very successful. This section deals with the roles that the AU and RECs can play to promote the rights of migrant workers in the countries of destination and to protect them.

The reluctance of destination countries to support changes in labour migration policies and practice can also be tackled by Africa's regional organisations. African countries of origin have less bargaining power when negotiating alone. South Eastern Asian countries offer a counter example as they are more experienced in exercising collective power in negotiating BLMAs with Gulf countries for their workers. Furthermore, non-cooperation with neighbouring countries is another contributing factor. As has been highlighted in the regional dynamics, migrants move to neighbouring countries to emigrate, this puts them at risk for exploitation and limits the protection that their countries of origin can offer to them in the destination counties, especially since they are not aware of their emigration status and thus they cannot benefit from protection. More so, African countries of origin have limited resources in countries of destination to assist with the protection of migrant workers. Most countries have representations in only one location and labour attachés are not commonly sent due to limited resources in some cases. Migrants that travel through formal or informal channels are still exposed to risks in their countries of destination. Hence the need to regulate the recruitment process in the country of origin and protection challenges in the country of destination.

At the regional level the AU and RECs can assist in promoting better recruitment processes and more effective protection to migrant workers. Firstly, harmonisation of the recruitment process may prevent migrants from emigrating through neighbouring countries with lower standards. More so, negotiating BLMAs through regional economic communities, for example, can offer African countries of origin larger political negotiating power and leverage in the negotiations which may be used to push for more progressive and pro-migrant conditions, especially in relation to the respect of human rights of migrant workers, the working conditions and the repatriation of remittances to their countries of origin. Lastly, countries of origin can pool resources for better protection of migrant workers in the countries of destination, thus increasing the opportunities for monitoring compliance with BLMAs and regular meetings with the committees, offering better protection.

Regional cooperation measures to regulate the recruitment of migrant workers may complement or boost national level measures to further protect low-skilled migrant workers from exploitative agencies and ensure compliance with governance measures. African ambassadors have also discussed the importance of promoting the protection of migrant workers in the Gulf countries through continental approaches (IOM 2019d). This coordination of activities and actions should be in both the countries of origin and destination.

Regional organisations may provide the platform for such coordinated approach to monitoring, evaluating and harmonising state practices on the recruitment and protection of low-skilled migrant workers.[28] Countries in the same region have the common interest to promote the regular and safe labour migration both within the region and externally. On this basis, countries should harmonise and coordinate their regulations to prevent the current situation where migrants often choose to move to neighbouring countries and subsequently emigrate from there. Regional umbrella organisations in the recruitment industry are an important actor which policy makers can partner with to ensure the compliance with regulatory standards and practices.

Countries with the highest number of migrant workers in Gulf countries belong to regional organisations such as Intergovernmental Authority on Development (IGAD), Economic Community of West African States (ECOWAS) and East African Community (EAC). Almost all African RECs have labour migration policies or guidelines. However, apart from the EAC, these RECs do not have mechanisms and systems in place that address the harmonisation of recruitment practices for low-skilled migrant workers or mechanisms to monitor and evaluate the treatment of migrant workers in countries of destination. RECs like ECOWAS and EAC have advanced regulations and practices for the treatment of migrant workers in member states, for the free movement of workers within the region and even provisions for the portability of social benefits within the region. But these regulations are also regional and do not cover their relationship with third countries outside of the region. The EAC regulations on migration, for example, are not applicable beyond the region.

Nevertheless, some African RECs have a history of cooperating with third countries or regions on migration issues. For example, there is ongoing migration cooperation between the European Union (EU) and IGAD or ECOWAS and its member states. This cooperation has, however, not been extended to the Gulf countries, to which the large proportion of African workers migrate. The cooperation between African RECs and Gulf countries may be limited because there is no demand from the Gulf and Middle East countries to engage with RECs. Bilateral cooperation seems to suit their need. Another contributing factor may be that most African migrant workers who emigrate to Gulf and Middle East countries are usually less educated or low-skilled, mostly women, with low visibility or priority on regional agendas.

