

Intra-African Labour Mobility:

PATHWAYS TO AN INTEGRATED AND DYNAMIC
AFRICAN WORKFORCE



About Amahoro Coalition

Established in 2019,
Amahoro Coalition is
the leading convener of
African private sector
leaders for social
impact

We provide tailored solutions to the private sector, enabling them to tap into the African demographic dividend, including in vulnerable settings like displaced communities.

At Amahoro we also work to empower the youth of Africa, including those in displaced communities, through strategic connections with the private sector to co-create breakthrough opportunities for all.

Table of Contents

Glossary of Terms	iii
List of Abbreviations	v
I. Executive Summary	1
II. Stylised facts on the nature of geographical labour mobility within Africa	5
2.1. Introduction	5
2.2. The Economic Push	6
2.3. The Spatial Distribution of the International Migrant Population in Africa	7
2.4. Who Migrates? Profiles of Migrants	10
2.5. Mixed Migration	11
2.6. Observations and Conclusion	12
III. Labour Mobility within the Eastern Community	13
3.1. Introduction	13
3.2. Stylised Facts on Migration within the Subregion	14
3.2.1. Migrants' Realities: Forced Displacement; Onward; and Mixed Movements	17
3.3. The Regulation of Labour Mobility in the East African Community	18
3.4. The Policy-Reality Disconnect	20
3.5. Observations and Conclusion	21
IV. Realising Protection Seekers' Labour Mobility in Eastern Africa in the context of a Migration Policy-Reality Disconnect	23
4.1. Introduction	23
4.2. Stylised Facts on Protection Seekers' Labour Mobility in Eastern Africa	24
4.3. Contextualising States' Rights-Renegeing Strategies within Eastern Africa's Migration Policy-Reality Disconnect	29
4.4. The Remedial Promise of Responsibility Sharing: A Game Theoretic Model	31
4.4.1. A model for responsibility sharing	32
4.5. Observations and Conclusion	35

Table of Contents

V. Exploring Strategy and Actors aimed at realising Responsibility sharing in Eastern Africa	36
5.1. Introduction	36
5.2. A SWOT Analysis of Responsibility Sharing as a Strategy	36
5.2.1. Strengths & Opportunities	36
5.2.2. Weaknesses & Threats	41
5.3. Scoping Stakeholders	42
5.3.1. The Boomerang Pattern	42
5.3.2. Intergovernmental Development Partners	43
5.3.3. Development Agencies	45
5.3.4. Knowledge Partners	45
5.3.5. National and Regional Public Sector Partners	46
5.4. Observations and Conclusion	48
VI. Conclusion and Recommendations	49



Glossary of Terms

Assisted voluntary return and reintegration

Administrative, logistical or financial support, including reintegration assistance to migrants unable or unwilling to remain in the host country or country of transit and who decide to return to their country of origin.

Asylum-seeker

An individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum-seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum-seeker.

Boomerang pattern

A stakeholder engagement pattern that highlights the interaction between local organisations and transnational ones in occasioning changes in domestic policy.

Development assistance

Efforts to help people who have been forced to leave their homes or places of habitual residence due to conflict, violence, disasters, or other situations, providing protection, assistance, and promoting durable solutions.

Displacement management

Refers to the strategies and actions taken to address the needs of people forced to leave their homes. It encompasses prevention, preparedness, response and durable solutions, with a focus on protection and dignity.

Irregular migration

Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination. Regular migration refers to the opposite.

Migration policy-reality disconnect

In this context, refers to how the policy aspirations of the Partner States of the EAC to encourage high-skilled labour migration diverge from the subcontinent's migration reality, which is characterised by high volume low-skill migration.

Mixed migration (or mixed movements)

A movement in which a number of people are travelling together, generally in an irregular manner, using the same routes and means of transport, but for different reasons. People travelling as part of mixed movements have varying needs and profiles and may include asylum-seekers, refugees, trafficked persons, unaccompanied/separated children, and migrants in an irregular situation.

Glossary of Terms

Protection seekers

As used in this report, refers to both asylum seekers and refugees.

Protracted nature of displacement

This refers to a situation where a protection seeker is displaced for longer than five years and they lack a durable solution to their plight by means of voluntary repatriation, local integration, or resettlement

Refugee

A person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Rights-renegeing & rights-affirming approaches

In this context, refers to governments' choices to renege on their obligations towards protection seekers' socio-economic rights—especially their rights to decent work and to freedom of movement. Rights affirming refers to the choices that instead respect, protect, and fulfil protection seekers' rights.

Secondary or onward movements

The phenomenon of migrants, including refugees and asylum-seekers, who for various reasons move from the country in which they first arrived, to seek protection or permanent resettlement elsewhere.

Self-reliance policies

Refers to policies centred on empowering displaced individuals and communities to meet their needs and build sustainable livelihoods, moving beyond short-term aid and promoting long-term resilience and dignity.

Socio-economic rights

In this discussion, mostly refers to the recognised rights to decent work; to property; to social security; to health; and to education, among others, as provided for under the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).

Voluntary return

Form of assisted return which is applied in humanitarian settings and often represents a life-saving measure for migrants who are stranded or in detention. Voluntary humanitarian return is accompanied by vulnerability and medical screenings to ensure appropriate safeguards are put in place throughout the whole return and reintegration process.

List of abbreviations

AU	African Union
AUC	African Union Commission
CGD	Centre for Global Development
DRC	Democratic Republic of the Congo
EAC	East African Community
EAC-CMP	East African Community Common Market Protocol
ECOWAS	Economic Community of West African States
FCDO	Foreign, Commonwealth, and Development Office
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
EHoA	East and Horn of Africa
EHAGL	East, Horn, and Great Lakes Region
GCC	Gulf Cooperation Council
GRF	Global Refugee Forum
IDP	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IOM	International Organisation for Migration
KISEDIP	Kalobeyei Integrated Social and Economic Development Programme
NGOs	Non-governmental Organisations
ODA	Overseas Development Assistance
OSCE	Organisation for Security and Cooperation in Europe
REC	Regional Economic Community
RLO	Refugee-led Organisation
SADC	Southern Africa Development Community
SNV	SNV Netherlands Development Organisation
UN	United Nations
UNDESA	United Nations Department of Economic and Social Affairs
UNHCR	Office of the United Nations High Commissioner for Refugees
USAID	United States Agency for International Development
WCA	West and Central Africa

I. Executive Summary

A changing geo-political context and the matter of self-reliance in Africa

This report interrogates the future of displacement management in Africa, as seen through a changing geo-political and economic prism. Discussions on development funding in the Global South, following what seems to be the demise of the United States Agency for International Development (USAID), have been sobering.¹ Notwithstanding the panic arising from this recent turn of events, it is important to recall that this attitude to development aid is not unique to the United States, nor is it unprecedented.² Over the last four years, major donor countries shifted to spending funds earmarked for development assistance internally, catering to in-donor refugee costs and repurposing aid for climate-related projects.³ The result is a severe reduction in the amount of aid money flowing to low-income countries - a trend that might not let up in the near future.⁴

Regrettably, this scaling down of development funding has been especially pernicious for donor-reliant humanitarian concerns such as **displacement management** in Africa. Consider states'

assistance to protection seekers (asylum seekers and refugees) in a region like the East, Horn, and Great Lakes (EHAGL).

In these countries, reliance on development assistance for displacement management has been absolute. It is therefore increasingly evident that, in such contexts going forward, wide-reaching policy shifts are to be expected. One such shift is manifest in the international clamour, codified in new-age international agreements such as the Global Compact on Refugees, for the adoption of **self-reliance policies** for protection seekers' assistance.

At the forefront of this campaign are key multilateral partners such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Bank, and the International Organisation for Migration (IOM). Also in tow are bilateral foreign development agencies that are championing the economic inclusion of protection seekers in their host economies.

1 Ken Opalo, 'African countries must urgently start the process of ending aid dependency' (An Africanist Perspective, 2025) <https://www.africanistperspective.com/p/african-countries-must-start-the> accessed 2 April 2025.

2 Ibid.

3 Ken Opalo, 'What will become of international development after the end of the aid paradigm?' (An Africanist Perspective, 2025) <https://www.africanistperspective.com/p/what-will-become-of-international> accessed 2 April 2025. See also Lee Crawford, 'Don't give up on aid just yet' (Centre for Global Development, March 13 2025) <https://www.cgdev.org/blog/dont-give-aid-just-yet> accessed 2 April 2025.

4 Centre for Global Development (n.2)

The crunch between old and new approaches to displacement management

Unfortunately, for some African countries, self-reliance hosting policies are a colossal shift away from their long-held preferences to renege on their obligations towards protection seekers’ **socio-economic rights** -especially their rights to decent work and to freedom of movement. And despite the mounting pressure for policy reform, these **“rights-reneging”** preferences persist, even though they are increasingly incompatible with global policy priorities in this regard. This study situates itself in this crunch between the old and new attitudes to displacement assistance. It specifically queries the prevailing political economy that might enable this intransigence in order to move the needle on the adoption of much-needed policy reforms in displacement management.

To this end, we investigate the social, political, and economic framework that yields a “rights-reneging” approach with respect to protection seekers on the Continent. We combine the two most restricted rights when it comes to protection seekers: the right to freedom of movement and the right to decent work, in the form of **a study of the intra-African labour mobility of protection seekers.**

The relationship between broader migration policy and States’ responses to protection seekers’ rights

Departing from the norm, we do not study these states’ responses to protection seekers in isolation but rather, analyse them within the general migratory context. The reason for this is that mobility along the Continent’s major migration corridors is **mixed**. This refers to a migratory context where different categories of migrants, including refugees, asylum seekers and regular and irregular labour migrants, move within and out of a region.⁵ It follows that since the nature of people on the move evades categorisation, actual state responses to mobility will not be able to discriminate between **voluntary and forced migration**. In fact, an insistence on this dichotomy, prevalent in the literature, appears superfluous if viewed against this backdrop.

In light of this, one can conceive a link between states’ attitudes towards broader migration and their rights-reneging strategies towards protection seekers. We hypothesise that there are certain aspects of the political economy informing migration policy on the Continent that necessitate states’ “rights-reneging” strategies towards protection seekers’ freedom of movement and of labour. To test this out, we begin by ascertaining the nature of migration on the Continent in the second and third chapters below. We find that **migration is both economically driven and sub-regionally distributed**. This is critical because it confirms that reforms to a subregion’s labour migration policy would have an understated effect

⁵ International Organisation for Migration, A Region on the Move 2022: East and Horn of Africa (IOM, 2023) (n. 10) 40.

on the welfare of those on the move within.

In the third chapter, we focus our attention on intra-regional labour migration in the EHAGL, which subregion hosts the East African Community's (EAC)—a regional economic community (REC) encompassing 11 out of 14 countries in the EHAGL. In addition to its mixed nature, its sub-regionality, and its economic underpinnings, this sub-region's migration is also found to be of high volume and characterised by low-skilled mobility. Apparent, is that there is a ***policy-reality disconnect*** arising from the policy aspirations of the Partner States of the EAC, to instead, encourage high-skilled labour migration in a context characterised by high volume, low-skill migration. This results in an inefficient and unsustainable migratory environment, characterised by ***irregular migration*** and high vulnerabilities for most migrants making their way within the subregion.

Rights-reneging and the labour migration policy-reality disconnect as part of a strategic policy bundle

The greatest challenge to the realisation of protection seekers' rights emerges to be, in fact, the broader nature of migration in the subcontinent—mixed, high volume, and composed of low-skilled migrants distributed over narrow territories occupied by socio-economically homogenous communities. In low-income countries, such as the ones under study, these types of inflows are highly destabilising, particularly because they

have large negative impacts on the labour market outcomes of the affected host populations. This finding affirms our hypothesis, confirming that an understanding of the constraints on protection seekers' labour and movement rights is dependent on a broader appreciation of the character of migration on the subcontinent and its related socio-political and economic effects.

In the fourth chapter, we draw the link between member states' rights-reneging responses with respect to protection seekers specifically and the migration policy-reality disconnect, with respect to migration broadly. Both are to be understood as ***twin components of a larger strategic mobility policy bundle*** deployed within the subregion. This can be explained this way: There are massive costs and risks attendant to hosting migrants, including protection seekers, which countries in the subregion aim to counter. Hence, in an effort to constrain all voluminous, low-skilled mobility, the subregion's net-receiving states elect a mobility policy strategy that conceives of labour mobility in high-skilled terms generally and reneges on socio-economic rights in the case of protection seekers, specifically.

Responsibility sharing as a remedial strategy for the realisation of self-reliance policies

In direct response to the challenges states face, this report proposes the adoption of subregion-wide dispersal policies, namely: ***responsibility sharing***. This is conceived

as a subregional sharing of displacement management norms and of protection seekers. We argue that the equitable distribution of hosting risks and costs among states through **protection seekers' sharing agreements** has the potential to alleviate the social and economic pressure that net-receiving countries in the subregion come under while hosting. Moreover, responsibility-sharing as a strategy:

- * responds to the **protracted nature of displacement** in the EHAGL;
- * would be actualised through existing **regulatory and policy coordination capacities** in the EAC;
- * would exploit opportunities arising from **new national displacement management approaches**; and
- * importantly, responds to the **geo-political and economic needs of our time**.

We foresee that by relieving the socio-economic and political pressures tied to hosting protection seekers in the subregion, we capacitate states to adopt **rights-affirming responses** that guarantee protection seekers their social and economic rights. This evolution in policy would effectively align countries' protection seekers' assistance policies with the trend towards self-reliance. In the final chapters, we identify stakeholders such as UNHCR, IOM, the World Bank and bilateral foreign development agencies already working towards this policy shift.

In conclusion, we endorse a few recommendations with a view to realising a protection seekers' sharing agreement within the subcontinent. Namely:

- * the need to survey the relevant stakeholders and their attitudes towards responsibility sharing in the subregion;
- * the need to explore the feasibility of a sharing agreement;
- * the need to collate best practices from other regional approaches to responsibility sharing;
- * the need to construct a knowledge repository on responsibility sharing, leading up to a draft agreement on the same; and finally
- * the need to build networks and forge relationships with like-minded partners.

II. Stylised facts on the nature of geographical labour mobility within Africa

2.1. Introduction

Migration within Africa is mostly economic and subregional in nature.⁶ In total, intra-continental mobility flows account for about 70-80% of all migratory movements on the Continent.⁷ The proliferation of regional treaties, burgeoning population growth, and favourable national policies providing for the free movement of people within Africa's regional economic communities (RECs) have concerted contributed to a 50% increase in Continental mobility since 2010.⁸ This chapter expounds on these twin components of intra-African migration by distilling available data and literature. The objective of the ensuing discussion⁹ is to provide a factual account from which we can, in subsequent chapters, derive a policy strategy geared towards the realisation of regular intra-African labour

mobility for protection seekers on the Continent.

This chapter is structured as follows: the next section demonstrates the largely economic underpinnings of mobility on the Continent. The third section further expands on this by illustrating the sub-regionality of African mobility along its main migration corridors. The fourth section interrogates the demographics of those on the move, while the fifth section discusses a defining feature of Africa's migration data-mixed migration-which introduces a layered complexity with respect to formulating migration policy on the Continent. The final section offers a hypothesis drawn from the data explored in this section, accompanied by some concluding observations.

6 The African Union, Report on Labour Migration Statistics in Africa (The African Union Commission, 2021) 21-32. See International Organisation for Migration, A region on the move: Mobility trends in West and Central Africa (IOM, 2021)

https://eca.iom.int/sites/g/files/tmzbdl666/files/documents/a-region-on-the-move_2021_v2.1_0.pdf accessed 24 January 2025. See also Laura Nistri and others, State of migration in East and Horn of Africa (IOM, 2022) <

<https://eastandhornofafrica.iom.int/sites/g/files/tmzbdl701/files/documents/2023-07/state-of-migration-ehoa-report.pdf>> accessed 24 January 2025.

7 Michael Mutava, 'An analysis of trend and patterns of migration in Africa' (New South Institute, 2023) 8.

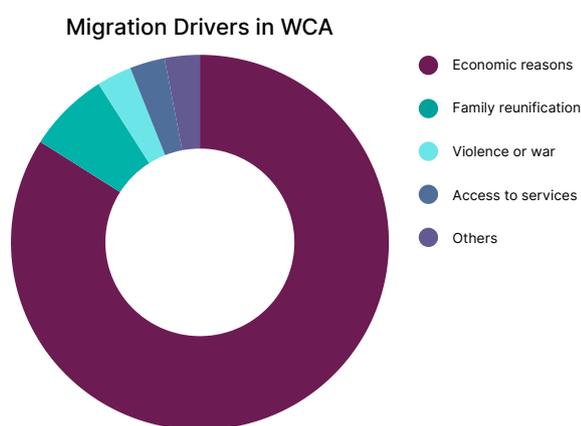
8 The African Union, Report on Labour Migration Statistics in Africa (The African Union Commission, 2020) 31.

9 See the bibliography at the end of this section.

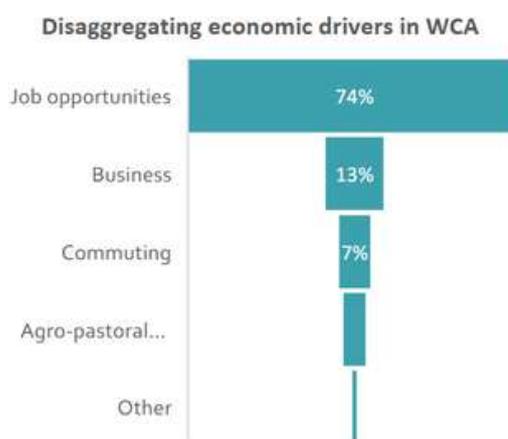
2.2. The Economic Push

The African Union Commission (AUC), in its annual Reports on Labour Migration, has consistently found that despite the fact that migrants account for a small proportion of the Continent's total labour force, many intra-African migratory movements are in fact, motivated by economic factors.¹⁰ The migration routes within the East and Horn of Africa (EHoA) and West Africa witness the most activity. In total, they account for the mobility of over half of the Continent's cross-border migrant population, with these countries hosting over 7 million migrants in each sub-region.

