

REGIONAL INTEGRATION AND PROFESSIONAL LABOUR MOBILITY

A CASE OF EAST AFRICAN COMMUNITY (EAC)

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DECLARATION

I Esther Bosibori Onduko hereby declare this research project is my original work and has not been presented to any institution for the award of any academic certificate.

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This research project has been submitted for examination with my approval as the student supervisor.

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.....

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Date

DEDICATION

I dedicate this project to my wonderful parents Jairus and Jemimah Onduko Ndemo. They are the ones who laid my educational foundation and I will forever be grateful to them.

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I give thanks to God for giving me strength, time, ability and finances to embark on this project and I am greatly indebted to the lecturers who guided me through the educational programmes at the University of Nairobi.

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TABLE OF CONTENTS

DECLARATION	ii
DEDICATION.....	iii
ACKNOWLEDGMENT	iv
ABBREVIATIONS	x
ABSTRACT	xi
CHAPTER ONE: INTRODUCTION	1
1.1 Background to the Study	1
1.1.1 Global professional mobility	2
1.1.2 Professional Labour Mobility in East Africa	4
1.2 Statement of the Research Problem	5
1.3 General Objective	6
1.3.1 Specific Objectives	6
1.4 Literature Review.....	7
1.4.1 Introduction	7
1.4.2 Correlation between Regional Integration and Professional Labour Mobility ...	8
1.4.3 Fundamental Factors Underlying Professional Labour Mobility	11
1.4.4 Policy Initiatives for Mobility of Professional Labour	15
1.4.5 Constraints that have affected Professional Labour Mobility	20
1.5 Justification of the Study	23
1.6 Hypotheses	23
1.7 Theoretical Framework	24

1.7.1	Career Construction Theory	24
1.8	Research Methodology.....	25
1.9	Chapter Outline.....	26
CHAPTER TWO: HISTORICAL OVERVIEW OF THE RESEARCH.....		27
2.1	Introduction	27
2.2	Concept of regional integration	27
2.3	Levels of economic integration	28
2.4	Historical evolution of regional integration in Africa.....	30
2.5	Brief history of Labour mobility.....	32
2.6	EAC contributes to increase employment and skills development opportunities	33
2.7	EAC can address skill shortages in the member countries.....	34
2.8	Issues in EAC that can hamper regional integration.....	35
2.8.1	Civil conflict hampers regional integration.....	35
2.8.2	Poor infrastructure hinders professional mobility	36
2.8.3	Poor Governance	37
CHAPTER THREE: CASE STUDY EAC		38
3.1	Introduction	38
3.2	East African Community.....	38
3.3	East African Community Common Market Protocol	40
3.3.1	Free movement of workers.....	40
3.4	Cadre of workers that member countries committed to open for each other.	43
3.5	Professional labour mobility in Kenya.....	43

3.5.1	History of Kenya’s professional labour mobility	44
3.5.2	Challenges in implementing the protocol in Kenya	45
3.6	Professional labour mobility in Uganda.....	46
3.6.1	Challenges in implementing the protocol in Uganda.....	47
3.7	Professional labour mobility in Tanzania.....	47
3.7.1	Challenges in implementing the protocol in Tanzania.....	50
3.8	Professional labour mobility in Rwanda	50
3.8.1	Challenges in implementing the protocol in Rwanda	52
3.9	Professional labour mobility in Burundi	53
3.9.1	Challenges of implementing the CMP in Burundi	55
CHAPTER FOUR: PRESENTATION OF KEY FINDINGS		57
4.1	Introduction.....	57
4.2	Wage is a major determinant of professional labour mobility in EAC.	57
4.2.1	Fundamental factors underlying professional labour mobility within the EAC member Countries.	57
4.2.2	Constraints of applying for a work permit	70
4.3	Regional integration has strongly encouraged professional labour mobility.....	72
4.3.1	Implemented CMP recommendations on free movement of labour.....	72
4.3.2	Recommendations for successful implementation of CMP protocol free movement of workers	76
4.3.3	Progress made in implementation of CMP on free movement of workers	79
4.3.4	Challenges of implementing the CMP protocol on mobility of professional workers	81

4.3.5 How they learned about the employment opportunity in the country	84
4.4 Other non-tariff barriers.....	87
CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS	90
5.1 Introduction.....	91
5.2 Key Findings	91
5.3 Conclusions of the Study	92
5.4 Suggestions for Further Research	93
5.5 Recommendations for Policy and Practice	93
REFERENCES	94
Appendix I: Interview Guide.....	99

LIST OF TABLES

Table 4.1: Reasons for Working in the country	66
Table 4.2: Constraints of applying for a work permit	71
Table 4.3: Implemented Recommendations	73
Table 4.4: Recommendations for successful implementation of CMP protocol.....	77
Table 4.5: Progress made in implementation of CMP on free movement of workers.....	80
Table 4.6: Challenges of implementing the CMP on free movement of Professional Labour	82
Table 4.7: How they learned about the employment opportunity	85

ABBREVIATIONS

AU	–	African Union
CMP	–	Common Market protocol
COMESA	-	Common Market for East and Southern Africa
EABC	-	East African Business Council
EAC	–	East African Community
ECOWAS	-	Economic Community of West African States
EU	-	European Union
ILO	–	International Labour Organization
LAP	–	Lagos Action Plan
LDC	-	Least Developed Countries
MINEAC	–	Ministry in charge of East African Community
NAFTA	–	North Africa Federation of Trade Area
OECD	–	Organization for Economic Co-operation and Development
SADC	-	South African Development Community

ABSTRACT

The main aims and objectives of East African Community are largely geared towards widening and deepening co-operation among the Partner States in, among others, political, economic and social fields for their mutual benefit. To achieve the objectives, the EAC countries established a Customs Union in 2005 and a Common Market in 2010 which introduced the free movement of workers therefore enabling citizens of EAC to work anywhere within the member countries without discrimination. The free movement of workers was to be implemented gradually for a period of 5 years and become fully operational by 2015.

The objective of the study was to carry out a review of the available data on regional integration and access progress made on professional labour mobility in the five member countries, to improve our understanding on the fundamental factors underlying professional labour mobility within the EAC member countries, to recommend policy initiatives for mobility of professional labour in regard to regional integration and to improve our understanding on challenges of implementing CMP protocol on mobility of skilled workers within the EAC member countries.

The study adopted a descriptive survey as it was deemed that the best strategy to fulfill the objectives of this study was a technique for making inferences by objectively and systematically identifying specified characteristics of responses and objectively identifying and using the same approach to relate trends. The study used both primary and secondary sources. The primary data was obtained through interview with experts in the areas of Regional Integration and Professional mobility, and officials from the EAC secretariat in Arusha Tanzania. Professionals from the EAC member countries were also interviewed. Secondary data was obtained from analysis and review of books, papers, journals and other available literature on the issue Regional Integration. Purposive sampling was used to come up with a sample of 50 respondents.

From the findings, the study concluded that free movement of workers is not free for all workers. Articles 76 and 104 of the treaty guarantees the free movement of workers without any exception, but in the CMP, the free movement of workers is a privilege of only the highly skilled and professional workers yet the majority of workers in East Africa are semi or unskilled.

The study recommends that those countries that have not reviewed their labour and Immigration laws to conform with the protocol should do so and not just on paper but should domesticate and implement them, apart from the bilateral agreements between Rwanda and Kenya, they should abolish all work permits fees for citizen of EAC, Issuance of machine-readable IDs by Partner States to facilitate identification of a citizen of a Partner State should be expedited Rwanda has implemented, Kenya is in the process, Recognition of qualifications for professionals across the region is very important but all have not harmonized their recognition. Political will was found to be lacking because some countries do not have budgetary allocation towards the integration. Finally, frameworks should be development for data compilation on movement of people within the region.

CHAPTER ONE: INTRODUCTION

1.1 Background to the Study

Professional Labour mobility entails change in location of workers both across physical space referred to as geographic mobility and across a set of jobs also referred to as occupational mobility. Geographic mobility can be further divided into short-distance and long-distance mobility, it can further be divided into voluntary and non-voluntarily migration. Occupational mobility can be lateral within a broad class of jobs alike in socioeconomic status or vertical.¹ The ability to obtain large, nationally-representative longitudinal studies in the 20C has made it possible to measure the level of professional mobility in all these proportions, and how they co-relate in several developed economies. The appreciative of the magnitude of Professional Labour mobility through history has been improved by research conducted since the 1970s in which the careers of single workers are changed by locating them in surveys and census-like records (city directories, tax grades, populace registers) at successive dates².

Professional Labour mobility bears important economic benefits in many areas. The reallocation of workers across regions allows the exploitation of corresponding resources as they are discovered in new areas, while re-allocation across regions ensures the use of new technologies and encourages growth of new industries. At the individual level, professional

¹ Musonda Flora (2006), Migration Legislation in East Africa, Immigration Papers, No.82, International Labour Organisation, Geneva

² Bach, Stephen (2008), "International mobility of health professionals: Brain drain or brain exchange?" in Andrés Solimano, ed., The International Mobility of Talent: Types, Causes, and Development Impact (New York: Oxford University Press).

mobility permits for progresses in the economic conditions of those whose skills or ambitions are unmatched for the job or country in which they find themselves³.

In an elastic labour market, a high degree of Professional Labour mobility is desirable to help employment to find equilibrium to changing demand conditions. An ineffective allocation of labour resources may adversely affect the longer-term level and growth rate of potential output and, in the short run, limits the pace at which an economy can grow. Therefore, the free movement of labour encompasses one of the central principles of the national integration and is an important component of the completion of the single market⁴.

Regional integration is a procedure in which states enter into a regional agreement in order to enhance regional cooperation through regional bodies and rules. The objectives of their agreements could range from political to economic to environmental, although it has taken the form of a political economy edge where commercial interests have taken the front line for achieving wider socio-political and security objectives, as envisioned by national governments⁵.

1.1.1 Global professional mobility

The UN declaration⁶, Article 13 introduced the right to move globally without restrictions, it states that everyone has the right to freedom of movement and residence within the boarder

³ Shah, C & Burke, G (2004), 'Occupational labour mobility in Australia and the implications for VET', in A future that works: economics, employment and the environment, ed. E Carlson, refereed conference proceedings, University of Newcastle

⁴ Oesch, D (2003), 'Labour market trends and the Goldthorpe class schema: a conceptual reassessment', Swiss Journal of Sociology, vol.29, no.3, pp.241—62.

⁵ Auer, P (2005), 'Protected mobility for employment and decent work: labour market security in a globalised world', Employment strategy papers, International Labour Office, Geneva.

of each state and everyone has the right to leave any country, including his own, and to return to his country. As time progressed, some countries started putting barriers on immigrants. This was to deter them from coming to take up jobs which could be done by the locals within the country. These barriers include work permits and vetting of applicants. From the 1960s workers started moving from low income countries to high income countries. This trend continued until 1970's.

The World Bank in its report states “emigration today is the outcome less of desperation and more of integration”. Data on the mobility of professionals is highly fragmented even though there is much effort to get the correct figures. ILO (2003)⁷ notes that Africa has already lost one third of its human capital and is continuing to lose its skilled personnel at an increasing rate with an estimated 20,000 doctors, university lecturers, engineers and other professionals leaving the continent annually since 1990. IOM (2010)⁸ estimates that there are almost one billion migrants worldwide today, 214 million international migrants, 740 million internal migrants. The number of international migrants could reach 405 million by 2050.

Dumont and Lemaitre (2005)⁹ notes that according to International mobility of highly skilled workers, OECD (Organization for Economic Co-operation and Development), the current database on immigrants and expatriates in 2000-2001, major OECD countries which include

⁶ The Universal Declaration of Human Rights, which was adopted by the UN General Assembly on 10 December 1948

⁷ ILO 2003

⁸ World Migration Report (2010) International Organization for Migration the Future of Migration: Building Capacities for Change

⁹ Dumont, Jean-Christopher and George Lemaitre. 2005, “Counting Immigration and Expatriates in OECD Countries: A New Perspective”. OECD Economic Studies, 40, 2005/1:49-83

France, UK, Germany, US, Canada and Australia are net importers of highly education worker. Some member countries of OECD like the UK have a comprehensive skill-based points system which they use to choose immigrants who are very educated and have skills that are similar to their citizens.

1.1.2 Professional Labour Mobility in East Africa

The history of Mobility across East Africa nations is as old as the history of mankind. Mobility whether labour mobility or professional labour mobility has always arisen due to various pull and push reasons which have been both voluntary and non-voluntary. The drives for migration whether voluntary or non-voluntary have also changed in time and space. Irrespective of the cause, the history of Labour Mobility has been one of the people's natural struggle to survive and prosper¹⁰.

Although the history of Labour Mobility is long, Professional Labour Mobility in search for well-paying jobs, wages and related socio-economic opportunities emerged in East Africa after the introduction of the money economy during the colonial period in the early twentieth century. Prior to that, recorded movements of labour in East Africa were linked to work on plantations and mines. In the colonial period, labour migration in Uganda emanated mainly from Rwanda, Burundi and Zaire. After independence under the support of the defunct East African Community, Uganda became a source and destination of migrants in East Africa. However the political mayhem that Uganda went through had by the end of the 1970's turned Uganda into more of a source than a destination of migrants in the region. It is also held that

¹⁰ Ibid 6

labour mobility guarantees that the economic trading bloc is free from bias as a result of very high or very low priced human labour¹¹.

1.2 Statement of the Research Problem

In EAC many people are on the move doing various jobs, both skilled and unskilled. A higher percentage of labour in EAC is unskilled but recently a new trend is emerging. Citizens are flocking into institutions of higher learning to acquire knowledge and skills in various fields in order to fit into the demands of society. We now have an increase in the skilled labour than before. In 2010 the East African Community (EAC) Common Market became operational and introduced the free movement of workers therefore enabling citizens of EAC to work anywhere within the member countries without discrimination. The free movement of workers was to be implemented gradually for a period of 5 years and become fully operational by 2015.

Nevertheless, a study by (Semboja,2005)¹² indicates that EAC has a challenge of balancing professional labour mobility bearing the in equilibrium level of education in the member states. However according to Kasekende, (2009) EAC should design incorporated employment-generating macroeconomic rules that create decent job openings for young women and men, who are the majority of the population, hence overcoming the problem of one nation getting more advantage than the other due to education levels and subsequently allowing smooth professional labour mobility. The statistics provided by (Economic Commission for Africa-ECA, 2002) indicate that most African countries, which include the

¹¹ Ibid 12

¹² Semboja Haji Hatibu Haji (2005), *A Concept Paper on Promoting Opportunities for Youth Employment in East Africa*, Prepared for the ILO regional Office and presented at the EAC Meeting of Labour Commissioners, Silver Springs Hotel, Nairobi, Kenya, December 2005.

three East African countries, have got high unemployment, under-employment and poverty levels which has continued to increase and has remained at very high levels despite considerable efforts to encourage sustainable development by states and international development agencies posing a challenge of existence of professional labour mobility within the member states.

The above studies carried out on labour mobility in EAC do not cover the area of professional labour mobility through regional integration. The studies indicate the difficulties of achieving professional labour mobility, while others provide a statistical impossibility of professionals demand in the EAC. However, none provides sufficient information on how regional integration has affected professional labour mobility in East African Community (EAC) after the implementation of the Common Market Protocol (CMP). This study therefore will seek to cover this gap by evaluating the regional integration and professional labour mobility with focus to East African Community (EAC).

1.3 General Objective

The study's general objective was to analyze the regional integration and professional labour mobility with focus to East African Community (EAC)

1.3.1 Specific Objectives

The specific objectives were:

- i) To carry out a review of the available data on regional integration and access progress made on professional labour mobility in the five member countries.

- ii) To improve our understanding on the fundamental factors underlying professional labour mobility within the EAC member countries.
- iii) To recommend policy initiatives for mobility of professional labour in regard to regional integration.
- iv) To improve our understanding on challenges of implementing CMP protocol on mobility of skilled workers within the EAC member countries.

1.4 Literature Review

1.4.1 Introduction

This section presents and discusses the literature relevant to the study. The literature explored what other scholars have researched about the study and their understanding of the regional integration and professional labour mobility with focus to East African Community (EAC).

Definition

A professional is a person who is working or occupation, for gain or compensation as way of livelihood such as a permanent career, not as an amateur or pastime.¹³ The traditional professions were doctors, lawyers, university lecturers, journalists, engineers, lawyers, architects and commissioned military officers. Today, the term is applied to nurses, accountants, educators, scientists, technology experts, social workers, artists, librarians ie information professionals and many more.

¹³ Oxford English Dictionary

In some beliefs, the term is used to describe a particular social stratum of well-educated, salaried workers who relish considerable work autonomy and are mainly engaged in original and intellectually challenging work.^{14,15,16,17}

1.4.2 Correlation between Regional Integration and Professional Labour Mobility

According to Adhikari(2006)¹⁸ Professional labour mobility is one of the major factors that can be enhanced by regional integration. Professional services play an important role in the functioning of modern economies and are among the fastest growing services sectors in many developed and developing countries. Professional services add directly and indirectly to economic growth, by lowering transactions costs and by generating spillovers of knowledge to other businesses.

