

**THE ROLE OF MIGRATION POLICIES IN PROMOTING  
REGIONAL ECONOMIC INTEGRATION:  
A CASE OF KENYA**

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**2015**

## DECLARATION

I declare that this research project is my original work and has not been presented for a degree in any other university.

Signí í í í í í í í í í í í í í í .      Dateí í í í í í í í í í í í .

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This research project has been submitted for examination with my approval as University Supervisor.

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Dr. Anitah Kiamba

## **DEDICATION**

This work is dedicated to my family who believed in me and has always supported me in their own special way. Thank you and God bless you!

## **ACKNOWLEDGEMENT**

I highly appreciate the contribution and support received by various individuals for the success completion of this project. I wish to express my sincere appreciation to my supervisor Dr. Anita Kiamba for her academic guidance and value she gave my study. I acknowledge the encouragement and inspiration of my family, relatives and friends who supported me in their own special way.

## ABSTRACT

Migration is of considerable importance to Kenya especially in advancing regional integration in East Africa. Migration policies have for a long time been associated with movement of people, labor and capital from one sovereign state to another. The policies have a great impact and influence on integration both at social level, political level and in economic spheres. It is the soundness of these policies that dictate how the integration process is achieved. The research examines, the role played by migration Policies in Promoting Regional Economic Integration particularly, focusing on policies enacted by the government of Kenya and how they influence regional economic growth and development. The research argues that, although significant progress have been made by the Kenyan government, through implementing migration policies that have facilitated regional economic growth and development in EA, many challenges remain. These challenges encountered by the government of Kenya in promoting regional economic integration in EA includes; the Kenya's insecure, porous, unmanned and difficult terrain on and along borders resulting in difficult, ineffective control of entry and exit of persons, inadequate legislative and policy framework and weak enforcement of existing regulations. Thus, there is need to create a mechanism for promoting migration issues which could act as a catalyst for economic development in the region and at the continental level. This research analyzes the role of migration policies in Kenya in promoting regional integration in East Africa. Firstly, the research examines the significance and economic impact of migration into East Africa and capacity of Kenya's migration policies in advancing regional economic integration. Secondly, the research highlights the various regional integration arrangements which are part and parcel of the present global economic order and specifically focusing, on EAC which have recorded a tremendous achievement in enhancing trade and development in the region. The general objective of this research is to examine the role of migration policies in Kenya in promoting regional economic integration in East Africa. The research design used in this study is descriptive and explorative research. The study involved mostly the use of open-ended questions for the primary data collection. The research site in this study is Kenya. For the purpose of this study, the target population is 120 respondents who included; civil servants, business entrepreneurs, custom officials, immigration official, civilians and academicians operating in Kenya. Purposive sampling approach will be used to ensure that reasonable representative sample is picked for the groups. A number of data collections methods will be used in this study and this includes an open ended questionnaire for the key respondents. Secondary data will also be used in addition to primary data.

## ACRONYMS AND ABBREVIATIONS

<b>AL</b>	-Arab League
<b>ASEAN</b>	-Association of South East Asian Nations
<b>AU</b>	-African Union
<b>CARICOM</b>	-Caribbean Community
<b>COMESA</b>	-Common Market for East and South Africa
<b>CRD</b>	-Civil Registration Department
<b>DRA</b>	- Department of Refugee Affairs
<b>DRC</b>	-Democratic Republic Of Congo
<b>EA</b>	-East Africa
<b>EAC</b>	-East African Community
<b>ECOWAS</b>	-Economic Community of West African States
<b>ECSC</b>	-European Coal and Steel Community
<b>EU</b>	-European Union
<b>GJLOS</b>	-Governance, Justice, Law and order sector reform program
<b>IPRS</b>	-Integrated Population Registration Data base System
<b>MIRP</b>	-Immigration and Registration of Persons
<b>NAFTA</b>	-North American Free Trade Area

**NRB** -National Registration Bureau

**SADC** -South African development community

**WTO** -World Health Organization

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## CHAPTER ONE

### MIGRATION POLICIES AND REGIONAL ECONOMIC INTEGRATION IN EAST AFRICA

#### 1.1 Introduction

Migration is the movement of persons from one place to another. It is influenced by a number of reasons and it could be between villages, towns and even between countries. Rural-urban migration has been a common phenomenon in our society as people move from villages to towns in search of employment opportunities in what is referred as labor migration. Therefore the term labor migration is referred to in this study as the movement of persons from their home State to another State for the purpose of employment.

Migration policies have for a long time been associated with movement of people, labor and capital from one sovereign state to another. These policies have a great impact and influence on regional integration both at social level, political level and in economic spheres. It is the soundness of these policies that dictate how the integration process is achieved. There exist a number of migration policies in East Africa that facilitate in connecting people with other sovereign states in the globe today. Like in most countries especially Sub-Saharan Africa, Kenya has five different patterns of migration. They have all had different impacts on labor markets and general development.<sup>1</sup> Recently, regional integration initiatives have made considerable progress in formulation of frameworks and legislation to guide the mobility at the continental level as well as accelerate economic and social integration among people. Since labor mobility is recognized as an integral part of the regional integration and development process in the East Africa

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<sup>1</sup>Macharia,K.(2003). *Migration in Kenya and Its Impact on the Labor Market*. Johannesburg: South Africa

Community Treaty, the EAC governments and social partners recognized the need to establish, modernize and improve their laws, policies, practices and administrative structures on migration.

## **1.2 Background of the Study**

East African countries have moved towards heightened economic regional integration. This form of regional cooperation is covering a number of sectors in the national economy such as tourism, manufacturing and trade. As the integration intensified, the interests of East African countries as sovereign states become increasingly bound together. Migration is one of those areas which need to be harmonized in order to achieve objectives of regional economic integration especially as they are moving towards EAC monetary union.

Regional integration is a global phenomenon that is premised on the fundamental objectives that member states aspire to achieve. Some of the driving tenets of countries engaged in regional arrangements include; Trade gains where countries experience positive terms of trade occasioned by free trade and increased competition availing a variety to consumers vis-à-vis the rest of the world. From experience it has been noted that regional integration increases investments in countries. Enlarging a sub-regional market will entice more investors to increase production in order to tap the available market as well as attract direct foreign investment. Free trade is the central principle in a given economic integrated region where movement of goods, labor and capital across international borders is eased through policies.<sup>2</sup>

Migration is of considerable importance to Kenya, Tanzania, Burundi, Uganda and Rwanda especially in advancing regional integration in East Africa. Historically, the migration of millions of rural households in eastern and southern Africa to cities and major towns has provided investment capital for rural commodity production, stimulated the flow of new ideas

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<sup>2</sup> Anna, S. (2008). *International trade negotiations and the trans-border movement of the people. A review of the literature*. Hamilton: Population studies centre (PSC)

and social practices into rural areas, and enhanced rural livelihoods.<sup>3</sup> The same migration patterns are happening increasingly in East Africa and the region is bound to experience increased economic gains of which countries must align their immigration policies with regional demands. There are regional initiatives to promote free movement in the East African Community and this research explores the policies that Kenya in particular has put in place to regulate migration as well as achieve economic prosperity through such policies. Such understanding could contribute to a more informed policy debate in the face of proposals to regulate migration and align immigration policies to economic development. The economic impact occasioned by immigration in east Africa is highlighted and an in-depth analysis of the significance of the both skilled and unskilled labor in the economies of these states is explored. The cost of hosting refugees in the respective countries is of great economic significance that cannot be underscored by any meaningful state in the process of development.

### **1.3 Statement of the problem**

The central question that this research embarks to answer is how Kenya could use its migration policy as an instrument for facilitating free movement of business persons, professionals and skilled and unskilled labor to build knowledge and capacity and in due course, unlock the economic potential of the region. In recognition that migration has a major role to play in facilitating regional trade, it is therefore an area of interest to carry out a study in order to improve on the policy framework, under which standard procedures and legislation can be harmonized. Harmonizing migration/ border procedures within East Africa region will create more avenues for economic integration among EAC states.

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<sup>3</sup> Francis, E. (2002). *Gender, Migration and Multiple Livelihoods: Cases from Eastern and Southern Africa*. *Journal of Development Studies* NO.38 VOL 6

The world has become a global village and the migration laws and policies need to be adopted in fostering regional economic blocs as aspired in the EAC. Migration policy thus enhances regional trade by facilitating free movement of people, capital and labor across territorial boundaries and regulating residency of expatriate personnel and investors. Migration policies therefore, are a key in this noble course of creating a viable economic region among the East Africa partner states. Migration is the engine for regional economic integration. Migration policies can be harmonized to capitalize on the gains associated with migration as well as mitigate on the costs that countries (both destination and origin) experience.

#### **1.4 Specific research questions**

- a) How do Kenya's migration policies facilitate free movement of persons in East Africa
- b) How effective are Kenya's immigration policies in promoting regional economic integration?
- c) Which strategies has the Kenyan government adopted to harmonize migration policies with economic integration?