West and Central Africa (WCA) provides the strongest example of intra-regional migration flows in sub-Saharan Africa, with slightly more than 80 percent of migratory movements within the subregion triggered by economic factors.¹¹



Moreover, about three-quarters of the sampled migrants moving within the region for economic reasons were found to be in search of job opportunities. This tallies with data from the International Organisation for Migration (IOM) that reports that about 40% of the migrants within the subregion are unemployed in their countries of origin.¹²



Data sourced from the International Organisation for Migration, A region on the move Mobility trends in West and Central Africa (IOM, 2021).

The data reflect the fact that the subregion enjoys a long history of cross-border mobility, particularly amongst border communities, who are often homogenous units straddling various state boundaries.¹³ This, coupled with porous borders and governance deficits, explains the upward pressure on intra-regional labour mobility in the region.¹⁴

10 The African Union (2021) 28.

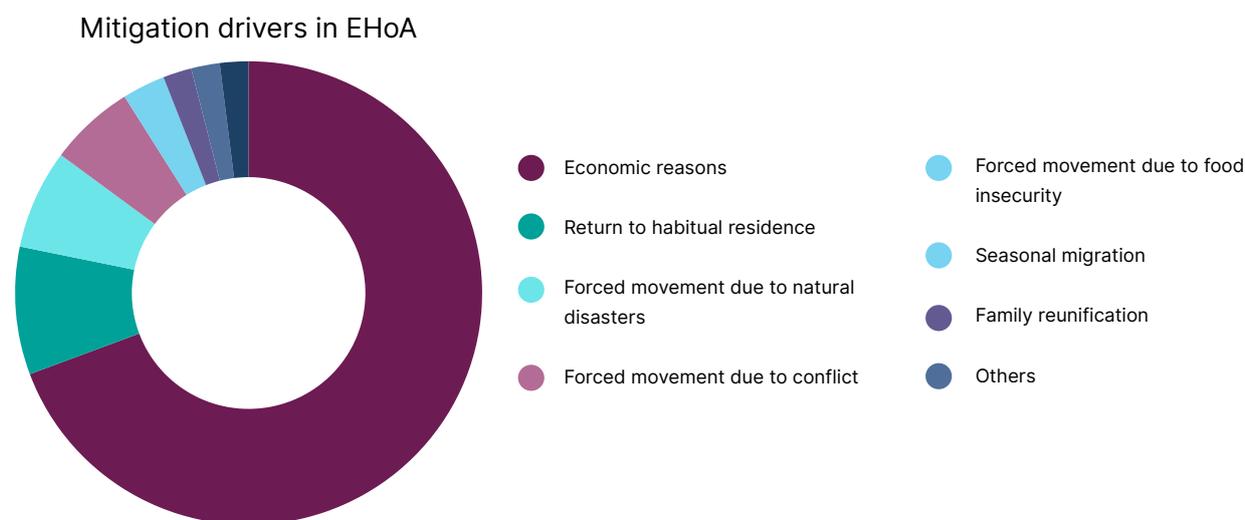
11 International Organisation for Migration, A region on the move (n. 1) and International Organisation for Migration, West and Central Africa, <https://www.iom.int/west-and-central-africa> accessed 24 January 2025.

12 See International Organisation for Migration, A region on the move Mobility trends in West and Central Africa (IOM, 2021) (n.1)

13 See International Organisation for Migration, West and Central Africa (n. 5).

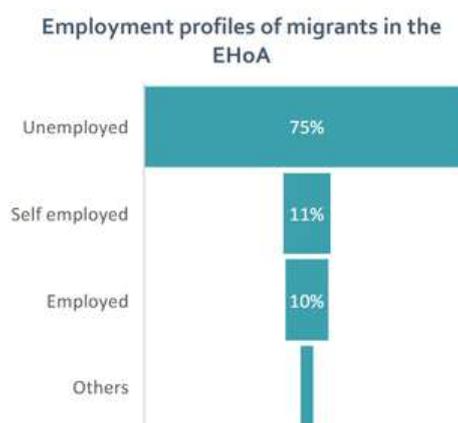
14 International Organisation for Migration, West and Central Africa: Regional Strategy 2020-2024 (IOM, 2020) https://www.iom.int/sites/g/files/tmzbdl486/files/documents/western_and_central_africa_regional_strategy_2020-2024_9nov20_v04.pdf accessed 25 January 2025

Within the EHoA, sub-regional migration appears fairly similar to that in West Africa. About 62% of those traversing this region’s migration corridors cite economic reasons.¹⁵ However, as can be expected, there is more variation with respect to the drivers of migration owing to the several active conflicts within countries in this subregion.¹⁶



Nevertheless, the employment profiles of those on the move within this subregion reveal them to be unemployed in their origin countries, with about 63% of all those who were profiled reporting that they were actively seeking job opportunities in their destination countries.¹⁷

In summary, the discussion above confirms the centrality of labour migration to intra-African mobility flows, especially since these capture a substantial portion of all mobility flows on the Continent. In essence, the study of labour migration is, in fact, a study of African mobility and is therefore an important starting point for the formulation of migration policy on the Continent.



Data sourced from the International Organisation for Migration, *A Region on the Move 2022: East and Horn of Africa*

2.3. The Spatial Distribution of the International Migrant Population in Africa

The second vital component to understanding intra-African mobility is the **sub-regionality of migratory flows**. The

15 International Organisation for Migration, *A Region on the Move 2022: East and Horn of Africa* (IOM, 2023) <https://eastandhornofafrica.iom.int/sites/g/files/tmzbdl701/files/documents/2023-09/pub2023-044-r-on-the-move-2022-eha.pdf> accessed 25 January 2025, 77.

16 Ibid.

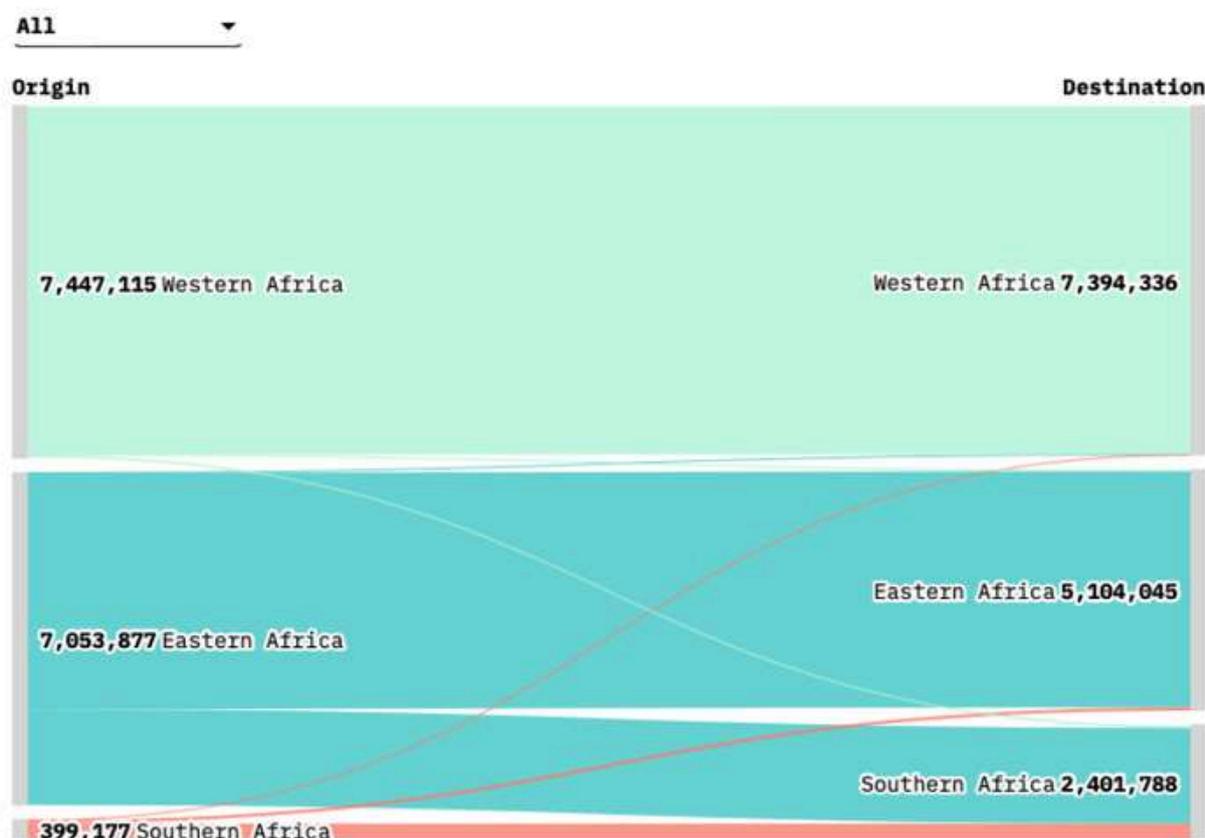
17 Ibid.

Sankey diagram below visualises migrant stock data within the Continent's major subregions. It is patently clear that most migrants end up in countries in the same subregion as their origin countries. It has, in fact, long been hypothesised that intra-regional migration takes place within regional economic communities (RECs).¹⁸ Looking at the diagram, one can safely

deduce that the Economic Community of West African States (ECOWAS), the East African Community (EAC), and the Southern African Development Community (SADC) retain at least 70% of their own intra-continental migrant stock. African Development Community (SADC) retain at least 70% of their own intra-continental migrant stock.¹⁹

Figure 2.A

Data sourced from the UN Department of Economic and Social Affairs Databases International Migrant Stock (2024): Destination (UNDESA 2024). Note: DESA estimates are provided for the midpoint (1st July) of each year.



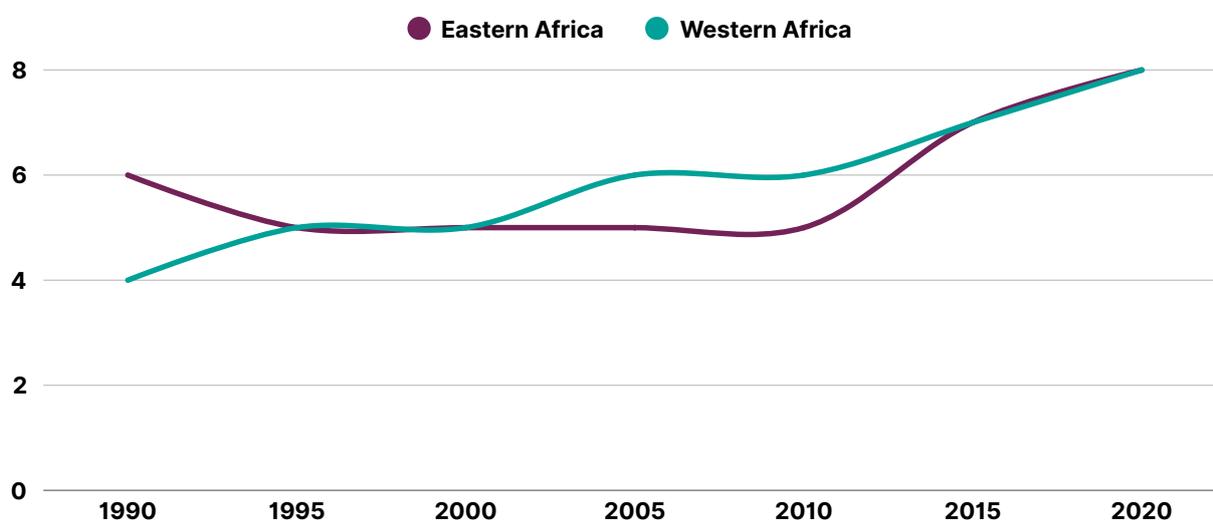
18 International Organisation for Migration, Labour Mobility and Regional Integration in East and Horn of Africa (IOM, 2023) <https://eastandhornofafrica.iom.int/sites/g/files/tmzbd1701>

19 UN Department of Economic and Social Affairs Databases International Migrant Stock (2020): Destination (UNDESA 2020).

In the WCA, intra-regional mobility mainly takes place along one core east-west axis, following which it is distributed north and southwards through other routes.²⁰ The IOM has found that these flows are bolstered by the visa-free movement agreements within ECOWAS.²¹ In fact, implementation of the free movement protocols is seen to have contributed to a reduction in the migratory pressures beyond ECOWAS borders.²² The same is true in EHoA where the IOM has also reported that an increase in mobility in the

region is correlated with the strategic steps taken by the EAC and the Intergovernmental Authority on Development (IGAD) to create an enabling environment for labour migration.²³ For instance, between 2010 and 2019, the EAC Secretariat's efforts to increase countries' implementation of the Common Market Protocol (through the East African Common Market Scorecard) materialised, with member states gradually removing barriers to access to employment, such as work permit fees for workers from EAC member states.²⁴

Figure 2.B - Trends in migrant stock in Eastern & Western Africa over time (millions)



The line graphs above serve to illustrate the increase of migratory flows over time and to draw a correlation between this

the introduction and implementation of free movement protocols by countries in RECs. The variation is most evident with

20 See International Organisation for Migration, A region on the move: Mobility trends in West and Central Africa (n.1).

21 Ibid.

22 ECOWAS Commission, ECOWAS Common Approach on Migration (ECOWAS 2008)

<https://www.unhcr.org/sites/default/files/legacy-pdf/49e47c8f11.pdf> accessed 25 January 2025.

23 Leander Kandilige and others, 'Regional Integration for Labour Mobility' in International Organisation for Migration, The State of Migration in East and Horn of Africa (IOM, 2022)

<https://eastandhornofafrica.iom.int/sites/g/files/tmzbd1701/files/documents/2023-07/state-of-migration-ehoa-report.pdf> accessed 25 January 2025.

24 Ibid 54.

respect to the EAC, whose migrant stock lagged behind that of ECOWAS member states until 2010, when the East African Community Common Market Protocol (EAC-CMP) entered into force. Since then, the difference in the migrant stock between the two has been minimal, with both subregions displaying an upward trend.

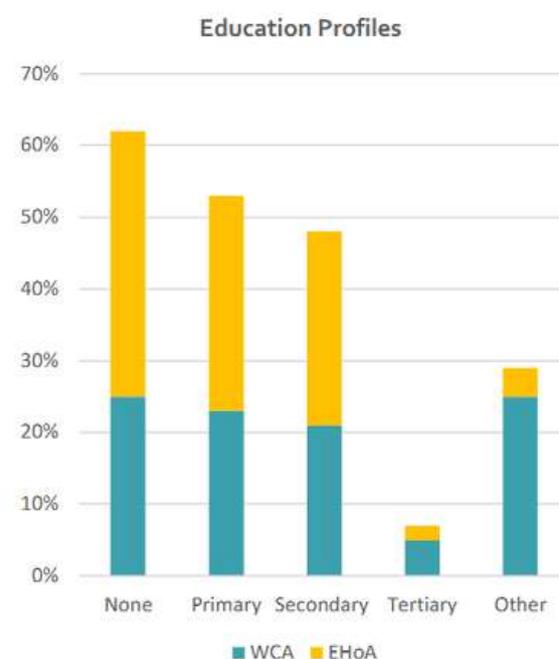
This section of the review has provided insight into the importance of subregions in the formulation of migration policy.

2.4. Who Migrates: Profiles of Migrants

Unsurprisingly, most people on the move in both subregions are male (about 50% in the EHoA and 86% in WCA). However, the gender divide is glaringly wider (72 percentage points) in WCA than it is in the EHoA. Additionally, the majority of those on the move are also young—at least 30 years in the WCA and 25 years in the EHoA.²⁵

Crucial is the fact that, as previously discussed, a substantial portion of those on the move are unemployed.²⁶ The difference between the EHoA and WCA is slightly more pronounced here, seeing as a majority of those on the move in WCA are self-employed. The education data complements this, finding that a large portion of those sampled in both

Furthermore, it allows us to elect RECs as our focal point of study and the object of our policy strategies, seeing as their migration policies are most significant to the majority of migrants traversing Africa's borders. Having found that most of Africa's mobility is indeed geographical labour mobility and that most of it is subregional, the next section turns to the question of who migrates, aiming to construct a profile of labour migrants within the Continent.

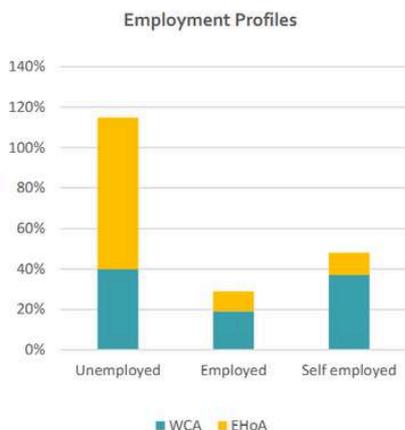


subregions report a low number of years in formal schooling.²⁷ This also tallies with the economic activities they self-report. Those who are either employed or self-employed were found to be engaged

25 IOM Displacement Tracking Matrix, Regional Mobility Mapping: West and Central Africa (IOM, 2024)

26 The African Union, Report on Labour Migration Statistics in Africa (n.1). See also International Organisation for Migration, Labour Mobility and Regional Integration in East and Horn of Africa (n. 10) 16.