Since many restrictions are changing internationally, sustained growth, prosperity, employment and social security can only be protected through a flexible market and the promotion of mobility. Labor migration enhances deployment of economic assets and increases production. According to economic replicas, labor migration reacts strongly to variances in regional prosperity (Zimmermann, 2005b; Bauer/Zimmermann, 1998).

Differences in the following factors play a part in income, unemployment, cost of living, the availability of public goods and other state transfers. On the other hand, there are the costs of

¹⁴Gilbert, D. (1998). *The American class structure: In an age of growing inequality*. Belmont, CA: Wadsworth Press.

Ehrenreich, B. (1989). *Fear of falling: The inner life of the middle class*. New York: Harper Prenal.

¹⁵Beeghley, L. (2004). *The structure of social stratification in the United States*. Boston: Allyn & Bacon.

¹⁶Eichar, D. (1989). *Occupation and Class Consciousness in America*. Westport, CT: Greenwood Press.

¹⁸ Adhikari, R. (2006). Vulnerability, Trade Integration and Human Development, UNDP, Background Paper for Asia-Pacific Human Development Report 2006: Trade on Human Terms, Bangkok.

change which arise, for example, not only through monetary costs from moving house or a loss of income in the transfer period, but also emotional costs which are incurred when a family is separated or other social networks in the country of origin are broken¹⁹. According to the human capital model, the probability of older people migrating is lower than that of younger people, whose expected utility from the migration life-cycle is higher²⁰.

According to Mitchell (2008)²¹ individuals with a better education are more likely to migrate because they can not only expect a higher income, but they are also better at weighing up the risks of migration. They have at their disposal a greater ability of gathering and processing the relevant information. The risks and costs of migration typically grow with the distance from the destination country information about distant labor markets is harder to obtain. Moreover, migrants circulate within conversant and ethnic linkages. This leads to familiar and ethnic groups of migration and the residing in the host country. The potential information relocation gained from this reduces the risks and costs for the migrant, thereby increasing mobility.

According to Chetail and Aleinikoff (2003)²², the European Union was Africa's most crucial trade, investment and development partner. Trade with the EU was governed by a sequence of Lomé Conventions, which granted African countries (excluding South Africa) one-sided preferential access to EU marketplaces. The EU and African countries ended the Cotonou

¹⁹ Borchert, I., Gootiiz, B., and A. Mattoo (2010). "Global Patterns of Services Trade Barriers -New Empirical Evidence," World Bank mimeo.

²⁰ Brezzi, M & Piacentini, M (2008), Labor mobility and development dynamics in OECD regions, OECD, Paris.

²¹ Mitchell, W (2008), Labour mobility and low-paid workers, research report no.5/09, Australian Fair Pay Commission, Melbourne.

²² Aleinikoff, T. Alexander and Chetail, Vincent (2003) (eds.), Migration and International Legal Norms (The Hague: T.M.C. Asser).

Agreement which gave way for the negotiation of World Trade Organisation (WTO) harmonious Economic Partnership Agreements, in 2000.

Similarly, Tomer (2005)²³ states that the ambition of African leaders to integrate Africa and to develop the continent through import replacement industrialization, was a key feature of the direct post-colonial period, and gave the reason for the Lagos Plan of Action (LPA). The LPA was an brainchild of the Organization of African Unity (OAU), it was adopted by Heads of State in April 1980, and it was supported by the United Nations Economic Commission for Africa (ECA) (Barry, Brian and Goodin, Robert E. 2000).

Collier & Venables (2009)²⁴ notes that although the SADC Treaty (and subsequently the SADC Trade Protocol) does not eloquent a detailed plan for integration, the detail was delivered in the Regional Indicative Strategic Development Plan (RISDP) of 2003. This strategic plan articulates the roadmap for SADC's integration and provides for the establishment of a free trade area in 2008, a customs union in 2010, a common market in 2015, monetary union in 2016 and the starter of a single currency in 2018. Although the RISDP is not a legally binding instrument, it enjoys substantial political legitimacy and is recognised as the strategic plan for SADC's integration. The linear method was also adopted by the East African Community (EAC), established in 1997 and also by ECOWAS in West Africa. Growth in ECOWAS to establish a free trade area has been very slow and the customs union is still work in progress.

²³ Broude, Tomer (2005), "Taking Trade and Culture Seriously: Geographical Indications and Cultural Protection in WTO Law", 26(4) University of Pennsylvania Journal of International Economic Law 623-692.

²⁴ Collier, P. and Venables, T. 2008. *Trade and economic performance: Does Africa's fragmentation matter?* Annual Bank Conference on Development Economics, Cape Town, South Africa, June 9-11.

According to Economic Commission for Africa, (2004)²⁵. The SADC roadmap and the EAC integration plan are good examples of Africa's integration history, reflecting the adoption of the linear integration model with ambitious targets. Of 14 regional economic communities that were in force in 2001, nine had goals to become full economic unions. COMESA aims to become a common market, SACU is an grounded customs union, with no plans to move past this, while the other three aim for intra-regional free trade or regional cooperation. These agendas find cooperation with the aim to transform the African economic background and to establish over a period of just more than three decades 'a robust united union of nations.

1.4.3 Fundamental Factors Underlying Professional Labour Mobility

According to McCarthy (2006)²⁶, the WTO's General Agreement on Trade in Services (GATS) "Mode 4" is currently the only internationally approved legal instrument with the possible to become a operative multilateral labour migration system. It is an international instrument aimed at opening professional labour mobility on the basis of qualified negotiated commitments by countries to accept non-permanent foreign labour migrants, subject to substantive rules that control and restrict countries' unilateral labour immigration policies.

²⁵ Economic Commission for Africa, (2004) *Migration Policy Framework for Africa*, 25-29 June 2004. Addis Ababa: African Union.

²⁶ McCarthy, D.M.P. (2006). *International Economic Integration in Historical Perspective*. Milton Park, Abingdon, Oxon: Routledge.

Afadameh-Adeyemi(2011)²⁷ states that movement of labor is one of the four fundamental economic freedoms, along with free movement of goods, capital, and services, of the four, it has met with the least receptivity on the part of countries in the international economy, whether developed or developing. These economies and many others moved from significant opening for natural persons from other countries, even in the face of labor shortages at home.

According to Vis-Dunbar and Nikiema(2009)²⁸. Bilateral agreements encourage professional Labour Mobility. To date, more than 2,800 bilateral investment treaties have been signed but nothing equivalent exists in the area of Professional Labour Mobility. The number of trade agreements in services is growing quickly, yet readiness to include substantial provisions on Professional Labour Mobility into the services suite is limited and most agreements contain very diffident market access opportunities for foreign workers. Recent free trade agreements (FTAs) do not contain provisions at all in this range.²⁹

According to a survey of the Caribbean Community on what determined free movement of people in the region, a majority of the respondents identified a nationalistic factor, the desire to contribute to their country, as the number one reason for wanting to remain in their homeland. This was followed by two sociological factors - close family ties and the low crime rate. Economic factors (labour market) such as job prospects and earning potential then came into play followed by the education system. Other attributes that would induce one to move from one country to another, in order of rank included 1) low crime rate 2) earning

²⁷ Afadameh-Adeyemi, A & Kalula E. 2011. SADC at 30: Re-examining the Legal and Institutional Anatomy of the Southern African Development Community, *In: Bösl, A. et al. (eds.), Monitoring Regional Integration in Southern Africa, Yearbook Vol. 10 – 2010*. Stellenbosch: Trade Law Centre for Southern Africa.

²⁸ Vis-Dunbar and Nikiema (2009) *High Skills: Globalisation, Competitiveness and Skills Formation*. Oxford: Oxford University Press.

²⁹ Chang, Howard F. (2007), "The Economic Impact of International Labour Migration: Recent Estimates and Policy Implications", 16(2) *Temple Political & Civil Rights Review*

potential 3) education system 4) job prospects 5) social services and 6) governance. After the social factor of low crime, labour market factors emerged as very important as did the education and governance systems. The one lesson to draw from the Caribbean case supports the arguments that EAC partner states should not be overly concerned about being overcrowded with persons from other partner states because there are many pull-factors that act to prevent persons from leaving their homeland. In addition, several important factors would have to be in place in another partner state before people would be induced to move.

According to the International Monetary Fund (IMF 2010)³⁰ high wages constitutes another factor that encourages professionals to move. One of the main ways that temporary professional labour mobility has been netted in the data is through recorded “transfers and payments” in balance of payments statistics this category is what countries and others term “remittances.” Balance of Payments Manual, “remittances” mainly comprise “compensation of employees” and “personal transfers” Transactions are recorded in the balance of payments when money is paid by residents to nonresidents, or vice versa.

According to Oesch (2003)³¹ decreased labour mobility in Europe is caused by principal demographic trends such as the growing female labor market input rate, the surge in less mobile double-income families, and an increasing homeownership category. Also, there are policy-related motives that prevent many Europeans from fully taking advantage of professional labor mobility. These reasons include the existing barriers to the transferability

³⁰ IMF (2010). International Migration by Education Attainment 1990-2000. In *International Migration Remittances and the Brain Drain*, edited by C. Ozden and M. Schiff. Washington, DC: World Bank

³¹ Oesch, D (2003), ‘Labour market trends and the Goldthorpe class schema: a conceptual reassessment’, *Swiss Journal of Sociology*, vol.29, no.3, pp.241—62.

of social security benefits, the unsatisfactory recognition of formal qualifications amongst countries, and the unsatisfactory transparency of the European job market and online job search engines. Language barriers and cultural barriers are comparatively high in Europe, as compared to other combined labor markets such as in the United States.

Similarly, Rinne and Zimmermann,(2012)³² note that structural adjustments changes make countries less vulnerable to economic jolts as the example of Germany during the Great Recession demonstrates. Eichhorst and Zimmermann, (2007)³³, note that next to concrete policy responses and the specific nature of the crisis in German, the labor market changes are a key factor in explaining the country's extraordinary resilience to the Great recession. They resulted in an enhanced functioning of the German labor market with an better effectiveness and efficiency of labor market instruments improved incentives for unemployed individuals to take jobs, and improved labor force involvement rates. In sum, the reforms led to Germany recapturing its international competitiveness³⁴.

According to Arnold (2006)³⁵, it is important to understand that the underlying factor for the later development the weakening in unit labor costs did not originate chiefly, as is extensively believed, from wage restriction on the part of the trade unions. More vital was that the social

³² Rinne, Ulf & Zimmermann, Klaus F., 2012. "Is Germany the North Star of Labor Market Policy?," IZA Discussion Papers 7260, Institute for the Study of Labor (IZA).

³³ Eichhorst, Werner, and Klaus F. Zimmermann (2007): "And Then There Were Four... How Many (and Which) Measures of Active Labor Market Policy Do We Still Need?," *Applied Economics Quarterly* 53 (3), 243-272.

³⁴ Bauer, T., & Sinning, M. (2011): The savings behavior of temporary and permanent migrants in germany, *Journal of Population Economics*, 24(2), 421-449.

³⁵ Arnold, J., Mattoo, A., and N. Gaia (2006). "Services Inputs and Firm Productivity in Sub-Saharan Africa: Evidence From Firm-Level Data," *Journal of African Economies* 17, 578-599.

partners used the collective bargaining procedure to arrive at more supple labor arrangements. These allowed the reorganizing, regulation and restructuring of existing work procedures not just at the industry or sector level, but at the firm level. This newfound restricted flexibility is the main source of Germany's new bounciness during the Great Recession.

1.4.4 Policy Initiatives for Mobility of Professional Labour

According to Borchert & Mattoo (2010)³⁶ There are different recommendations about Policy Initiatives for Professional Labour mobility laws. These laws and policies should ensure decent living and working conditions for migrants and their families including but not limited to health benefits, equal pay, social security that may be appreciated beyond their migration term, integration and options for citizenship in purpose countries, effective return and reintegration in origin countries for those who will return, ensuring rights to justice and legal redress, both in origin and destination states. As workers, they should be permitted to join trade unions and associations of workers, and not be limited to forced labor or slavery-like conditions, to any form of mandatory arrangements or tied-visas, to imbalanced treatment and discrimination on the basis of their "otherness".

Fernandes & Mattoo (2009)³⁷ note that Organization for Economic Co-operation and Development Labour inflexibility has been seen for long as the major determinant of the employment crisis and the persistent slump of economic growth in Europe. In particular, geographical labour mobility has been suggested as a strong instrument to foster fast

³⁶ Borchert, I., Gootiiz, B., and A. Mattoo (2010). "Global Patterns of Services Trade Barriers -New Empirical Evidence," World Bank mimeo.

³⁷ Fernandes, A. and A. Mattoo (2009). "Professional Services and Development: A Study of Mozambique," World Bank Policy Research Working Paper Series 4870.

economic adjustment and growth. It has also been argued that inflexibility of workers might be no problem when internal labour markets within companies would work well. If there exists substantial firm-specific human capital, inter-firm mobility could be costly. Also individuals may appreciate rigidity, because it allows them to live in steady social networks. Consequently, it does not surprise that intra-firm job mobility is repeated than inter-firm mobility.

According to Margo (2000)³⁸, much orthodox analysis has assumed that labour can be treated as a homogenous entity amenable to analysis with the conventional tools of neoclassical economic theory. There is, however, an equally long tradition which has grappled with the key reality labour is not homogenous and distinctive categories appropriate for understanding it are needed for robust analysis. This analytical starting point is common in industrial sociology, industrial relations, the ‘new institutionalism’ in economics and labour process and labour market segmentation theory (Fine 1998; Marsden 1999). The central notion here is that there is not one ‘labour market’ but rather a series of them. Cairnes (1874), for example, noted that the labour market was best understood as being comprised of a series of ‘non-competing groups’.

A later generation, known as the neoclassical realists, explored the evolution and interaction of internal and external labour markets. In more recent times there has been considerable debate on the notion of labour market segmentation and stratification. The latest current within this broader analytical tradition has examined labour mobility in the context of different employment regimes — at both national and sectorial levels.

³⁸ Margo, Robert A. (2000). *Wages and Labor Markets in the United States, 1820-1860* (Chicago : University of Chicago Press,).

According to Africa Development Bank (2000)³⁹ report, efforts to manage labor mobility among developing countries at the regional level have been consequential, although progress has not matched aspirations. The most notable efforts have taken place in agreements aiming for a common market these generally go beyond simply managing labor mobility to encompass migration dimensions. The examples reviewed above all concern countries that are regional neighbors with a significant history of population migration. It is worth highlighting some interesting initiatives, which include coverage of recent graduates, common migration policies, and common passports to facilitate border crossings.

Africa Development Bank (2004)⁴⁰ continues to note that in Europe, the principle of free movement of people is a core issue in the European Union and considered a symbol for European integration. Increasing cross-border labour mobility is thus an important policy goal that can be related to the successful implementation of the Europe 2020 Strategy. Connections between the Central Baltic countries (Estonia, Finland, Latvia and Sweden) have been steadily increasing – more and more people are crossing the boundaries, cooperation in many sectors is of importance for the regional economies and the transport connections and networks have been improved substantially.

According to Collier and Venables (2008)⁴¹, the level of cross-border labour mobility is relatively low and more developed cross-border labour markets could increase the competitiveness and economic wealth of the region. Several EU policies and initiatives are targeted to increasing mobility but many challenges remain. The challenges can be related

³⁹ African Development Bank. 2000. *African Development Report 2000*, Abidjan: Regional Integration in Africa.

⁴⁰ African Development Bank. 2004. *African Development Report 2004*. Oxford, Oxford University Press

⁴¹ Collier, P. and Venables, T. 2008. *Trade and economic performance: Does Africa's fragmentation matter?* Annual Bank Conference on Development Economics, Cape Town, South Africa, June 9-11.

either to missing harmonisation of legislation or to the fact that it is not always clear how to implement the European wide legal framework in practice. It is not expected that differences between national social security and taxation laws will be removed in the foreseeable future within the EU. Therefore policy recommendations aiming at increasing information exchange and improving knowledge and cooperation are crucial.

McCarthy (2010)⁴² notes that The East African Community has placed a new focus, on regional integration in the pursuit of Africa's long-elusive economic and social regeneration. This initiative is being sought in order to change Africa's terms on appointment in the international arena and now comprise a key part of the continent's development strategy. The advices for regionalism in East Africa are well-documented and have led to the re-introduction of the East African Community (EAC) in November 1999, with the signing of the Treaty for the Establishment of the EAC, which was endorsed by the Partner States in July 2000.