#### **1.5 Objectives of the Study**

##### **1.5.1 General Objective**

The role of migration policies in Kenya in promoting regional economic integration in East Africa

##### **1.5.2 Specific objectives**

- a. To examine how Kenya's migration policies facilitate free movement of persons in East Africa
- b. To analyze the effectiveness of Kenya's migration policies in promoting regional integration
- c. To establish the linkage between migration policies and economic integration

## 1.6 Literature Review

### 1.6.1 Global context of economic integration

Regional integration arrangements are a part and parcel of the present global economic order and this trend is now an acknowledged future of the international scene. Various economically integrated blocs exist in the world today with the most notable being the European Union, NAFTA (North American Free Trade Agreement), ASEAN (Association of Southeast Asian Nations), and many other bilateral preferential trading arrangements. Africa is no exception to such trends, where many regional integration arrangements, such as the East African Community (EAC), COMESA (Common Market for Eastern and Southern Africa), SADC (Southern Africa Development Community), ECOWAS ((Economic community for West African states) and others, are in effect. <sup>4</sup>

In East Africa, economic regional integration has been tried since the inception of the East African community (EAC). Over the years it has achieved tremendous and notable progress of economic forwardness which has been achieved through a number of steps and involving a number of protocols. The newly-created EAC entered into force on July 7, 2000. In 2007, Burundi and Rwanda were admitted as new members and currently the community consists of five member countries namely: Burundi, Kenya, Rwanda, Tanzania, and Uganda. In November 2009, a historic document, the EAC Common Market Protocol, was signed by the five countries, which then established a common market allowing the free movements of goods, persons, and capital as an integral part of the East African Community.<sup>5</sup> Since the economic integration is premised on free movement of goods, persons and capital across the region, this research embarks on a study to establish the policies that the Kenyan government has put in place to

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<sup>4</sup> Junichi, G. (2012). *Regional Integration in East Africa Diversity or Economic Conformity*: Japan: JICA Research institute

<sup>5</sup> Ibid

ensure that the movement of people in east Africa is free and that it gains economically from such movement.

### **1.6.2 Kenya's migration policies**

Kenya is an important key destination country for migrants coming from Central and Eastern Africa as well as other continents. Additionally, the country experiences robust intra-regional migration with her neighbors in East Africa. Kenya shares more than 4,000km of extremely porous borders with Ethiopia, Somalia, Uganda, Sudan, and Tanzania. Some of these countries continue to experience armed conflict and natural disasters, thereby increasing the likelihood of irregular migration.

Migrants mostly from horn of Africa states (Somalia, Ethiopia, south Sudan, Eritrea etc) cross over to Kenya to seek refuge and better livelihoods.<sup>6</sup> Kenya's policies in East Africa regarding population migration in light of the efforts of the East Africa Community (EAC) and its partner states to establish a Common Market, the country is proposing to enhance EAC capacity, to deal with migration issues and to support the mainstreaming thereof in the operationalization of the Common Market Protocol that came into effect in July 2010. The immigration policies aim specifically at enhancing the Capacity of the East Africa Community to Harmonize Migration Management and Allow Free and Safe Movement of Persons.<sup>7</sup> The country has also been hosting large numbers of refugees from neighboring countries in a region that has witnessed a disproportionate share of instability in sub-Saharan Africa. According to the UNHCR Report (2011), by the end of 2011, Kenya was hosting around 566,500 refugees and about 35,271 asylum-seekers.<sup>8</sup> The refugees are mainly from Ethiopia, Somalia and Southern

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<sup>6</sup>IOM Report. (2015). *Labor migration in Kenya*. International Organization for Migration (IOM). Geneva: Switzerland

<sup>7</sup> Ibid

<sup>8</sup>UNHCR .(2011).*Global Trends*, UNHCR, Geneva, 18 June 2012 Available from <http://www.unhcr.org>

Sudan, whereas the asylum-seekers are mainly from eastern areas of the Democratic Republic of the Congo (DRC). Kenyan emigration to Tanzania and Uganda implies the importance of the two countries in regional (EAC) migration. The main drivers of emigration from Kenya in recent years include, but are not limited to, high rural unemployment, intercommunity inequality, environmental factors such as droughts and rainfall unpredictability, high population growth and political instability.<sup>9</sup> The Kenyan emigrants and diasporas have made an increasingly significant financial contribution to the national economy, inducing the Government of Kenya to reorient its development policy to include the positive dimensions of migration, including formulating a diasporas policy and dual citizenship as enshrined in the Immigration and Citizenship Act 2011. The Government of Kenya has made policy initiatives to enhance the Kenyan Diasporas contribution to national development, mainly in Europe and North America.

Regional integration initiatives in Africa have a long history, dating back to the establishment of the South African Customs Union (SACU) in 1910 and the East African Community (EAC) in 1919. Since then a number of regional economic communities have been formed across the continent, particularly since the 1970s. Currently there are more than ten regional economic groupings in Africa<sup>10</sup>. Today there is no country in Africa that isn't a member of at least one regional economic group. Even the republic of south Sudan which is the newest state in Africa has applied for membership to East African Community. This research study focuses on significance of economic integration both at global level and at regional level by detailing the aspects that characterize the process of economic integration and in this particular case how the east African economic integration has been achieved. Hence it will review

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<sup>9</sup>Oucho, J. O. (1996). *Urban Migrants and Rural Development in Kenya*. Nairobi: Nairobi University Press

<sup>10</sup> Alemayehu, G & Haile, K. (2002). *Regional Economic Integration in Africa: A Review of Problems and Prospects with a Case Study of COMESA*: University of London: SOAS press

literature around economic integration through fast-tracking the east African integration. Further this study will review literature on migration policies in Kenya and their comparative analysis with other states making the East African Community.

### **1.6.3 Economic Integration in a Global Perspective**

The concept of regional economic integration implies that nations of a geographic region come together in some type of partnership to foster trade and development. Regional economic integration can be manifest as a free trade area, a customs union, a common market, an economic union, or in its most extreme form, as a political union.<sup>11</sup> Free trade area is the first stage of regional integration and it is marked by two distinguishing characteristics. The first characteristic is the liberalization of trade regulation for members. Second, the removal of trade barriers placed against members. This includes the removal of tariffs, quotas, and various non-tariff barriers, or a pledge to remove such trade barriers by a date certain in the future.<sup>12</sup>

The second stage of economic integration is customs union which adds a third characteristic to the two characteristics of a free trade area, namely the imposition of a common tariff on nonmember countries. This means that the member countries of a customs union pledge to liberalize trade regulations, remove trade barriers placed against members, in addition to agreeing to impose a common tariff against nonmember countries. For example, all members of a customs union might agree to have a ten percent tariff against nonmember countries, while previously each country had different and unique tariff levels<sup>13</sup>. The third stage of economic integration is the common market which encompasses all characteristic of a free trade area and of a customs union, while adding mobility of factors of production as a fourth distinguishing

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<sup>11</sup> Kehoe, W. (2005). *region land global economic integration implications for global business*. Washington D.C: University of Virginia

<sup>12</sup> Kehoe, W. (1998). *GATT and WTO: Facilitating Global Trade*: Journal of Global Business, spring, 67-76.

<sup>13</sup> Ibid

characteristic. Included is mobility of capital, labor, and technology. Mobility of labor requires that the member countries develop a common visa policy and a common position on residency. Additionally, the member countries will develop common policies to harmonize standards, have mutual recognition or acceptance of each other's standards, or agree on minimum standards.<sup>14</sup>

An economic union is the fourth stage of economic integration which is characterized by economic integration through harmonizing fiscal and monetary policies, creating a common currency, and establishing a super-national governing authority. For example, the European Union countries are governed by the super-national governing authority which is the European Parliament. A political union is the ultimate step along the regional economic integration path. A political union brings full economic and political unification to members of an economic union.

Since independence many African states have embraced regional integration as an important component of their development strategies and concluded a very large number of regional integration arrangements (RIAs), several of which have significant membership.<sup>15</sup> The European Union was Africa's most important trade, investment and development partner. Trade with the EU was governed by a series of Lome Conventions, which granted African countries unilateral preferential access to EU markets. The EU and African countries concluded the Cotonou Agreement which paved the way for the negotiation of World Trade Organization (WTO) compatible Economic Partnership Agreements, in 2000.

Most of Africa's countries have low per capita income levels and small populations which result in small markets. In 2010, twelve Sub-Saharan African states had populations of less than 2 million while 19 had a gross domestic product (GDP) of less than US\$5 billion, six of which had a GDP of less than US\$1 billion. Not only are most Sub-Saharan African economies

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<sup>14</sup> Ibid

<sup>15</sup> McCarthy, D.M.P. (2006). *International Economic Integration in Historical Perspective*. Milton Park, Abingdon and Oxon: Routledge.

small and poor, but 15 are also landlocked, an important contributory factor to high trade transaction costs, and more generally to the high costs of doing business in Africa.<sup>16</sup> Geography is an important consideration in regional economic integration. Low per capita densities of rail and road transport infrastructure, increases the cost of doing business in Africa. Poorly developed cross-country connections have been pointed out as the major constraints of doing business in the continent. Transport costs in Africa are still among the world's highest. For example, shipping a car from Japan to Abidjan costs US\$1 500 (including insurance) while shipping that same car from Addis Ababa to Abidjan would cost US\$5 000.<sup>17</sup> Throughout the continent, many road, air, and rail networks remain unconnected.

The ambition of African leaders to integrate Africa, and to develop the continent through import substitution industrialization, was a key feature of the immediate post-colonial period, which led to creation of the Lagos Plan of Action (LPA). The LPA was an initiative of the Organization of African Unity (OAU), adopted by Heads of State in April 1980, and keenly supported by the United Nations Economic Commission for Africa (ECA).<sup>18</sup> The Lagos Plan of Action led to the adoption of the Abuja Treaty which laid ground for economic integration in Africa. The proposed framework for African integration and continental industrialization was the division of the continent into regional integration areas that would constitute a united African economy, the African Economic Community. The Abuja Treaty formalized and created institutions which would govern the processes of economic integration throughout the continent.

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<sup>16</sup> McCarthy, C. (1999). *Regional Integration in Sub-Saharan Africa: Past, Present and Future*. Volume 4, Basingstoke: Macmillan Press.

<sup>17</sup> McCord, G.&Sachs, J.D.(2005). *Understanding African Poverty: Beyond the Washington Consensus to the Millennium Development Goals Approach*. The Hague: FONDAD.

<sup>18</sup> Hartzenberg, T. & Kalenga, P. (2007). *A Deeper Regional Integration Agenda for SADC*. Yearbook Vol. 6 6 2007. Trade Law Centre for Southern Africa.