27 International Organisation for Migration, A region on the move: Mobility trends in West and Central Africa (n.1).



IOM Displacement Tracking Matrix, Regional Mobility Mapping: West and Central Africa (IOM, 2024) and International Organisation for Migration, *A Region on the Move 2022: East and Horn of Africa* (n.10)

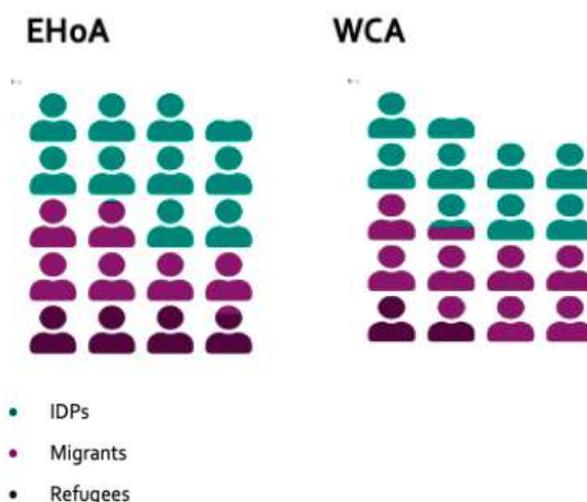
in the agriculture, forestry, fishing, domestic work, construction and wholesale and retail trade industries, among others.²⁸

As a whole, the quintessential migrant finding their way within the subregions could be said to be young, most likely male, with few years of schooling on average, and most likely to seek work in informal, low- and medium-skilled sectors of the economy.²⁹ Such information is critical because it will direct the formulation of policy priorities in the subsequent chapters of this report. In the next section, we explore further the eccentricities of migration on the Continent, allowing us to draw more precise conclusions from the data we have explored until now.

2.5. Mixed Migration

Movement within both subregions—more so in the EHoA—is characterised by mixed migration, wherein different categories of migrants, including refugees and asylum seekers, regular labour migrants, and irregular migrants, move within and out of a region.³⁰

Figure 2.C Illustrating the ratio of IDPs to Migrants to refugees in Eastern Africa



As illustrated above, refugees and asylum seekers make up at least 61% of all people on the move in the EHoA and about 20% in WCA. It is not unusual that refugees and asylum seekers choose to move beyond their countries of asylum (secondary or onward movement) primarily in search of economic opportunities.³¹ It is therefore not uncommon that those on the move exhibit a variety of profiles, seeing as they are motivated by a plurality of factors.³²

28 The African Union, Report on Labour Migration Statistics in Africa (n.1).

29 Ibid.

30 International Organisation for Migration, *A Region on the Move 2022: East and Horn of Africa* (IOM, 2023) (n. 10) 40.

31 See Alexandar Betts, Naohiko Omata, and Jade Siu, 'Refugee mobilities in East Africa: Understanding secondary movements' (2023) 49 *Journal of Ethnic and Migration Studies* 11. See also Daniella Botti and Melissa Phillips, *Moving on: Exploring onward migration of refugees and migrants from East Africa* (Mixed Migration Centre, 2021)

32 Ibid.

As a result, what emerges is a multiplicity of legal statuses as well as a variety of vulnerabilities.³³ Seeing as there are irregular flows that remain unaccounted for and that the statuses of those on the move are not categorizable in discrete forms, it is apparent that the data as presented does not account for the true volume of cross-border mobility flows within the subregions. Nevertheless, it remains a reliable representation for this report. More importantly, however, it signals an interesting fact. Seeing as the motivations of those on the move, regardless of their legal status, are mostly economic, a broad labour migration policy tends to have a significant effect on the vulnerabilities of most migrants and especially of refugees and asylum seekers, making their way within the Continent.

2.6. Observations and Conclusion

This chapter purposed to provide a factual account from which we can subsequently derive a policy strategy aimed at the realisation of labour mobility by protection seekers. The exploratory work done in this Chapter yields three important observations:

* First, the data explored herein confirm that **economic drivers and, hence, labour mobility** is an incredibly critical component of migration on the Continent.

* Second, it points to the importance of conceptualising policy geared towards regularising geographical labour mobility, along **subregional lines**.

* And third, due to the **mixed nature** of mobility within the Continent, the data signals that an understanding of labour mobility broadly is likely to shed light on the nuances of mobility by protection seekers, specifically.

In the following chapters, we examine these observations further by taking the East African Community as our policy strategy focal point. Doing so allows us to zoom into the subregion's policies that have both enabled geographical labour mobility and constrained it. The aim is to unveil the bottlenecks that hamper successful subregional labour mobility in order to arrive at a realisable policy strategy through which protection seekers can engage in regular labour migration.

33 Mixed Migration Centre, Mixed Migration in West Africa in 2030: Results from the Mixed Migration Scenario Building Workshop (MMC, 2019) <https://www.rabat-process.org/en/document-repository/64-meeting-reports-conclusions/41-final-report-scenario-building-workshop-analysing-future-mixed-migration-in-west-africa-in-2030/preview?ml=1> accessed 25 January 2025.

III. Labour Mobility within the East African Community

3.1. Introduction

This study takes as its primary subject, the Eastern, Horn and Great Lakes of Africa (EHAGL) sub region, which hosts dense and vital migration corridors and about a quarter of all international migrants living in Africa.³⁴ At this juncture, it is important to properly delineate the physical boundaries to this study. While the United Nations (UN) classifies 22 countries within the Eastern Africa sub region, this analysis adopts the International Organisation for Migration (IOM) reporting procedure, where reference to the region is taken to mean the 10 countries that form part of the East and Horn of Africa region (EHoA). These are Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, South Sudan, Uganda, and the United Republic of Tanzania.³⁵

In addition to the Democratic Republic of Congo (DRC), this study will refer to this collective as the East, Horn, and Great Lakes of Africa region (EHAGL).³⁶ Altogether, with the exception of Ethiopia, Eritrea, and Djibouti, these countries constitute the East African Community (EAC), a regional intergovernmental and supranational organisation overseeing the integration of an economic and political bloc.³⁷ Restricting our study to the countries of the EHAGL therefore permits us, with few exceptions, a more incisive perspective into the sub regional political, economic, and regulatory dimensions of migration. This is because it allows us to view mobility within the subcontinent, as a factor of both the national and the sub regional institutional structures set up under the EAC.

³⁴ International Organisation for Migration, *A Region on the Move 2022: East and Horn of Africa* (IOM, 2023) <https://eastandhornofafrica.iom.int/sites/g/files/tmzbdl701/files/documents/2023-09/pub2023-044-r-on-the-move-2022-eha.pdf> accessed 9 February 2025, xi.³⁵ See IOM, *IOM Data Strategy in Brief: Informing Policy and Action on Migration, Mobility, and Displacement 2020|2025* (IOM, 2021)

³⁶ Olive Nsababera and others, 'Supporting refugee self-reliance in East, Horn and Great Lakes of Africa: The role of data' (The World Bank, 2024). Normally Sudan is included in the EHAGL, but it is excluded here.³⁷ See Caroline Kago and Wanyama Masinde, 'Free movement of workers in the EAC' in *East African Community Law: Institutional, Substantive, and Comparative EU Aspects* (Brill | Nijhoff, 2017).

In this regard, this chapter has three objectives. It aims to:

- * First, explore briefly the realities of labour migration within the sub region;
- * Second, query the institutional scaffolding enabling labour migration and third;
- * Tease out the policy-reality disconnect that arises between the sub regional migration institutional set up and the social and economic realities of migrants.

The following section provides a brief overview of labour mobility in the EHAGL. The third section interrogates countries' regulation of labour mobility in the region, with specific focus on the regulatory structure provided under the EAC. The fourth section then discusses the migration policy-reality disconnect which becomes apparent, upon comparison of the social and economic realities of migrants against the institutional responses offered under the auspices of the EAC. The chapter's objective is to tease out the current policy gaps and thus, the relevant policy strategies needed to address these shortcomings. The final section concludes.

3.2 Stylised facts on migration within the sub region

As previously discussed, majority of intra-African migrants remain within their own sub regions.³⁸ This is also true for EHAGL migrants on the Continent, seeing as just slightly under 30% of migrants venture beyond the sub region.³⁹ The Sankey diagram in **Figure 3.A** below makes this patent, illustrating intra-continental migrant stock and flows by sub region. In fact, three of the four major migration corridors in and out of the EHoA become apparent at first glance. The substantial stock of EHoA migrants in both Northern and Southern Africa point to the prominence of both the Northern and Southern migration corridors leading upwards to Europe and downwards to South Africa respectively. Expectedly, the enormous migration stock in the EHAGL captures the complex movements taking place within the Horn of Africa migration corridor. Unrepresented here and only marginally relevant to this discussion, is the considerably large and continuous stream of migrants making their way via the Eastern corridor, out of the Continent, towards the Gulf Cooperation Council (GCC) countries.⁴⁰ Further disaggregation of this data allows for us to draw interesting insights as to the nature of migration within the subcontinent. The chord diagram in **Figure 3.B** illustrates bilateral migration flows between countries in the subregion.

³⁸ See IOM, Migration and Migrants: Regional Dimensions and Developments (IOM, 2025) <https://worldmigrationreport.iom.int/what-we-do/foreword/foreword> accessed 9 February 2025. ³⁹ UN Department of Economic and Social Affairs Databases International Migrant Stock (2024): Destination (UNDESA 2024). ⁴⁰ See A Region on the Move (IOM, 2022) n. 1

Figure 3.A – Highlighting Eastern Africa migrants' destinations by sub region

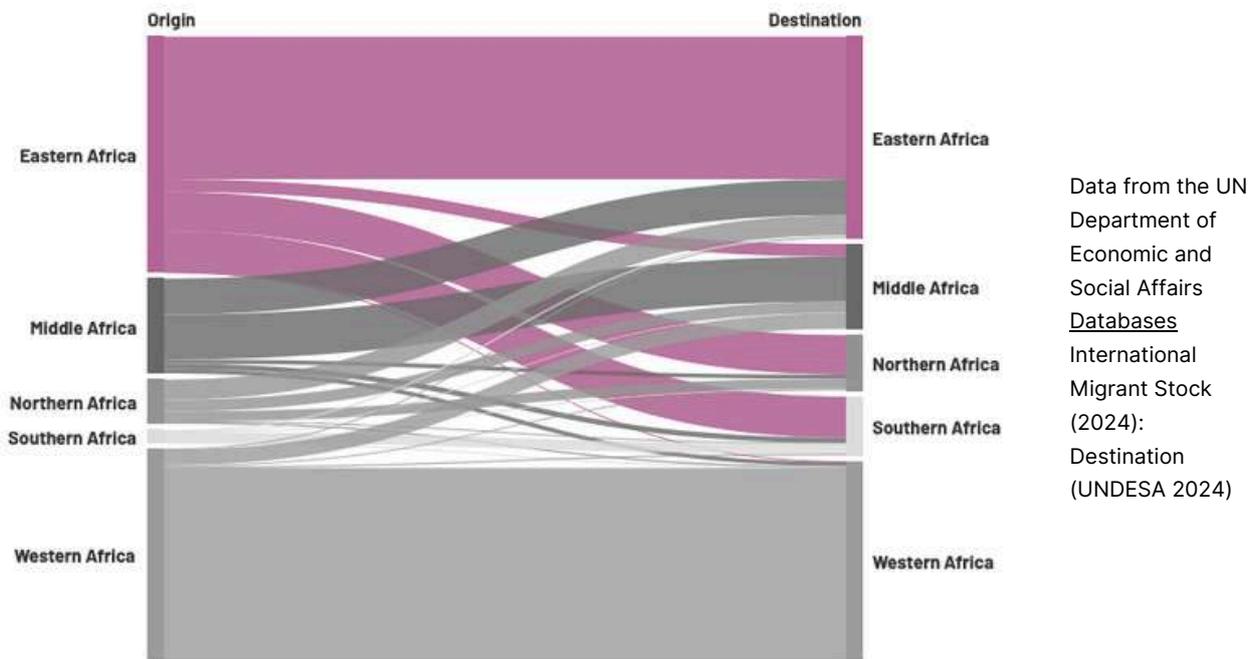
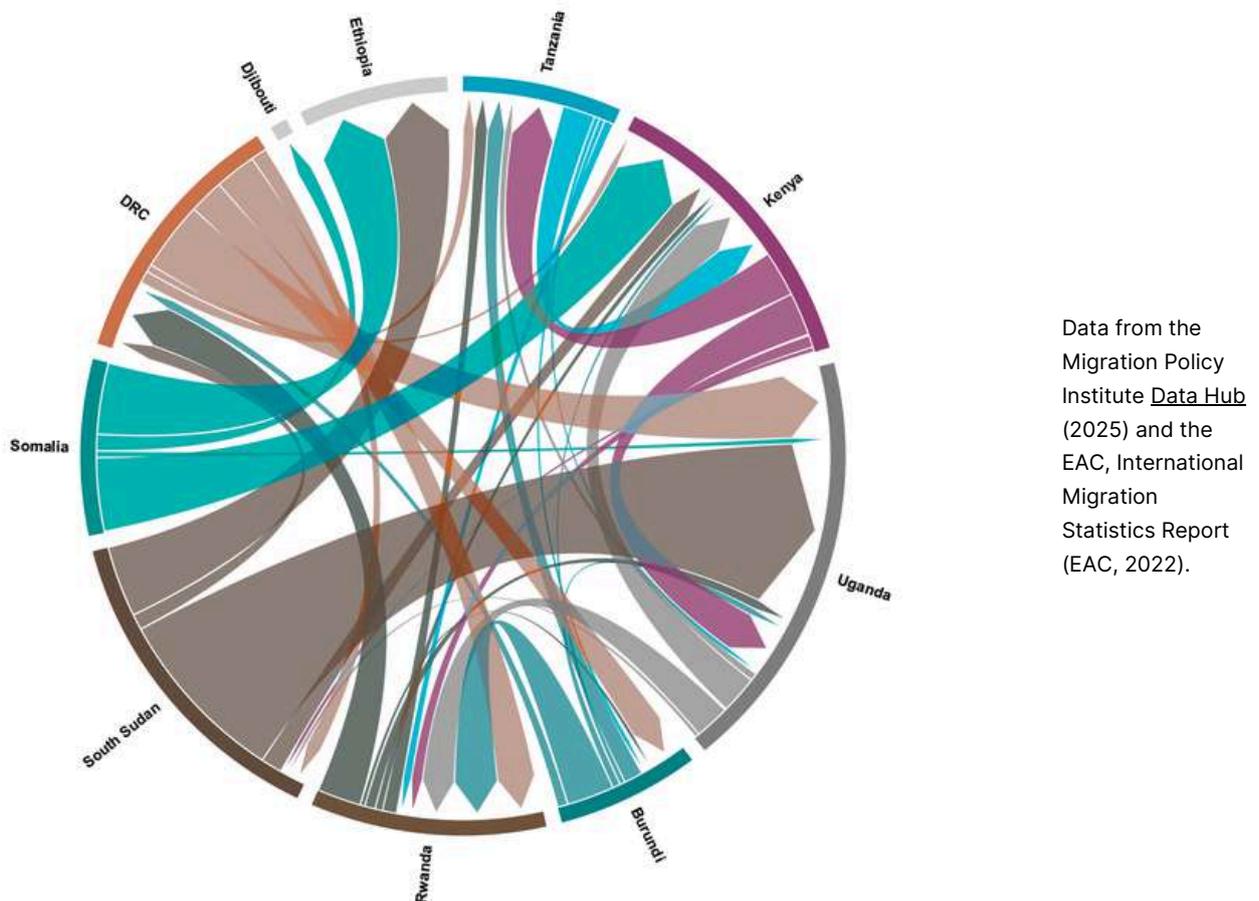


Figure 3.B – Illustrating bilateral migration flows and stock between EHAGL countries

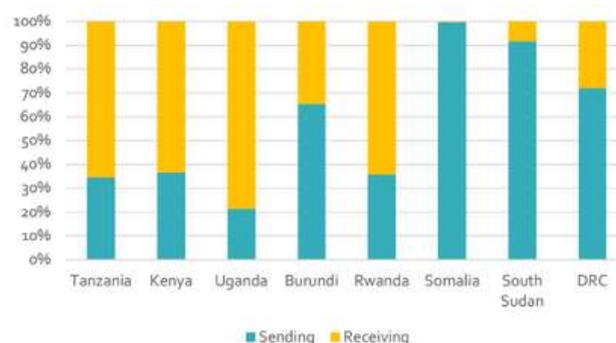


Upon inspection, several factors emerge. First, the EHAGL region is characterised by intertwined mobility patterns. Countries are simultaneously origin, transit, and destination countries for different categories of people on the move.⁴¹ This is evident in migration stock patterns evident in countries such as Kenya, Tanzania and Rwanda, which reveal substantive quantities of both immigrants and emigrants to and from these countries, respectively. Second, countries can nonetheless be distinctly categorised as either sending or receiving states. South Sudan, DRC, Somalia, and Burundi are overwhelmingly sending states while the rest are in varying proportions, receiving states. The proportional stacked bar graph below illustrates these deductions.

Lastly, the flow of migrants is not equilibrated across countries due to the existence of migration networks, defined as interpersonal ties that connect migrants, former migrants, and non-migrants in origin and destination areas.⁴² For example, Tanzanian migrants mostly move to Kenya while Kenyan sub regional migrants move largely into either Tanzania or Uganda. Other migration flows can be classified in the same manner. Somali migrants mostly move to Kenya; DRC migrants move to Uganda, Burundi, and Rwanda; while South Sudanese migrants seem to mostly migrate to Uganda and to a lesser extent, to Kenya.