Similarly, McCord & Wing (2005)⁴³ note that in West Africa and Central Africa the francophone member states of the West African Economic and Monetary Union (UEMOA) and the Central African Economic and Monetary Community (CEMAC) have cooperated at all levels of education— particularly in higher education. The Conseil africain et malagache de l'enseignement supérieur has been driving cooperation, including implementation of programmes on the recognition and equivalence of diplomas.

⁴² McCarthy, C. 2010. Reconsidering regional integration in sub-Saharan Africa, In: tralac, Supporting regional integration in east and southern Africa. Stellenbosch: Trade Law Centre for Southern Africa.

⁴³ McCord, G., Sachs, J.D. & Wing, T.W. 2005. Understanding African Poverty: Beyond the Washington Consensus to the Millennium Development Goals Approach. In Teunissen, J.J. & Akkerman, A. (eds.), Africa in the World Economy – The National, Regional and International Challenges. The Hague: FONDAD.

Caney(2005)⁴⁴ notes that in ECOWAS the West African examination system provides a good platform for Anglophone member states to coordinate and harmonize policies, particularly policies on curriculum development, examinations, and certificates. The general certificate of education (“O” and “A” levels) has been adopted by almost every member country as a standard secondary school-leaving certificate. In East Africa and Southern Africa several efforts are under way to promote educational exchange and harmonize education policies. SADC’s inventory of training institutions, scholarships, and training awards programmes and its initiative in education policy development, planning, and management allow students from SADC countries to attend universities in South Africa and Zimbabwe on the same basis as national students. The University of South Africa is an important hub of higher education for the sub region and for the rest of Africa, especially in distance education⁴⁵.

According to Schiff & Winters (2003)⁴⁶, In the Common Market for Eastern and Southern Africa (COMESA), close cooperation in the harmonization of higher education policies is evident among EAC members (Kenya, Tanzania, and Uganda) in the framework of the EAC-sponsored Inter-University Council of East Africa. In North Africa, Maghreb University is promoting regional educational development for teachers and students in the Arab Maghreb Union (UMA). The university’s superior council, made up of member countries’ education ministers or secretaries of state, sets the standards for higher education in UMA countries.

⁴⁴ Caney, Simon (2005), *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press).

⁴⁵ Sindzingre, A.N. (2011). *The conditions for long-term growth in sub-Saharan Africa: China as a model, a constraint and an opportunity*. Cahiers du Centre Working Papers No. 9, July 2011. Available: www.centredurkheim.fr

⁴⁶ Schiff, M. & Winters, A. 2003. *Regional Integration and Development*. Washington D.C.: The World Bank.

1.4.5 Constraints that have affected Professional Labour Mobility

According to African Development Bank⁴⁷, many citizens of East Africa fear that poor governance practices, including corruption, human rights abuse, and lack of observing constitutionalism and the rule of law, may spillover to Partner States with better governance records. In their view this could undo progress made at national level for example in achieving peaceful, constitutional transfer of power or fighting corruption.

Dorantes (2004)⁴⁸ notes that there was a concern that democratic deficits and lack of accountability that exists in some of the Partner States may be replicated at the regional level. Disparity in political systems and Partner States' constitutions is yet another concern. A well-functioning housing market, providing satisfactory turnover of housing mobility, is important for the effective identical jobs within the labor market. Lack of mobility caused by holdups in the housing market can constrain the ability of the labor market to match vacancies with potential employees.

Similarly Aydemir & Borjas (2007)⁴⁹, note that the African least-developed countries (LDCs) are amongst the poorest in the world with poor rankings in human development indicators, as set out in the UNDP Human Development Index. Most continue to experience rapid rates of population growth; many are experiencing conflict or post conflict situations and are seeing skills shortages in various critical sectors to which training systems are not responding

⁴⁷ African Development Bank. 2005. *African Development Report 2005*. Oxford: Oxford University Press.

⁴⁸ Amuedo-Dorantes, C., & Pozo, S.: *Workers' remittances and the real exchange rate: A paradox of gifts*, World Development, 32(8), (2004), 1407–1417.

⁴⁹ Aydemir, A., & Borjas, G. J.: Cross-country variation in the impact of international migration: Canada, Mexico, and the United States, *Journal of the European Economic Association*, 5(4), (2007), 663–708.

effectively. Often, their labour force is threatened by high rates of emigration of skilled labour, HIV/AIDS and, in some countries, child labour. Many are also landlocked countries, vulnerable to external price shocks and tend to have a limited revenue base and export basket, together with relatively low levels of economic growth.

According to Baas & Melzer (2012)⁵⁰, in terms of migration status, some act as destinations for migrants from African countries and are sources for migrants to OECD (Organization for Economic Co-operation and Development) countries, whilst others are both source and destination countries for African migrants. Some have shifted from being destination to source countries and some serve as destination, source and transit countries (Shaw 2007). In the context of the multilateral trading regime, the African LDCs together with other World Trade Organization (WTO) Member LDCs have been pursuing an active agenda on securing market access for temporary service providers through the General Agreement on Trade in Services (GATS). Due to the otherwise nascent state of their services sector, their main area of offensive export interest has been in the temporary movement of labour, particularly in the semi- and low-skilled categories of occupations in light of the abundance of low-skilled labour. Moreover, the case has been well made for the development benefits which can be accrued by developing countries, especially LDCs, particularly in the lower-skilled categories if they were to be granted even limited yet meaningful liberalization by developed country trading partners in this respect (Walmsley and Winters 2003; Rodrik 2002).

⁵⁰ Baas, T., & Melzer, S.: The macroeconomic impact of remittances: A sending country perspective, Norface Discussion Paper Series 2012/21, Norface Research Programme on Migration, Department of Economics, University College London, 2012.

According to Bayangos & Jansen, (2011)⁵¹ Mode 4, or the temporary movement of natural persons, is recognised by WTO Members as the one area in trade in services of particular interest to developing countries and LDCs and where action is needed. However it remains the area in which least progress has been made in the GATS negotiations despite the current Round of trade negotiations under the Doha Development Agenda. Placed in the broader international migration discourse, temporary labour mobility is seen as an attractive development-friendly option for the upskilling of labour through the acquisition of knowledge and experience, and building of human capital which is a necessary element to strengthen overall supply-side capacity and to achieve national development objectives.

According to Wickham (2004)⁵², increased labor mobility can have a dual payoff, fighting unemployment and enhancing growth through a more efficient use of the available resources, especially human capital. As some countries are labor abundant and other labor importers, a greater cooperation to smooth labor movements can be beneficial for all (Hoekman & Sekkat, 2009). However, the receptivity of governments to facilitate labor mobility is usually lower than for capital mobility, as witnessed by the much larger number of bilateral investment treaties and by countries' reluctance to include labor mobility provisions in trade agreements (Stephenson & Hufbauer, 2010). This disfavors labor abundant developing countries.

Similarly, Long (2002)⁵³ states that a well-functioning housing market, providing acceptable turnover of residential mobility, is important for the efficient matching of jobs within the

⁵¹ Bayangos, V., & Jansen, K.: Remittances and competitiveness: The case of the philippines, *World Development*, 39(10), (2011), 1834–1846.

⁵² Wickham Peter et al (2004), *Freedom of Movement: the Cornerstone of the Caribbean Single Market Economy*, Caribbean Policy Development Center, Bridgetown

⁵³ Long, Jason L. (2002). "Labor Mobility in Victorian Britain." (Ph.D. Dissertation, Northwestern University,).

labor market. Lack of movement caused by frictions in the housing sector can seriously inhibit the ability of the labor market to match positions with potential employees.

1.5 Justification of the Study

The study comes handy in a time when Kenya as a nation is focusing at a vision 2030 and the East African Community (EAC) working hard for regional integration, enhancement of business within member countries, professional exchanges and economic growth. The study will thus be of great benefit to Kenyan professionals seeking to widen their career scope and moving to other nations especially in the EAC block for professional opportunities. Besides, East Africa Community members will greatly benefit with an understanding of how regional integration and professional labour mobility can impact on the each nation's economy, growth and performance on different fronts.

The study will further enhance development of EAC integration policy on professional labour mobility. This will help avoid challenges like those observed by the European Union member countries on their professional labour mobility, including; existence of legal and administrative barriers, the lack of familiarity with other EAC languages, moving costs, inefficient housing markets, the limited portability of pension rights, glitches with the international acknowledgment of professional qualifications and the lack of transparency of job openings.

1.6 Hypotheses

Hypotheses of this study were:

- i. Regional integration has strongly encouraged professional labour mobility between EAC member countries.

ii. Wage is a major determinant of professional labour mobility within the EAC member countries.

iii. Free movement of professional labour has been constrained by non-tariff measures.

1.7 Theoretical Framework

The study was guided by Career Construction Theory which helps in understanding Regional integration and professional labour mobility. This theory is widely acceptable and its level of analysis with regard to professional labour mobility is wider than other theories.

1.7.1 Career Construction Theory

Career construction theory is one of the many career theories that aims at explaining occupational choice and work adjustment, each questioning a different aspect of vocational behavior. Career theories that have gained popularity have done so because they successfully address crucial questions. The model of person-environment fit began early in the 20th century to make it easy to understand how to match workers to work is a good example.

Career construction theory answers to the needs of today's mobile workers who feel fragmented and confused as they encounter a restructuring of professions, transformation of the workforce, and multicultural imperatives. This fundamental remodeling of the work world is making it difficult to understand careers with just person-environment and occupational development models that emphasize pledge and stability rather than elasticity and mobility. In discussing each new project, the prospective employee focuses on salary yet

also aims at making the work important, regulator the work environment, find stability between work-family duties and train for the next job⁵⁴.

1.8 Research Methodology

This section presented the methodology which was adopted by the study so as to ensure that the objectives were achieved. It outlined how the study would be carried out. The chapter presented the research design, the population, sampling design and the sample size, data collection method and instruments and data analysis.

The study adopted a descriptive survey as it deemed the best strategy to fulfill the objectives of this study. Descriptive studies described characteristics associated with the subject population. Descriptive research was appropriate in investigating relationships among variables.

The population for this study included officials from the Ministry of EAC, EAC Secretariat, professionals working in other member countries, regional employers and experts who deal with EAC integration. These formed the population of the study. Dealing with all members even for a smaller accessible population was difficult due to the tremendous amount of time and resources needed. A sample was obtained from the population. Purposeful sampling was used to come up with a sample of 50 respondents. These included 20 professionals from the EAC member countries working in other member countries, 15 labour mobility experts & employers from the EAC member countries, 15 ministry of East African Community Secretariat & regional integration experts.

⁵⁴ Cattaneo, O. and P. Walkenhorst (2010). "Law and Justice for Development: Trade Aspects" in Services Trade for Development, World Bank forthcoming.

The study used both primary and secondary sources. The primary data was obtained through interviews. The interviews were carried out with the help of an interview guide. The interview guide had relevant issues concerning the Regional Integration and Professional Labour Mobility. Secondary data was obtained from analysis and appraisal of books, papers, journals and other available literature on the issue of Regional Integration and Professional Labour Mobility. The researcher used the Internet to get published materials, online libraries and websites of the EAC and websites of research institutions. Data was also sourced from EAC treaty, protocols and published materials. The results were presented under identified themes.

1.9 Chapter Outline

The study was organized into five Chapters. The first chapter was the proposal which gave the introduction to the study. The research problem was conceptualized and provided justification for this study. The chapter also presented literature review, theoretical framework, the hypotheses and the research methodology that was used by the study. The second chapter the researcher looked at the history of EAC, stages of integration, historical evolution of regional integration in Africa, and finally looked at the importance of Regional Integration in Africa's Future competitiveness.

The third chapter gave a case study of the East African Community and looked at each member countries performance in the integration. The fourth chapter was on data analysis and presentation of findings. The fifth chapter constituted the conclusions and recommendations.

CHAPTER TWO: HISTORICAL OVERVIEW OF THE RESEARCH

2.1 Introduction

This chapter introduces regional integration and looks at the concept of Regional Integration, historical evolution of regional integration in Africa, a history of labour mobility, how EAC contributes to increase employment and skills development opportunities, how EAC can address skills shortages and finally on issues that can hamper regional integration.

2.2 Concept of regional integration

According to Hans van Ginkel (2003)⁵⁵ regional integration refers to the procedure by which states within a given region increase their level of collaboration in respect to political, economic, security, and social and cultural issues. Regional integration resourcefulness, according to Van Langenhove, should have at least eight important functions which include the strengthening of trade integration in the region, the creation of a suitable enabling environment for private sector development, the growth of infrastructure programmes in support of economic advancement and regional integration, the development of solid public sector institutions and good governance, the decrease of social exclusion and the development of a comprehensive civil society, influence to peace and security in the region, the building of environment programmes at the regional level and the firming of the region's dealings with other regions of the world.

⁵⁵ Van Ginkel, H. and Van Langenhove, L: "Introduction and Context" in Hans van Ginkel, Julius Court and Luk Van Langenhove (Eds.), *Integrating Africa : Perspectives on Regional Integration and Development*, UNU Press, 1-9, 2003.

Similarly, De Lombaerde and Langenhove (2007)⁵⁶ define regional integration as a process in which neighboring countries from a particular region come together and develop a official agreement in order to boost regional cooperation through regional bodies and rules. The objectives of the agreement could range from political to economic to environmental, even though it has taken the custom of a political economy initiative where trade has been given the upper hand as compared to the other areas.

Further Auer (2005)⁵⁷, notes that Regional integrations have often dedicated on removing barriers to free trade in the region, growing the free movement of people, labour, goods, and capital across state, reducing the possibility of regional armed conflict (for example, through Confidence and Security-Building Measures), and embracing cohesive regional positions on policy issues, such as migration, environment and climate change.

2.3 Levels of economic integration

There are five levels of economic integration and they are implemented progressively from one stage to another. It begins from free trade area, to customs union, Common Market, Economic Union and finally Political Union.

Free trade, often referred to as *laissez-faire*, a policy in which a government does not differentiate against imports or restrict with exports by using tariffs or subsidies, countries can remove the taxes completely or reduce them significantly. This only applies to countries with agreements and each member country keeps its own tariffs in respect to third countries.

⁵⁶ De Lombaerde and Van Langenhove 2007, pp. 377-383.

⁵⁷ Auer, P (2005), 'Protected mobility for employment and decent work: labour market security in a globalised world', Employment strategy papers, International Labour Office, Geneva.

The aim is to grow economies of scale and comparative advantages, this will promote economic efficiency. 'Free' trade is different from other forms of trade policy . The others the allocation of goods and services among traders are determined by price strategies that may be different from those that would emerge under deregulation⁵⁸. **Custom union** is the second stage of integration. The member countries remove trade barriers and reduce or eliminate customs duty on mutual trade and set common external tariffs to ensure that similar tariffs are used to other third countries which are not members.

Customs Union unlike the common market, does not allow free movement of capital and labor among member countries. **Common market** the next stage is a legal and binding commitment by member countries to a deeper and stronger functional integration where member countries operate as a single market with free movement factors of production, such as goods, labour, services and capital. Members freely move within the bloc and the right of establishment and residence is also given, this breeds expanding scale economies and comparative advantages. Common markets impose common external tariff (CET) on imports from non-member countries.

Common market encompasses a smoothly functioning customs union which eliminates the application of all tariff and non-tariff barriers, plus a common external tariff, persons, free movement of labour, services and right of residence and establishment, free movement of capital within the Community, Improved macro-economic policy harmonisation and matching with regards to fiscal regimes and monetary policy and coming up with measure to strengthen and empower the necessary institutions/organs to back the common market

⁵⁸ Deacon, B., Yeates, N. and Van Langenhove, L. (2006) Social Dimensions of *Regional Integration – A High Level Symposium: Conclusions*, UNU-CRIS Occasional Paper, O-2006/13. Online: ... O-2006-13.pdf (September 2008). Deacon, B.

operations. This is a process towards economic union which requires a substantial level of close cooperation between member states. Qualifications and accreditations of workers, must be harmonized earlier for cross-border commuting to be viable. **Economic union** on the other hand requires improved cooperation between the member countries. Apart from allowing the free movement of capital, labor and all goods and services Economic Union includes the harmonization and unification of social, fiscal, and monetary policies. This denotes a level of political integration⁵⁹.