To achieve this, the Economic Commission for Africa (ECA) supported three regional integration arrangements; the Economic Community of West African States (ECOWAS) for West Africa, which was established in 1975, the Preferential Trade Area (PTA) covering East and Southern Africa, which was the precursor of the Common Market for Eastern and Southern Africa (COMESA); and the Economic Community of Central African States (ECCAS) for Central Africa. The Arab Maghreb Union (AMU) was established in 1989, completing continental coverage.<sup>19</sup>

The first move towards economic integration in East Africa was initiated in 1919 when British colonies of Kenya, Uganda and Tanganyika formed a customs union in order to facilitate trade and commerce among themselves.<sup>20</sup> EAC has undergone the relevant stages of integration commencing with free trade area since its revival and currently it falls under the common market. A common market encompasses all characteristic of a free trade area and of a customs union, while adding mobility of factors of production as a fourth distinguishing characteristic. Included is mobility of capital, labor, and technology. Mobility of labor requires that the member countries develop a common visa policy and a common position on residency. Additionally, the member countries will develop common policies to harmonize standards, have mutual recognition or acceptance of each other's standards, or agree on minimum standards.<sup>21</sup> It is in line with these common policies that states harmonize their immigration policies in line with the requirements of common market. Other policies enshrined in common market protocols include standards on subsidies, standards on health and safety, anti-trust standards and professional licensing standards.<sup>22</sup>

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<sup>19</sup> Schiff, M. & Winters, A. (2003). *Regional Integration and Development*. Washington D.C.: The World Bank.

<sup>20</sup> Joseph, S. Nye Jr. (1963). *East Africa Economic Integration*. The Journal of Modern African Studies. pg 475-502

<sup>21</sup> Ibid

<sup>22</sup> Hill, L. (2005). *International Business*. Boston, MA: McGraw-Hill/Irwin.

World Trade Organization (WTO) is an international body mandated with regulation dealing with the rules of trade between nations. The activities and policies initiated by states in economic integration are closely regulated and monitored by the WTO, in order to conform to healthy economic practices which are internationally recognized. Most pronounced regional integrated blocs in the world include; the North American Free Trade Area (NAFTA), formed in 1994 when the Canada - US Free Trade Agreement was extended to Mexico. Another vibrant example would entail as to how EU has formed linkages incorporating the transition economies of Eastern Europe through the Europe Agreements. Others include ASEAN (Association of South East Asian Nations), Arab League (AL), Caribbean Community (CARICOM), Union of South American Nations (USAN) and African Union (AU) among others. Those found in Africa include ECOWAS (Economic Community of West Africa States), SADC (Southern Africa Development Community), COMESA (Common Market for Eastern and Southern Africa) and for the purpose of the research study the East African Community (EAC).<sup>23</sup>

#### **1.6.4 Regional Economic Integration in East Africa**

The East African Community (EAC) is the regional intergovernmental organization of the Republics of Kenya, Uganda, the United Republic of Tanzania, Republic of Rwanda and Republic of Burundi with its headquarters in Arusha, Tanzania. The EAC was established with primary objective of setting up a prosperous, competitive, secure, stable and politically united East Africa; and provide platform to widen and deepen Economic, Political, Social and Culture integration in order to improve the quality of life of the people of East Africa through increased

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<sup>23</sup>Reith, S. (2011). *The East African Community regional Integration between Aspiration and Reality*. Kas International Reports

competitiveness, value added production, trade and investments.<sup>24</sup> Since the community's re-establishment in 1999, the community has recorded a number of achievements.

These achievements include: success in establishing the organs of the community as stated in the EAC treaty, establishment of the EAC Custom Union, strengthening of an East African identity, harmonization of monetary and fiscal policies, improvement of transport and communications systems, the launching of the Lake Victoria Commission and deepening of co-operations in different sectors.<sup>25</sup> The regional integration in East Africa is confronted by a number of challenges, which hinder its development and achievements of its full potential. These challenges range from economic, global, political, and challenges concerning trade with free movement cited as a stumbling block to EAC advancement.<sup>26</sup> Available data indicates that the volume of trade between the five East African states, have increased tremendously over the period of five years.

For instance, Kenyan exports to Tanzania increased by 50 per cent while the Tanzanian exports to Kenya also doubled in the same period.<sup>27</sup> The empirical evidence reveals that, the economic integration achieved through common market and customs union in East Africa have increased the market accessibility in the region and trade has been enhanced. Although there exist a documented evidence to prove economic development and progress, a lot needs to be achieved in relation to barriers and challenges that continue to hinder effective economic integration. Some being migration policies and policies related to movement of persons, labor and capital.

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<sup>24</sup>EAC (2002). *the Treaty for Establishment of the East African Community*. EAC Secretariat: Arusha Tanzania

<sup>25</sup>Diodorus, B. (2006). *The Achievements and Challenges of the New East African Community Co-operation*. London: University of Hull

<sup>26</sup> Ibid

<sup>27</sup> Ibid

### 1.6.5 Migration policies in East Africa

Migration policies can be defined as those interventions by the governments that regulate the arrival or departure of foreigners according to their nationality, purpose of their arrival and duration of their stay. The migration policies include those governing emigration, migration, seasonal migration and refugees. In east African countries migration policies are centered on the restriction of employment of foreigners and nationals. It is evident that in all the three countries of East African (Tanzania, Kenya and Uganda), migration policies can be translated into more or less restrictive regulatory frameworks comprising of immigration laws for the entry, residence and employment of foreigners. While the migration policies are envisioned to regulate movement of labor across the states, the reality remains that national governments regulate the mobility of labor with the aim of promoting national employment while restricting foreigners from employment as evidenced by the issue of work permits.<sup>28</sup>

Generally, it has been established by the international labor organization through a research conducted in East Africa that African migrations especially rural to urban have not demonstrated the same effect for industrialization and economic development as migration has done elsewhere especially in Europe and North America.<sup>29</sup> East Africa has a long history of economic migration between and within countries to plantations (cotton and coffee in Uganda), mines (DRC and Uganda) and with the seasons (pastoralist communities in Uganda, Tanzania and Kenya).

There exist a number of categories that explain the migration policies in East Africa each in specific countries. Uganda has several policies dealing with labour migration and some are in

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<sup>28</sup>Musondavc, M. F.(2006).*migration legislation in east Africa: international migration papers*.Geneva: International Labour Office

<sup>29</sup>Amin, S. (1995). *õ Migrations in Contemporary Africa :The Migration Experience in Africa*, edited by T.A. Aina, Sweden :NordiskaAfrika institute

process of being formulated. For instance, Uganda has a Policy on migration generally orientated towards international migration which regulates both emigration and immigration.<sup>30</sup> Migration policies in Uganda constitute measures to regulate the emigration of professionals and civil servants. Uganda was also one of the first signatories of the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families and acceded in 1995.<sup>31</sup> The RQAN (Return of African Qualified Nationals) Programme scheme in Kenya run by International Organization for Migration (IOM) is reported to have returned over 300 professionals to Kenya by the end of 2002.<sup>32</sup>

In Tanzania, there exists a strict labour migration policy that was initiated as a result of increased unemployment among its youthful population. One of the reasons for strict labour migration in Tanzania is that the country has an estimated 750,000 jobless youths annually.<sup>33</sup> To address this problem, policies, particularly National Employment Promotion Policy of 1997, and the National Employment Policy 2000 have been developed to promote employment opportunities of Tanzanians as well as increase productivity of the labor force to ensure full utilization of available human resources capacity. The policy initiated by the government of Tanzania aims at regulating the inflow of immigrant workers to compete the nationals

In the post-colonial era, there has also been substantial forced displacement, and increasing rural-urban migration within countries for employment or to earn a livelihood. Both urbanization rates and levels of international migration in East Africa have generally increased a move that has necessitated formulation of immigration legislations and policies that regulate the movement of people across international boundaries. The influx of refugees in East Africa also

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<sup>30</sup>Shitundu, M. J. (2006). *A study of labour migration data and statistics in east Africa*. Nairobi: ABC Press

<sup>31</sup> Ibid

<sup>32</sup>Shinn, D. H. (2002). *Reversing the Brain Drain in Ethiopia*. Addis Tribune: Addis Ababa

<sup>33</sup> Ibid

necessitates the formulation of policies aimed at regulating the movement of refugees, their stay and their engagement in the host country. For instance, Uganda's refugee policy is guided by the outdated 1960 Control of Aliens Act, which has been criticized for its inconsistency with international refugee law especially as regards the rights of refugees to own property, have access to courts and enjoy freedom of movement. Generally, in all East African countries substantive legislations exist dealing with migration but more on immigration and less on emigration and this research is premised on such legislation to guide Kenya in specific terms to formulate comprehensive migration policies that can turn around and actualize economic gains.

#### **1.6.6 The Kenyan migration Policy Framework**

The EAC Common Market is based on the Treaty that established the EAC, which is built on four pillars or freedoms and two rights. They include the free movement of goods, labor, services and capital. The freedom of movement of persons, workers, the right of establishment, the right of residence and the commitment to the progressive liberalization of services. Kenya has become a major sending country of migrants to Eastern and Southern Africa and to various parts of the developed world. As well the country has become an important destination country, especially for immigrant labor from other developing and even developed countries.<sup>34</sup> The main drivers of migration from and to Kenya in recent years include, but are not limited to, high rural unemployment, intercommunity inequality, environmental factors such as droughts and rainfall unpredictability, high population growth and political instability.