Importantly, the noticeable predictability of migration flows contributes to a favourable policy environment. This is primarily because the core group of receiving states constitute the EAC. And thus, as hypothesised in the preceding chapter, any improvements to this sub region's migration policy will foreseeably have a positive sizeable effect on the welfare of most of the migrants in the subregion.

Figure 3.C - Illustrating EAC states' as net sending or receiving states.



Data from the Migration Policy Institute Data Hub (2025) and the EAC, International Migration Statistics Report (EAC, 2022). Data on migration into Somalia from the, Somalia National Bureau of Statistics, Migration Statistics Report (Federal Republic of Somalia, 2024)

⁴¹ See A Region on the Move (IOM, 2023) n. 1, 45.

⁴² See International Organisation for Migration, A Region on the Move 2022: East and Horn of Africa (IOM, 2023) 56

3.2.1. Migrants' Realities: Forced Displacement; Onward; and Mixed Movements

Once again, it is necessary to devote some time to the question of who is on the move within the EHAGL beyond what was covered in the previous chapter. To reiterate, migrants are mostly young and male, although the difference between genders is not as stark, relative to other sub regions.⁴³ Most of them have only had few years of schooling, with at least 83% of them reporting no years of formal schooling at all, complete primary school education, or incomplete secondary schooling education altogether. Additionally, more than 50% of them are unemployed and cite economic reasons as the main trigger for their migration.⁴⁴

But the reasons for migration in the EHAGL are complex, varied, and indistinct.⁴⁵ The knottiness is apparent upon the realisation that the region accommodates about 70% of its own protection seekers, thus containing these mobility flows within it.⁴⁶ This complex refugee landscape stems from years of climate shocks and prolonged conflict in Somalia and South Sudan, as well as recently renewed conflict in the DRC and Burundi.⁴⁷ Consequently, in as much as most migrants cite economic reasons as their

main motivation for migration, forced movements are a defining feature of migration in the sub region.⁴⁸

In order to understand the nuances at play, it is critical to factor in the rarely acknowledged high mobility of refugees and asylum seekers, who tend to move both internally within their countries of asylum and intra-regionally.⁴⁹ In fact, the IOM reports that 55% of refugees and asylum seekers moved to another country in 2022.⁵⁰ The simple fact that the socioeconomic lives of refugees and asylum seekers in their first countries of asylum are not sedentary introduces a view of refugees and asylum seekers as agentic actors making rational migration decisions beyond their initial forced displacement.⁵¹ This illuminates further on the profiles of migrants making their way within the sub region. In any group of migrants, there are on the one hand, distinctively economic migrants and on the other, refugees and asylum seekers moving beyond their original countries of asylum, motivated also by economic reasons.⁵² The reality of these mixed movements in the sub region sheds light on the inscrutability of migrants' responses, which tend to emphasise their economic motivations in a migration context characterised by forced displacement.

43 A Region on the Move 2022: East and Horn of Africa (IOM, 2023) 64.

44 Ibid. 45 See IOM, A Region on the Move 2021: East and Horn of Africa (IOM, 2022).

46 A Region on the Move 2022: East and Horn of Africa (IOM, 2023) 64.

47 Ibid.

48 Ibid.

49 Alexander Betts and others, 'Refugee mobilities in East Africa: Understanding movements' (2023) 49 Journal of Ethnic and Migration Studies 11, 2650.

50 See A Region on the Move 2022: East and Horn of Africa (IOM, 2023) 64.

51 Alexander Betts and others (n. 44)

52 Daniella Botti and Melissa Phillips, Moving on (n. 25).

3.3 The Regulation of Labour Mobility in the East African Community

The EAC, conceived of primarily as Regional Economic Community (REC), formulated the Common Market, after the Customs Union, as the second phase of regional integration.⁵³ To this end, “Partner States” (Burundi, Kenya, Rwanda, South Sudan, Uganda, and Tanzania) signed the **Protocol on the Establishment of the East African Community Common Market** (“the Common Market Protocol” (CMP)) in Arusha, Tanzania on 20 November 2009, which later entered into force in 2010.⁵⁴ The Common Market envisages the removal of all barriers to the mobility of people, capital, labour, and services within Partner States, with a view to creating a single market where all factors of production move freely within the region. It therefore confers upon citizens of the EAC, the fundamental right to freedom of movement within the sub region.⁵⁵

At first glance, it seems that full realisation of the CMP will have a significant effect on the migration of labour within the subcontinent.

It confers upon labourers in the EAC market, a right of establishment and the right to residence in any of the Partner States.⁵⁶

This is even more promising, when one considers that migrants (including refugees and asylum seekers) from the sub region are free to move within, regardless of the reason for their displacement.⁵⁷

But the Protocol is simultaneously narrowly construed and allows for wide state discretionary powers in the realisation of its aspirations.⁵⁸ First, the freedom of movement of labour is not synonymous with the freedom of movement of persons. Persons are narrowly defined as students, visitors, persons in transit, and those travelling for medical reasons or any other reason other than a worker or self-employed person.⁵⁹ This way, the right to free movement is restricted for labourers in the sub region.

Second, the right to residence is only granted to workers or employees,⁶⁰ self-employed persons, and their dependents.⁶¹

53 See Caroline Kago and Wanyama Masinde, ‘Free movement of workers in the EAC’ (n. 32).

54 This was pursuant to Articles 2(2), 5(2), 151 (1), 76 and 104 of the Treaty for the Establishment of the East African Community (the EAC Treaty). See also Caroline Kago and Wanyama Masinde, ‘Free movement of workers in the EAC’ (n. 4). Somalia and DRC acceded to the Protocol at later dates.

55 Article 7 of the EAC Protocol on the Establishment of the East African Community Common Market (Common Market Protocol)

(adopted 20 November 2009; entered into force July 2010) See also EAC, ‘Pillars of EAC Integration’ <https://www.eac.int/integration-pillars> accessed 9 February 2025. 56 See Article 10 of the CMP (n. 21).

57 Oucho, L.A., L. Kandilige and P. Kazmierkiewicz, Labour Mobility and Regional Integration in East and Horn of Africa (IOM, 2023)

58 See Regulation 4 of Annex 1 of the EAC Common Market (Freedom of Movement of Persons) Regulations (EAC Secretariat, 2009).

59 Ibid.

60 See Article 1 of the CMP (n. 21).

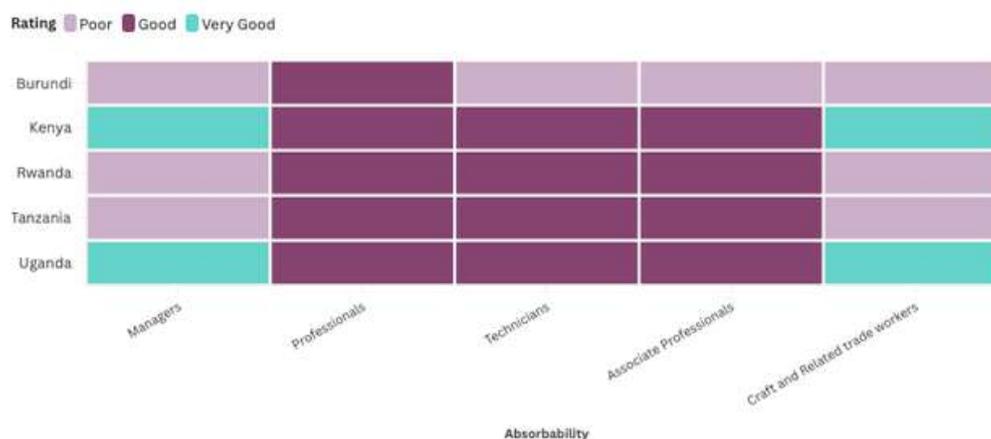
This therefore excludes the right for all other categories, making it difficult for migrants other than labourers (registered as employed or self-employed persons), to resettle in a different Partner State.

Lastly, the Protocol is even further constrained with respect to the freedom of movement of labour. With respect to workers, Partner States are free to commit, in line with their own preferences, to the liberalisation of labour within certain categories. As a result, the list of liberalised professions varies across Partner States.

While Kenya commits to open its labour market to the highest number of professions, Burundi's list is the shortest.⁶²

Even so, none of the lists go beyond a narrow circle of high-skilled specialists.⁶³

Table 3.A – Illustrating the absorption of migrant workers within the EAC



The same constraints are evident with respect to self-employed persons who customarily register as service providers. Partner States are mostly committed to the progressive liberalisation of professional services such as legal, accounting, computing, and research

and development among others.⁶⁴ At the same time, almost all commitments regarding service provision that include the physical presence of a service provider are regulated in line with those providing for the free movement of workers.⁶⁵

61 See Regulation 4 of Annex III of the EAC Common Market (Right of Establishment) Regulations (EAC Secretariat, 2009).

62 See Annex II, EAC Common Market (Free Movement of Workers) Regulations (EAC Secretariat, 2009)

63 Ibid.

64 See Annex V, EAC Common Market Schedule of Commitments on the Progressive Liberalisation of Services (EAC Secretariat, 2009)

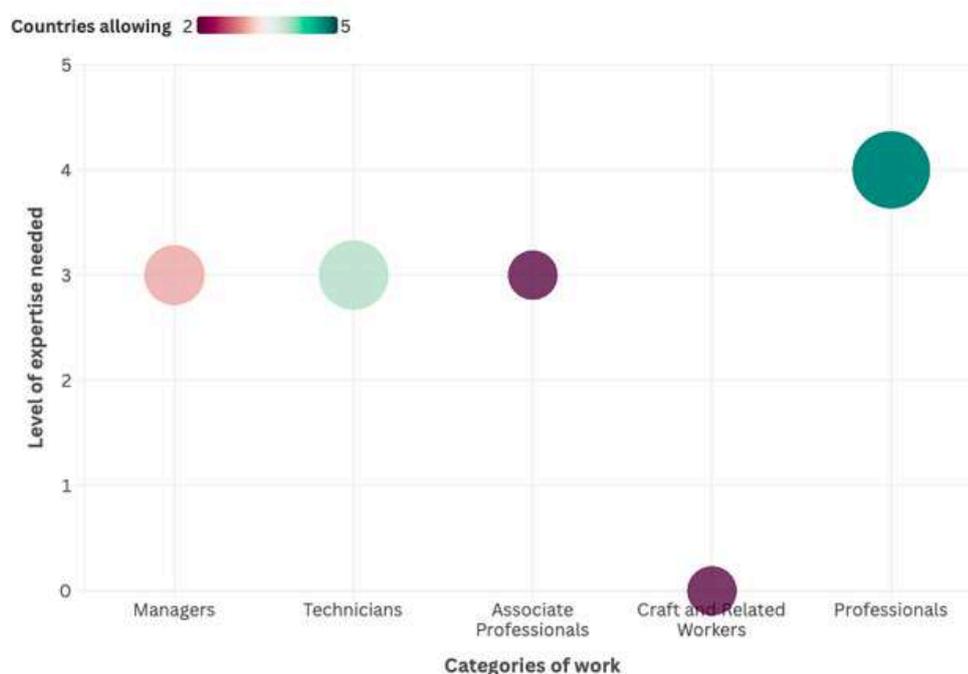
65 Tomasz Milej, 'Legal Framework for Free Movement of People Within Africa – A View from the East African Community (EAC)' (2019) 79 ZaöRV 950.

3.4 The Policy-Reality Disconnect

Upon close scrutiny therefore, the optimism accompanying a reading of the EAC-CMP’s provisions gives way to caution. To begin with, while migrants from the sub region can move within, their right to residence is limited due, in part, to the fact that they are mostly unemployed and in search for work.⁶⁶ In this regard, for the quintessentially young and

unemployed migrant with very few years of schooling, the EAC’s migration policy is a barrier. Unfortunately, Partner States’ commitment to free movement of labour does not extend beyond high-skilled professions and services. In fact, it is fashioned quite exclusively, to the detriment of the overwhelming majority of workers in the EAC.⁶⁷

Table 3.A – Illustrating the absorption of migrant workers within the EAC



Data from Regulation 4 of Annex 1 of the EAC Common Market (Freedom of Movement of Persons) Regulations

Figure 3.C and **Table 3.A** above illustrate this. In various forms, they both showcase the manner in which Partner States absorb migrants into their labour force. Categories of work requiring high levels of expertise (Professionals) are fully liberalised in all EAC

countries—represented by the size of the bubble in Figure C. The crafts and related workers category, requiring the least number of years of schooling compared to the other categories, is also the least liberalised, with certain skills absorbable only in Kenya and Uganda.⁶⁸

66 Tomasz Milej (n. 32)

67 Ibid

68 See Regulation 4 of Annex 1 of the EAC Common Market (Freedom of Movement of Persons) n. 24.

Unfortunately, this exhibited bias towards high-skilled labourers does not maximise the potential benefits of free movement in the sub region, and especially not for low-skilled people on the move.⁶⁹

This “disconnect” between the profiles of migrants and the current migration policy severely impacts the level of protection afforded to migrant workers and members of their families in several key dimensions.⁷⁰ To begin with, the disconnect incentivises irregular movements. As a result, the level of protection afforded such migrants, especially with regard to their terms of engagement in destination countries, is lacking.⁷¹ Moreover, irregular migration is wrought with inefficiencies, particularly for a policy environment intent on building a functioning labour mobility regime.⁷² Importantly, irregular movement enhances the vulnerabilities of women, men and children on the move; hinders migrant workers’ regular access to labour markets; and potentially exacerbates the risk migrants face, such as human trafficking, strandedness, and even death.⁷³ Needless to say, these risks are even more pronounced for refugees and asylum seekers on the move.

3.5 Observations and Conclusion

This chapter set out to compare the realities of migration in the EHAGL against the institutional scaffolding provided in the regulation of migration under the auspices of the EAC. The reason for this is simple. In doing so, it intended to tease out the policy gaps that constrain the realisation of efficient geographical labour mobility for those on the move. Three main observations distilled from this discussion are worth reiterating:

- * First, as expected, migration flow within the subcontinent points to the fact that the region retains most of its migration stock. This is critical because it confirms that a focus on the sub region’s migration policy machinery would have an understated effect on the welfare of those on the move within.
- * Second, and unfortunately so, there is a **migration policy-reality disconnect** arising from the policy aspirations of the Partner States of the EAC to encourage high-skilled labour migration in a context characterised by high volume low-skill migration.

69 Tomasz Milej (n. 32)

70 LA Oucho and others, Labour Mobility and Regional Integration in East and Horn of Africa (IOM, 2023)

71 Ibid.

72 See Mohammed Abdikader, in LA Oucho (n. 36).

73 LA Oucho (n. 36)

- * Third, due to the disconnect, the resulting migration policy environment is inefficient and unsustainable for most migrants making their way within the sub region. It is prone to inadvertently encourage irregular migration whose consequences can be devastating for vulnerable migrants, including women, children, refugees, and asylum seekers among others.

Going forward, this report intends to examine the effect of this migration policy-reality disconnect on the labour mobility of protection seekers.





IV. Realising Protection Seekers' Labour Mobility in Eastern Africa in the context of a Migration Policy-Reality Disconnect

4.1. Introduction

This chapter offers a more comprehensive look at refugee and asylum seekers' (protection seekers) labour mobility. As demonstrated previously, protection seekers are a substantive composition of migrants making their way within the subregion.⁷⁴ Unfortunately, the bulk of migration on the subcontinent occurs within a migration policy environment that is not responsive to the reality of movement. Naturally, protection seekers' vulnerabilities become even more accentuated in this context, presenting us with a gargantuan challenge: ***How do we realise labour mobility for protection seekers within a policy context that is already unfavourable to most migrants?***

The ensuing discussion proposes experimentation with responsibility-sharing policies in the East African

Community (EAC) as a means towards liberalising labour mobility for protection seekers within the Regional Economic Community (REC). At the core of this proposal is one fundamental premise discussed in depth in the subsequent sections: due to the current patchwork migration policy regime, the high-volume movements of low-skilled economic migrants, including the economically motivated secondary movements of protection seekers,⁷⁵ puts undue socio-economic pressure on the sub region's low-income countries. In response, this forces member states to renege on their obligations with respect to the socio-economic rights of protection seekers.⁷⁶

In this regard, member states' rights-renegeing policies should not be viewed in isolation. Together with the previously discussed migration policy-reality

74 IOM, A Region on the Move 2021: East and Horn of Africa (IOM, 2022).

75 See Alexandar Betts and others, 'Refugee mobilities in East Africa: Understanding secondary movements' (2023) 49 Journal of Ethnic and Migration Studies 11

76 Gregor Noll, 'Risky games? A theoretical approach to burden-sharing in the asylum field' (2003) 16 Journal of Refugee Studies 3, 239.

disconnect, rights-renegeing forms part of a larger strategic mobility policy bundle deployed within the sub region. The third section proceeds to locate both the migration policy-reality disconnect and member states' rights-renegeing responses within their proper political-economic context.⁷⁷ It finds that both of them emerge as a rational response to the nature of mobility in the sub region: mixed; high volume; and low-skilled.⁷⁸ In response, the fourth section advocates for a policy strategy that adapts to the identified social, political, and economic environment in order to improve protection seekers' labour mobility. It is indeed foreseeable that minimising hosting risks and costs, through the adoption of sub region-wide responsibility sharing policies, has the potential to alleviate the social and economic pressure countries in the sub region are under and, in turn, avail to protection seekers, their sought out social and economic rights, including their rights to movement and to work.⁷⁹ To begin, the chapter offers a brief exploratory analysis of the nature of refugee labour mobility in the sub region.