This is achieved by forming a conglomerate of financial institutions. These include central banks of the various states and other bodies to regulate trade. At this stage a mutually agreed currency can be embraced by all the involved countries to increase efficiency and eliminate uncertainties which come up with different currency exchange rates. The largest current example of an economic union is the Eurozone, which was formed by eleven European nations on 1 January 1999. **Political union** is the final stage of regional integration is the Political Union. This is the most advanced form of regional integration with one government. All the member countries sovereignty is significantly reduced. Most regional integrations have not extended to this stage, it is only found within nation states, like the federations which have a principal government and regions having a level of independence.⁶⁰

2.4 Historical evolution of regional integration in Africa

Regionalism in Africa has had a robust political intention. Pan-Africanism, as a manifestation of continental identity and unity, differentiates regional integration in Africa from other areas

⁵⁹ Balassa, Bela (1961), *The Theory of Economic Integration*, Richard Irwin, Home wood (Ill)

⁶⁰ McCarthy, D.M.P. (2006). *International Economic Integration in Historical Perspective*. Milton Park, Abingdon, Oxon: Routledge.

in the developing world”⁶¹. Integration creativities in Africa begun in the early 20th century in 1910 when the South African Customs Union (SACU) was established. Since then a number of regional economic groupings have been established across the continent, since the 1970s. To date, there are about 10 regional economic groupings in Africa and there is not a single country in Africa that is not a bona fide member of at least one regional economic group. Some countries have overlapping memberships like Tanzania which is a member of EAC and SADC.⁶²

In addition to agreements at a regional level, endeavors have also been underway to establish economic cooperation among African countries at a continental level. This lead to the signing of African Economic Community Treaty (or the Abuja Treaty) in 1991. Accordingly, as Teshome (1998) noted, six RECs inside the continent were assumed as the giants for such a continent - wide integration enterprise. This initiative is still alive today as proved in the Sirte Declaration of September 1999 and the one in Lome held in July 2000, which settled to realize that agreement⁶³.

Economic Commission for Africa (ECA) has three regional integration blocks, the Economic Community of West African States (ECOWAS) for West Africa, which came into force in 1975, this came before the LPA the Preferential Trade Area (PTA) which covers East and Southern Africa, which was the forerunner of the Common Market for Eastern and Southern Africa (COMESA) and the Economic Community of Central African States (ECCAS) for Central Africa which aimed at improving African integration and continental industrial

⁶¹ **McCarthy, C.** 1995. Regional integration: part of the solution or part of the problem? In Ellis, S. ed., *Africa Now: People, Policies, and Institutions*. London, James Currey/Portsmouth, Heinemann. p. 14.

⁶² Schiff, M. & Winters, A. 2003. *Regional Integration and Development*. Washington D.C.: The World Bank.

⁶³ Ibid 64

development. In 1989, the Arab Maghreb Union (AMU) was established, thus covering the whole continent.

(SADCC) The Southern African Development Co-coordinating Conference was established in 1980, with the aim of reducing economic reliance on South Africa, which was still barred from the African integration plan. However, in expectation of South Africa's democratic changeover in the early 1990s, SADCC became Southern African Development Community (SADC) in 1992 and in 1994, South Africa joined SADC. SADCC was not a trade integration arrangement the leading states composing the arrangement adopted a broad development mandate⁶⁴SADCC was involved in cross-border, sector-specific projects. These were referred to as regional development passageways and the Southern African Power Pool. This strategic plan expresses the roadmap for SADC's integration and provides for the establishment of a free trade area in 2008, a customs union in 2010, a common market in 2015, monetary union in 2016 and the beginning of a single currency in 2018⁶⁵.

2.5 Brief history of Labour mobility

Cross boarder mobility increased momentum in the 19 Century but due to the II World War and the great depression, there was an economic crisis and thus mobility started decreasing in volume. However cross-border mobility during the Mercantile period of 1500-1800 and the Industrial period of 1800-1910 was due to underdevelopment and backwardness of the sending states. Great Britain for example, in the twentieth century was the first country to

⁶⁴ Angola, Botswana, Lesotho, Malawi, Mozambique, Swaziland, Tanzania, Zambia and Zimbabwe.

⁶⁵ The free trade agreement adopted in 2008 has not yet been fully implemented and at a recent ministerial task force meeting (March 2010) it was decided to postpone the establishment of the customs union, without committing to a specific deadline.

industrialize and thus was the largest sending nation of labour to other nations. Various research show that emigration is positively correlated with the degree of industrialization of the sending countries (World Bank 2009).

The post-industrialization period begun in 1960s and witnessed a new pattern of migration. Workers from low-income countries begun migrating to high-income countries, with majority of the laborers were Latin Americans, Asians and Africans. The oil rich countries were not spared either, countries of the Persian Gulf and those from East Asia which include the republic of Korea, Malaysia, Singapore, Taiwan, Thailand, Hong Kong, China and Japan had an increase inflow of immigrants too. (World Bank 2009).

The trend of labour migration from poor to rich nations is now changing, today a good number of migrants originate from countries with impressive economic growth rates and declining fertility rates. As the World Bank's World Development Report states, 'emigration today is the outcome less of desperation and more of integration.'

2.6 EAC contributes to increase employment and skills development opportunities

According to findings from the World Bank (2008)⁶⁶ analysis, EAC would greatly benefit from unhampered trans-border flow of labour. It will allow for a more efficient allocation of skills which are relatively scarce in some member countries and also mop up unutilized skills in other member countries.

A number of Kenyan owned private firms and banks have been expanding their operations into the EAC since the free movement of services and capital guaranteed under the common

⁶⁶ World Bank (2008) *From Manpower Planning to Labour Market Analysis*. Washington DC: World Bank.

market. So far, we have four indigenous Kenyan banks (KCB, Equity Bank, Fina Bank, and Commercial Bank of Africa), who have opened branches within the EAC member countries. There are also native Kenyan insurance companies with branches within the region APA Insurance, Jubilee Insurance, Phoenix of East Africa, Insurance Company of East Africa, (ICEA), UAP Insurance and Real Insurance among the know ones. On the other hand, there are several Kenyan stock broking firms that have established subsidiaries within the EAC region. These include, Kingdom Securities (Rwanda), Dyer and Blair Investment Bank (Uganda and Rwanda) and Faida Securities (Rwanda). Free movement of labour allows these investments initially to come with skilled labour and has the advantage of passing some of these skills to the residents and this constitutes a gain for receiving countries since they have not spent any funds in the education for those skills.⁶⁷

2.7 EAC can address skill shortages in the member countries

Skills shortage in specific categories of eligible professionals can be improved due to the common labour market Burundi for example has an acute shortage of human resource with necessary professional skills that could drive the services industry in Burundi. Hence, services sector still contributes the lowest to GDP of Burundi. Lawyers and accountants per 100,000 inhabitants for Burundi and a sample of Sub-Saharan African countries. They reveal significant variations in the availability of professionals, with relative scarcity in Burundi, Rwanda, Uganda, Zambia, Malawi, and Tanzania and relative abundance in Mauritius, South Africa, and Kenya. However, the ratio is particularly low for Burundi, suggesting that accounting and legal professionals are extremely scarce. Yet, these are the categories of

⁶⁷ Ibid 70

professionals that other partner states have committed in the CMP to move into their territories. They can freely move to Burundi to balance the deficit.

2.8 Issues in EAC that can hamper regional integration

2.8.1 Civil conflict hampers regional integration

Africa is one of the continents that are the most affected by civil conflicts, with more than two thirds of its fifty three countries having experienced civil conflict between 1980 and 2005. Out of these, seventeen states out of the fifty three have avoided internal sizeable conflicts in the continent and averagely, each year, civil conflict occurs in 11 African countries.⁶⁸

According to Bayer and Rupert (2004)⁶⁹ Civil conflicts cause serious damages to national economic forecasts and results in the decline of economic capabilities of a nation. A country threatened to a civil conflict might have serious losses in its accrued physical and human capital, and in its aggregate trade flows. It is not possible for such a country to offer secured long term returns for investments thus resulting in a low investment (Collier 1999)⁷⁰, this makes a country to decline in GDP per capita and/or in growth rates as compared to a country that has not had any civil war. Apart from the economic loss, civil conflicts pose a risk on to

⁶⁸ These countries are Benin, Botswana, Cape Verde, Equatorial Guinea, Gabon, Libya, Madagascar, Malawi, Mauritania, Mauritius, Namibia, Sao Tome and Principe, Seychelles, Swaziland, Tanzania, Zambia and Zimbabwe.

⁶⁹ Bayer, R. and Rupert M. (2004): "Effects of Civil Wars on International Trade, 1950-92", *Journal of Peace Research*, 41(6), 699-713.

⁷⁰ Collier, P. (1999): "On the Economic Consequences of Civil War." *Oxford Economic Papers*, 51, 168-183.

all the involved. Besley and Persson (2008)⁷¹ find that civil conflict results in a lower investment in state fiscal capability, especially because of the change of fiscal resources in the enlarged military expenditures.

As per the list above, the only country in East African Community which has not had a civil conflict is Tanzania. All the other four have been involved in conflict at one time or another. When there are conflicts the human labour is scattered in various directions as refugees or are in hiding. In this scenario, Professional Mobility is hampered because none of them wants to go in a war torn country.

2.8.2 Poor infrastructure hinders professional mobility

Infrastructure is made up of roads, railroads, ports, telecommunications, aviation, bridges, power grids, water systems, schools, and hospitals. On the other hand infrastructure is comprised of social welfare, civil society, public safety and judicial systems, the political parties that spear head electoral processes, teachers in schools, judges that decide cases, doctors in hospitals, police on the streets and basically everything that adds up to the general rule of law. Provision of a decent standard of living and sense of community is yet another factor. All the above infrastructure are tied together and are key to guaranteeing access to the goods and services necessary for human life, whether they are locally produced or as a results of foreign aid. If medicine, food, and essential goods lack networks and transports for distribution, they go bad lose their value.⁷² In regions of EAC lack infrastructure, and this

⁷¹ Besley, T. and Persson T. (2008): "Wars and state capacity", *Journal of the European Economic Association* 6, 522-530.

⁷² Kevin C. Cheng (2008) Kenya, Uganda, and United Republic of Tanzania: Selected Issues International Monetary Fund

results to lack of the very elements that make the countries to run effectively and ultimately, contributes to making professionals very reluctant to move to other countries. Road transport has many roadblocks erected by security forces as well as illegal barriers and insecurity on the roads is a challenge.

2.8.3 Poor Governance

Governance and infrastructure are indisputably interrelated and analyzing and harmonizing this relationship always leads to questions of leadership. EAC leaders have generally been accused of both poor governance and corruption this has a serious unfavorable effect on the economic growth for any country that is necessary for development and thus hampers creation of jobs and this translates to joblessness.

When there is poor governance in a country, the public and private sectors do not flourish, as public funds are misused, quality of services are compromised, persons do not feel secure in venturing into businesses, and outside investors stay away or look for other countries. Reformers are hopeless, quieted, and/or do not receive both external and political support from the top to challenge the status quo.⁷³

⁷³ Ibid 76

CHAPTER THREE: CASE STUDY EAC

3.1 Introduction

This chapter covers the case study of East African community. The researcher begins by looking at its history, its objectives and challenges for each member country.

3.2 East African Community

The East African Community (EAC), an economic cooperative, was formed by the African countries of Kenya, Tanzania, and Uganda in 1967. It lasted for 10 years before being dissolved due to political differences.⁷⁴ Briefly, the East African Cooperation (1967-1977) collapsed due some six major issues which include lack of political will, failure of the citizenry to appreciate the long-term benefits of the Community due to insufficient awareness creation by the Partner States. Perceived or real inequitable fiscal redistribution of gains from the Community Inter-territorial imbalances in trade, currency system disharmony, lack of homogeneity in constitutional and political architecture of the Partner States.⁷⁵

The East African Community (EAC) 2 was again reconstituted in 1999 is a regional intergovernmental organization after a treaty was signed. Initially it consisted of 3 states namely the republic of Kenya, the republic of Uganda and the United republic of Tanzania. The treaty was ratified in 2000. In 2007, the republic of Rwanda and the republic of Burundi

⁷⁴ http://www.eac.int/index.php?option=com_content&view=article&id=1&Itemid=53

⁷⁵ Ravi Chande, Francis A. S. T. Matambalya, Sam Turya-Muhika (2007) Deepening East African Community (EAC) integration, German Technical Cooperation

acceded into the treaty and the member states grew to five.⁷⁶ Its headquarters is in Arusha, Tanzania.

The Vision of EAC is to widen and deepen Economic, Cultural, Political and Social integration in order to improve the quality of life of the people of East Africa through increased competitiveness, value adding in produced goods, trade and investments.⁷⁷

The East African Community Aims and Objectives are geared towards widening and deepening co-operation among the member States in, areas economic, political and social fields for their common benefit. To achieve the objectives, the EAC countries established a Customs Union in 2005 and a Common Market in 2010. The next level of the integration will see the bloc enter into a Monetary Union and ultimately become a Political Federation of the East African countries. The regional economic bloc of EAC's membership of Kenya, Burundi, Rwanda, Tanzania and Uganda have a collective population of more than 130 million people as per the findings done in (2010), land area of 1.82 million sq kilometres and a combined GDP of \$74.5 billion (2009), This bears a great strategic and geopolitical significance and prospects of a transformed and refreshed East African Community. The Republic of Sudan, The Republic of South Sudan and the Republic of Somalia had applied to join the bloc. Sudan's application was declined while those of south Sudan and Somalia are pending approval⁷⁸.

⁷⁶ EAC Treaty

⁷⁷ Ibid 79

⁷⁸ http://www.eac.int/index.php?option=com_content&view=article&id=769&Itemid=208

3.3 East African Community Common Market Protocol

The EAC partner states entered into a Common Market Protocol (CMP) in November 2009. The CMP became effective in July 2010. The key objective of the Common Market is to widen and deepen cooperation among the member states in the social and economic fields. This was to be achieved through removal of barriers on the movement of services, goods, persons, capital, labour, and the rights of establishment and residence⁷⁹.

EAC 2 establishment steps

Year:

Description:

1999 -EAC treaty signed between Kenya, Uganda and Tanzania

2005 -Customs Union established in November

2007 - Rwanda and Burundi join the Union

2009 -Common Market Protocol signed in November

2010- Common Market started operating on 1st of July

2012- Target for Monetary Union

3.3.1 Free movement of workers

Article 10 of the CMP guarantees the free movement, within the EAC region, of workers who are the populaces of the member states. It accords the workers the right to apply for employment and consent to job offers of employment given to them, travel freely within the

⁷⁹ EAC Common Market Protocol

borders of the member countries for employment and conclude contracts and take up employment in agreement with the contracts, national laws and administrative measures. It gives the professionals to stay in the country of a member state for employment

in agreement with the national laws and administrative measures governing the employment of workers of that member state, enjoy the freedom of association and collective bargaining for better working conditions and pay in accordance with the countrywide laws of the receiving state and enjoy the benefits and rights of social security as given to the workers of the host member state⁸⁰.

Article 10 of the CMP also entails the partner states to guarantee that workers are not discriminated in employment, remuneration and other conditions and terms of work because they come from a the other member countries. Also in Article 11 of the CMP the EAC committed, to reciprocally recognize academic and professional qualifications given by the member states. In this regard, the member states were to harmonize their standards, curricula, certification and accreditation, examinations of educational and training institutions. Article 12 of the CMP intended the EAC member states to harmonize their national and labour laws and employment policies and programmes to enable the free movement of labour anywhere within the region.

Article 39 of the Protocol gives the member states the burden to coordinate and harmonize their social security policies to help promote and protect decent work and increase standards of living of the citizens. To make it simpler for cross-border movement of persons, Article 5 of the CMP has given the way forward and to adopt an all inclusive border management system.

⁸⁰ The East African Community Common Market 2009 (Free Movement of workers) regulations Annex II

The member countries were also to eliminate restrictions on the movement of labour, match labour policies, legislations, social services, programmes, offer for social security benefits and institute shared standards and measures in dealing with of workers and employers.⁸¹

Article 10 (1) of the Protocol provides that “the Partner States hereby guarantee the freedom of workers who are citizens of other partner States within their territories”, the schedule for the free movement of workers under Annex II of the Protocol categorically states the free movement of highly skilled workers. These highly skilled workers include directors and chief executives, managers, professionals in the various fields like physical sciences, mathematicians, statisticians and computer professionals, engineering science professionals, health and life science professionals, legal professionals, teaching professionals, social science and related professionals, engineering technicians, business professionals and other related professionals, engineering, technicians amongst other professionals.

Looking at the above list, the researcher can confidently conclude that the free movement of workers in the Protocol is not free for all but a privilege of only the highly skilled and professional workers yet the majority of workers in East Africa are semi or unskilled. Many reasons have been given for selective freedom. For one, they argue that the Treaty provides that the attainment of a common market shall be progressive hence the restricted category of workers allowed to move may just be the beginning. It begun in 2010 and will continue gradually up to 2015, secondly the restriction acts as a cushion all the countries against citizens of other member countries coming in to take jobs that locals can comfortably do and

⁸¹ Ibid 84

on the other hand the number of professionals in all countries is smaller as opposed to semi or non-skilled labour.