The states making the EAC have drafted migration policies aimed at capitalizing on the freedoms enshrined in the common market. Kenya which is of keen interest in this research has made tremendous steps in transforming the immigration policies for better. The Ministry of State for Immigration and Registration of Persons (MIRP) has rolled out a Strategic Plan for the

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<sup>34</sup>Oucho, J. O. (1995). *Emigration in Eastern Africa*”, *International Migration* (Special issue) 33:391-434.

period 2008-2012, identifying migration as major policy for developing strategic objectives, programs and projects to address migration issues. The ministry of state for immigration and registration of persons (MIRP) has increased important portfolios in its department which include; the Immigration Department, the National Registration Bureau (NRB), the Civil Registration Department (CRD), the Department of Refugee Affairs (DRA) and the Integrated Population Registration Database System (IPRS).<sup>35</sup>

In accordance with the provisions of Articles 76 and 104 of the EAC Treaty, the PEACCM consists of five freedoms and two rights: the free movement of goods; the free movement of persons; the free movement of labor; the right of establishment; the right of residence; the free movement of services; and the free movement of capital. The legislation has enabled Kenya to tap economic gains from her East African neighbors, as it is evidenced by the immigrant population that resides or works in the four members of the community.

Given the abundance of well-educated and skilled human resources in Kenya, Tanzania relies (though not entirely) on immigrant Kenyan labor in various sectors of its economy. Recent research has indicated that, Kenya is by far the leading immigration country among the EAC Partner States, followed by South Africa and Australia with the last two concentrating on the mining industry. Kenya is the second investor to the United Kingdom in the Tanzanian economy.<sup>36</sup>

Uganda and Kenya have remained good and inseparable neighbors when it comes to sharing migrant workers. Most employers in Uganda have the discretion to recruit Kenyan workers as they are termed as hard working and they are not selective when it comes to jobs. Kenyans are employed mainly in the business sector, including banking and the hotel industry, as

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<sup>35</sup>Oucho, J. O. (2013). *The Biggest Fish In The Sea? Dynamic Kenyan Labour Migration in the East African Community*. Research report

<sup>36</sup>Ibid

top executives. The executives manage supermarkets (specifically Nakumatt and Uchumi), which are incorporated/licensed in Kenya but which are fast expanding to Uganda.<sup>37</sup> Moreover, the porous borders and similar socio-cultural backgrounds of Uganda and Kenya render ineffectual any national laws prohibiting an exchange of labor.

Kenya and Rwanda continue to collaborate on a myriad of economically related issues, a move that has necessitated movement of labor, capital and persons in the two East African countries effective and beneficial. Rwanda has formulated a National Migration Policy and Strategies (Rwanda, 2009) which help in managing immigrants, emigrants, trafficking in persons and migrant smuggling, among other issues. The policy welcomes citizens from EAC Partner States, with Kenyans dominating the Rwandan job market, the only requirement being that Kenyan and Kenyan businesses register with the Rwanda Development Board, which grants permits free of charge.<sup>38</sup> Most consultancies in Rwanda are done by Kenyans and the influx of highly qualified Kenyans has enhanced the government's policy development and accounts for the successful high-quality institutional framework.

Kenyans dominate employment in Rwanda as accountants and university/technical college lecturers as well as teachers.<sup>39</sup> The open-door policy, which has permitted the sustained immigration of Kenyans, has helped the Rwandese to learn from the Kenyans' professionalism, their skills in establishing institutions, in developing viable business plans as well as syllabi for various types of training, training the local's and providing leadership.

From the above case studies involving Kenya and her East African counterparts it is evident that the country (Kenya) dominates in entirely all countries when it relates to labor relations. In that

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<sup>37</sup> Achoch, E.O. and H.A. Apiyo. (2007). *The role of private sector and other stakeholders in making labour Migration work for development: Kenya experience*. Paper presented at the IOM Conference in Geneva.

<sup>38</sup> Ibid

<sup>39</sup> Achacoso, T.D. (2004). *Roadmap for the Development of a Labour Migration. Management Programme for Kenya, Tanzania and Uganda*. IOM.

view therefore it is noteworthy to evaluate and harmonize Kenya's immigration policies in advancing the regional economic integration. The current drive to accelerate economic integration as evidenced by the increased political will to increase infrastructural development in the region with projects like northern corridor a project initiated by the member countries comprising the EAC. The drive will accelerate economic integration further with the nationals of the both countries interacting widely on variant platforms.

Kenya particularly has enacted a vibrant legislation aimed at regulating movement of immigrants following serious allegations that the country has become a transit, source and destination of trafficked persons. The legislation includes the reforms that aims at curbing the vice especially the Governance, Justice, Law and order sector reform programme (GJLOS). The legislation aims at among other things curbing human trafficking, regulating cross border migration and dealing with issues of citizenship. The ministry of immigration through this programme of reforms plans to introduce new passports Act which will regulate migration and immigration.<sup>40</sup> Other initiatives by the government of Kenya include; the Implementation of the Kenya Citizenship and Immigration Act 2011 aimed at structural and operational adjustments to improve migration management in the country as well as Opening regional and sub-regional offices in strategic locations.

EAC Partner States need to jointly identify effective methods to address the challenges of migration including; reducing irregular migration, forced displacement, address migration health concerns, as well as ensuring regional security and maximize on the positive effects of migration for instance labor migration, Diaspora engagement, use of remittances and border management, among others.<sup>41</sup> Kenya which is of close importance to this research is being analyzed and

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<sup>40</sup>MPND. (2003).*The economic recovery strategy for wealth and Employment creation 2003-2007*.MIRP

<sup>41</sup> Ibid

evaluated as to how it places special emphasis on the role of migration policies on economic development as well as ways to build the sustainable capacities of governments and other actors, to manage migration so that it contributes to individual, community, and national economic development.

The importance of assisting local and national actors in the public and private sectors to develop ownership, expertise and capacity in migration and development was also underscored as crucial to ensuring the sustainability of interventions in the field of migration and development.<sup>42</sup> Whereas The EAC integration process and especially the Common Market presents a number of opportunities for Kenya including a wider labor market, diversified workforce, trade and investment, resource mobilization, technological development, skills transfer and capacity building, adoption of best practices, enhanced cross-border cooperation, expansion of remittance base, the harmonization of migration policies in EAC and in particular Kenya should be prioritized and implemented.

#### **1.6.7 Summary of the gaps established by the literature review**

The research shows that in practice there is quite a lot of hindrances to labor migration thus there is need to have many policies that improve the skills of labor and also sensitization of people to look at the East African as one especially given that East African Community is in existence. Also there is a glaring difference between the legislations and the practice in relation to labor migration as enshrined in the legislation in East African states. Effective migration regulation in East Africa legislation needs to be harmonized, improved and even new ones enacted. The national laws do not reflect the consideration of the wide-ranging concern of

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<sup>42</sup> EAC Report. (2011). *Migration and Regional Integration in the East African Community*. Arusha: EAC Secretariat

migrant workers. Common employment policies and standards needs be encouraged to allow greater opportunities for skills, entrepreneurial know-how, technology, and professional services to move freely across borders.

The research has also established that, there is lack of expertise, uneven compliance with international obligations, and persistent economic crises and high unemployment in East African countries especially in Kenya which slows down achievement of integrated economic bloc. Additionally, the study has established that political commitment to implementing agreed objectives is often insufficient coupled with lack of involvement of East African governments, trade unions and the wider civil society which has left African migrant workers at the mercy of receiving countries and employers.

The East African laws are quite restrictive and not attracting migration except for those related to foreign investment. Migrant labor is only permitted if there are no equivalent skills available in the local market and in many cases the jobs will be announced only at the domestic market so others might not access the information.

Many people in East Africa are not aware of the laws and legislations concerning migrants. For example the issue of child labor is quite difficult to implement given the poverty levels and customs of East African of using child labor.

### **1.7 Justification of the Study**

This research will explore the role of migration policies in promoting regional economic integration as they have been applied by the Kenyan government, in facilitating EAC economic growth and development. In this study Kenya's immigration policies have been reviewed and analyzed in the context of the common market, that is being pursued by the states comprising the EAC. Integration being the new phenomenon in the conduct of international relations, has the potential to solve both economic, social , political, developmental and security concerns facing

sovereign states as evidenced by the various regional integrated blocs, in existence in the international system. That being the case it cannot be achieved with restrictions in movement of persons, goods and capital. States have the obligation to streamline their immigration policies to adhere to integration principals specifically the ones that entail free movement.

### **Academic justification**

Given the current situation of knowledge as informed by the literature review, a lot of research has been done on the European Union as a prototype of modern regional integration. In this regard, one could easily find academic work done by several scholars hence providing valuable contribution to this area of study. Given the situation described in the literature review above, this study offers academic insights and inquiry into the happenings in African integration and more locally in East African integration. However, there is so little research done on East Africa Community more so, on the migration policies in relation to the process of regional economic integration. In view of the scanty research done on this subject area, the study will enhance the work of other scholars and hence contribute to academic knowledge about the topic. It will help in filling the knowledge gaps that seem to exist as raised in this study.

### **1.8 Theoretical Framework**

This study will utilize the Andrew Moravcsik's liberal inter-governmentalism theory of regional integration. It is one of the classical theories in study of economic integration in contemporary world today. Theories of integration have mainly been developed to explain European integration. Europe was the region of the world, where regional integration started in the early 1950s with the European Coal and Steel Community (ECSC) in 1952.<sup>43</sup> In the 1990s Andrew Moravcsik developed the classical liberal intergovernmentalism theory to explain the

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<sup>43</sup>Haas, Ernst B. (1958). *The Uniting of Europe: Political, Social, and Economic Forces 1950-1957*. Stanford: Stanford University Press

process of integration in Europe, suggesting the combination of a liberal theory to explain national preference formation and an intergovernmental theory of interstate bargaining to explain substantive outcomes.<sup>44</sup> Andrew Moravcsik's liberal intergovernmentalism has become an important reference point for most recent studies of integration, especially the big decisions he refers to as "grand bargains". The grand bargain entails national preference formation, interstate bargaining and institutional choice.