4.2. Stylised facts on Protection Seekers' Labour Mobility in Eastern Africa

As previously reported, most of the international migrant stock hosted in the subregion (61%) consists of refugees and asylum-seekers.⁸⁰ Importantly, protection seeking movements primarily take place within. In fact, of the 4.96 million refugees and asylum-seekers living in the Eastern, Horn and Great Lakes of Africa (EHAGL) in 2023, 89.5% were from countries within the region, namely South Sudan (39%), DRC (19.5%), Somalia (16%), Burundi (7%), Eritrea (5%), Ethiopia (2%) and Rwanda (1%).⁸¹

The pie charts in **Figure 4.A** below illustrate the distribution of protection seekers (both refugees and asylum seekers) by nationality, across the net-receiving countries in the sub region. It is evident from the data that both Kenya and Uganda host a more diverse pool of nationalities than either Tanzania or Rwanda. Further interrogation of the data in **Figures 4.B** reveals two additional facts. First, the population of protection seekers within the sub region trends upwards. Second, the distribution of asylum seekers vis-à-vis refugees is not equilibrated. Kenya hosts the most asylum seekers by population, compared to any other country in the sub region. Conversely, Uganda hosts the most refugees.

82

77 Isabel Ruiz and Carlos Vargas-Silva, 'The labour market consequences of hosting refugees' (2016) 16 *Journal of Economic Geography* 3, 667-694.

78 Ibid.

79 Gregor Noll 243.

80 International Organisation for Migration, *A Region on the Move 2022: East and Horn of Africa* (IOM, 2023)

<https://eastandhornofafrica.iom.int/sites/g/files/tmzbdl701/files/documents/2023-09/pub2023-044-r-on-the-move-2022-eha.pdf> accessed 25 January 2025, 9.

81 Ibid

82 Our World in Data, 'Asylum Seekers by destination' (UNHCR, 2024)

Figure 4.A (Operational Data Portal, Population of concern: Demographic breakdown (UNHCR, 2025)

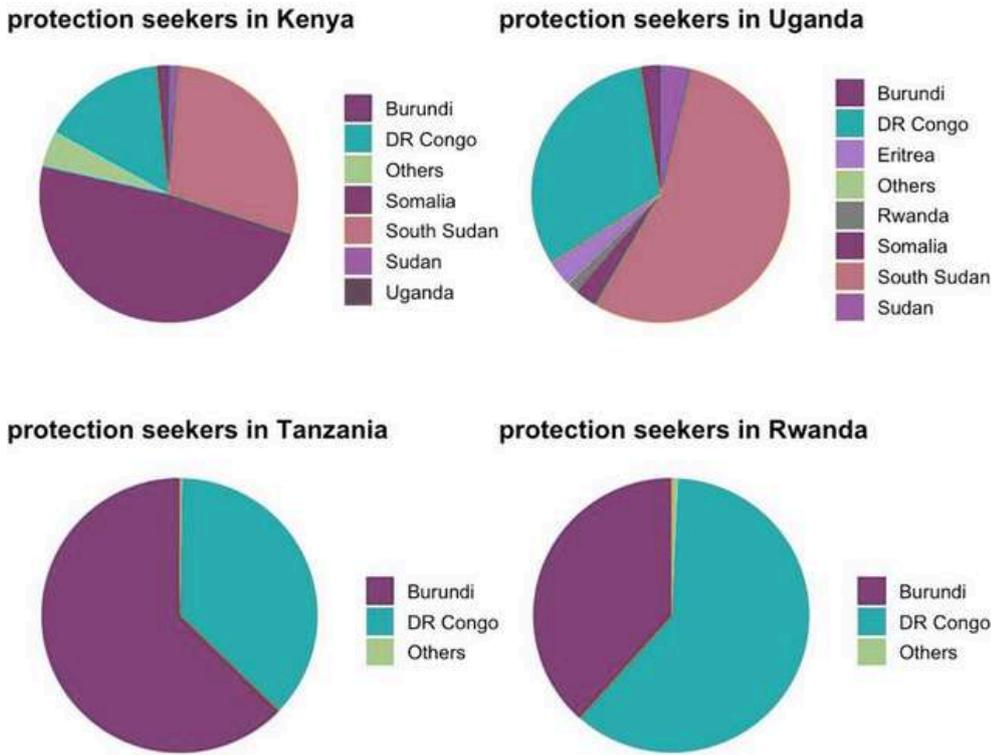


Figure 4.B1

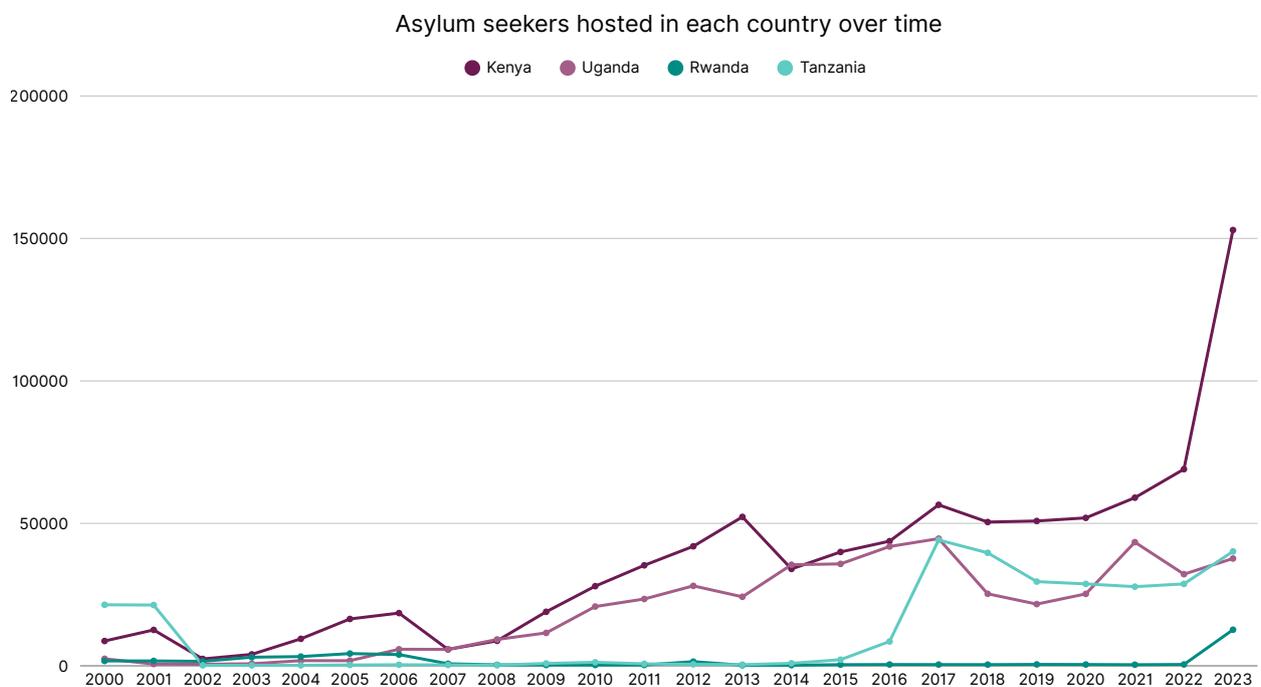
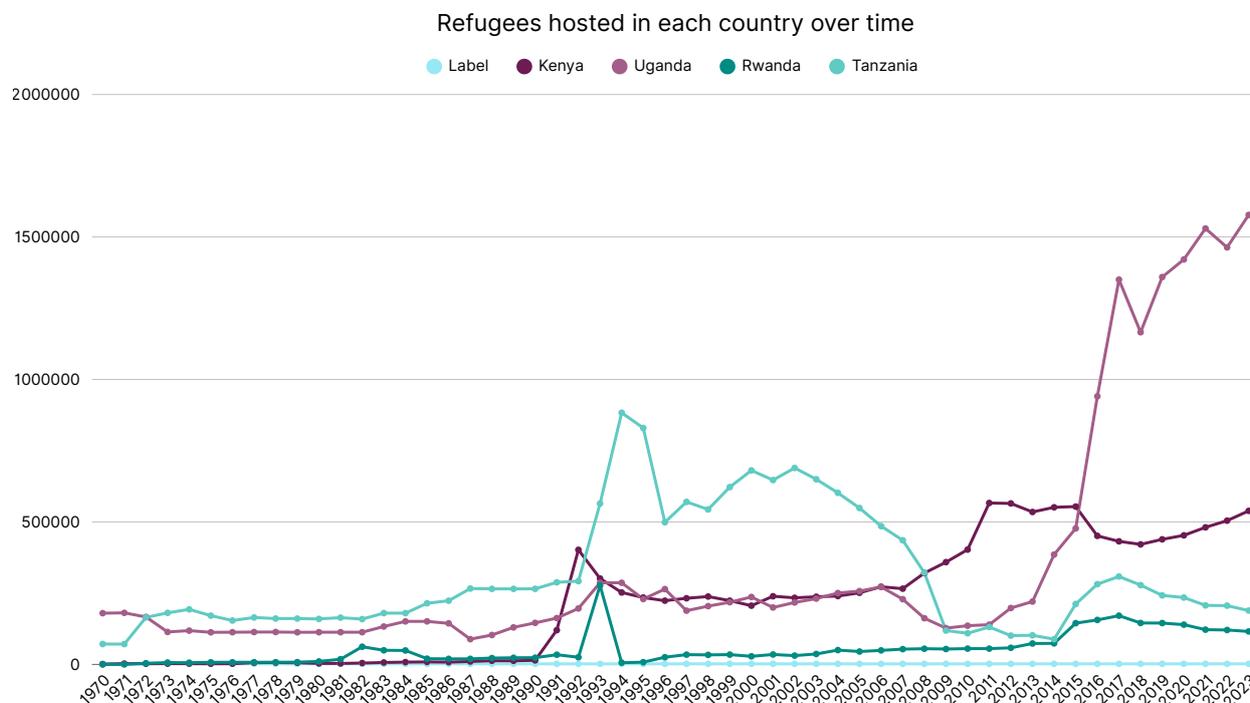


Figure 4.B2



Data for these figures 4.B sourced from UNHCR (2024) – with major processing by Our World in Data. Last updated 25 July 2024. Find [here](#).

Explaining the difference in the distribution of protection seekers across countries in the sub region is a variety of reasons ranging from national policies, the geographical location of net-receiving countries, and pre-existing migration networks, among others.⁸³ And while the matter of proximity of net-receiving states to net-sending ones does not allow us to infer much with respect to the subjective destination preferences of protection seekers on the move, the difference in national policies across countries gives us an additional analytical layer, justifying the unequal distribution of asylum seekers and refugees in the sub region.

For example, Uganda, bordering large net-sending countries like South Sudan, deploys some of the most progressive asylum and refugee policies in the world. It is thus foreseeable that asylum seekers are much more seamlessly transitioned into refugees relative to the other countries. This manifests as the difference between Uganda’s asylum-seeking population and its refugee one, apparent in **figures 4.B1 and 4.B2**. On the other hand, Kenya, also bordering countries in the Horn of Africa that have had protracted conflicts for decades, hosts an incredible number of asylum seekers.

83 See Daniella Botti and Melissa Phillips, Moving on: Exploring onward migration of refugees and migrants from East Africa (Mixed Migration Centre, 2021) https://mixedmigration.org/wp-content/uploads/2021/06/173_Moving_on_Exploring_onward_migration_of_refugees_and_migrants_from_East_Africa.pdf accessed 24 February 2025.

And perhaps owing to its historically more restrictive asylum and refugee policies, fewer asylum seekers transition into refugees, explaining the evident divergence between its asylum-seeking population and its refugee one. In fact, one indicator signaling this difference between Kenya and Uganda is the average processing time of a first instance asylum decision. In Uganda, it takes 285 days while in Kenya, it takes 2738 days—almost 10 times longer than in Uganda.⁸⁴

Interesting as well, is Tanzania’s trajectory. Before the early 2000s, Tanzania, bordering both Burundi and Rwanda (net-sending states then), played

host to the largest protection-seeking population in the sub region. However, following that period, the population of asylum seekers and later, refugees, in the country dropped drastically. This was directly attributable to the introduction of the most restrictive asylum and refugee policies in the sub region.⁸⁵ It is conceivable (seeing the simultaneous rise in asylum seekers and refugees in Uganda) that as a result, protection-seekers on the move substituted Tanzania for Uganda.

Figure 4.C - Summarising national refugee policy indicators

Main net-receiving countries in the EHAGL (except for Ethiopia)	Access to asylum procedures	Freedom of movement	Right to decent work	Secure rights to housing or land	Right to basic education	Combined measure of openness
Kenya						More restrictive
Uganda						More open
Tanzania						Very restrictive
Ethiopia						Very open

84 Compare UNHCR, ‘Uganda: Refugee Policy Review Framework update as at 30 June 2023 (UNHCR, 2023) accessed here against UNHCR, ‘Kenya: Multiyear Strategy 2023-2026’ (UNHCR, 2020) accessed here

85 See Yvette Ruzibiza and Simon Turner, ‘Tanzania’s Open Door to Refugees Narrows’ (Migration Information Source, 2023).

Figure 4.C above summarises data from the UNHCR’s countries’ multiyear strategy documents laying out some key national refugee policy indicators.⁸⁶ In doing so, it showcases further, the variance in national attitudes. Considering that one of the key determinants for protection seekers on the move is an environment in which they can improve their living standards, the question of whether they are guaranteed the rights to freedom of movement and to decent work is thus, fundamental.⁸⁷

Unfortunately, both guarantees are not forthcoming across the board. Kenya’s and Tanzania’s encampment regimes constrict considerably, the right to freedom of movement for protection seekers.⁸⁸ This is to be contrasted against Uganda’s and Rwanda’s self-sufficiency policies, which encourage complete freedom of movement for refugees and asylum seekers.⁸⁹ With respect to the right to decent work for protection seekers, the situation is bleaker, with most countries guaranteeing it only partly or not at all. Certainly, there emerges among the net-receiving states, a proclivity to renege on the obligation to protect, fulfil, and respect some of the socio-economic rights of protection seekers moving within the sub region.

As discussed in depth in preceding chapters, protection seekers respond to these rights-renegeing strategies rationally, by pursuing onward or secondary mobility to countries in the sub region and beyond. In this regard, secondary mobilities should be viewed as mediums through which protection seekers realise for themselves, the most subjectively optimal combinations of social and economic benefits on offer across countries in the sub region.⁹⁰

Summarily, in this policy environment, regular labour mobility for protection seekers is inconceivable. If anything, movement adopts a highly irregular character, even within the host-state itself.⁹¹ In the following section, we interrogate an oft-overlooked justification for the rights-renegeing strategies that states employ, especially with respect to protection seekers’ rights to decent work.

86 For Kenya, see UNHCR, ‘Kenya: Multiyear Strategy 2023-2026’ (UNHCR, 2020) accessed here. Note that the new Refugee Act (2021) guarantees the right to work and freedom of movement within the designated areas in the future. For Rwanda, see the UNHCR, ‘Rwanda: Multiyear Strategy 2023-2025’ (UNHCR, 2020) accessed here; for Uganda see UNHCR, ‘Uganda: Multiyear Strategy 2023-2025’ (UNHCR, 2020) accessed here and for Tanzania, see UNHCR, ‘United Republic of Tanzania: Multi-year Strategy 2023-2025’ (UNHCR, 2020) accessed here.

yellow represents incomplete openness; green near-complete openness; while the red cross represents restrictiveness.

87 See Daniella Botti and Melissa Phillips (n. 83)

88 See UNHCR, ‘Kenya: Multiyear Strategy 2023-2026’ (UNHCR, 2020) and UNHCR, ‘United Republic of Tanzania: Multi-year Strategy 2023-2025’ (UNHCR, 2020)

4.3. Contextualising States' Rights-Renege Strategies within Eastern Africa's Migration Policy-Reality Disconnect

This section turns to the question of why states resort to rights-renege strategies, especially with relation to protection seekers' economic rights. To begin, we situate states' behavior in the protection-seeking context, within the greater "migration policy-reality disconnect" discourse. This is particularly crucial, considering the prevalence of mixed migration flows in the sub region: referring to irregular movements by a host of people travelling together on the same routes and sharing similar modes of transport, but for different reasons.⁹² In an environment such as this, where protection seekers are in many instances virtually indistinct from other migrants, it is foreseeable that states' attitudes towards the various groups of migrants making their way within the sub region, evolve to be indistinguishable.

The entirety of our discussion in this regard, revolves around the matter of labour market impacts in the event of large migratory flows-the norm in the sub region. At the core of our analysis is the fact that these migratory flows lead to an **exogenous shift in the labour supply** of the host location, which simply refers to

an increase in workers not occasioned by the market itself.⁹³

Thus, **the degree of substitutability between migrants and locals** in any given labour market is of the highest concern. This is primarily because in cases where substitutability is high between the two groups, one can expect a large and negative impact on the wages and on the distribution of locals across occupations.⁹⁴

Unfortunately, higher degrees of substitutability are most likely observed in low-income countries, where cross border populations share similar education backgrounds; are largely engaged in informal low-skill work; and tend to rely heavily on the same occupations (such as agriculture or pastoralism) for subsistence. The added fact that some of these populations share a language such as Swahili, makes them very close substitutes for locals in host labour markets. Seeing as low-skilled economic migrants and protection seekers-the defining character of migration in the sub region-are often willing to accept a lower wage than similarly low-skilled local workers, an influx of cheaper and substitutable informal labour, as happens during mass migration, tends to have large negative effects on locals' employment.