3.4 Cadre of workers that member countries committed to open for each other.

As per the Common Market Protocol – Movement of workers, skilled labour include corporate managers, physical, mathematical and engineering science skilled, teaching skilled, lawyers and metal and related trade workers. Using ILO classification, the said member states have committed to open up their countries for the following categories of workers:-

Burundi – Professionals – by 1st July 2010

Kenya – Managers, Professionals, Technicians and Associate Professionals, and Craft and Related Trades Workers – by 1st July 2010

Rwanda – Professionals and Technicians and Associate Professionals –by 1st July 2010

Tanzania – Professionals and Technicians and Associate Professionals – ranging from by 1st July 2010 to 2015

Uganda – Managers, Professionals and Craft and Related Trades Workers – by 1st July 2010⁸²

3.5 Professional labour mobility in Kenya

There have also been some attempts to reverse emigration of the highly-skilled labour. This is evidence that professionals' relocation from the country is alarming. The RQAN scheme in Kenya run by International Organisation for Migration (IOM) is reported to have returned over 300 professionals to Kenya by the end of 2002 (Shinn 2002). A worrying development that runs somewhat counter to previous policy to reverse emigration is the decision by the

⁸² Ibid 84

government not to renew the visas of many expatriate workers where it is judged that a Kenyan could do the job as well.⁸³

3.5.1 History of Kenya's professional labour mobility

Since the CMP came into force in July 2010, Kenya has amended its laws that inhibited free movement of other nationalities in the country. The amended laws included the Kenya Citizenship Act (Cap 170), Immigration Act (Cap 172), Alien Restriction Act (Cap 173) and Visa Regulations. These laws have since been annulled and replaced by the Kenya Citizenship and Immigration Act No. 12 of 2011 and, Kenya Citizens and Foreign Nationals Management Act No.31 of 2011⁸⁴. The Kenyan government has also started to reform policy and legislation and on reforms that have since seen new laws, amendments and regulations that address discrimination of citizens and workers from other member states seeking employment in Kenya through Employment Act No. 11 of 2007, The Labour Relations Act No. 14 of 2007, Labour Institutions Act No. 12 of 2007, Occupational Safety and Health Act No. 15 of 2007, · Work Injury Benefits Act, 2007, Kenya Constitution 2010 and, Industrial Courts Act No. 20 of 2011 are among the new laws that enhance free movement of East African Citizens to Kenya as workers without discrimination⁸⁵.

⁸³ Shinn, D. H. 2002. 'Reversing the Brain Drain in Ethiopia'. *Addis Tribune*. Addis Ababa. Stokes, T. 2001. 'Kenya's Brain Drain.' *Trends in Plant Science* 6(5). Citing *The Daily Nation*, 8 March 2001.

⁸⁴ Achoch (2004) study on migration data and statistics: policies and instructions Kenya November

⁸⁵ Margaret Phelan, James Gillespie (2013) *Immigration Law Handbook 2013* Oxford Press University

3.5.2 Challenges in implementing the protocol in Kenya

Kenya has made a deliberate effort to implement the Common Market Protocol regardless of the challenges it faces. It began by implementing reforms in the immigration laws to enable quick issuance of work permits to applicants. The above notwithstanding, it still takes between 6-9 months to get a work permit this is a challenge to the applicants.

Kenya is yet to harmonize its social security policies, laws and systems with other EAC countries. Kenya is working on its manpower survey and it is not complete yet. Kenya has not harmonized its curricula, examination, standards, certificates and accreditation of education and training institutions, there are over 100 Private Employment Agencies that are licensed by the government to collect and disseminate information on available regional job vacancies and these Agencies activities are not coordinated.

The Ministry of Immigration through Gazette Notice of July 2012, endorsed changes in the immigration laws of Kenya that prohibit granting of work and residence permits to foreign workers if they are 35 years and younger and if they are not earning a monthly salary of US\$ 2000 and above. The amount when converted into local currency is about Kshs. 176,000 this is an amount of money earned by very few Kenyans in formal employment. Secondly the issue of limiting age to 35 and below is a paradox, this is because, this is the age bracket when professionals are beginning to settle in their careers having taken risks of moving from one job to another, moving from one country to another. This is a big blow to the young professionals. This issue is a non-tariff barrier and should be re-addressed to accommodate those below the age of 35. The regulation is also blind to the fact that a larger share (more than 60 percent) of the EAC population is youth below 35 years of age. The new rules have also locked out expatriates from employment real estate, the medical field, accountancy,

engineering and legal professions. Kenya is among the countries in Africa with the minimum number of lawyers, accountants and engineers. In Kenya since the laws are in place the problem is the implementation of the said laws.

3.6 Professional labour mobility in Uganda

Uganda like other member countries has policies dealing with labour migration and some are in process of being formulated. In response to the CMP Uganda is reviewing The National Economic Policy. Policy on migration in Uganda is geared towards universal migration. Traditionally, this has involved measures to reduce both emigration and immigration. In the late 1980s, Uganda introduced measures to restrict emigration of professionals and civil servants by imposition of foreign exchange restrictions and compulsory clearance for travel abroad.^{86, 87}

In 1990, the Government reported that it considered emigration levels to be too high and resolved that it would take measures to shrink emigration. However, by 2000, the Government termed emigration levels as ‘satisfactory’ and had enthused to a policy of ‘no intervention’⁸⁸. Uganda has participated in the IOM’s Return of African Qualified Nationals Programme (RAQN), which has successfully returned Ugandans from the UK, India, Canada and US. Like other countries in SSA, it has recently turned its devotion to mobilising the diaspora without necessarily promoting return.

⁸⁶ Ogaram, D (2004) study on migration Data & Statistics : Uganda November

⁸⁷ Russell, S. S., K. Jacobsen, et al. 1990. *International Migration and Development in Sub-Saharan Africa*. Washington DC, World Bank Discussion Papers. Citing data from 1968 Uganda census.

⁸⁸ UNDESA. 2002b. *International Migration 2002 Wallchart*., New York, United Nations, Population Division, Department of Economic and Social Affairs.

To work in Uganda even for categories of professionals that are permitted to move under the Protocol is not wholly guaranteed like all the other member states. Under the law, a non-citizen of Uganda can only work in Uganda for more than one year on condition that their employment benefits Uganda and that the job the non-citizen is holding or intends to hold be performed by a Ugandan.⁸⁹ This provision is discriminatory and contrary to the provisions of the Protocol. If the protocol was to be adhered to, to the letter, very few citizens of the other Member States would meet the requirements to work in Uganda.

3.6.1 Challenges in implementing the protocol in Uganda

Uganda does not have a clear national identification system and is thus reluctant to implement the CMP because they foresee a mix-up in their system and thus want to come up with a clear system before fully implementing the CMP. Uganda does not have a national, regional and international mobility data management system and thus its reluctance to implement the CMP. Full implementation of the CMP is an expensive venture and thus Uganda, negative perceptions of the gains and losses from CMP and poor attitude towards migrants are yet another reasons.

3.7 Professional labour mobility in Tanzania

Handling of employment and labour relation issues in Tanzania are regulated by two sets of laws enacted by two independent legislatures and administered by two sets of ministries in the United Republic of Tanzania. Each of the jurisdictions (Tanganyika and Zanzibar) has full jurisdiction of supervision. The Employment and Labour Relations Act (No. 6 of 2004) is being overseen under the Ministry for Labour in the mainland, while in Zanzibar there are two laws, namely the Employment Act (No. 11 of 2005) and the Labour Relations Act (No. 1

⁸⁹ Regulation 23 UCICR 2004

of 2005) and the two Zanzibar Acts and the Employment and Labour Relations Act being implemented in the Mainland have same issues of employee meaning and employee rights, obligations and duties. It is controlled by the Ministry of Home affairs through Immigration Act (Cap.54 of 2002). Under this Act the law states that a foreigner must have a permit before working in the United Republic of Tanzania. Visitors have to get a temporal pass.⁹⁰

Labour movements, volume their importance and implications in Tanzania especially across boundaries became significantly reduced in the post-independence Tanzania. At one level, the entry of foreign workers during 1960s-1970s was based on the planned economy system and on provisions of international aid to the country particularly from other former socialist block. Presently, Tanzania has seen a marked rise in the flow of labour migrants due to increase in foreign inflow of investment. The contemporary labour migration in the country involves people far from African continent. In comparison with other African countries, South Africa is leading as a source of labour immigrants in Tanzania. Apart from changing sources of labour immigrants, there has also been a tendency for the foreign labour population in Tanzania to come from higher-income countries. This trend can be explained by the structure shift in the economy, combined with the rising capital-labour ratios have meant a preference for skilled over unskilled labour in the country. The skills required includes high engineering skills, specialised technical skills, very specialised managers among others.

⁹⁰ Edmundo Murrugarra, Jennica Larrison, Marcin Sasin (2010) Migration and Poverty: Towards Better Opportunities for the Poor, World Bank

There has been a steady increase in labour movements to Tanzania. Foreign migrants to Tanzania work only in managerial and supervisory jobs. It was observed that educated Kenyans and Ugandans take the lion share of immigrants though most of the information is not documented. This is because these citizens are employed without government documentation in the education sector and in particular in private pre and post primary schools. Tanzania Investment Centre (TIC) has records to show that 20% of the technical jobs are taken by none citizens. Between 2001 – 2003 TIC registered 2307 none Tanzanians, of these, 842 were managers, supervisors and 40 were engineers, 171 were in finance, technicians 86 and 1861 were from lower cadre jobs.⁹¹

Historically, labour migration to Tanzania is largely from neighboring countries however, recent statistics show that Tanzania is attracting labour immigrants from countries outside Africa. There has been a steady increase in labour movements to Tanzania. Foreign migrants to Tanzania work only in managerial and supervisory jobs. It was observed that educated Kenyans and Ugandans take the lion share of immigrants though most of the information is not documented. This is because these citizens are employed without government documentation in the education sector and in particular in private pre and post primary schools.⁹² Tanzania Investment Centre (TIC) has records to show that 20% of the technical jobs are taken by none citizens. Between 2001 – 2003 TIC registered 2307 none Tanzanians, of these, 842 were managers, supervisors and 40 were engineers, 171 were in finance, technicians 86 and 1861 were from lower cadre jobs.⁹³ Tanzania is latently

⁹¹ Tanzania Investment Centre, Dar es Salaam, 2003

⁹² Edmundo Murrugarra, Jennica Larrison, Marcin Sasin (2010) Migration and Poverty: Towards Better Opportunities for the Poor, World Bank

⁹³ Tanzania Investment Centre, Dar es Salaam, 2003

suspicious of both capitalism and foreigners, the country has made it difficult for workers from other member countries to acquire work permits.

3.7.1 Challenges in implementing the protocol in Tanzania

In principle Tanzania has committed herself to implement the protocol fully by 2015 although things are different on the ground. The main reason for their delay is because the area covered by Protocol under the freedom of movement of labour in Tanzania is under many sectors and ministries.

Some Tanzanians fear that with the common market protocols being implemented and EAC citizens coming in their country, they would lose their jobs and will not be able to get employed by investors as they would be employers preferred others as better skilled. Language is yet another handicap for Tanzanians. This is mainly in the command of English, a language most preferred by foreign investors is commonly used by other partner countries like Kenya and Uganda.

3.8 Professional labour mobility in Rwanda

Rwanda went through genocide 1994 and this affected the labour sector adversely because employees were killed and some had to flee for dear life. Some fled to other countries as refugees and the international workers had to go back to their countries. Rwanda took many initiatives to help come out of this predicament and to that effect adopted various policies and overall programs towards the building their country both economically, socially and politically. In that regard, it came up with vision 2020 and the need to embrace integration and the country among its main concern as states the Vision 2020⁹⁴. Rwanda chose for

⁹⁴ Vision 2020 is Rwanda's leading policy orientation, drafted and started being implemented in 2000.

Regional integration as one of its key pillars (Republic of Rwanda, 2000). To realize this Rwanda applied and was accepted to be a member of regional trading blocs which include (EAC) East African Community, (COMESA) Common Market of Eastern and Southern Africa.

The new law is the result of implementation of the National Migration Policy which is aimed at promoting investment, attracting skilled workers, enhance national security and tourism.⁹⁵

The law has been harmonized with EAC protocol on Free movement of people, labour and services as required by the Common Market Protocol which stipulates that, according to the annex to the CMP on free movement of persons (Regulation 5 on Entry, exit and Stay) any citizen who wishes to enter the partner country will only be required an identity card and will be allowed a stay of not more than six months. In this regards, the new law provides that Citizens of EAC partner states shall have the right to visit Rwanda as they will be issued a pass simple endorsement in their valid travel document. The single entry is guaranteed for a period not exceeding six months without visa.

According to the Global Competitive Report (2010-2011)⁹⁶, Rwanda ranks 9th with the highest labour market efficiency rate of 5.3 (out of 7) and ranked 9th globally, while Uganda follow second with a rate of 4.8, Kenya has a rate of 4.62, Tanzania 4.28 and Burundi is the least with 4.25. Theoretically, with the free movement of labour, labour is expected to move from a market which is less efficient to a market that is more efficient. This translates that

⁹⁵ <https://www.migration.gov.rw/Announcement.html> last visited on July 20 2013

⁹⁶ Klaus Schwab (2010) The Global Competitiveness Report 2010–2011 World Economic Forum Geneva, Switzerland 2010

the effectiveness of the EAC Common Market more workers will be expected to easily access the labour market in Rwanda more than other Partner States due to its efficiency⁹⁷.

Kenya and Rwanda have already eliminated work permits fees, at a bilateral level between them. In the case of Rwanda, the elimination of work permits is extended to all citizens of EAC Partner States. An important element in the process of elimination of work permits, wholly or partially, is the conclusion of the Mutual Recognition of Academic and Professional Qualifications.

In February 2012, the Rwandan Cabinet approved the National Policy and Strategy on EAC integration. This approval gives a strong signal intentions to comply and align their local laws with the CMP. Together with the above, in 2011 Rwanda enacted a new Immigration Law No O4/2011 to facilitate implementing of Ministerial Orders relating to the CMP. In terms of progress, Rwanda provides visitors pass for 6 months without visa. Work permits are charged Rwandese Franc 20,000 for trade, business, service, semi-skilled and artists from the region in contrast to Rwandese Franc 100,000 for non-EAC citizens. Rwanda has started issuing machine readable and electronic National Identity Cards established. A total of 4655 work permit applications had been received and processed up to August 2012. The country has labour market information system.

3.8.1 Challenges in implementing the protocol in Rwanda

Apart from the milestones achieved above, Rwanda has some implementation challenges which include the absence of an institutional mechanism to promote the in sharing of information on benefits from the EAC bodies. Some Rwandans fear that with the common

⁹⁷ MINEAC, Impact Assessment Study of the EAC Common Market on Rwanda's Economy, July 2011, p.40

market protocols being implemented and EAC citizens coming to work in the country, they would lose their jobs and would not be able to get hired by anyone else because the foreigners would be favored as better skilled.

CMP provides that all EAC citizens must use a valid common standard travel documents across the region with machine readable (third generation) ID cards. This was implemented by Rwanda in 2011 and other countries are in various stages of implementation. Rwanda feel the other countries are derailing the process.⁹⁸ There is a low share of the community benefits which according to Rwanda include hosting the regional bodies, and the reluctance of some member countries to honour their commitment. These leads to Rwanda feeling ignored in the integration process, thus possibility to decreasing their participation in the community activities.

Although the government has a bilateral agreement with Kenya on labour mobility, inadequate levels of awareness of the citizens on CMP issues and benefits is yet another obstacle. There is some form of reluctance in implementing some of CMP decisions like issuance of electronic IDs, harmonization of social security and employment, conducting of national manpower survey also slows the implementations of CMP.

Rwanda's is a French speaking country and other countries use English. This is a challenge because they have to translate all he materials to French.

3.9 Professional labour mobility in Burundi

Using ILO classification, Burundi like other member countries dedicated themselves to open up their labour markets for different categories of workers. The categories include workers

⁹⁸ http://www.eac.int/index.php?option=com_content&view=articles+id=652:challenge-the-council-of-ministers-on-implementation-deadlocks-to-project-and-programmes last accessed on 10 August, 2013.

in Medical, health professional, life science and Teaching professionals, mainly University teachers and Other professionals who include archivists, business professionals, librarians and related information professionals, social science and related professionals, writers and creative or performing artists.⁹⁹

Burundi, has no discriminatory employment laws like other member countries. Burundi is revising her labour laws and the social security laws to align them with the international conventions and the national sectorial policies so as to eliminate chances of having laws and regulations that could discriminate against citizens of other partner states seeking employment in their country.¹⁰⁰

A National Higher Education Commission (NHEC) was established in January 2008 to regulate and control the activities for the accreditation and promotion of the Quality IN Burundi, Assurance within higher education and training institutions. It begun its operations in 2010 and since then, it has made requests to institutions of higher learning in Burundi to improvement their training programmes to align the LMD (Bachelor-Masters-PhD) System as in other member states. The NHEC has also reviewed the higher training institutions functioning in Burundi that were licensed by Ministerial ordinance prior to NHEC's existence in order to accredit them anew.¹⁰¹

⁹⁹ Victor Ogalo (2012) Domestication of the Common Market Protocol: Challenges & Opportunities in implementation of movement of labour.