The central question asked by Moravcsik theory is whether it is economic or geopolitical interests that dominate when national preferences of member states are considered in regional integration processes. The answer based on major decisions in the European integration process was that economic interests are the most important. In the same perspective of EAC integration process states first consider their national interests and top of their priorities are the economic interests which drive their ambitions and aspiration. Therefore, the liberal intergovernmentalism theory of regional integration is equally applicable to this research of examining, the role of Kenya's immigration policies in promoting regional economic development. According to the theory, states and the national governments have resources to generate information. They can, regardless of size serve as initiators, mediators, and mobilize. It is through the same lenses that Kenyan government can initiate policies. Mobilize resources within its jurisdiction to implement the policies and as a result achieve political goals.

Liberal intergovernmentalists see the EU Member States as unitary rational actors that are in control of the process of integration. Member states of EAC are rational actors who are pursuing national interest and economic development is a desired ideal, enshrined in states constitutions and other legal documents. While seeking their economic advancement, states enter

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<sup>44</sup>Moravcsik, A. (1998). *The Choice for Europe*. Ithaca: Cornell University Press

into regional cooperation with other regional actors for mutual benefit characterized by economic gains and free movement of people across national borders. Markets are created and sustained as well the consumer variety is increased.

## **1.9 Methodology**

This section provides the research methodology for this study. The research methodology is presented in following sequence: study design, study site, data collection methods, target population/sampling frame, sampling and sampling size, ethical issues, data analysis and presentation, scope of the study, limitations of the research and chapter outline.

### **1.9.1 Study Design**

Research design is a road map guide of how research itself will be conducted.<sup>45</sup> It gives the methods, instruments for data collection and interpretation.<sup>46</sup> The function of a research design is to ensure that the evidence obtained enables us to answer the initial question as unambiguously as possible.<sup>47</sup> The research design used in this study is a case study approach.

### **1.9.2 Study Site**

The study site will be in Kenya. The data will be collected from civilians, business entrepreneurs (importers/exporters), immigration officials (at border points), civil servants (EAC officials, department of immigration, foreign affairs etc) academicians (Higher institutions of learning) and customs officials with proven knowledge on the Role of Kenya's Immigration Policies in Promoting Regional Economic Integration.

### **1.9.3 Data Collection Methods**

A number of data collections methods will used in this study and this include; an open ended questionnaire for the respondents. Open-ended questions will be used to obtain the

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<sup>45</sup>Law, J& Lodge, T. (1984).*Science for social scientists*. London: Macmillan.pp.20-46.

<sup>47</sup> Ibid

respondents' opinions on role of Kenya's immigration policies in promoting regional economic integration. This will present an advantageous side to it because the response will not be limiting respondents in answering the questions. Detailed data on the opinions of experts on role of Kenya's immigration policies in promoting regional economic integration will be obtained through unstructured interviews. The experts will include both the practitioners and researchers involved in the area of regional economic integration. Secondary data will be used in addition to primary data.

#### **1.9.4 Target Population and Sample Size**

This study targets a body of professionals who are well versed with Kenya's migration policies, bureaucrats engaged in facilitation of East African integration process, investors in the region as well as academics who continue to produce knowledge on the process of integration. With a combined population of 44 million people, collecting data on all these experts is impractical and equally cumbersome. Therefore, a sample will be chosen to represent the relevant attributes of the whole set of units termed as 'population'<sup>48</sup> The sample size for this study will be arrived at through sample size computation at 95% confidence level and a 5% margin of error (Research advisors 2006)<sup>49</sup>. The study will use Proportionate stratified sampling and Purposive Sampling Techniques. Proportionate stratified sampling will be used to identify the necessary study population in Kenya.

To identify the study units, purposive sampling will be used to identify the six study units which will include: civilians, business entrepreneurs, customs officials, civil servants, academicians and immigration officials with proven knowledge on the Kenya's immigration policies in promoting regional economic integration. The target population is the specific pool of

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<sup>48</sup>Graziano, A & Raulin, M. (1997). *Research methods: a process of inquiry*. New York: Longman Pub Group.

<sup>49</sup><http://research-advisors.com>. accessed on 20<sup>th</sup>, July 2015

cases that the researcher wants to study.<sup>50</sup> Thus, the population should fit a certain specification, which the researcher is studying.<sup>51</sup> The researcher will also use non-probability sampling method of purposive or judgmental sampling in accordance with the research objectives. Purposive sampling generally considers the most common characteristics of the type it is desired to sample, tries to figure out where these individuals can be found and tries to study them.

### **1.9.5 Data Analysis and Presentation**

The data collected will first be coded. Coding involves giving all statements numeric codes based on their meaning for ease of capturing data. After coding there will be data entry and analysis. The percentage distribution will then be utilized and the results illustrated in terms of explanation in a story form.

### **1.9.6 Scope of the Study**

The study covered the role of Kenya's immigration policies in promoting regional economic integration. The study specifically utilized a case study of Kenya.

### **1.10 Chapter outline**

The study is divided into five chapters. Chapter one is the introduction and it discusses the background to the study, statement of the problem, objectives of the study, specific research questions, literature review, theoretical framework and methodology. Chapter two will be conceptual and will analyze in depth the concepts of migration and regional economic integration focusing specifically on how Kenya's migration policies facilitate free movement of persons in East Africa. Chapter three will analyze the effectiveness of Kenya's migration policies

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<sup>50</sup>Neuman, L. (2006). *Social Research Methods. Qualitative and Quantitative Approaches*. Whitewater: University of Wisconsin, p.224.

<sup>51</sup> Cooper, D. R & Schindler, P.S. (2003). *Business research methods*. Massachusetts: Allyn and Bacon, p. 560.

in promoting regional integration. Chapter four will establish the linkage between migration policies and economic integration. Chapter five is the conclusion and recommendations.

## CHAPTER TWO

### MIGRATION POLICIES AND ECONOMIC INTEGRATION

#### 2.1 Introduction

Chapter two will focus on establishing the relationship between migration policies and economic integration from a global perspective narrowing the focus to the African continent and eventually in the context of east African states particularly, Kenya. The research will try to make a comparative analysis of immigration policies as they have been implemented in east Africa with other states as well as reviewing the integration policies in international relations of states and how those policies have facilitated the free movement of goods, persons and capital across the region. This chapter will lay more emphasis on the role migration policies impact on development by establishing whether East African community as a region has tapped the benefits presented by integration in economic sphere.

#### 2.2 Economic Benefits and Costs of Migration

The basic economic perspective is simple. Migration enables human resources to locate to where they are most productive. The migrants benefit from this (through higher incomes), the sending countries benefit (through increasing the marginal product of labor and therefore wages of those left behind) and the receiving countries benefit (through the so-called immigration surplus that accrues to the owners of capital and the workers with skills complementary to immigrants. While sending and receiving countries benefit in aggregate, there will be a redistribution of income that will make some people better off and others worse off. The distributional impact of immigration may be much larger than its net aggregate impact.<sup>52</sup> There are many potential mutual benefits for both source and destination economies with the

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<sup>52</sup> Borjas, G.J. (1999). *The economic analysis of immigration*: Handbook of Labor Economics. North Holland. Princeton University Press

movement of people, including augmentation of the gains from trade and investment liberalization. Increased movements of people can in principle enhance inter-country linkages, raise investment flows, facilitate technological transfers and increase productivity.<sup>53</sup> Migration may also encourage trade in goods, services or overseas investment, as research reviewed in the previous section has indicated.

Historically, the migration of millions of people from their usual habitat to new frontiers both national and international has had varied outcomes depending on the reason for migration. On one aspect it has provided investment capital for commodity production, stimulated the flow of new ideas and social practices into the migrated areas, and enhanced livelihoods. Consequently, migration has provided avenues for overpopulation, overcrowding and unsustainable exploitation of natural resources. Growing immigrant populations, integration issues, and anti-immigrant attitudes have made the integration of immigrants a top priority on the political agenda in several countries. Several governments globally are concerned about challenges resulting from international migration especially in terms of security, pressure on labor markets in urban areas, HIV risks, trafficking in persons, environmental pressure on urban areas and emigration of large numbers of highly skilled workers.<sup>54</sup> Land borders make it easier for migrants to move from one country to another and allow cross-border migration for trade and other activities, whether regularly or irregularly.

Migration of nationals of a particular country is driven by several factors, including search for labor opportunities, the high unemployment rates, political instability, regional climate variability, armed conflict and individual projects such as pursuit of studies and family visits.

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<sup>53</sup> Ibid

<sup>54</sup> ACP (2011). *Overview on South-South Migration and Development in East Africa* regional overview trends and research needs: IOM publication

The choice of destination country is related to factors such as geographical proximity, cultural affinity, historical and personal links and standards of living. On the international scale, migration is largely considered on basis of colonial history countries share with each other. For instance, Commonwealth Member States are the main destination countries for English-speaking countries while France is a preferred destination for French speaking nations.

A large number of nationals of Eastern African countries have left their countries because of armed conflict and political instability. Indeed, according the UNHCR, refugees from this region represent 17.7% of the global stock of refugees, most of them coming from Somalia (44%), Sudan (22.7%), Eritrea (12.9%), Rwanda (8.4%), Burundi (6%) and Ethiopia 4%.<sup>55</sup> Most of these refugees are the responsibility of the UN and its affiliated agencies but the host countries continue to experience both socio and economic costs associated with the refugees.