89 See Alexander Betts (n. 44); Yvette Ruzibiza and Simon Turner, 'Tanzania's Open Door to Refugees Narrows' (Migration Information Source, 2023). See also UNHCR, 'Rwanda: Multiyear Strategy 2023-2025 (UNHCR, 2020) and UNHCR, 'Uganda: Refugee Policy Review Framework update as of 30 June 2023 (UNHCR, 2023).

90 Corroborated by the Findings in Daniella Botti and Melissa Phillips (n. 10).

91 See Daniella Botti and Melissa Phillips (n. 83)

92 See 92 International Organisation for Migration, A Region on the Move 2022: East and Horn of Africa (IOM, 2023) (n.10) 40. See also, European Commission, 'Mixed Migration Flow' accessed here.

93 See Valentina Calderón and Ana María Ibáñez, 'Labor Market Effects of Migration-Related Supply Shocks: Evidence from Internally Displaced Populations in Colombia', Documentos CEDE 5851, Universidad de los Andes, Facultad de Economía, CEDE.

Figure 4.D - Illustrating the theoretical mechanism leading to rights-renegeing strategies among states



It is hence apparent that migrants' economic participation triggers strong spillover effects on host communities.⁹⁵ The implications of this are significant for host countries. Consider Tanzania, which in the 90s saw an influx of Burundi and Rwandan asylum seekers. In the Northwest, Kagera, a region of about 1.5 million people then, hosted about 750,000 protection seekers.⁹⁶ There is evidence, that this migration flow brought in casual agricultural labour so incredibly substitutable with that of majority of the locals, that it severely impacted the host populations' labour market outcomes. It is estimated that in some areas of Tanzania, the wage of casual workers dropped by 50% after the refugee inflow.⁹⁷ Importantly, for local agricultural employees who were the most affected,

increased proximity to the Burundi or Rwanda borders severely diminished their likelihood to find work outside of the home.⁹⁸ In fact, the impact was so severe that this depression in income is manifest in the children who were less than 7 years old at the time of the refugee shock. Today, they display very little social mobility compared to previous cohorts. This is most likely due to the disruption in their human capital accumulation, which subsequently affected their labour market outcomes in adulthood.⁹⁹

Appreciating the competitive labour market dynamics of the affected populations (both host and migrant) allows us to view them in their proper political economic context-as political fodder for aspiring political

94 See Isabel Ruiz and Carlos Vargas-Silva, 'The labour market consequences of hosting refugees' (2016).

95 Oded Stark, 'On the Economics of Refugee Flows' (2004) 8 *Review of Development Economics*, 2, 325-329.

96 Beth Elise Whitaker, 'Refugees in Western Tanzania: The distribution of burdens and benefits among local hosts' (2002) 15 *Journal of Refugee Studies*, 339-358.

97 Ibid

98 See Isabel Ruiz and Carlos Vargas-Silva, 'The labour market consequences of hosting refugees' (2016).

99 Ibid.

entrepreneurs. Ascending political leaders such as Benjamin Mkapa competed to satisfy the demands of the largely disgruntled host populations by adopting extreme forms of rights-renegeing strategies. These effectively rewrote refugee policy in Tanzania.¹⁰⁰

In such a context, rights-renegeing yields high political dividends, which explains how countries like Tanzania and Kenya maintain restrictive refugee policies, especially as regards the right to decent work. On the contrary, Uganda, having evolved a political economy dependent on hosting protection seekers, the same strategies would yield low political dividends.

The added fact of the political economy of net-receiving countries gives a unified understanding of migration policy in the sub region. From this vantage point, states' rights-renegeing strategies emerge as one of the double features in the sub region's migration policy discourse—the other being its migration policy-reality disconnect. An influx of low-skilled migrants (regardless of their status) occasions too much of a disruption to already struggling economies. The state-led solution to constrain high mobility is to conceive of labour mobility in only high-skilled terms generally and to renege on socio-economic rights in the case of protection seekers, specifically.

4.4. The Remedial Promise of Responsibility Sharing: A Game Theoretic Model

A key to unlocking long-term remedial strategies to counter states' rights-renegeing approaches is understanding that the distribution of benefits and burdens is never equal across host populations. In Tanzania for example, hosts who already had access to resources, education, or power were better poised to benefit from the refugee presence, while those who were already disadvantaged in the local context became even further marginalised.¹⁰¹

By this logic, the main antagonist to the realisation of protection seekers rights is the nature of migration in the subcontinent: high volume and low-skilled migrants distributed over narrow territories occupied by socio-economically homogenous communities.¹⁰² In the same vein, a solution can found in the inverse—a wider dispersal of the incoming protection seeking or migrant population across demographics, in order to more equitably distribute the costs and risks associated with hosting. This section interrogates the potential of sub region-wide responsibility sharing as one such dispersal mechanism through a game-theoretic lens.

100 Sreeram Sundar Chaulia, 'The politics of refugee hosting in Tanzania: From open door to unsustainability, insecurity, and receding receptivity' (2003) 16 *Journal of Refugee Studies* 2.

101 The distribution of benefits and burdens was not equal across the host communities in Tanzania. See *Ibid*.

102 See Oded Stark, 'On the Economics of Refugee Flows' (2004)

4.4.1. A model for responsibility sharing

To model the game, net-receiving states in the EAC could be likened to players participating in a prisoner's dilemma. If they choose to cooperate and share the responsibility of distributing protection

seekers amongst themselves, they will manage to avoid peak costs, while exploiting fully, the available resources. In this construct, cooperation in the form of burden or responsibility sharing, yields the highest payoffs. See **table 4.A** below

Table 4.A - Game theory modelling of responsibility sharing

	State B (Cooperates)	State B (Defects)
State A (Cooperates)	3, 3 (both benefit) (highest payoffs)	0, 4 (B exploits)
State A (Defects)	4, 0 (A exploits)	1, 1 (mutual harm) (dominant strategy)

In fact, emerging customary international law encourages such agreements aimed at sharing norms and the equitable distribution of protection seekers among states.¹⁰³ Consensus on them abounds insofar as there are sufficient safeguards to guarantee effective access to protection from direct and indirect refoulment and other threats.¹⁰⁴ Unfortunately, however, these agreements are not spontaneously occurring. There exist numerous incentives to defect from such a regime.

Consider how, for example, if a state chooses to defect (by not accepting a protection-seeking population), it reaps higher payoffs **(4,0)**, by evading the costs and risks attendant to hosting, compared to a corresponding state that chooses to cooperate. Moreover, it is especially terrible for a state that chooses to cooperate in the face of another's defection because this means it bears the costs and risks of hosting by itself **(0,4)**.

103 Dana Schmalz, 'The principle of responsibility sharing in refugee protection: An emerging norm of customary international law' (Völkerrechtsblog, 2019) <https://voelkerrechtsblog.org/de/the-principle-of-responsibility-sharing-in-refugee-protection/> accessed 25 February 2025

104 Adreina de Leo and Eleonora Milazzo, 'Responsibility Sharing or Shifting? Implications for the new pact for future EU cooperation with third countries (Friedrich Ebert Stiftung, 2024). Also, Gregor Noll, 'Risky games? A theoretical approach to burden-sharing in the asylum field' (2003);

In this model, a state's most likely resolve is to defect, regardless of what their counterpart does. This is because such a strategy guarantees it higher or equal payoffs **(1,1)** in relation to the other players. "Defect" is thus the game's dominant strategy, operatively hindering the realisation of higher payoffs for all players in the event of cooperation.

Such explains the current status quo among net-receiving states within the EAC. Post 2000, Tanzania's vis-à-vis Uganda's payoffs, can be equated to a **(4,0)** yield, with Tanzania on the lead. This is particularly due to the substitution effect of Tanzania's shift in refugee policies, which saw protection seekers opting for Uganda where possible. In fact, the adoption of more restrictive policies by both Tanzania and Kenya has left Uganda unsustainably burdened and exhibiting warning signs including environmental degradation and heightened socio-economic vulnerability among others.¹⁰⁵ Regrettably, the complete failure to cooperate prevents a more equitable dispersion of migrants and protection seekers across jurisdictions, meaning that states fall back on rights-reneging strategies, to manage incoming migrants vis-à-vis their own populations.

Luckily, in this case, the question of hosting protection seekers within the auspices of a REC aimed at widening and deepening inter-state cooperation like the EAC, gives us an iterative or a repeated game, rather than a one-shot game. An iterative game presents the players with an opportunity to learn and inform each other's preferences. Figure 4.E below illustrates the cumulative payoffs in a simulation of a repeated game. Both players employ a tit-for-tat strategy against one another. The players quickly learn to mimic each other and inevitably, cooperation becomes the dominant strategy. In this case, the payoffs are optimised and are, cumulatively, on an upward trend while defection is immediately punished. As an iterated form of the prisoner's dilemma, it outperforms greedy strategies because it promotes mutual cooperation.

There are various reasons why this prospect is encouraging. First, sub regional responsibility sharing is a more realistic option compared to a global one.¹⁰⁶ Risks in a regional scheme are a priori more circumscribed than those in a global one, increasing predictability and facilitating consensus among would-be players.¹⁰⁷ Thus, within a sub regional framework, we are looking at an alliance perspective centered on a specific task.¹⁰⁸

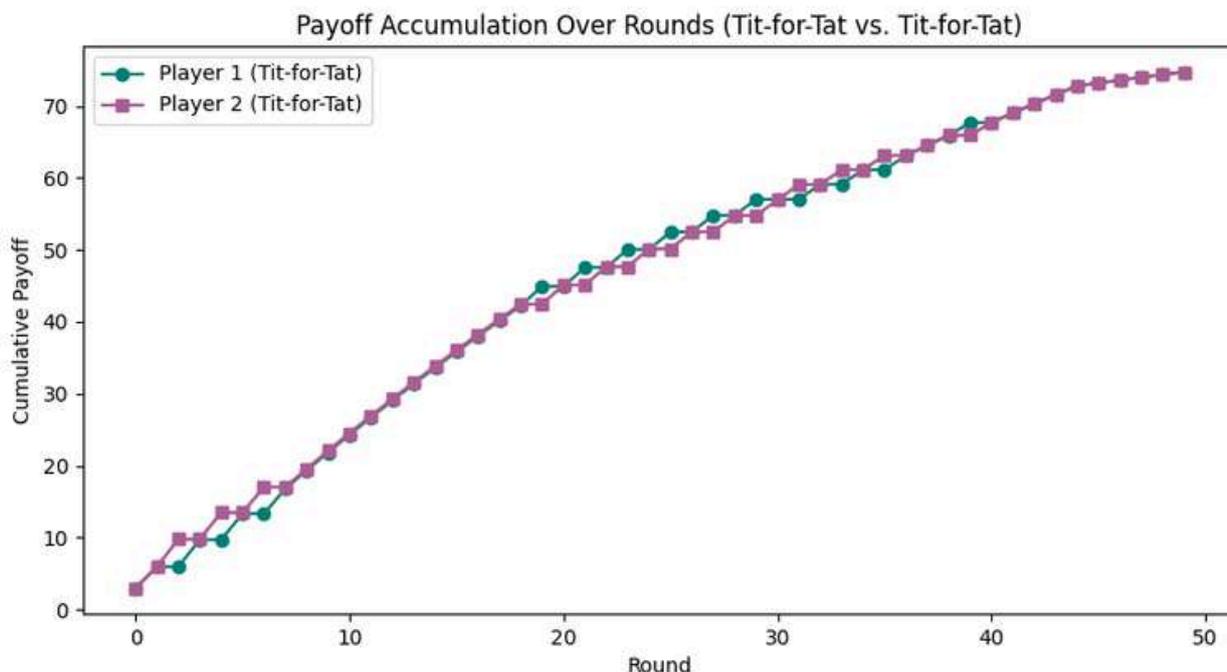
105 See UNHCR, 'Uganda: Multiyear Strategy 2023-2025 (UNHCR, 2020) accessed here,

106 See Gregor Noll, 'Risky games? A theoretical approach to burden-sharing in the asylum field' (2003), 241.

107 See Gregor Noll, 'Risky games? A theoretical approach to burden-sharing in the asylum field' (2003) 241.

108 Ibid.

Figure 4.E - Payoffs of an implemented simulation where players employ a tit-for-tat strategy



Second, there seems to be a reasonable probability of success with this approach. Kenya’s new Refugee Act (2021) suggests a unilateral position on region-wide responsibility sharing that ought to be exploited. Among the enumerated rights and obligations of refugees, the Act provides that a person from a Partner State of the EAC, who has been recognised as a refugee under the Act may opt to voluntarily give up their status as a refugee in order to enjoy any of the benefits due to them under the framework of the EAC.¹⁰⁹ Chapter 3 elucidated on these benefits, including the right to freedom of movement; the right to own property; and the right to freedom of movement of labour.

Of note is that the limitations of the EAC’s guarantees are substantial and the EAC itself has no agreement on the treatment of refugees. Nevertheless, Kenya seems to be a first mover with respect to the REC’s ambition to develop common mechanisms for the management of refugees in the region. Strategic policy making in the future has the potential to transform Kenya’s unilateral policy boomerang into sub region-wide approaches to responsibility sharing. The next chapter scopes this out more practically.

¹⁰⁹ Kenya: The Refugees Act (2021) No 10 of 2021.

4.5 Observations and Conclusion

This chapter offered a more incisive look into protection seekers' labour mobility on the East African subcontinent. Owing to the **absence of regular mobility pathways** in this regard, it interrogates the proclivity of Eastern African states with large numbers of protection-seeker mobility inflows to resort to rights-renegeing strategies vis-à-vis asylum seekers and refugees' socio-economic rights. Having understood the mechanisms that lead to the current status quo, and more so the political and economic motivations of states in the sub region, we purposed to propose a remedy, in the form of a policy strategy that counters the current approaches.

The following takeaways summarise our key findings:

* First, the greatest challenge to the realisation of protection seekers' rights and hence, of regular pathways for protection seekers' intra-regional labour mobility, is the nature of migration in the subcontinent. **Mobility is mixed; high volume; and composed of low-skilled migrants (including protection seekers) distributed over narrow territories occupied by socio-economically homogenous communities.** In low-income countries, such as the ones under study, these types of inflows are highly destabilising particularly because they have large negative impacts on the labour market outcomes of the affected host populations.

* As a result, member states' rights-renegeing responses are not to be viewed in isolation. Together with the migration policy-reality disconnect, rights-renegeing forms part of a larger strategic mobility policy bundle deployed within the sub region. The reason for this is both rational and predictable. In an effort to constrain all voluminous, low-skilled mobility, the sub region's net-receiving states elect to conceive of labour mobility in high-skilled terms generally and to renege on socio-economic rights in the case of protection seekers, specifically.

As a response, this chapter proposes the adoption of sub region-wide dispersal policies, namely: responsibility sharing. An equitable distribution of hosting risks and costs among states through protection seekers' sharing agreements has the potential to alleviate the social and economic pressure net-receiving countries in the sub region come under while hosting. In turn, such relief could translate into a rights-affirming state response, guaranteeing protection seekers their social and economic rights, including their rights to freedom of movement and to work. The next chapter explores the practical mechanisms through which this strategy can be realised, including by providing an exploratory map of relevant stakeholders.

V. Exploring Strategy and Actors aimed at realising Responsibility sharing in Eastern Africa

5.1. Introduction

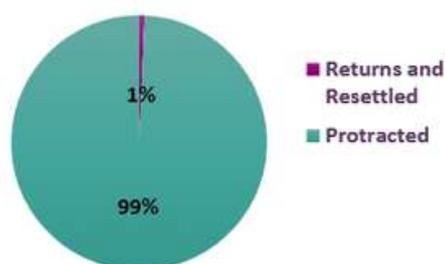
We intend, in this chapter, to conduct a survey of the current policy terrain with a view to ascertaining the utility of deploying responsibility sharing as a strategy to redress EAC Partner States’ rights-renegeing approach with respect to protection-seekers. The discussion is structured in the form of a **SWOT analysis**, exploring the strengths, weaknesses, opportunities, and threats inherent in the construction of a subregional-wide responsibility-sharing framework. The next section scopes out relevant stakeholders, and the final section concludes.

5.2. A SWOT analysis of responsibility sharing as strategy

5.2.1. Strengths & Opportunities

A. The strategy is responsive to the protracted nature of displacement

There is, unfortunately, a quality of protractedness to protection-seeking within Africa. This refers to a situation where a protection seeker is displaced for longer than five years and lacks a durable solution to their plight by means of voluntary repatriation, local integration, or resettlement.¹¹⁰ In the East, Horn, and Great Lakes region (EHAGL), the estimated rate of returns and resettlement are confoundingly low, leaving most protection seekers in protracted situations.¹¹¹



110 See originally, Jeff Crisp, ‘No solutions in sight: The problem of protracted refugee situations in Africa’ 75 *New Issues in Refugee Research* (UNHCR, January 2003). See for a recent discussion: Samuel Opono and Frank Ahimbisibwe, ‘Protracted refugee situations and the shrinking durable solutions: Could there be a ray of hope in local solutions?’ (2024) 10 *Cogent Social Sciences* 1.

111 See UNHCR, *Global Report 2023: East and Horn of Africa and the Great Lakes* (UNHCR, 2023) <https://reporting.unhcr.org/global-report-2023/regional-overviews/east-and-horn-africa-and-great-lakes> accessed 20 March 2025.

Recently, research has emphasised on the need for local solutions to the problem.¹¹² Responsibility sharing, as part of a broader strategy to usher in self-reliance policies geared towards the integration of protection seekers in host societies, offers an effective response to the problem. The redistribution of protection seekers across the subregion would avail to policy makers, an additional option beyond voluntary returns and resettlement, both of which have not been forthcoming.