The respect of human rights of migrants has always been high on the agenda of African regional organisations and the AU (Abebe 2017 & 2018). Consequently African countries have adopted measures to prevent the abuse of the human rights of migrants and the exploitation of migrant workers. However, beyond the policy statements and declarations by African policy makers in support of human rights for migrants, the political drive and commitment to translate these policies to practice is sometimes missing or lacking at the national and REC levels (Sall 2007).

A first step that regional organisations, such as the AU and RECs, can take is to harmonise the requirements regulating recruitment and private employment agencies across the regions. In the East African Community for example, Kenya and Uganda have similar regulations for recruitment agencies. However, while the number of days required for verification and the entire recruitment process in Kenya ranges from 60 to 90 days, in Uganda, this period is 90-120 days. This makes some migrants resort to travelling through Kenya, instead of Uganda. However, the implication of travelling through another country or using the recruitment agency in another country, is that they may lose the protection of their countries or origin, where available, in the destination country.

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28   See for example the AbuDhabi Dialogue (ADD 2021a).

Currently in the East African region, there are harmonised regulations between Kenya and Uganda, the countries where most or the region's migrant workers originate from. However, in neighbouring countries in the Horn of Africa such as Ethiopia and Somalia, these regulations are applied on a national basis. Countries with a large number of domestic workers in the Gulf and Middle East countries will benefit from harmonised regional recruitment processes as these reduce the possibility of migrants from these countries to transit through countries with lower standards. For example, countries such as Ethiopia, with high numbers of irregular migrants transiting through Somalia to Gulf countries, in addition to a high number of domestic workers in Gulf countries will benefit from harmonising the recruitment regulations with their neighbours through IGAD. Similarly, countries in West Africa, especially in Nigeria and Ghana where most migrant workers in the region originate from, have an incentive to promote regional regulations of recruitment and private employment agencies within ECOWAS. Some of the incentives include better working conditions for their citizens in countries of destination including the right to repatriate their earnings. These remittances are important to most African countries with migrant workers in the Gulf and Middle East countries.

Regional organisations also provide a platform for cooperation and discussion of international obligations, of best practices, and of the recommendations by ILO IRIS and FAIR. Governments are encouraged to promote fair recruitment and employment practices with recruitment and private employment agencies. Nevertheless, while RECs have taken on the challenge to promote cooperation and dialogue on migration within the region, they have not engaged beyond the region with Gulf and Middle East countries. ECOWAS, for example, promotes the portability of social benefits and a humane treatment of migrant workers within the region, but not beyond. RECs and the AU can also establish monitoring mechanisms for the implementation of these agreed standards. They are well placed to set up platforms for policy dialogue or discussion forums on existing challenges and emerging successes in regulating recruitment and protection of migrant workers.

RECs can promote inter regional approaches to regulating the recruitment and treatment of low-skilled migrant workers in the Gulf and Middle East countries. These regional approaches should establish pathways for regular migration and ensure that private employment and recruitment agencies comply with these measures. Regional approaches should also seek to protect migrant workers and their families through ensuring harmonised practices that will assist both migrants in the destination countries and their families left behind in their countries of origin. These measures should ensure that migrants who decide to return are able to do so in humane and fair conditions, and that they have the support to reintegrate into their home communities (IOM 2019d).

African countries have limited financial and human resources that constrain them from responding to the needs of their citizens in countries of destination. RECs can create the legal framework to promote the protection of migrant workers in destination countries. Under such a framework, countries within regional blocs can pool resources together to respond better to their citizens abroad. They can take advantage of shared consular resources to ensure that they protect their citizens in Gulf and Middle East countries. For example, not all states have a diplomatic representation in all Gulf and Middle East countries where migrant workers are present. Therefore countries could sign MOUs and regional agreements that can facilitate service delivery to citizens on behalf of states which do not have a representation. This will go a long way to assist in the protection and providing assistance to migrant workers. Also some countries may have representation in capitals only, while other well resourced states may have representations in main cities or other hubs. These resources can be shared and used to put citizens in distress in contact with their governments, based on agreed regional protocols and standards.