Migration has been documented and proved to be of great economic benefit following the financial remittances that flow in a country from Diaspora population which has emigrated. Population living abroad has been integral part of country's growth pattern attributed to financial aspect that they render to that particular country. With respect to financial remittances, Eastern African countries are expected to have received a total amount of USD 6,489 million in 2014 from their nationals living abroad. Of this amount, 48.9 per cent was received by Sudan alone, followed by Kenya (27%), Uganda (11.9%), Ethiopia (5.9%) and Mauritius 3.3%.<sup>56</sup> To harness the economic potential that is attributed with migration, policies in Africa are shaped by the Migration Policy Framework for Africa adopted in 2006 during the Banjul Summit of the African Union by Heads of States and Governments. Migration Policy Framework for Africa

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<sup>55</sup>OCDE (2008). *A Profile of Immigrant Populations in the 21st Century*: Paris: OECD Publication

<sup>56</sup>Musonda, F.M. (2006). *Migration Legislation in East Africa* International Migration Papers 82, ILO, Geneva.

provides basic guidelines for migration issues, relevant for both national and regional migration policies. The document is based on the premise that mobility is one of the basic human rights that every human being is entitled to and which are recognized by the 1949 Universal Declaration on Human Rights as freedom of movement.

Despite these potential benefits, a range of concerns about negative impacts from the movement of people persist. These concerns depend, in part, on whether the country is a source or destination economy, and the level of development of the economy. Perceived dangers in source countries may include losses of skills, less local demand, less investment and a smaller tax base. In the destination economy, perceived adverse impacts on the domestic labor market may be a key issue, with expected job losses and lower wages for some locals often being an area of concern. Besides the economic impact, there may also be concerns related to security, social cohesion and crime. Further concerns relate to issues such as labor standards and the illegal movement of people.<sup>57</sup>

The freedom of movement enshrined in the universal declaration of Human rights is the strongest pillar that regional economic integration is premised on and one that this research capitalizes on to establish the extent to which migration policies in east Africa can translate to increased integration in the region and further establish the economic benefits that the economic bloc will accrue as result of such policies.

### **2.3 Regional Integration and Regional Migration in East Africa**

Regional integration has been cited as an integral part accelerated globalization. It envisions an increased trade and freer movement of people across boundaries. Authoritatively, speaking movement of people is a central theme if effective regional integration is to be

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<sup>57</sup> Abella, M. (2006). *Policies and best practices for management of temporary migration. International Symposium on International Migration and Development: Turin. Journal of Economic Perspectives*

achieved. Experience globally has shown that regional cooperation unions have the potential to facilitate labor migration, especially those that provide in their agreements for free flow of skilled labor and rights of establishment and residence in member countries.<sup>58</sup> For effective movement of capital and people in the region, the integrated bloc has made notable achievements in improvement of infrastructure characterized by initiation of Mega infrastructural developments for instance; the standard gauge railway commissioned by the republic of Kenya, the government of Uganda and to some extent the republic of South Sudan. All this is aimed at facilitating faster movement of goods and people in the region, as a result accelerating deeper regional economic integration.<sup>59</sup>

Transport and communication constitute a major prerequisite for effective intraregional migration as well as integration hence the need for member states to construct railways and roads linking them. East African countries have taken bold steps towards achieving deeper integration through joint transport and communication infrastructure both at the seaports and transportation corridors exemplified by The Lamu Port Southern Sudan-Ethiopia Transport (LAPSSET) Corridor project.

Foreign direct investment is correlated with migration not only because Diaspora members themselves invest in their countries of origin but also because they encourage others to do so including the companies in which they are employed, in countries of their destination.<sup>60</sup>

Kenya has been considered as the booming economy of East Africa, and hence has had an allure

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<sup>58</sup> Ibid

<sup>59</sup> Ibid

<sup>60</sup> Newland, K. (2013). *What we know about migration and development*. Washington DC: Migration Policy Institute

to her neighbors. A good number of Tanzanians and Ugandans are known to have migrated to Kenya in search of greater economic opportunities and social well-being.<sup>61</sup>

With increasing employment opportunities being generated with Foreign Direct Investment (FDI) and privatization, and with a local workforce that lacks the skills required to take advantages of these opportunities, Ugandans and Kenyans are trickling into Tanzania which is now replacing Kenya as a preferred destination. Some skilled experts have been targeting emerging economies with gaps in expertise to take advantage of the existing needs. This has been the case where Kenyan and Ugandan experts have increasingly been moving to Rwanda and Burundi to provide their much needed skills and expertise. Also, the business people have been targeting the seemingly virgin and less competitive areas which have led a number of companies including banks from Kenya move to Rwanda and Burundi as in the case of Nakumatt and Kenya Commercial Bank which have invested heavily in those regions.<sup>62</sup> There establishment in those countries is in line with the common market protocol which guarantees the free movement of workers, who are citizens of the other Partner States, within their territories. It provides that the Partner States shall ensure non-discrimination of the workers of the other Partner States, based on their nationalities, in relation to employment, remuneration and other conditions of work and employment.

This Chapter has established that there exists a limitation in the free movement of labor from one state to another as the provisions of the protocol do not apply to employment in the public service unless the national laws and regulations of a host Partner State so permit. In addition, the free movement of workers is subject to limitations imposed by the host Partner

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<sup>61</sup>Kanyangoga,J.(2010). *Integrating Migration with Development in EAC: Policy Challenges and Recommendations*. Geneva: CUTS Geneva Resource Center

<sup>62</sup>Ibid

State on grounds of public policy, public security or public health. These limitations render the free movement of workers from one state to another futile and adequate policy adjustments must be drafted and implemented to align them with the protocol.

Another limitation associated with the movement of workers from one state to another is where a worker secures employment for a period of not more than Ninety (90) days, the worker is expected to apply for, and be issued with a special pass. However, the Protocol does not elaborate on the nature and terms of this special pass. It is also not clear, whether this would apply to short term services contracts of a few weeks and whether it is desirable that it should be applicable.

The common protocol does not provide freedom of movement for all classes of workers but only a certain category of workers in a certain class a move that further curtails the movement of labor from one state to another. The movement of workers is subject to a schedule showing the different classes of workers that the different Partner States are willing to allow from the beginning of the Common market Implementation usually attached as annex.<sup>63</sup> This schedule is a major limitation on the scope of the freedom of workers. An examination of the Schedule shows that only Professionals, administrators, technicians and similar skilled workers will enjoy the benefit of the freedom of movement of workers.

The protocol guarantees the right of residence to the citizens of the other Partner States who have been admitted in their territories in accordance with the articles on free movement of

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<sup>63</sup>Article 10, EAC Common market Protocol: Arusha: EAC secretariat

workers and the right of establishment. However the right of residence is subject to limitations imposed by the host Partner State on grounds of public policy, public security or public health.<sup>64</sup>

One interesting feature of East African migration is the movement of students within the region in order to obtain education. Such flows have historical precedents in the pre-colonial and colonial education systems, and form an important part of mobility within Kenya, Tanzania and Uganda. These patterns have been maintained at least until today, despite greater availability of schools within daily commuting distance.<sup>65</sup> The search for education has seen many migrants cross international borders for higher education and this has deepened both economic integration and socio-cultural integration in the region.

Regional migration has also impacted negatively on the economic progress of some countries in the region a move attributed to brain drain. It is so serious and puzzling that Kenya's Health Minister, Charity Ngilu, is quoted as saying that out of 6,000 doctors trained in Kenya, just 600 remain in the country's public hospitals, whilst it is estimated that as many as 20 Kenyan doctors a month are leaving the country for better positions elsewhere.<sup>66</sup>

The issue of labor migration has met resistance from some member states because of the different levels of advancement in training of human resources in the three countries. Thus whilst Kenya enrolls about 100,000 students in its institutions of higher learning, Uganda admits only 40,000 and Tanzania just 10,000, leading to fears in the latter two countries that Kenyans will flood their job markets and render citizens of their countries jobless.<sup>67</sup> These fears have bankrolled the efforts made by the east African region in advancing the course of integration in

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<sup>64</sup> Ibid

<sup>65</sup> J. Oucho, (1996). *Urban Migrants and Rural Development in Kenya* (Nairobi: Nairobi University Press

<sup>66</sup> Government of Kenya .(2002). *Kenya: Interim Poverty Reduction Strategy Paper 2000-2003*. Nairobi, p. 27

<sup>67</sup> Mwamunyange, J. (2003). "Fears over Jobs as Customs Union Looms" *The East African* 27 October

the east African region. Historically, developed countries have achieved their economic progress due to immigrant population which has enabled those countries to achieve prosperity in technology and in innovation associated with skilled workforce which migrates to those states and establishes themselves there.

The EAC Partner States of Burundi, Kenya, Rwanda, Tanzania and Uganda have taken integration to a deeper level. With the conclusion and signature of the Common Market and the region expecting to be in a Common Market starting July 2010, the region is looking forward to a Monetary Union in 2012 and ultimately a Political Federation. With the forthcoming implementation of the Common Market Protocol, migration within the EAC will be one of the key features through the provisions related to free movement of people, that is, free movement of persons workers and services providers as well as rights of residence and establishment. The full implementation of the common market protocol will ensure safer, faster and increased migration of people in the region as well as deeper integration of the region both in economic and in social realms.

## CHAPTER THREE

### KENYA'S MIGRATION POLICIES AND REGIONAL ECONOMIC INTEGRATION

#### 3.1 Introduction

This chapter focuses on Kenya's Migration policies and how they have been aligned to ensure there is free movement of persons, capital and services in the East African community and how that movement has facilitated regional economic integration. Migration in east African countries can be traced way back during the pre-colonial period when the former East African Community (EAC) was created in 1967, following the signature of a treaty of cooperation between Tanzania, Kenya and Uganda.

The free movement of persons within the region was ensured as one of the key elements of cooperation.<sup>68</sup> There was strong interaction of societies, free movement of persons and goods. This state of affairs was facilitated by strong cultural and tribal linkages. Such linkages forged strong bondages, fortified by barter trade between clans. In this chapter the study will try to find out how Kenya's migration policies facilitate free movement of persons in EA and how that movement facilitates economic advancement of the region and that of the country itself. The study will endeavor to integrate the liberal intergovernmentalism theory of regional integration to understand clearly the national interest that drive states to enter into regional integrated arrangements (RIAs).