¹⁰⁰ Victor Ogalo 2012 Domestication of the EAC common market in Burundi: Challenges and Opportunities in Implementation of movement of labour

¹⁰¹ Mugisa, Evarist, Chris Onyango and Patrick Mugoya. 2009. An Evaluation of the Implementation and Impact of the East African Community Customs Union. Report for the EAC Secretariat. Available at www.eac.int/customs/index.php?option=com_docman&task=doc_download&gid=84&Itemid=164

Spaan & Van Moppes¹⁰², note that Burundi was one of the largest migrant-sending countries in the world in the period 1960 to 1980 together with Rwanda, Mozambique, and countries located in the Horn of Africa such as Ethiopia. Majority of the migrations were forced to move out of their homes for security reasons and for better opportunities outside their home country. For the longest time, Burundian migration patterns were largely influenced by regional migration issues in the Central African Great Lakes Region.

Ratha and Xu¹⁰³ in their study in 2000 found out the rate of tertiary educated Burundi migrants was 19.9%, (, 2008), of which 6.5% are doctors and 77.9% nurses. Other estimates indicate that about 10,095 highly-skilled Burundians live in the Organisation for Economic Co-operation and Development (OECD) countries, which accounts for 38.6% of the entire highly-skilled workforce in Burundi (Spaan and Moppes, 2006). Others put the figures at 12,482 (Hugo, 2006).

In Burundi, work permits fees has remained the same since the coming into force of the Common Market Protocol in 2010. The country charges 3 per cent of the annual consolidated gross salary of its foreign workers (including EAC partner states). This is pegged on the date of the visa of the work contract and is paid annually.

3.9.1 Challenges of implementing the CMP in Burundi

There is insufficient public education and public awareness in the country regarding the CMP thus its citizens are ignorant on benefits or opportunities they can exploit. This too puts them

¹⁰² Spaan, E. and D. van Moppes.(2006) African exodus? Trends and patterns of international migration in Sub-Saharan Africa. Working papers Migration and Development series, Report No. 4. Nijmegen

¹⁰³ Dilip Ratha and Zhimei Xu, Migration and Remittances Factbook 2000, Migration and Remittances Team, Development Prospects Group, World Bank.

in danger of not knowing threats that exist for them to cushion themselves against them and thus be able to operate optimally within the EAC Common Market, the other member countries have this challenge too.

Although it is not documented, there is poor perception employers in countries like Kenya, Rwanda, Tanzania, Uganda and that since Burundi does not have the higher training institutions to provide matched level of education and certification that is considered as satisfactory. This perception on its own make any professional trained in Burundi to be considered less qualified and are therefore less competitive in a competitive regional labour market. Its professionals are therefore likely to face skills and remuneration discrimination when looking for jobs in other partner states. The fear that the other member countries workers will benefit at the expense of its citizens, and that their citizens will lose jobs. Burundi has not put up an all-inclusive regional integration strategy to spearhead implementation of the CMP and does not have any institutional mechanism to coordinate and monitor the implementation of CMP this is a show of lack of political will to start the implementation.¹⁰⁴

¹⁰⁴ Ibid 105

CHAPTER FOUR: PRESENTATION OF KEY FINDINGS

4.1 Introduction

This chapter presents an analysis and interpretation of the key findings of the study as set out in the research objective. The study findings were presented on Regional Integration and Professional Labour mobility. Both primary and secondary data was gathered.

4.2 Wage is a major determinant of professional labour mobility in EAC.

4.2.1 Fundamental factors underlying professional labour mobility within the EAC member Countries.

The study sought information on why the professionals chose to work in the. Several statements were floated on the same and the respondents were required to score the level of their agreement with various statements on the same. The scale ranged from 1-5, (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree). The study computed frequency and percentage as described in the table 4.1 below.

Table 4.1: Reasons for Working in the country

Statement	Scale	Kenya		Uganda		Tanzania		Burundi		Rwanda	
		F	%	F	%	F	%	F	%	F	%
I did not choose, I was sent by my	1	1	3%	1	3%	0	0%	0	0%	0	0%
	2	0	0%	2	5%	1	3%	2	5%	2	5%
	3	1	3%	1	3%	1	3%	1	3%	1	3%
	4	2	5%	2	5%	2	5%	3	8%	4	11%
	5	2	5%	3	8%	3	8%	1	3%	2	5%
Higher wages	1	1	3%	1	3%	1	3%	1	3%	0	0%
	2	3	9%	1	3%	3	9%	2	6%	2	6%
	3	0	0%	0	0%	0	0%	0	0%	1	3%
	4	2	6%	5	14%	1	3%	4	11%	2	6%
	5	1	3%	2	6%	1	3%	1	3%	0	0%
Better work benefits	1	1	3%	0	0%	2	6%	0	0%	1	3%
	2	0	0%	2	6%	0	0%	3	9%	0	0%
	3	1	3%	0	0%	1	3%	1	3%	1	3%
	4	4	12%	3	9%	3	9%	3	9%	2	6%
	5	1	3%	1	3%	1	3%	2	6%	1	3%
Better training opportunities for personal	1	1	3%	1	3%	1	3%	1	3%	0	0%
	2	2	5%	0	0%	2	3%	2	5%	1	3%
	3	1	3%	2	5%	0	3%	3	8%	1	3%
	4	4	11%	1	3%	3	3%	2	5%	2	5%
	5	3	8%	3	8%	2	3%	0	0%	0	0%
Better working conditions	1	1	3%	1	3%	1	3%	1	3%	1	3%
	2	2	5%	3	8%	2	5%	1	3%	0	0%
	3	0	0%	2	5%	0	0%	0	0%	2	5%
	4	1	3%	1	3%	1	3%	3	8%	4	11%
	5	2	5%	0	0%	2	5%	0	0%	1	3%
Availability of job opportunities	1	1	3%	1	3%	1	3%	1	3%	0	0%
	2	2	6%	2	6%	2	6%	0	0%	2	6%
	3	1	3%	0	0%	0	0%	1	3%	1	3%
	4	4	11%	1	3%	3	9%	4	11%	3	9%
	5	1	3%	1	3%	1	3%	1	3%	1	3%

Statement	Scale	Kenya		Uganda		Tanzania		Burundi		Rwanda	
		F	%	F	%	F	%	F	%	F	%
Higher standards of	1	0	0%	2	6%	0	0%	0	0%	0	0%
	2	1	3%	0	0%	1	3%	1	3%	1	3%
	3	0	0%	2	6%	2	6%	3	9%	2	6%
	4	2	6%	1	3%	2	6%	1	3%	4	12%
	5	1	3%	1	3%	2	6%	2	6%	2	6%
Higher prospects of	1	1	3%	1	3%	1	3%	1	3%	2	6%
	2	1	3%	0	0%	0	0%	3	9%	0	0%
	3	0	0%	1	3%	2	6%	2	6%	0	0%
	4	2	6%	1	3%	3	9%	3	9%	2	6%
	5	1	3%	2	6%	1	3%	1	3%	1	3%
Informal networks or	1	1	3%	0	0%	1	3%	1	3%	0	0%
	2	1	3%	1	3%	1	3%	2	6%	2	6%
	3	3	9%	0	0%	3	9%	3	9%	1	3%
	4	1	3%	2	6%	2	6%	1	3%	1	3%
	5	2	6%	1	3%	1	3%	2	6%	1	3%
No work permit	1	1	3%	0	0%	1	3%	1	3%	1	3%
	2	2	6%	1	3%	1	3%	2	6%	2	6%
	3	4	12%	1	3%	0	0%	1	3%	2	6%
	4	1	3%	2	6%	2	6%	1	3%	3	9%
	5	2	6%	1	3%	1	3%	2	6%	1	3%
Flexible immigration	1	1	3%	0	0%	1	3%	1	3%	1	3%
	2	3	9%	1	3%	1	3%	2	6%	2	6%
	3	1	3%	1	3%	0	0%	0	0%	0	0%
	4	4	12%	2	6%	2	6%	1	3%	1	3%
	5	2	6%	1	3%	1	3%	2	6%	1	3%
Higher career	1	1	3%	0	0%	1	3%	1	3%	1	3%
	2	1	3%	1	3%	1	3%	2	6%	2	6%
	3	0	0%	0	0%	0	0%	1	3%	1	3%
	4	1	3%	2	6%	1	3%	1	3%	2	6%
	5	2	6%	1	3%	1	3%	2	6%	1	3%

Statement	Scale	Kenya		Uganda		Tanzania		Burundi		Rwanda	
		F	%	F	%	F	%	F	%	F	%
Regional work experience	1	1	3%	0	0%	1	3%	1	3%	1	3%
	2	1	3%	1	3%	1	3%	2	6%	2	6%
	3	1	3%	0	0%	3	9%	1	3%	1	3%
	4	1	3%	2	6%	0	0%	1	3%	2	6%
	5	2	6%	1	3%	1	3%	2	6%	1	3%
Similar language	1	1	3%	0	0%	1	3%	1	3%	1	3%
	2	2	6%	1	3%	1	3%	2	6%	2	6%
	3	0	0%	0	0%	2	6%	0	0%	3	9%
	4	1	3%	3	9%	4	12%	3	9%	1	3%
	5	2	6%	1	3%	1	3%	2	6%	1	3%
Better training opportunities for	1	1	3%	0	0%	1	3%	1	3%	1	3%
	2	2	6%	1	3%	1	3%	2	6%	2	6%
	3	1	3%	0	0%	2	6%	4	12%	2	6%
	4	1	3%	2	6%	2	6%	1	3%	3	9%
	5	2	6%	1	3%	1	3%	2	6%	1	3%
Higher prospects of growth and	1	1	3%	0	0%	1	3%	1	3%	1	3%
	2	2	6%	1	3%	1	3%	2	6%	2	6%
	3	1	3%	0	0%	1	3%	0	0%	1	3%
	4	2	6%	3	9%	2	6%	0	0%	1	3%
	5	2	6%	1	3%	1	3%	2	6%	1	3%
Informal networks or friends and	1	1	3%	0	0%	1	3%	1	3%	1	3%
	2	2	6%	1	3%	1	3%	2	6%	2	6%
	3	3	9%	1	3%	2	6%	0	0%	0	0%
	4	1	3%	2	6%	1	3%	0	0%	1	3%
	5	2	6%	1	3%	1	3%	2	6%	1	3%
Similar language	1	3	9%	0	0%	1	3%	1	3%	1	3%
	2	2	6%	1	3%	1	3%	2	6%	2	6%
	3	1	3%	1	3%	2	6%	1	3%	2	6%
	4	0	0%	3	9%	1	3%	1	3%	2	6%
	5	2	6%	1	3%	1	3%	2	6%	1	3%

(Source: Research data 2013)

From the findings, majority of the respondents in the five countries indicated that they work in a country because they are sent by their organisations. Of the respondents, 63% agreed with this statement in all the countries with Kenya having 10%, Uganda 13%, Tanzania 13%, Burundi 11%, while Rwanda had 16%. Better work benefits followed with 62% of the respondents within EAC member countries. If respondents are not sent by their organisations but left a chance of choosing the location, they consider better work permits in a country. Availability of job opportunities had 57% with Kenya, Uganda, Tanzania, Burundi and Rwanda having 14%, 6%, 11%, 14% and 11% of the respondents respectively.

When it comes to evaluating job openings, most jobseekers today know that salary is not all that one looks at. Benefits are too an important part of job-offer discussions for employers and employees alike. According to the U.S. Bureau of Labor Statistics (BLS), benefits constituted about 30 percent of employers' total salary compensation costs in March 2005. The worth of many employee paybacks such as paid sick leave or health insurance can be higher than their monetary value. Other benefits like Health care can to a large extent determine work mobility in EAC. These benefits can include medical care, prescription drug plans, dental care, and. vision care.

Higher standard of living is another factor that determines the locations in which professionals work. This had an agreement of 55% of the respondents within EAC member countries. Looking at each country, Kenya had 9% of the respondents, Uganda 6%, Tanzania 12%, Burundi 9% and Rwanda 18%. Informal networks or friends and family ties is a factor that is was least indicated by the respondents as a factor that determines location of work. This was indicated by 35% of the respondents within EAC member countries With Kenya having 9% of the respondents, Uganda 9%, Tanzania 6%, Burundi 6% and Rwanda 6%.

Respondents were asked which other reasons prompted them to work in the countries. They stated that proximity to their home countries which enables them make periodic visits back home. They also pointed out better education for their children as compared to their home countries. As per the responses above, wage is one of the determinants of Professional Labour Mobility but other factors come into play too.

4.2.2 Constraints of applying for a work permit

This study sought to establish the constraints of getting the work permit. The respondents were required to score the level of their agreement with various statements on the same. The scale ranged from 1-5, (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree). As shown in table 4.2 below

Table 4.2: Constraints of applying for a work permit

Statement	Scale	Kenya		Uganda		Tanzania		Burundi		Rwanda	
		F	%	F	%	F	%	F	%	F	%
Lengthy Procedure	1	1	5%	0	0%	1	5%	0	0%	0	0%
	2	0	0%	1	5%	0	0%	1	5%	2	11%
	3	1	5%	0	0%	1	5%	0	0%	0	0%
	4	1	5%	1	5%	0	0%	1	5%	2	11%
	5	2	11%	1	5%	1	5%	2	11%	0	0%
The work permit was expensive	1	2	10%	0	0%	3	15%	0	0%	0	0%
	0	4	20%	0	0%	0	0%	0	0%	0	0%
	0	0	0%	0	0%	0	0%	0	0%	1	5%
	2	0	0%	4	20%	1	5%	1	5%	1	5%
	5	1	5%	0	0%	2	10%	0	0%	0	0%
Conditioned work permit	1	0	0%	0	0%	0	0%	1	5%	0	0%
	2	0	0%	1	5%	0	0%	1	5%	1	5%
	3	1	5%	2	10%	0	0%	0	0%	0	0%
	4	0	0%	1	5%	1	5%	0	0%	1	5%
	0	1	5%	2	10%	2	10%	2	10%	3	15%
Complicated Procedure	1	0	0%	0	0%	1	5%	1	5%	0	0%
	2		0%	1	5%	0	0%	0	0%	0	0%
	3	0	0%	1	5%	1	5%	0	0%	2	10%
	4	1	5%	3	14%	1	5%	2	10%	3	14%
	5	1	5%	2	10%	1	5%	0	0%	0	0%
Discouragements	1	1	5%	0	0%	0	0%	0	0%	1	5%
	2	0	0%	1	5%	0	0%	2	11%	0	0%
	3	0	0%	1	5%	0	0%	2	11%	0	0%
	4	1	5%	2	11%	0	0%	0	0%	0	0%
	5	2	11%	0	0%	1	5%	1	5%	4	21%

(Source: Research Data 2013)

From the findings, majority of the respondents in the five countries agreed that a lengthy procedure is the biggest constraint with 68%, Kenya having 10%, Uganda 24%, Tanzania 10%, Rwanda 10% and Burundi 14%. Conditioned work permits followed by 58% agreeing with the statement that it limits them from working freely within EAC member countries. Kenya agreed 20%, Uganda 15%, Tanzania 15%, Burundi 15%, while Rwanda had 5%.

The findings from the study indicate that it takes an average of six months to get a work permit which to them is too long a period. The respondents were in agreement that the work permits were expensive. These findings on constraints in getting work permits, further point out to our partial agreement that regional integration has strongly encouraged professional labour mobility this is because none of the five member country has fully removed the work permit fee. There are only bilateral agreements.

4.3 Regional integration has strongly encouraged professional labour mobility

4.3.1 Implemented CMP recommendations on free movement of labour

The study sought to establish as per the recommendations given to ensure CMP achieves its objectives, which ones had been implemented. The respondents were required to score the level of their agreement with various statements on the same. The scale ranged from 1-5, (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree). The study computed frequency and percentage as described in the table 4.3 below.