B. The strategy is responsive to current geo-political and economic trends

International cooperation, a feature of the now fraying post-war global order, is in decline. Sadly, this retreat from multilateralism has been inimical to displacement management, referring to

the strategies and actions adopted to address the needs of people forced to leave their homes.¹¹³ This is especially so protection seekers’ assistance in a region like the EHAGL, where reliance on multilateral support for displacement management has been absolute.¹¹⁴ We reckon that responsibility sharing among EAC Partner States presents a much-needed innovative solution. **Figure 5.A** below illustrates the enormity of the challenge. Evidently, the need for funding for forced displacement crises has increased over time. This could be attributed to an increase in displacement from conflict, climate change, or both. Unfortunately, the gap between pledged and required resources has also risen. The largest deficit was experienced in 2023, where guaranteed funds could only cover 44% budget. Considering recent aid

Figure 5.A - Illustrating Humanitarian Funding and the Gap in Coverage for Forced Displacement Crises.

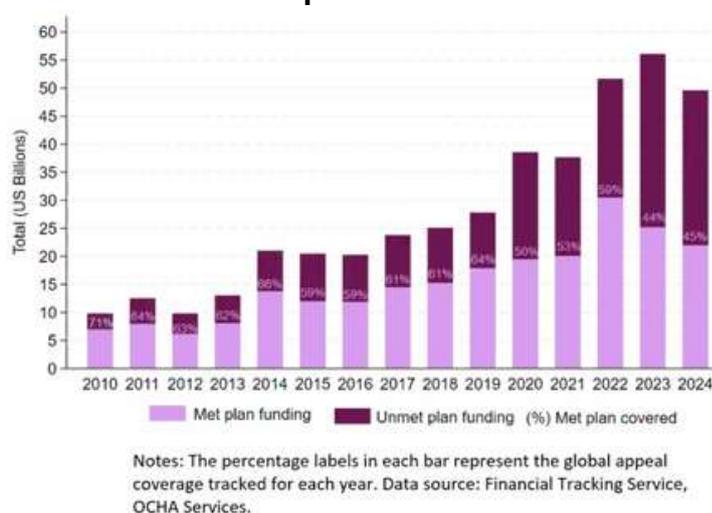


Illustration from Sandra Rozo and Guy Grossman, ‘Refugees and other forcibly displaced populations’ (VoxDevLit, 18 March 2025)

112 Samuel Opono and Frank Ahimbisibwe (n. 110)

113 Johannes Hoogeveen, Kasrisha Silva, and Craig Loschmann, ‘Investing in refugees’ self-reliance: A more cost-effective and sustainable response’ (UNHCR Blogs, November 14 2024)

<https://www.unhcr.org/blogs/investing-in-refugees-self-reliance-a-more-cost-effective-and-sustainable-response/> accessed 19 January 2025.

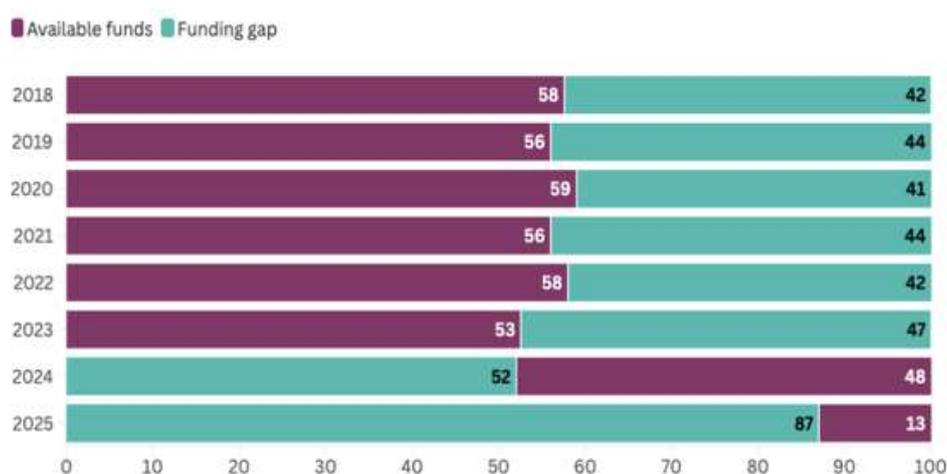
114 Ibid. See also The World Bank and UNHCR, Economic Participation and the Global Cost of International Assistance in support of Refugee Subsistence Needs (UNHCR & The World Bank, 2024)

<https://www.unhcr.org/media/economic-participation-and-global-cost-international-assistance-support-refugee-subsistence> accessed 19 January 2025.

by governments in developed countries, there is no indication that this trend will reverse anytime soon.¹¹⁵ In fact, an increasing percentage of funds earmarked as aid is currently spent hosting protection seekers in developed countries.¹¹⁶ For example, the Organisation for Economic Cooperation and Development (OECD) reported that at least 14.4% of Overseas Development Assistance (ODA) in 2022 was spent internally, catering to in-donor refugee costs.¹¹⁷ In response, stakeholders in the protection-seeking domain have turned their attention to advancing policies that are less reliant on donor funds. This manifests in the push for more self-reliance hosting policies.¹¹⁸ Take, for

instance, the United Nations High Commissioner for Refugees (UNHCR), which, as seen in the graph below, is set to witness the largest funding gap in its budget this year. Due to its widening deficit, its strategy has transitioned over time to experimenting with and facilitating the adoption of policies aimed at the social and economic inclusion of protection seekers in their host economies. This aspiration for self-reliance approaches to protection seekers' assistance is codified in the new Global Compact on Refugees.¹¹⁹ Unfortunately, for countries such as Tanzania and Kenya, this is a colossal shift away from long-held 'rights-reneging' strategies that are reliant on donor funding for their success.¹²⁰

Figure 5.B - Illustrating the UNHCR's funding gap



Data sourced from the UNHCR Funding Overview Document (2018-2025)

115 Lee Crawford, 'Don't give up on aid just yet' (Centre for Global Development, 2025)

<https://www.cgdev.org/blog/dont-give-aid-just-yet> accessed 19 March 2025.

116 For the UK, this amounts to about 28% of the aid budget today. See Independent Commission for Aid Impact, 'Use of the aid budget to host refugees in the UK rises to £4.3bn' (ICAI, 10 April 2024)

<https://icai.independent.gov.uk/use-of-the-aid-budget-to-host-refugees-in-the-uk-rises-to-4-3bn/> accessed 19 March 2025.

117 OECD, 'Foreign aid surges due to spending on refugees and aid for Ukraine' (OECD, 12 April 2023)

<https://www.oecd.org/en/about/news/press-releases/2023/04/foreign-aid-surges-due-to-spending-on-refugees-and-aid-for-ukraine.html> accessed 19 March 2025.

118 OHCHR, Global Compact on Refugees (UN New York, 2018) <https://www.unhcr.org/media/global-compact-refugees-booklet> accessed 19 March 2025.

119 Ibid.

120 The World Bank and UNHCR, Economic Participation and the Global Cost of International Assistance in support of Refugee Subsistence (n. 114)

Our previous discussions demonstrate how unlikely social and economic inclusion is, in the current environment. We view responsibility sharing as a mechanism through which policy stakeholders can effectively dislodge this dependence, aligning state practice with contemporary global priorities. The suitability of the approach is further enhanced by the fact that it offers an added layer of operability to resettlement.

C. The strategy is actualised through existing regulatory and policy coordination capacities

One other advantage of adopting responsibility sharing across the subregion involves the fact that it etches onto **existing regulatory and policy coordination capacities** built into the EAC. Any protection seekers' sharing agreement would be tethered onto the Treaty for the Establishment of the EAC, which is bolstered by a legislature and judiciary. The EAC Common Market and Peace and Security Protocols add further institutional frameworks, whose mechanisms can be extended to ensure the freedom of movement and of labour of protection seekers hailing from within the subregion. While the institutional set-up within the EAC is largely inefficient and vulnerable to national interests,¹²¹ its regulatory and policy capacities can be enhanced. To this end, there are several openings:

* First, on 16 June 2023, the Intergovernmental Authority on Development (IGAD) and the EAC signed the **Munyonyo Declaration on Durable Solutions for Refugees in the East and Horn of Africa**.¹²² The Declaration largely echoes the principles codified in the Global Compact on Refugees, including: the social and economic inclusion of protection seekers in their host countries; the pursuit of self-reliance policies, such as by providing for protection seekers' labour mobility and affirming their right to decent work; and responsibility sharing.¹²³ To this end, the Declaration foresees the drafting, adoption, and implementation of **Comprehensive Regional Refugee Management Policies**. These are designed to harmonise coherent standards of protection, including a shared policy on **the onward and pendular movements** of protection seekers within the sub region.

* Second, following a regional consultative process on migration (RCP), Government Ministers of the EAC recently adopted a 5-year migration action plan with support from the International Organisation for Migration (IOM).¹²⁴

121 Scott Jacobs and Cesar Cordova, Regulatory Capacity Review: East African Community (The World Bank, 2011) <https://documents1.worldbank.org/curated/en/322151468037509867/pdf/770970WP0Box370ity0Review0Published.pdf> accessed 19 March 2025.

122 James Owino, Pledges aren't enough to protect East Africa's Refugees (Institute for Security Studies, 2023) <https://issafrica.org/iss-today/pledges-arent-enough-to-protect-east-africas-refugees> accessed 19 March 2025.
123 See IGAD and EAC, IGAD-EAC Ministerial Declaration on Durable Solutions for Refugees in the East and Horn of Africa (IGAD & EAC, 16 June 2023).

The action plan is intended to align Partner States' policies and enhance collaboration with a view to strengthening their capacities on various issues linked to migration, ranging from labour, climate change, and development among others.

These two regional processes provide a snapshot of the EAC's latent potential in governing protection seekers' labour mobility through a responsibility sharing framework. This, compounded by the willingness of local and international stakeholders to support more robust EAC oversight over protection seekers' mobility, confirms the cogency of pursuing responsibility sharing as a strategy, sub-regionally.

D. The strategy exploits opportunities arising from national transitions to new national displacement management approaches

EAC Partner States' national displacement management approaches are also changing. Kenya for example, has had an overhaul of its refugee law, in an attempt to bring it into conformity with the aspirations of the Global Compact on Refugees. Its new Refugee Act (2021) seemingly shifts the country's practice away from decades of encampment towards the socio-economic integration of protection seekers through settlement.

The Act pursues integration by granting refugees the right to work; freedom of movement in a designated area; and the right to own property.¹²⁵

Moreover, as previously discussed, the new Act foreshadows a model for sub region-wide responsibility sharing. It gives refugees from the EAC the option to take up EAC citizenship. Effectively, this would proceed to affirm a bundle of socio-economic rights for refugees within the subcontinent.¹²⁶ One can read this as a unilateral modification of the EAC-CMP by Kenya. With the right incentives, other Partner States may choose to extend the same offer within their jurisdictions, thus constructing a sub region-wide responsibility sharing model.

In the same vein, despite Tanzania's preference for restrictive displacement management policies, the turn to self-reliance has had an impact on its policymaking, too. During the 2019 Global Refugee Forum and again in 2023, the Government of Tanzania made some concessions, agreeing to the reinstatement of an open asylum policy in the country.¹²⁷ These changes present as opportunities that civil society, inter-governmental, and non-governmental actors can leverage to facilitate a transition to displacement management policies that:

124 IOM, East Africa Community Bloc adopts 5 year migration action plan with support from the IOM (IOM, 29 November 2024) <https://eastandhornofafrica.iom.int/news/east-africa-community-regional-bloc-adopts-5-year-migration-action-plan-support-iom> accessed 19 March 2025.

125 See discussion in the preceding chapter and the Kenyan Refugee Act (2021).

126 Kenya: The Refugees Act (2021) No 10 of 2021.

127 UNHCR, 'United Republic of Tanzania: Multi-year Strategy 2023-2025' (UNHCR, 2020) accessed here.

5.2.2. Weaknesses & Threats

A. The EAC's weak regulatory, analytical, and delivery capacities

A sub regional responsibility sharing framework would rely heavily on the regulatory, analytical, and delivery capacities of the EAC Secretariat. Unfortunately, in their present form, these are constrained. The Community has indeed found it difficult to carry out the essential market functions required under the common market. The following shortcomings force us to cast aspersions on the REC's ability to materialise a functional responsibility sharing regime among its membership.

*** Weaknesses in its regulatory capacity:** A World Bank report in 2011 discussed the significant challenges facing the EAC's regulatory capacities.¹²⁸ Importantly, it highlighted that there is a general **lack of regulatory strategy**. Additionally, the proliferation of bodies assuming splintered legislative duties led to a fragmentation in policy; a lack of procedures; and an increase in regulatory costs, resulting in inefficient and costly policy and regulatory processes.

*** Shortcomings in its analytical capacity:** The report noted that during a typical policy and regulatory process, the EAC's analytical capacity is severely limited.

Consultation in the Community is normally limited to a few private interests; it rarely insists on impact analyses on proposed EAC policies and legislation; and it lacks principles on quality to guide its selection of policy and/or legislative options. This apparent **knowledge-processing gap** revealed a major shortcoming in the Community's analytical capacity. In summary, it could be said to lack foresight on the consequences of its policy and legislative choices, resulting in relative opacity regarding its policy-making and regulatory role, both internally and externally.

*** Threat of a policy-implementation gap owing to weak delivery capacity:** The weakest link in the EAC's functionalities is found between its policy ambition and implementation. Its compliance monitoring and enforcement mechanisms are essentially decrepit. As a result, Partner States lack the incentives to comply with EAC policies regulations; meaning that such policies rarely inspire any substantive policy reforms within countries. Therefore, the threat of **a policy-implementation disconnect** looms large. It is, unfortunately, possible to succeed in crafting a responsibility sharing agreement that does not subsequently translate into an equitable redistribution of protection seekers.

127 UNHCR, 'United Republic of Tanzania: Multi-year Strategy 2023-2025' (UNHCR, 2020) accessed here.

128 Scott Jacobs and Cesar Cordova, Regulatory Capacity Review: East African Community (The World Bank, 2011)

B. The threat of political backlash

As with any other migration issue, responsibility sharing as a strategy, would be exposed to the ***inflammatory nature of migration politics***. The reason is singular. At the end of the day, the “appropriate” number of protection seekers on any state’s territory’ is conceived in a subjective manner (by the host population), and so is the degree of ‘acceptable’ social and political costs.¹²⁹ That there are “large numbers of protection seekers” necessarily denotes what the state, and the communities informing its position, believe to be “large numbers”.¹³⁰ Therefore, success hinges on the ability of policy makers to estimate, “a fair distribution of protection seekers” across Partner States and even internally, within regions in any one country. This demands at the least, a high level of analytical and coordination capacities, which as discussed, are wanting.

Nevertheless, this broad survey of the fault lines inherent in our approach serves to illuminate the various ways that the sub region’s functionalities can be employed or bolstered in readiness for a responsibility sharing regime. Apparent, is the importance of ***intentional collaboration among the relevant stakeholders*** working in the protection-seekers and/or migration space. Such partnership has the potential to address some of the identified shortcomings.

For example, national government agencies are better placed to assess and advise on the political risk inherent in proposals. On the other hand, knowledge partners working in concert with national governments could fill in the analytical gaps while inter-governmental partners assist in addressing the weaknesses in regulatory; coordination; and delivery gaps. The next section explores this further.

5.3. Scoping Stakeholders

5.3.1 The boomerang pattern

While designing a stakeholder engagement strategy, we model it in the ***boomerang pattern***, which highlights the interaction between local organisations and transnational ones in occasioning changes in domestic policy.¹³¹ It is conceived this way: Owing to local organisations’ lack of influence in certain domestic policy environments, they deliberately choose to collaborate with influential transnational organisations that can wield their influence to catalyze policy changes within national and sub regional governments. In this framework, civil society or domestic NGOs direct their calls for reform to international organisations such as international NGOs; inter-governmental organisations; and knowledge partners. When aligned, these more influential groups exert pressure on national and regional governments to bring about changes in national policies.

129 Gregor Noll, ‘Risky games? A theoretical approach to burden-sharing in the asylum field’ (2003) 16 *Journal of Refugee Studies* 3, 239.

130 Ibid.

131 Margaret Keck and Kathryn Sikkink, ‘Transnational advocacy networks in international and regional politics’ (1999) 68 *International Social Science Journal* 227-228.

The boomerang pattern is particularly suited to issues concerning displacement management within the EHAGL. In this domain, transnational organisations enjoy an outsized influence over national governments. A large part of it is attributable to national governments' absolute reliance on donor-funding, typically channeled through foreign and intergovernmental development organisations. One might as a result, reasonably infer that domestic policy adjusts to the preferences of these transnational groups. In fact, Partner States' recent and perhaps even reluctant turn to self-reliance policies locally, is evidence of this. In this discussion, we identify potential transnational partners whose policy direction is similar to our own. We also trace the intended direction of influence to regional and national public sector partners, whose participation in developing a responsibility sharing regime, is crucial.