#### 3.2 The EAC Treaty and the Regional Movement of Persons

When the former East African Community (EAC) was created in 1967 following the signature of a treaty of cooperation between Tanzania, Kenya and Uganda, the free movement of persons within the region was ensured as one of the key elements of cooperation. The free

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<sup>68</sup>Kanyangoga, J.B.(2008). *integrating migration with development in EAC: policy recommendations and challenges*.GTZ-Brlin

movement of persons and capital among the five member states comprising the East African community was and is enshrined in the legislative framework as per the stipulations of the Article 104 of the treaty establishing the EAC.

The scope of the article stipulates that Partner States agree to adopt measures to achieve the free movement of persons, labor and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the community.<sup>69</sup> To a greater extent, migration takes place due to economic reasons, although in East Africa, due to its proximity to the Great lakes Region, other factors are increasingly playing a significant role, more significantly civil wars, which have generated large numbers of refugees. Although other factors like natural disasters like, droughts and famine as well as floods and volcanic eruptions play a significant role in people migrations, economic reasons stand out as the main reason as to why migration has been of great importance to states in the EAC. It is also due to economic considerations that states have formulated policies to regulate the migration of populations. The liberal intergovernmentalism theory specifies clearly that states are driven by national interest rather than geopolitical interest when entering into regional arrangements for economic reasons.

### **3.3 The Economic Significance of Migration**

The economic factor is nevertheless the greatest factor of consideration for many migrants in East Africa. For a long time Kenya has been considered the largest economy in East Africa attracting numerous migrants from the neighboring countries. A good number of Tanzanians and Ugandans are known to have migrated to Kenya in search of greater economic opportunities and social well-being. The greatest motivation of migration for most people over the history line has been is that of people's struggle to survive and to prosper, to escape

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<sup>69</sup> Art (104). *The Treaty for the Establishment of the East African Community*. Arusha: EAC Secretariat

insecurity and poverty, and to move in response to opportunity. Migration is not a panacea for development problems, but if properly managed it can deliver major benefits in terms of development and poverty reduction.

Economic migrants have over the years increased tremendously among the East African states as people cross borders in search for better opportunities.<sup>70</sup> Kenya has been considered as the booming economy of East Africa, and hence has had an allure to her neighbors. A good number of Tanzanians and Ugandans are known to have migrated to Kenya in search of greater economic opportunities and social well-being. The migration to Kenya is importantly motivated by the increased investment opportunities fuelled by the FDI the country has been attracting due to her sound and developed infrastructure compared to her east African counterparts.

Tanzania also has over the recent times seen the flocking of its economy by economic migrants most especially, those from Kenya who have invaded due to increasing employment opportunities being generated by FDI and privatization, and with a local workforce that lacks the skills required to take advantages of these opportunities, Ugandans and Kenyans are trickling into the country to fill in the emerging lacunae. Some skilled experts have been targeting emerging economies with gaps in expertise to take advantage of the existing needs. This has been the case where Kenyan and Ugandan experts have increasingly been moving to Rwanda and Burundi to provide their much needed skills and expertise. Also, the business people have been targeting the seemingly virgin and less competitive areas which have led a number of companies including banks from Kenya move to Rwanda and Burundi.<sup>71</sup>

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<sup>70</sup> Ibid

<sup>71</sup>International Development Committee Report,(2010).*Migration and Development: How to make migration work for poverty reduction*. Geneva-IDC Publication

### 3.4 Comparative Analysis of migration Policies in East Africa

Each country in the east African region has its specific policy, although these policies can be similar to some extent. With respect to labor migration, the African Union's Migration Policy Framework acknowledges the potential benefit of labor migration for both sending and receiving countries and recommends to governments and Regional Economic Communities (RECs), among other things, to undertake bilateral and multilateral efforts to strengthen the cooperation on labor migration. The Republic of Kenya is the main hosting country of international migrants in the Eastern African region, followed by Sudan (17.8 %), Tanzania (15.7%), Uganda (15.4%), Ethiopia (13%) and Rwanda (11%).<sup>72</sup> Migrations in East Africa both voluntary and compelled are mostly intra-regional and are fuelled by the socio-economic conditions that are rooted in poverty and human deprivation conditions which worsening social economic wellbeing of society. These conditions fuel emigration of both skilled and unskilled persons, males and females, in regular and irregular situations to countries within and outside the region.

In East African countries migration policies are centered on the restriction of employment of foreigners and nationals is evident is that in all the three countries of East African (Tanzania, Kenya and Uganda), migration policies can be translated into more or less restrictive regulatory frameworks comprising of immigration laws for the entry, residence and employment of foreigners. While the migration policies are envisioned to regulate movement of labor across the states, the reality remains that national governments regulate the mobility of labor with the aim of promoting national employment while restricting foreigners from employment as evidenced by the issue of work permits.<sup>73</sup>

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<sup>72</sup>Ibid

<sup>73</sup>Musondavc, M. F.(2006). *Migration legislation in east Africa: international migration papers*. Geneva: International Labour Office,

Regarding regional cooperation on labor migration, within this region, the EAC has launched on 1 July 2010 the East African Common Market Protocol which allows free movement of labor, capital, goods and services within the sub-region. However, the process of harmonization of migration policies among EAC Member States has not yet been completed. According to Articles 76(1) and 104(2) of the Treaty, successful management of migration lies at the heart of successful implementation of the EAC Common Market Protocol. Following the negotiations for the common market protocol, it was pointed out that, effective integration of migration and development policies in EAC cooperation could bring social and economic benefits for the Partner States.

Migration policies could be adapted to facilitate and promote development; and development policies could be used to offset some of the negative aspects of migration in the region and national states. East African migrations patterns are characterized poor infrastructure necessary to facilitate are the key issues that need to be worked on to ensure smooth and uninterrupted movements of people in the region. The signed Common Market Protocol which was implemented in July 2010 is expected to solve existing challenges and ensure smooth movements of people within the region.<sup>74</sup>

### **3.5 Kenya's migration Policies and Economic Advancement**

The migration issues in Kenya are handled by the Department of Immigration. The department operates under; The Kenya Citizenship Act Cap 173, The Immigration Act Cap 172 and the Aliens Restriction Act Cap 170 respectively, and the constitution of Kenya.<sup>75</sup> Among the policies that the department places at the core of its mandate include; the maintenance of

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<sup>74</sup>Adepoju, A. (2001). *Regional organizations and intra regional migration in sub-Saharan Africa: challenges and prospects*. Oxford: Blackwell publishers ltd.

<sup>75</sup> Constitution of Kenya (2010). GoK press

security, safeguarding the interest of the country, transfer of skills while at the same time encouraging investments and poverty reduction. The Kenya's migration policies are designed to align them with the provisions of the east African community aspirations of common market, a key stipulation being the free movement of persons across the region. Article 7 of the Common Market protocol provides for the free movement of persons.

The provisions on the free movement of persons only apply to visitors; persons who seek to enter a Partner State for the purpose of medical treatment; persons in transit through the territory of a Partner State; persons who are admitted as students in training establishments in a Partner State; and persons entering a Partner State for any other lawful purpose other than as a worker or as a self-employed person.<sup>76</sup> Kenya's migration policies are well aligned with investment, tourism and skill development policies. The tourism and investment promotion and attraction have been earmarked as the potential driver for the Kenyan Economic development as enshrined in the country's development blueprint the vision 2030. Therefore, what is required is to effectively accelerate the implementation of this policy so as to achieve its intended goals. In addition, there is a need for the Directorate of Immigration to push the Parliament to expedite the process of passing the new laws and regulations that would govern operation of this policy.

From the analysis of the Kenya's migration policy, there is an enormous economic advantage that accrues to the country which should be replicated by the EAC partner states and these advantages include the ability to attract huge investments especially those in the service sector due to availability of the skilled labor in the country and relaxation of the work permits requirements.

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<sup>76</sup>East African Community. (1999). EAC Treaty. *The East African Community Common Market (Free Movement of Persons) Regulations, specified in Annex I to the Protocol*, Arusha

The country is set to benefit economically through increased productivity and competitiveness due to skilled work force that will avail itself and this will grow the economy by great margins. The Kenya's migration policy has been crafted to drive investment; skills, development and tourism promotion which are key components in the Kenya's economic development and poverty reduction strategy and the vision 2030. The fundamentality thrust is that the country needs talents and skills to ensure innovation, build institutions and implement developmental programs geared towards achieving its socio-economic development programs articulated in the Vision 2030. It is widely believed by economists, policy makers and politicians that movements of people yields much in terms of tangible contribution to nations's economic development. Migration contributes positively to development, including economic growth, social empowerment and technological progress.

### **3.6 Comparison of migration Policies within EAC Member States**

There is an increasing impression that migrants are streaming in from all sides into east Africa in search of opportunities and that there is a growing need to check migration flows. Consequently, there is a growing conviction that international migration cannot be seen in isolation from development, and that, with the right policies, an important contribution can be made to development. With such realization the governments in the East African region are making frantic efforts to re-align their migration policies with developmental issues.<sup>77</sup> This study makes a detailed comparison of migration policies in the east African countries and how they have been influential in development or underdevelopment of the region.

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<sup>77</sup> Annelies, Z .(2007). *International Migration And National Development in Sub-Saharan Africa: Viewpoints and Policy Initiatives in the Countries of Origin*. Bielefeld: University of Utrecht

### 3.6.1 Kenya

Kenya occupies a strategic geographic position in the East Africa Region and has a long history of being a particularly attractive country of destination for various migration flows. People from its neighboring countries have crossed the border mainly for reasons of political instability and food insecurity, but also due to traditional pastoral movements and cultural ties. The country continues to attract these heterogeneous migration flows due to its location, relatively developed infrastructure, good air and land connections, large migrant communities and well-connected smuggling networks.