Table 4.3: Implemented Recommendations

Implemented Recommendations Statement	Scale	Kenya		Uganda		Tanzania		Burundi		Rwanda	
		F	%	F	%	F	%	F	%	F	%
Alignment of National laws to the CMP	1	0	0%	1	7%	0	0%	0	0%	0	0%
	2	0	0%	1	7%	0	0%	0	0%	0	0%
	3	1	7%	0	0%	2	13%	0	0%	0	0%
	4	2	13%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	2	5%	1	7%
Issuance of machine-readable IDs	1	0	0%	0	0%	2	13%	0	0%	0	0%
	2	0	0%	0	0%	0	0%	1	7%	0	0%
	3	1	7%	1	7%	0	0%	1	7%	0	0%
	4	3	20%	0	0%	0	0%	1	7%	0	0%
	5	1	7%	1	7%	2	5%	0	0%	1	7%
Removed the requirement for work permits fees for citizen of EAC	1	0	0%		0%	0	0%	0	0%	0	0%
	2	0	0%	0	0%	0	0%	0	0%	0	0%
	3	2	13%	0	0%	1	7%	0	0%	1	7%
	4	0	0%	1	7%	1	7%	0	0%	3	20%
	5	1	7%	2	5%	0	0%	1	7%	1	7%
Recognition of qualifications for professionals across	1	0	0%	0	0%	0	0%	2	13%	0	0%
	2	0	0%	0	0%	1	7%	0	0%	0	0%
	3	1	7%	1	7%	1	7%	0	0%	0	0%
	4	3	20%	0	0%	1	7%	0	0%	0	0%
	5	1	7%	1	7%	0	0%	2	5%	1	7%
Improved political will and commitment	1	1	7%	1	7%	0	0%	0	0%	0	0%
	2	1	7%	0	0%	1	7%	0	0%	1	7%
	3	0	0%	1	7%	1	7%	0	0%	0	0%
	4	0	0%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	2	5%	1	7%
Strengthen the capacity of labour market institutions	1	1	7%	1	7%	0	0%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	0	0%	1	7%
	3	0	0%	1	7%	1	7%	0	0%	0	0%
	4	0	0%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	5%	1	7%

Development of a framework for data compilation on	1	1	7%	0	0%	0	0%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	1	7%	1	7%
	3	1	7%	1	7%	1	7%	0	0%	0	0%
	4	0	0%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	5%	1	7%
Laws on Labour and Immigration reviewed to	1	1	7%	0	0%	1	7%	1	7%	0	0%
	2	0	0%	1	7%	0	0%	1	7%	1	7%
	3	0	0%	1	7%	1	7%	0	0%	1	7%
	4	0	0%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	5%	1	7%
Adopted an Integrated border management system	1	0	0%	0	0%	1	7%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	0	0%	1	7%
	3	1	7%	1	7%	1	7%	0	0%	1	7%
	4	0	0%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	5%	1	7%
Established employment promotion centers	1	0	0%	0	0%	1	7%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	2	13%	1	7%
	3	1	7%	0	0%	0	0%	0	0%	1	7%
	4	0	0%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	5%	1	7%
Operationalization of border posts on a 24 hour basis	1	1	7%	0	0%	0	0%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	2	13%	1	7%
	3	1	7%	1	7%	0	0%	0	0%	1	7%
	4	0	0%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	5%	1	7%
Update of National manpower surveys	1	0	0%	1	7%	0	0%	1	7%	0	0%
	2	2	13%	1	7%	1	7%	0	0%	1	7%
	3	0	0%	1	7%	0	0%	0	0%	1	7%
	4	1	7%	0	0%	1	7%	0	0%	0	0%
	5	0	5%	1	7%	0	0%	1	7%	1	7%

(Source: Research Data 2013)

From the findings, no country has fully implemented the recommendations. Kenya has aligned National laws to the CMP by implementing reforms in the immigration laws to enable quick issuance of work permits to applicants. Kenya has not yet harmonized its social security policies, laws and systems with other EAC countries. Kenya is working on its manpower survey and it is not complete yet. Harmonized of its curricula, examination, standards, certificates and accreditation of education and training institutions is yet another hurdle that Kenya has yet to tackle, Kenya is yet to start issuing machine readable IDs, Kenya and Rwanda have a bilateral agreement to abolish work permit fees for their member countries. Kenya and Uganda are at an advanced stage on negotiating the same. Kenya has operationalized its border posts on a 24 hour basis. Uganda has not started issuing machine readable IDs. Uganda does not have national, regional and international mobility data management system

From the findings, in all the countries, 25% agree that they have moved miles in the Issuance of machine-readable IDs, Rwanda is the only country that has almost completed although it is not yet implemented, It is waiting for its domestication, all the other 4 have not yet. 32% agree that they have aligned their national laws to the CMP, of this, Kenya, Uganda, Rwanda and Burundi have already harmonized their laws, Tanzania is yet to harmonized her laws, 58%, Removed the requirement for work permits fees for citizen of EAC, Kenya and Rwanda have already signed a bilateral agreement not to charge work permit fee to their members. Kenya and Uganda are also in the final stages of coming up with such an agreements but meanwhile the other member countries pay visa fee. 25% agree that Recognition of qualifications for professionals across the region. No country has fully implemented this recommendation, they are all in different levels of working out on the modalities but none has implemented the same. Strengthen the capacity of labour market

institutions to integrate and put into practice regional policy at 38%, all the countries are working on this. 38% agree they are in the process of Developing a framework for data compilation on movement of people within the region, 77% agree they have reviewed the Laws on Labour and Immigration except Tanzania. 38% agree the adoption of an Integrated border management system, 38% agree on Established employment promotion centers 77% Operationalization of border posts on a 24 hour basis, these include Kenya, Uganda, Rwanda and Burundi & finally 385 Update of National manpower surveys. Kenya has already finished although it has not yet been released to the public. Rwanda has finished too. The other three Uganda, Tanzania and Burundi have not yet finished.

4.3.2 Recommendations for successful implementation of CMP protocol free movement of workers

The study sought to establish recommendations to aid the successful implementation of the CMP protocol on free movement of labour. The respondents were required to score the level of their agreement with various statements on the same. The scale ranged from 1-5, (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree). The study computed frequency and percentage as described in the table 4.4 below

Table 4.4: Recommendations for successful implementation of CMP protocol

Implemented Recommendations		Kenya		Uganda		Tanzania		Burundi		Rwanda	
Statement	Scale	F	%	F	%	F	%	F	%	F	%
Improved political will and commitment	1	0	0%	1	7%	0	0%	0	0%	0	0%
	2	1	7%	0	0%	0	0%	0	0%	1	7%
	3	0	0%	0	0%	0	0%	0	0%	0	0%
	4	1	7%	2	14%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	2	14%	1	7%
Strengthen the capacity of labour market institutions	1	1	7%	1	7%	0	0%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	0	0%	1	7%
	3	0	0%	1	7%	1	7%	0	0%	0	0%
	4	0	0%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	5%	1	7%
Development of a framework for data compilation on	1	1	7%	0	0%	0	0%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	1	7%	1	7%
	3	1	7%	1	7%	1	7%	0	0%	0	0%
	4	1	7%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	0%	1	7%
Laws on Labour and Immigration reviewed to	1	1	7%	0	0%	1	7%	1	7%	0	0%
	2	0	0%	1	7%	0	0%	1	7%	1	7%
	3	0	0%	1	7%	0	0%	0	0%	1	7%
	4	0	0%	1	7%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	1	7%	1	7%
Adopted an Integrated border management system	1	0	0%	0	0%	1	7%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	0	0%	1	7%
	3	1	7%	1	7%	1	7%	0	0%	1	7%
	4	0	0%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	0%	1	7%
Established employment promotion centers	1	0	0%	0	0%	1	7%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	0	0%	1	7%
	3	1	7%	0	0%	0	0%	0	0%	1	7%
	4	0	0%	1	7%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	1	7%	0	0%	1	7%
Operationalization of border posts on a 24 hour basis	1	1	7%	0	0%	0	0%	1	7%	0	0%
	2	0	0%	1	7%	1	7%	2	13%	1	7%
	3	0	0%	1	7%	0	0%	0	0%	1	7%
	4	1	7%	0	0%	1	7%	1	7%	0	0%
	5	1	7%	1	7%	0	0%	0	5%	1	7%
Update of National manpower surveys	1	0	0%	1	7%	0	0%	1	7%	0	0%
	2	2	13%	1	7%	1	7%	0	0%	1	7%
	3	0	0%	1	7%	0	0%	0	0%	1	7%
	4	1	7%	0	0%	1	7%	0	0%	0	0%
	5	0	5%	1	7%	0	0%	1	7%	1	7%

(Source: Research Data 2013)

From the findings, majority of the respondents in the five countries were in agreement that improved political will and commitment has been achieved in the region. This was supported by 71% of the respondents who agreed on the statement in the region. This shows that East Africa Community is leaders are willing and committed to in ensuring full integration. Uganda and Burundi agreed strongly about the statement since the response was 21% from each of the country. Kenya had 14% while Tanzania and Rwanda had 7% each. The results also showed that 50% of the respondents were in agreement that laws on labour and immigration reviewed to embrace free movement among the Partner States and established employment promotion centers has been implemented. The results on established employment promotion centers show that EAC is halfway in promoting labour mobility. More need to be done to ensure free labour mobility within member countries. This was supported by 7%, 14%, 14%, 7% and 7% of the respondents from Kenya, Uganda, Tanzania, Burundi and Rwanda respectively.

Apart from the recommendations above, the respondents stated the need of reinforcing of regulatory bodies to ensure implementation of the CMP, all states should address the issue of portability of benefits which is still unaddressed by all countries and strengthen free movement of capital compel member states to hasten the implementation of past decisions as a way of moving the community forward. Coordination of all implementation schedules and targets will ensure all the countries are moving at the same speed. The respondents also felt that the East African Legislative Assembly (EALA) is sleeping on the job. It was meant to spear head some reforms which it has not. The respondents felt the need to involve experts to provide proposals to solve any impediments towards realizing the goal and aspiration for a prosperous, competitive, secure and politically united East Africa.

4.3.3 Progress made in implementation of CMP on free movement of workers

The study sought to establish from EAC secretariat and integration experts on the progress made in the implementation of CMP on free movement of workers. The respondents were required to score the level of their agreement with various statements on the same. The scale ranged from 0-19%, 20-39%, 40-59%, 60-79% 80-99% and 100%. (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree). The study computed frequency and percentage as described in the table 4.5 below

Table 4.5: Progress made in implementation of CMP on free movement of workers

Statement	Scale	Kenya		Uganda		Tanzania		Burundi		Rwanda	
		F	%	F	%	F	%	F	%	F	%
0 - 19%	1	0	0%	1	3%	0	0%	1	3%	0	0%
	2	1	3%	0	0%	2	5%	0	0%	1	3%
	3	0	0%	1	3%	1	3%	1	3%	1	3%
	4	0	0%	0	0%	0	3%	1	0%	0	0%
	5	1	3%	1	3%	0	3%	2	5%	1	3%
20 - 39%	1	0	0%	1	3%	0	0%	1	3%	0	0%
	2	1	3%	0	0%	2	5%	0	0%	1	3%
	3	0	0%	1	3%	1	3%	0	0%	0	0%
	4	1	3%	0	0%	1	3%	1	3%	0	0%
	5	3	8%	1	3%	0	3%	2	5%	1	3%
40 - 59%	1	1	3%	1	3%	1	3%	1	3%	2	5%
	2	1	3%	0	0%	1	3%	0	0%	1	3%
	3	0	0%	1	3%	1	3%	1	3%	0	0%
	4	3	8%	2	5%	1	3%	1	3%	3	8%
	5	4	11%	1	3%	0	3%	2	5%	3	8%
60 - 79%	1	0	0%	1	3%	0	0%	1	3%	0	0%
	2	1	3%	0	0%	0	0%	0	0%	1	3%
	3	0	0%	1	3%	2	5%	0	0%	0	0%
	4	0	0%	0	0%	2	5%	1	3%	0	0%
	5	1	3%	1	3%	0	3%	2	5%	1	3%
80 - 99%	1	0	0%	1	3%	0	0%	1	3%	0	0%
	2	1	3%	0	0%	0	0%	0	0%	1	3%
	3	1	3%	1	3%	1	3%	1	3%	0	0%
	4	0	0%	0	0%	1	3%	1	3%	0	0%
	5	1	3%	1	3%	0	3%	2	5%	1	3%
100%	1	0	0%	1	3%	0	0%	1	3%	0	0%
	2	1	3%	0	0%	0	0%	0	0%	1	3%
	3	0	0%	1	3%	0	0%	2	5%	0	0%
	4	0	0%	0	0%	1	3%	1	3%	1	3%
	5	1	3%	1	3%	0	3%	2	5%	1	3%

(Source: Research Data 2013)

On overall, 48% of the respondents from the EAC secretariat agree that implementation is between 40-59%. As per the findings, Kenya has the highest progress with 19% followed by

Rwanda at 16%, Burundi and Uganda have 8% while Tanzania has 6%. It is prudent to also note that 30% of the respondents agree that the progress made is between 20% -39%.

This is an indicator there is a lot of work to be done to achieve full implementation of the remaining 52%. The CMP on free movement of labour came into force in 2010 and is to be fully implemented by 2015. The recommendations above should be put into force to achieve the objectives of CMP on free movement of labour. This is an indicator that EAC regional integration has yet to encourage professional labour mobility.

4.3.4 Challenges of implementing the CMP protocol on mobility of professional workers

The study sought to establish challenges of implementing the protocol on free movement of labour. The respondents were required to score the level of their agreement with various statements on the same. The scale ranged from 1-5, (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree). The study computed frequency and percentage as described in the table 4.6 below

Table 4.6: Challenges of implementing the CMP on free movement of Professional Labour

Challenges	Kenya			Uganda		Tanzania		Burundi		Rwanda	
	Scale	F	%	F	%	F	%	F	%	F	%
Weak political will power	1	0	0%	0	0%	0	0%	0	0%	1	3%
	2	1	3%	1	3%	0	0%	0	0%	0	0%
	3	0	0%	2	5%	0	0%	0	0%	0	0%
	4	1	3%	2	5%	1	3%	1	3%	3	8%
	5	0	0%	0	0%	0	0%	2	1%	0	0%
Negative perceptions of the gains and	1	0	0%	1	7%	0	0%	0	0%	1	7%
	2	0	0%	1	7%	0	0%	0	0%	0	0%
	3	0	0%	2	13%	1	7%	0	0%	0	0%
	4	0	0%	2	13%	1	7%	1	7%	3	20%
	5	1	7%	0	0%	0	0%	1	7%	0	0%
Poor attitude towards labour migrants	1	0	0%	1	3%	0	0%	0	0%	1	3%
	2	0	0%	1	3%	0	0%	0	0%	0	0%
	3	0	0%	1	3%	1	3%	0	0%	1	3%
	4	1	3%	2	5%	2	5%	1	3%	0	0%
	5	1	3%	0	0%	0	0%	1	1%	0	0%
Inadequate levels of awareness of the	1	0	0%	0	3%	0	0%	0	0%	1	3%
	2	0	0%	0	0%	0	0%	1	0%	1	3%
	3	0	0%	0	3%	1	3%	0	0%	0	3%
	4	1	3%	3	8%	2	5%	1	3%	2	5%
	5	0	3%	0	0%	0	0%	1	1%	0	0%
High cost of establishment	1	0	0%	0	3%	0	0%	0	0%	1	3%
	2	0	0%	1	3%	1	0%	0	0%	0	0%
	3	0	0%	1	3%	0	0%	1	3%	0	3%
	4	1	3%	2	5%	1	3%	0	5%	3	8%
	5	0	3%	0	0%	1	1%	0	0%	0	0%

Inadequate preparedness by	1	0	0%	0	3%	0	0%	0	0%	1	3%
	2	1	0%	0	3%	0	0%	1	0%	0	0%
	3	0	0%	0	3%	1	3%	1	0%	0	3%
	4	0	3%	1	5%	1	5%	1	3%	3	8%
	5	0	3%	0	0%	0	0%	1	1%	0	0%
Fear of losing jobs to partner members	1	0	0%	0	3%	0	0%	0	0%	1	3%
	2	1	0%	1	3%	1	0%	1	0%	1	0%
	3	0	0%	0	3%	1	3%	0	0%	0	3%
	4	0	3%	1	5%	1	5%	1	3%	3	8%
	5	0	3%	0	0%	0	0%	1	1%	0	0%
Language barriers	1	0	0%	0	3%	1	3%	0	0%	0	0%
	2	2	0%	1	3%	1	0%	1	0%	1	0%
	3	0	0%	1	3%	0	3%	0	0%	0	3%
	4	1	3%	1	5%	1	8%	1	3%	1	5%
	5	0	3%	0	0%	0	0%	1	1%	0	0%
Our country is not ready	1	0	0%	0	3%	0	0%	0	0%	1	3%
	2	2	0%	0	3%	1	0%	1	0%	1	0%
	3	0	0%	0	3%	1	3%	1	0%	0	3%
	4	1	3%	1	5%	1	5%	1	3%	2	8%
	5	0	3%	0	0%	0	0%	1	1%	0	0%
Unwillingness of other member	1	0	0%	0	3%	1	0%	0	0%	1	3%
	2	1	0%	1	3%	1	0%	1	0%	1	0%
	3	0	0%	0	3%	1	3%	1	0%	0	3%
	4	1	3%	1	5%	1	5%	1	3%	0	8%
	5	0	3%	0	0%	0	0%	1	1%	0	0%
Uncoordinated activities	1	0	0%	0	3%	1	0%	0	0%	1	3%
	2	1	0%	0	3%	1	0%	1	0%	1	0%
	3	0	0%	1	3%	1	3%	0	0%	0	3%
	4	1	3%	1	5%	1	5%	1	3%	0	8%
	5	0	3%	0	0%	0	0%	1	1%	0	0%
No challenges at all	1	6	0%	4	3%	3	0%	3	0%	3	0%
	2	0	0%	0	0%	0	0%	0	0%	0	0%
	3	0	0%	0	0%	0	0%	0	0%	0	0%
	4	0	0%	0	0%	0	0%	0	0%	0	0%
	5	0	0%	0	0%	0	0%	0	0%	0	0%

From the findings, majority of the respondents in the five countries were in agreement that a negative perception of the gains and losses from the CMP is a challenge in implementing the CMP protocol. This was supported by 60% of the respondents who agreed on the statement in the region. This shows that East Africa Community is facing this challenge and there is need to remove it for easy implementation of the CMP protocol. Rwanda agreed strongly about the statement since the response was 20%. Burundi had 14%, Uganda 13% while Tanzania and Kenya had 7% each. The results also showed that 53% of the respondents were in agreement that implementing CMP protocol will disrupt out routine work procedures. This shows that EAC is not ready to fully implement the protocol because they are afraid it will disrupt out routine work procedures. This was supported by 7%, 13%, 14%, and 13% of the respondents from Kenya, Uganda, Burundi and Rwanda respectively.