In addition, some countries have labour attachés who are well trained in identifying and addressing issues of labour abuse and exploitation. These attachés are usually from the labour departments in the migrant sending country and posted to work in the countries of destination. They provide support to migrants in the country of destination, monitor the implementation of bilateral labour agreements and MOUs. Where possible, states can also make provisions, within regional organisations to share the resources of labour attachés in destination countries. RECs can also take on the role of building the capacity of labour ministries with the objective of requesting more states to post labour attachés to destination countries in the Gulf.

6. Regional responses to regulating the recruitment industry and protecting migrant workers

African policy makers at the national, regional and continental level can work together with international organisations like the ILO and IOM and development partners towards regulating the recruitment industry and better protection of low-skilled migrant workers in countries of origin and destination.

Regulating the recruitment industry through regional approved standards
RECs can play an important role in harmonising rules and regulations in the recruitment industry. There are already examples of regional standards for regulating several industries. These standards should cover the minimum requirements for verification processes, standard form contracts for jobs, requirements for operating in the country and requirements for monitoring and surveillance by government agencies. States can build on the minimum regional provisions to design those rules that fit their specific context and purposes. Also, there should be standardised travel procedures and requirements for all migrant workers leaving the region for employment in the Gulf countries. These harmonised safer recruitment practices should span pre-departure to return processes.

In addition, national associations of recruitment agencies can partner with the regional umbrella organisations to identify and blacklist rouge agencies that fail to comply with national regulations. Information sharing on these activities will assist travelers from other countries to identify and avoid rouge agencies that may expose them to harmful practices or exploitation. Furthermore, states can conduct joint sensitisation activities and awareness campaigns across the region to promote best practices among recruitment agencies and inform the public about the rouge practices and agencies which aspirant migrants should avoid. Regional organisations have conducted several road campaigns to promote awareness of regional and national policies.

Leveraging cross-country cooperation for protection of migrant workers
In destination countries, African states can jointly create embassy safe houses and shelters, to offer protection to migrant workers who have faced abuse from their employers. For example the Philippines have embassy safe houses and shelters in Gulf Countries. African countries can utilise their regional networks to cater for their citizens in countries where they have no embassies. Member States where present in countries of destination can take responsibility for the protection of other nationals through MOUs. Regions of origin can work towards promoting the presence of consular representatives and labour attaches in destination countries and equip embassies to engage in complaints of abuse by the citizens.

RECs and the AU can propose standard templates for bilateral labour migration agreements and employment contracts between migrant workers and employers in countries of origin and destination. These provisions can equally ensure the enforceability of contracts with country of origin and destination countries. Regional organisations can equally initiate a review of the role of countries of origin or their representatives in the current sponsorship system of destination countries. Governments of countries and international organisations (such as ILO and IOM) of origin should jointly pressure destination countries to review, entry, work and exit recruitments for migration workers.

Joint political pressure on destination countries
The AU and RECs can jointly issue statements in international fora such as the ILO or the United Nations. The aim of these joint statements are to pressure destination countries through naming and shaming into better treatment and protection of low-skilled migrant workers within their countries. In addition, where necessary, there can be joint approaches towards issuing regional travel bans to countries where the human rights of workers are not respected. Also, states can negotiate better protection of nationals when they approach the negotiations jointly. This is because there is leverage with bigger countries, than small countries going alone to negotiate MOUs or bilateral labour mobility agreements. In addition, those regional civil society organisations and NGOs that are more vocal and visible across countries can promote the cause for the protection of migrant workers in countries of destination, thus pressuring both their national governments and the governments of destination counties to find solutions to the current situation.

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