5.3.2 Intergovernmental development Partners

* The Office of the United Nations High Commissioner for Refugees (UNHCR):

The UNHCR is the apical organisation dedicated to improving the lives of displaced and/or stateless persons.¹³²

To this end, the UNHCR funds displacement management programmes in countries; delivers aid and protection in emergencies and advocates for laws and policies to improve asylum processes. It is an ideal partner in this regard because governments' reliance on it for resource-provision allows it to shape domestic policy discourse. Moreover, the UNHCR's future objectives are closely aligned with a strategy keen on constructing a responsibility sharing regime in the subregion. In its Global Appeal in 2025, it called for the adoption of self-reliance policies, including the economic inclusion of protection seekers in host economies.¹³³ In order to realise this, the UNHCR has instituted:

-  A multiyear strategy (2025-2030) aimed at facilitating and coordinating economic inclusion activities for displaced populations; testing new approaches and filling programming gaps where few actors are involved; and influencing law and policy reforms in this regard.¹³⁴ A brainchild of this shift to self-reliance is the ***Shirika plan and by extension, the Kalobeyi Integrated Social and Economic Development Programme (KISEDPP)*** in Kenya. Both pilot a self-reliance approach to protection seekers' assistance.¹³⁵

132 UNHCR, About UNHCR <https://www.unhcr.org/about-unhcr> accessed 19 March 2025.

133 UNHCR, Global Appeal 2025: Impact, Focus, Outcome, and Enabling Areas' (UNHCR, 2025) <https://reporting.unhcr.org/sites/default/files/2024->

11/Global%20Appeal%202025%20%20Impact%2C%20Focus%2C%20Outcome%2C%20Enabling%20Areas.pdf accessed 19 March 2025.

134 Ibid.

135 UNHCR, Kalobeyi Settlement (UNHCR)

 **The Global Refugee Forum (GRF):** The GRF, organised and hosted by the UNHCR is the central arrangement to the Global Compact on Refugees.¹³⁶ Seen as a contemporary model for protection-seeker management, the GRF conceptualised “**Support Platforms**” which are defined as flexible modalities for the provision of situation-specific support from the international community.¹³⁷ A Support Platform is led by a group of states, committed to providing support and benefiting from the engagement of other stakeholders, as appropriate. Three Support Platforms were launched in 2019. Among them is the **Nairobi Process** facilitated by IGAD in the East and Horn of Africa.¹³⁸ The Support Platform offers us a model for a sub regional responsibility sharing bolstered by external assistance. In the future, we can leverage this Platform to construct a much more sophisticated subregional sharing regime.

 **The Comprehensive Refugee Response Framework:** The CRRF constructs a wider model for responsibility sharing by envisioning shared responsibility for displacement management between low- and middle-income countries and developed countries. The principles

of the CRRF informed the Global Compact and continue to instruct the GRF.

 **The World Bank:** The World Bank, traditionally involved in supporting countries hosting forcibly displaced populations, has played a critical role in advocating for the general shift to self-reliance policies in displacement management. Its objectives are twofold: First, it **aims to ease the pressures on host countries**. Second, it hopes to **enhance self-reliance in an effort to reduce poverty** among the forcibly displaced. For example, working in conjunction with UNHCR, it has been instrumental in the implementation of Kenya’s Shirika plan and of KISEDIP.¹³⁹ Its singular advantage has been in its advocacy for institutional reforms-coordinating with humanitarian organisations, governments, and the private sector for this purpose.

136 UNHCR, Global Refugee Forum <https://www.unhcr.org/about-unhcr/overview/global-compact-refugees/global-refugee-forum> accessed 19 March 2025.
137 Ibid.

138 Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, ‘Migration and displacement in the Horn of Africa’ (GIZ, January 2015) <https://www.giz.de/en/downloads/giz2025-en-SIMPI-factsheet.pdf> accessed 19 March 2025.
139 UNHCR, Kalobeyei Settlement (n. 23).

* **International Organisation for Migration (IOM):** The IOM works to promote humane and orderly migration. In the sub region, it provides a comprehensive response to the humanitarian needs of migrants and internally displaced persons. Labour migration is, in fact, a preserve of the IOM. Its input is therefore critical in the design of a responsibility sharing regime aimed at affirming the freedom of labour and of movement, of protection seekers in the sub region.

5.3.3 Development Agencies

There are several relevant international development agencies whose presence in the region necessitate their involvement in crafting any effective sub region wide displacement management policies. These include:

* **Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH:** GIZ is Germany's main development agency. In the EHAGL region, it works together with the UNHCR to support displaced persons while strengthening the capacities of regional organisations such as IGAD to implement effective migration and displacement policies in the region.

* **SNV Netherlands Development Organisation:** SNV has partnered with the UNHCR to improve the living standards of those forcibly displaced, such as by facilitating employment, and energy access, among others.

5.3.4 Knowledge Partners

* **The World Bank:** The World Bank is launched a program to **strengthen research and build a repertoire of global knowledge on forced displacement.**¹⁴⁰ This is a partnership between the UK's Foreign, Commonwealth, and Development Office (FCDO), the UNHCR, and the Bank. The program oversees multiple projects such as Kenya's Analytical Program on Forced Displacement (KAP-FD)-a multi-year initiative to generate detailed socioeconomic panel data, evaluate interventions, and provide recommendations to enhance livelihoods for protection seekers and host communities. The Bank's aim is to contribute to evidence needs for policymaking and programs, including guiding private sector investment through targeted interventions.¹⁴¹

140 World Bank Group, Building the evidence on forced displacement: Strengthening research and global knowledge on forced displacement' <https://www.worldbank.org/en/programs/building-the-evidence-on-forced-displacement> accessed 19 March 2025.

141 Ibid.

* **The IOM & the UNHCR:** The IOM hosts the *Global Migration Data Analysis Centre* which processes data aimed at assisting decision makers to develop effective migration policies. The UNHCR also provides data analysis on forcibly displaced and stateless populations.

- The African Union Commission: To this end, the IOM supports a series of reports by the AUC on labour migration statistics.

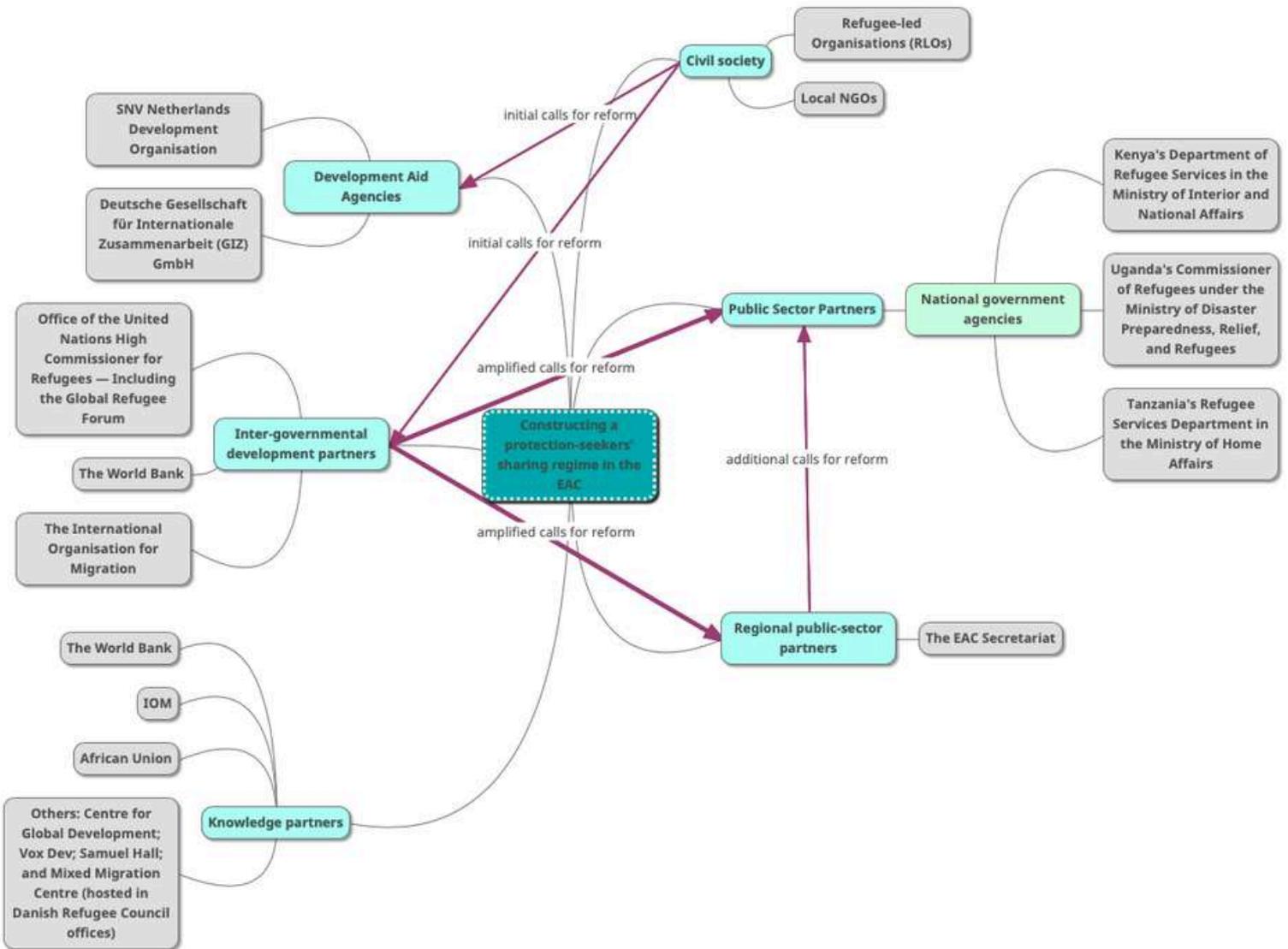
* **Other organisations:** These include organisations such as the Centre for Global Development; Samuel Hall; Mixed Migration Centre and others that have been involved in knowledge production and analysis concerning forced displacement in the sub region.

5.3.5 National and Regional public sector Partners

The table below distils the national and regional agencies involved in displacement management. In our stakeholder model, the influence and assistance of international organisations will be crucial in realising effective policy reforms at this level.

Table 5.A – Scoping stakeholders

Kenya	The Department of Refugee Services hosted in the Ministry of Interior and National Affairs
Tanzania	The Refugee Services Department hosted in the Ministry of Home Affairs
Uganda	The Commissioner of Refugees hosted in the Ministry of Disaster Preparedness, Relief, and Refugees
EAC	The EAC Secretariat



5.4. Observations and Conclusion

In this chapter, we turned our attention to the modalities of creating a responsibility sharing regime within the EAC. This is conceived as part of a broader strategy to affirm the socio-economic rights of protection seekers in order to realise freer labour mobility for protection seekers and cultivate self-reliance as the bedrock of displacement management policy in the sub region. To do so, we interrogated the strengths, weaknesses, opportunities, and threats inherent in such an approach. This was intended as a broad analysis aimed the institution of a sub regional responsibility sharing framework. Among our key observations were the fact that responsibility sharing as a strategy:

- * Responds to the nature of protracted nature of displacement in the EHAGL;
- * Responds to the geo-political and economic needs of the time;
- * Is actualised through existing regulatory and policy coordination capacities; and
- * Exploits opportunities arising from new national displacement management approaches

At the same time, our discussion exposed certain weaknesses and threats inherent in the strategy. Key among them is our reliance on the EAC's weak regulatory, analytical, and delivery capacities.

Besides, any matter involving the distribution of protection seekers across jurisdictions could foreseeably spark political backlash, rendering it too risky. Foreseeing this, we proposed a stakeholder engagement strategy in the form of the boomerang pattern for two reasons. First, influential transnational organisations whose interests are closely aligned to the cultivation of self-reliance policies in displacement management are better placed to direct policy reform nationally and sub-regionally. Second, such partners could bolster the EAC capacities.

Having identified the first of relevant stakeholders and summing together our key findings and observations from the preceding chapters, the next chapter offers policy recommendations on the way forward and concludes this study.

VI. Conclusion and Recommendations

5.1. Introduction

This study sought to query African states' resort to renege on their obligations towards protection seekers' socio-economic rights-with particular emphasis on the **rights to decent work and to freedom of movement**. We observed that for Eastern African states specifically, their preference for "rights renegeing" responses breeds a certain recalcitrance to the adoption of self-reliance policies in displacement management. Through a close examination of protection seekers' intra-African labour migration, we hoped to recommend a strategic response to counter states' rights-renegeing responses and move the needle on a more sustainable strategy to protection seekers' assistance.

Two defining premises distinguished this study: First, migration within the Continent is mostly **sub regional and economic**. As a result, we elected to zero in on the policies of the East African Community (EAC), a regional economic

community (REC), whose member states include 11 out of 14 of the countries in the East, Horn, and Great Lakes (EHAGL) region. Second, due to the **mixed nature of migration** on the subcontinent, we chose to view displacement management policy in the sub region as a constituent of broader migration policy. We hypothesised that there are certain aspects of the broader political economy informing migration policy on the Continent that necessitate states' "rights-renegeing" strategies towards protection seekers' freedom of movement and of labour.

Our study confirmed the hypothetical link between states attitudes towards migration and towards protection seekers freedoms. In most low-income countries that compose the sub region, **a high volume of low-skilled mixed migrants might occasion large negative impacts on the labour market outcomes of the affected host populations.**¹⁴² It thus follows that to constrain as much as possible most low-skilled cross-border

¹⁴²Yang-Yang Zhou, Guy Grossman, and Shuning Ge, 'Inclusive refugee-hosting can improve local development and prevent public backlash' (2023) 166 World Development.

mobility, the sub region's net-receiving states choose to conceive of labour mobility in high-skilled terms generally and to renege on socio-economic rights (especially concerning the right to decent work) in the case of protection seekers, specifically. In this way, states' right-renegeing strategies with respect to protection seekers' socio-economic rights, are to be understood as part of a larger strategic migration policy bundle that is responsive to the real nature of migration on the sub-continent.

To counter this with respect to protection seekers, we proposed the adoption of **sub region-wide dispersal policies, namely: responsibility sharing** among the EAC's member states. The proposal is practical seeing as protection seekers in the sub region are characterised by high volume movements, which are confined to compact host territories occupied by socio-economically homogenous communities. The risks and costs associated with hosting in this context—more so to host labour markets—are intensified because they are distributed over a small area. We reckoned that a more equitable distribution of hosting risks and costs across the EAC could alleviate the social and economic pressure net-receiving countries in the sub region come under while hosting. Relieved of this pressure, EAC states would be in a better position to adopt a rights-affirming response to protection seekers, including by guaranteeing them their social and economic rights, such as their rights to movement and to work.

There are worthy attributes to adopting responsibility sharing as a strategy. As discussed, it is ably suited to **respond to the protracted nature of displacement** in the EHAGL; would be actualised through **existing regulatory and policy coordination capacities** in the EAC; and any protection seekers' sharing agreement would **exploit extant opportunities arising from the transition to new national displacement management approaches**. But most importantly, responsibility sharing presents as a strategy for the zeitgeist. We find ourselves living in **unprecedented geo-political and geo-economic times**.

With the ongoing retraction from the multilateral system of the post-war years and with it, the uncertainty of development funding, there is an urgency to rethink aid dependency in humanitarian concerns such as displacement management. Already, global policy direction indicates a shift towards self-reliance in protection seekers' assistance. Our proposal for responsibility sharing is one way to reconfigure the sector to be more self-sufficient and sustainable without rebuffering the social, political, and economic needs of the region. In conclusion, this report intended to survey

In conclusion, this report intended to survey available data and literature, with a view to isolating a potential remedial strategy to the challenges accompanying the transition to self-reliance policies in the sub region.

Its major limitation, therefore, is that it does not integrate policy and stakeholders' realities in the sub region. Our key recommendations, therefore, speak to building knowledge on stakeholder attitudes and their capacities and forging synergetic relationships among them. This is especially critical as successful stakeholders' engagement can compensate for weaknesses in the national and sub regional institutions' regulatory, analytical, and delivery capacities. We propose that going forward, we:

1 Survey stakeholders' attitudes towards responsibility-sharing in the EAC:

There is need to conduct both a thorough survey of the stakeholders, including of protection-seeker led organisations in the sub region and their attitudes towards responsibility-sharing. The objective of such a survey would be **comprehensive stakeholder mapping**; wherein, the levels of interest and the influence of stakeholders are identified.

2 Build networks and forge relationships with like-minded partners:

We identify a need to seek out and forge relationships with similarly ambitious public and private sector organisations.

A responsibility-sharing agreement within the sub region will most likely emerge as a result of intensive collaboration between local, regional, and international partners. The upcoming World Refugee Day and the Global Refugee Forum present opportunities for such engagement.

We also recommend the need to:

3 Explore the feasibility of a protection seekers' sharing agreement in the EAC:

Even though this report identifies legal and policy avenues through which a protection seekers' sharing agreement can be realised in the EAC and discusses the current entry points such as Kenya's new Refugee Act, there is further need to map out in greater detail, the existing formal and informal institutions and channels by which a high-level agreement, as envisioned in this case, comes to fruition.

4 Collate best practices from other regional approaches to responsibility-sharing:

Unfortunately, protection seekers' sharing agreements are not the norm. The Common European Asylum System (CEAS) provides the closest reference.¹⁴³ In order to ensure success, there might be need for discussions between stakeholders in the EAC,

¹⁴³Timothy Hatton, 'The Common European Asylum System – The role of burden sharing (Ifo Institute, 2016) Available here, accessed 8 April 2025.

including its own Secretariat and seasoned experts from the EU, to glean some best practices with respect to the negotiation and drafting of such agreements and to identify the weaknesses inherent in this approach.

5 Construct a knowledge repository on responsibility sharing, leading up to a draft agreement on the same: Having a central knowledge bank on responsibility sharing in the region cannot be understated. This positions the organisations involved as thought leaders and provides a repository of ideas leading up to the drafting and negotiation of the agreement in the future.



Author

Kasyoka Mutunga

Nairobi, Kenya

2025