The researcher further sought to establish the respondent's opinion on challenges of implementing the protocol and lack of standardized reporting period was also mentioned in regard to monitoring and evaluation framework.

4.3.5 How they learned about the employment opportunity in the country

The study sought to establish how they knew about the employment opportunity in the country. The respondents were required to score the level of their agreement with various statements on the same. The scale ranged from 1-5, (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree). The study computed frequency and percentage as described in the table 4.7 below.

Table 4.7: How they learned about the employment opportunity

Statement	Scale	Kenya		Uganda		Tanzania		Burundi		Rwanda	
		F	%	F	%	F	%	F	%	F	%
Word of Mouth	1	1	3%	1	3%	0	0%	1	3%	0	0%
	2	2	7%	0	0%	2	7%	3	10%	1	3%
	3	1	3%	2	7%	1	3%	1	3%	2	7%
	4	3	10%	3	10%	2	7%	2	7%	3	10%
	5	1	3%	1	3%	1	3%	3	10%	1	3%
Media	1	1	3%	1	3%	0	0%	1	3%	0	0%
	2	2	7%	0	0%	2	7%	0	0%	1	3%
	3	1	3%	3	10%	1	3%	1	3%	2	7%
	4	2	7%	3	10%	4	13%	2	7%	2	7%
	5	1	3%	1	3%	1	3%	3	10%	1	3%
Website	1	1	3%	1	3%	0	0%	1	3%	0	0%
	2	0	0%	2	7%	2	7%	3	10%	1	3%
	3	1	3%	2	7%	1	3%	2	7%	2	7%
	4	3	10%	3	10%	3	10%	2	7%	3	10%
	5	1	3%	1	3%	1	3%	3	10%	1	3%
East African Business Council	1	1	3%	1	3%	0	0%	1	3%	0	0%
	2	1	3%	0	0%	2	7%	3	10%	1	3%
	3	1	3%	2	7%	1	3%	1	3%	1	3%
	4	3	10%	2	7%	4	13%	3	10%	3	10%
	5	1	3%	1	3%	1	3%	3	10%	1	3%
Private Employment Agencies	1	1	3%	1	3%	0	0%	1	3%	0	0%
	2	3	10%	1	3%	1	3%	3	10%	1	3%
	3	1	3%	2	7%	1	3%	2	7%	2	7%
	4	3	10%	3	10%	1	3%	2	7%	2	7%
	5	1	3%	1	3%	1	3%	3	10%	1	3%
Other	1	1	3%	1	3%	0	0%	1	3%	0	0%
	2	1	3%	0	0%	1	3%	0	0%	1	3%
	3	1	3%	2	7%	1	3%	1	3%	2	7%
	4	3	10%	2	7%	2	7%	2	7%	4	13%

(Source: Research Data 2013)

For the purpose of this study, communication will be considered to mean how the message was communicated to them about employment opportunities in the Country.

Communication, in all areas of life is one of the most complex and strategic activities of human beings. It may have limited effectiveness for two interacting reasons. It is an established fact that the present era is often called the age of communication and information. Communication has been changing over time. The most used means of communication by professionals is internet and telephone, even in the remote parts of EAC, the citizens use mobile phones. Professionals have internet connected to their computers, laptops, pads phones etc. Where there is not internet connectivity professionals walk with modems. The importance of communication has been greatly emphasized by all management experts. From the findings, majority of the respondents (73%) from member countries agree and strongly agree that they learnt of employment opportunities from their employers. They did not go out looking for the job vacancies per se but were informed of branches that were being opened in the EAC member countries. Kenya leads with 20%, Uganda has 13%, Rwanda with 17%, Burundi 13% while Tanzania has 10%. This is a confirmation from our earlier findings that those professionals working in the member countries were sent by their organizations and not by their own will. Kenya leads in the number of branches opened in the member countries that is why it has the highest responses agreeing that professionals are sent by their parent organization.

Website comes second as a source of information on employment. Rwanda leads in this category largely because they offer free WiFi (wireless internet) internet in the major towns. Their telecommunication is quite advanced as compared to the other countries. Third is word of mouth. Kenya leads in this category in agreement at 17% followed by while Uganda, Rwanda

and Burundi tie at 13%, Tanzania comes last with 10%. This study sought to determine how many people get information through print media. The findings have shown that 26% of the respondents learned of the job openings from print media citing the East African and other local dailies as providing the information. Media tied third with word of mouth, Kenya and Uganda had 17% agreeing, Rwanda had 13% while, Tanzania and Burundi had 10%. Respondents quoted the East African Standard which is a weekly newspaper that covers the happenings within the region and is circulated throughout the region as job vacancies within the region as the main source. Private Employment Agencies also contribute to spreading news on available jobs within the region. Respondents agree and strongly agree that the private agencies which are registered by relevant authorities have the mandate to collect and disseminate information on job vacancies and from time to time advertise in the local dailies on available job vacancies within the region. East African Business Council (EABC) is ranked last in this category. This is a far cry from the expected. EABC should be at the top with information on available job vacancies within the region.

4.4 Other non-tariff barriers

The researcher totally agrees that non-tariff barriers have constrained professional labour mobility. This is because the five member countries have their own internal barriers they impose on professional labour. Lengthy procedures and periods for issuing of work permits vary among EAC Partner States. But according to the study, the process for issuing work permit has been simplified in Rwanda, Uganda, Burundi and Kenya. Tanzania is in the process of reviewing relevant laws on work/residence permit, in line with the EAC Common Market Protocol. Some

EAC citizens are already getting job opportunities in Burundi even without work permits as they wait for harmonization and domestication of the laws.

In Burundi, another non-tariff barrier is in the employment sector. Employment in Burundi with or without pay is strictly banned". URT was to change the words in the entry visa stamp which bans EAC citizens from working in Tanzania. It is in the final stages of changes.

The right to work is not absolute in all countries, in Uganda, the minister is empowered by its employment Act to limit range of jobs open to non-Ugandans and further restricted the employment by NGO's to Ugandans only. This is contrary to the protocol and restricts on employment. In Kenya the minister for labour in a Gazette notice gave directives not to give work permits to workers who are below the age of 35 years and earning not less than K.shs168,000 per month. The age of 35 and below is the exploratory stage when professionals take risks with their careers before they are established. This affects EAC member citizens who would be interested in working in Kenya. This is discriminatory and contrary to the CMP on free movement of labour. Although there was a recommendation to abolish the requirement to Ministry of Immigration and Registration of Persons nothing has been done to that effect.

Lack of information on available professional jobs is yet another constraint. EAC secretariat was to come up with statistical data to help know where the labour is available and where they are shortages but to date, they have not. Tanzania is also accused of increasing the cost of work permit to nearly double the former cost thus excluding professional labour to their country. Tanzania has re-introduced requirement for yellow fever card to citizens entering the country too, this constrains movement of persons and workers in the EAC.

From the above, all EAC member countries have non-tariff barriers which should be removed to encourage free movement of labour. All the member countries had agreed in principle to eliminate non-tariff barriers and take on the provisions of the protocol but it is hindered by lack of a legally binding framework thus the each country implements what it deems profitable for their benefit as opposed to what was agreed on. The above confirms that non-tariff barriers are a constrain to free movement of professional labour as compared to tariff barriers in EAC member countries.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This study has attempted to determine the relationship between regional Integration and professional labour mobility.

The research was informed by Career Construction Theory. The analysis and findings sought to achieve the following research objectives: to carry a detailed review of the available data in the between regional integration and skilled labour mobility in the five member countries and access progress made on professional labor mobility; to improve our understanding on the fundamental factors underlying skilled labour mobility within the EAC policy initiatives for mobility of skilled labour in regard to regional integration and to improve our understanding on challenges of implementing CMP protocol on mobility of skilled workers.

5.2 Key Findings

Even though 2015 is only two years away, the study found out that none of the countries has fully implemented the CMP on free movement of professional labour. It further found out that all the countries are at different levels of implementation. The study found out that in EAC the free movement of labour is majorly on paper and not in practice, this decision was arrived after looking at the level of implementation of the recommendations. A lot of work needs to be done for the CMP protocol on free movement of labour is to be fully implemented.

Secondly, the research found out that the right to work is not absolute even for professionals some ministers are empowered to limit range of jobs opened to migrants. In Kenya a minister

gazette age limit to above 35 years, in Tanzania a minister recalled all work permit holders and increased the visa fees. It emerged that political will is still a challenge to all the countries. The research found out that there are more non-tariff barriers to professional labour mobility than the tariff barriers.

The study found out that only Kenya has finalized their national manpower surveys although the findings have not been officially released to the public and thus could not be released to the research but other countries are at various levels of carrying out their surveys. The study found out that data on mobility is handled by multiple organs. It was found from the study that organisations in EAC decide job locations for their staffs. Higher wage is also a determinant when employees choose a location of work. The study found out that in EAC, work permits acquisition is a lengthy processes thus making the process difficult and confusing.

The study found out that Tanzania is lagging behind in many implementation areas, with the main reason being low political will to implement the protocol.

5.3 Conclusions of the Study

The conclusion from the findings of the study are that impact of the Common Market on free movement of workers has not yet been felt on the ground because there are many challenges and it is not fully implemented yet. With the above findings, free movement of workers is not free at all. Articles 76 and 104 of the treaty guarantees the free movement of workers without any exception, but in the CMP, the free movement of workers is a privilege of only the highly skilled and professional workers yet the majority of workers in East Africa are semi or unskilled. The protocol should be reviewed.

5.4 Suggestions for Further Research

The study found out that majority of professionals in the lower management cadres, in the five member countries have moved to other countries not on their own initiative but because the organizations/companies they work for have branches in the member countries. It also emerged that the senior level managers are involved in decisions on which country to be posted to as compared to the lower cadre managers. A study should be carried out to ascertain the role of the private sector in professional labour mobility in East African Community.

5.5 Recommendations for Policy and Practice

The study recommends that those countries that have not reviewed their labour and Immigration laws to conform with the protocol should do so and not just on paper but should domesticate and implement them, apart from the bilateral agreements between Rwanda and Kenya, Uganda and Kenya, they should abolish all work permits fees for citizen of EAC, Issuance of machine-readable IDs by Partner States to facilitate identification of a citizen of a Partner State should be expedited Rwanda has implemented, Kenya is in the process, recognition of qualifications for professionals across the region is very important but all no country has harmonized their recognition. Finally, frameworks should be developed for data compilation on movement of people within the region.

The other four member countries feel that Tanzania is not as co-operative as it should and is the one dragging its feet. Tanzania should show political willingness to fully implement the Common Market Protocol and especially the free movement of labour just like the other countries.

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Appendix I: Interview Guide

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

Dear respondent,

On behalf of the Institute of Diplomacy and International Studies (IDIS), I Esther Bosibori Onduko a student of Ms. International Studies, is carrying out a research on Regional Integration and Professional Labour Mobility in East African Community (EAC). The information you give, will be used purely for academic purposes.

Thank you for taking time to discuss and give information, your input is very important for the success of this study.

Country: Kenya Uganda Tanzania Rwanda Burundi

Organization/Ministry: _____

Position: _____

Fundamental factors underlying professional labour mobility within the EAC member Countries.

A Questionnaire for professionals from the EAC member countries working in other member countries

1. Below are probable statements on why you choose to work in this country. On a scale of 1-5, please rank your level of agreement with each statement. (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree).

Statement	5	4	3	2	1
Higher wages					
Better working conditions					
Availability of job opportunities					
No work permit fees required					
Flexible immigration policies					
Higher standards of living					
Higher career prospects					
Better work benefits					
Regional work experience					
Better training opportunities for personal development					
Higher prospects of growth and promotions					
Informal networks or friends and family ties					
Similar language					
I did not choose, I was sent by my organization.					

2. Apart from the reasons listed above, which other reasons made you choose to work in this country? _____

3. Below are probable constraints/challenges while applying for your work permit. On a scale of 1-5, please rank your level of agreement with each statement. (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree).

Statement	5	4	3	2	1
Lengthy procedure					
The work permit fee was expensive					
Complicated Procedure					
Conditioned work permit (can't change positions or employers)					
Discouragements					

4. Apart from the listed statements above, what challenges did you incur while applying for your work permit?

5. How did you learn about the employment opportunity in the country?

- | | |
|--|--|
| <input type="checkbox"/> Media | <input type="checkbox"/> Word of Mouth |
| <input type="checkbox"/> Website | <input type="checkbox"/> East African Business Council |
| <input type="checkbox"/> Private Employment Agencies | <input type="checkbox"/> Other sources |

B Questionnaire for labour mobility experts & employers from the EAC member countries

1. Below are probable statements on why you choose to send professionals to this country. On a scale of 1-5, please rank your level of agreement with each statement. (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree).

Statement	5	4	3	2	1
Cheaper than hiring locals					
Better working conditions					
Availability of job opportunities					
No work permit fees required					
Flexible immigration policies					
Regional work experience					
To train the local employees					
Better training opportunities for personal development					
Company/Organizational requirement/policy					
Locals lack the expertise					
Gives our organization an international look					
Similar language					
Available business opportunity					
Organization's strategic plan					

2. In your opinion, what other reasons did you have for sending professionals to the EAC member country?

Progress made in implementing CMP on free movement of labour

C) Questionnaire for ministry of East African Community Secretariat & regional integration experts

1. As per the recommendations to ensure CMP achieves its objectives, below were the proposed changes. On a scale of 1-5, please rank your level of agreement with each recommendation that each country has implemented. (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree).

Implemented Recommendations	5	4	3	2	1
Alignment of National laws to the CMP.					
Issuance of machine-readable IDs					
Harmonization of domestic taxes					
Removed double taxation for EAC Partner States					
Removed the requirement for work permits fees for citizen of EAC					
Recognition of qualifications for professionals across the region.					
Improved political will and commitment					
Strengthen the capacity of labour market institutions to integrate and put into practice regional policy					
Development of a framework for data compilation on movement of people within the region.					
Laws on Labour and Immigration reviewed to embrace free movement among the Partner States					
Adopted an Integrated border management system					
Established employment promotion centers					
Operationalization of border posts on a 24 hour basis					
Update of National manpower surveys					

- 2 As per the proposed recommendations below, which ones would you recommend each country to aid the successful implementation of the CMP on free movement of labour? On a scale of 1-5, please rank your level of agreement with each recommendation. (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree).

Recommendation	5	4	3	2	1
Improved political will power					
More information on the gains on implementing the CMP					
More resource allocations both manpower and monetary					
More awareness campaigns to citizens on CMP issues and benefits					
Focus on the advantages of implementing the protocol					
Focus in the future and not concentrate on the past and now					

3. Apart from the proposed recommendations above, which ones would you recommend for the counties to aid the successful implementation of the CMP on free movement of labour?

4. In your opinion, how far have they implemented the protocol on free movement of labour? On a scale of 1-5, please rank your level of agreement with each recommendation. (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree).

Statement	5	4	3	2	1
0-19 %					
20-39%					
40-59%					
60-79%					
80-99%					
100%					

Challenges of implementing the CMP protocol on mobility of professional workers

5. Below are probable statements on challenges of implementing the protocol on free movement of labour, On a scale of 1-5, please rank your level of agreement with each statement. (Where 1= strongly disagree, 2=disagree, 3=moderately agree, 4=agree, 5= Strongly Agree).

Challenges	5	4	3	2	1
Weak political will power					
Negative perceptions of the gains and losses from the CMP					
Poor attitude towards labour migrants					
Inadequate levels of awareness of the citizens on CMP issues and benefits					
High cost of establishment					
It will disrupt out routine work procedures					
Our country will lose revenue					
Inadequate preparedness by implementing agencies					
Fear of losing jobs to partner members					
Language barriers					
Our country is not ready					
Unwillingness of other member countries					
No challenges at all					

6 Apart from the challenges listed above, which other challenges are your experiencing in implementing the CMP?