At the national level, Kenya has no comprehensive migration legislation framework, nor does the country have a comprehensive migration management strategy.<sup>78</sup> The large number of state actors involved in the various aspects of migration management creates certain confusion, overlapping and gaps in responsibilities and also hampers the development of a comprehensive migration management system.

The issues of migration in Kenya are handled by the Department of Immigration in the Ministry of State for Immigration and Registration, which falls under the responsibility of the Office of the President. Other departments that fall under the competences of this Ministry are the Civil Registration, the National Registration Bureau and the Refugees Department. The department is created by the constitution of Kenya 2010 under The Kenya Citizenship Act Cap 173.<sup>79</sup> The migration policies of Kenya are geared towards achieving economic advancement and enhancing of the national security. Generally, an East African citizen (Kenyan, Tanzanian,

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<sup>78</sup> International Centre for Migration Policy Development. (2008). *East Africa Migration Route Initiative Gaps & Needs Analysis Project Country Reports: Ethiopia, Kenya, Libya*. Austria: ICMPD

<sup>79</sup> The Constitution of Kenya 2010. Nairobi: GoK press.

Ugandan, Burundian or Rwandese) will be required to present a valid travel document issued by the competent authority in his/her country in order to travel within the region.

Acceptable travel documents for EAC nationals to access each other's territory are: national passports; EAC passports; temporary permits and/or temporary movement permits; conventional travel documents; and emergency travel documents. The EAC Passport allows the national of a given Partner State multiple entries over a six-month period. Students from other EAC Partner States may be issued a student or pupil pass free of charge based on satisfactory evidence of citizenship, such as an identification card and/or an acceptable travel document.<sup>80</sup> At present, Kenya hosts approximately 600,000 refugees, making it the fourth largest host country in the world, with the vast majority of refugees originating from Somalia.<sup>81</sup>

### **3.6.2 Tanzania**

Tanzania which borders Kenya in the south adopted the migration legislation that incorporates the framework used by Zanzibar. After the Zanzibar Revolution in 1964 and the unification of these two sister countries, Tanganyika and Zanzibar, issues of Citizenship were partly unified by amending Citizenship Act No. 3 of 1961, and passing the Zanzibar Decree No. 5 of 1964, migration matters continued to be regulated by two laws; Emigration Control Decree of Zanzibar 1964 and Immigration Act 1963, which was repealed by the Tanzania Immigration Act 1972.<sup>82</sup> In Tanzania, the government has not taken any steps that would either promote or restrict emigration of skilled and unskilled Tanzanians. However, it is a known fact that with

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<sup>80</sup> International Organization for Migration.(2007). *Migration for development in Africa*. General Strategy Paper. IOM: Geneva.

<sup>81</sup> IOM. (2014). *Migration initiatives 2015: Regional strategies*. Geneva: Donor Relations Division (DRD)

<sup>82</sup>Tanzanian Ministry of Home Affairs. (2013).*Tanzania Immigration Act* :Dodoma: Government press

economic hardships of early 1980s, many professionals were forced to move to other countries to look for 'greener pastures'.<sup>83</sup>

In Tanzania there is no comprehensive policy on labor migration although the new labor and employment law combines labor issues and those of employment into one Act (Employment and Labor Relation Act, 2004).<sup>84</sup> In addition, there are fragmented policies which touch upon issues of labor migration. These fragmented policies include, among others, the National Employment Policy of 2000, The National Employment Promotion Policy of 1997 and the Public Policy on the Employment of Non-Citizens (1999).<sup>85</sup> From these policies one can deduce that the government policy leans more towards controlling labor migration. In a situation where domestic job opportunities are extremely limited, attraction of foreign labor to the country has been extremely discouraged. Foreign workers may be admitted into the country only when it is proven that there are no nationals with similar qualifications. One of the reasons for strict labor migration in Tanzania is that the country has an estimated 750,000 jobless youths annually.<sup>86</sup>

### **3.6.3 Uganda**

The Ministry of Internal Affairs in Uganda is the one responsible for migration policies. The Mandate of the Immigration Department is to facilitate, monitor and control the movement of both citizens and non-citizens in and out of Uganda. The general mandate of the department of immigration is issuance of Visas and visitors passes at the gazetted entry and exit points. In addition to providing Uganda passports and other travel documents the immigration department is also mandated with Issuing Entry Permits and other Passes to those foreign nationals intending

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<sup>83</sup>Musonda, F.M. (2006). *Migration Legislation in East Africa*. International Migration Papers. Geneva: ILO Publication

<sup>84</sup> Ibid

<sup>85</sup> Ibid

<sup>86</sup> ILO.(2004). *Towards a fair deal for migrant workers in the global economy*. International Labor Conference 92nd Session, Geneva

to work or stay for longer periods in Uganda. Issuing travel documents to citizens, refugees and in other instances to non-citizens, who may not have their respective missions/embassies here in Uganda, monitoring the activities of Immigrants within Uganda by executing on spot checks, ensuring constant inspection and verifications.<sup>87</sup>

#### **3.6.4 Rwanda**

Migration and immigration policies in Rwanda are one of the robust in the East African region. After the 1994 Rwanda genocide the country embarked on an economic and social sector reformation which saw the Government of Rwanda initiate major economic and social reforms to bring back the country on the right path of economic and social development. On the side of the economic reforms, the country restored macroeconomic stability by reducing inflation that was almost 64 percent to a single digit level of 5 percent. The Government of Rwanda also initiated major fiscal reforms such as establishing semi-autonomous revenue agency that was assigned the task of collecting and administering the government revenues.<sup>88</sup> This agency executed its duties with high level of professionalism and integrity that saw the government revenue to GDP ratio moving from 3 percent to 15 percent by the year 2009.<sup>89</sup> This is an indication of economic transformation and realization what sound governance results to.

In order to stimulate and attract investment, the government established the Rwanda Investment Promotion Agency (RIPA) in 1998 which later turned into the Rwanda Investment and Export Promotion Agency (RIEPA) whose primary function was to promote the country as a viable destination area for investments. RIEPA was later merged with other institutions that formed what is currently known as the Rwanda Development Board (RDB). RDB has fully

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<sup>87</sup>Rutabanzibwa, A.(2004).*Conference paper, presented at an ILO organized conference.* (Stanley Hotel), Nairobi

<sup>88</sup>John B.K.(2008). *integrating migration with development in EAC .policy challenges and recommendations:BieacProject.* London: Cuts International

<sup>89</sup> Ibid

executed its function and Rwanda is regarded as the most preferred investment destination in the sub-Saharan Africa. The immigration services related to issuance of visa and work permits are issued by the RDB. Therefore it is evident that economic advancement of Rwanda is pursued through the implementation of sound immigration policies which other countries in east Africa can emulate.<sup>90</sup>

### **3.6.5 Burundi**

The ministry of public security is the main government body mandated with development of migration policies in Burundi. Additionally, the ministry of foreign affairs created by the Directorate of Diaspora in October 2009 is very young and is mandated with development of migration policies but lacks the capacity to be effective.<sup>91</sup> As a result of the violent conflicts in Burundi and surrounding countries, the country has experienced large migration flows. These flows mainly consisted of internally displaced persons (IDPs) seeking safe havens in other parts of Burundi and refugees fleeing over the border to neighboring countries such as Tanzania, Rwanda, and the Democratic Republic of the Congo. In the case of Burundi, migration policy measures being taken by the government are not yet well established.<sup>92</sup> Therefore, this study has established that the Burundian government does not have any comprehensive policy document on migration and development. This also applies to matters related to the Diaspora.

### **3.7 Conclusion**

This chapter has established a number of findings which are central to the study undertaken. Among them is the lack of national policy frameworks governing the phenomenon of migration as well as articulate policies linking migration with integration among the East

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<sup>90</sup> Ibid

<sup>91</sup>Fransen, S. & Ongayo, A. (2010). *Migration in Burundi: History, Current Trends, and Future Prospects*. Paper Series: Migration and Development Country Profiles. Maastricht: Maastricht Graduate School of Governance.

<sup>92</sup> Sonja, F.(2010). *Migration in Burundi: History, Current Trends and Future Prospects*. Maastricht: Maastricht Graduate School of Governance

African countries. From the analysis of the migration policies adopted by the East African states it is therefore, evident from the above mentioned East African countries both migration and immigration policies pursued by the governments have economic dimensions attributed to them. Migration policies have been singled out as key components in country's economic transformation. The policies intend to maximize the benefits of the skilled migration while at the same time mitigating the consequences of illegal migration through a skilled work programme.

The respective governments believe that those immigrants with necessary skills will greatly contribute to the country's economic development by doing jobs that nationals cannot do and also pay high taxes to the government. There is a win-win situation through this initiative because government will gain in terms of taxes and citizens in the particular country will be able to learn from their counterparts from the region.

The promotion of tourism is an important tool for the economic transformation which entirely all the respective governments in east Africa have earmarked as drivers of economic prosperity, since tourism is a major source of government revenue. Tourists spend money in hotel accommodation, transport services, food and other social amenities that have positive bearing on socio-economic development. The tourism sector has an important multiplier and spillover effect on other priority sectors such as agriculture, transport industry and financial services as the sector provides both backward and forward linkage.<sup>93</sup> With such realization the governments have reviewed their migration and immigration policies to reflect these new demands and tap optimally the benefits attributed with tourism as well as economic migrants.

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<sup>93</sup>Ibid

Free movement of persons across the EAC member states is of great significance as it will allow economic migrants to move from where their skills are less needed to place where they are of great demand and as a result stimulate economic growth and development. Additionally, it has been documented that economic status of a country is set to improve through workers' remittances home. For instance, the table below indicates the performance of states economically through workers' remittances as indicated by the World Bank in the year 2015.

**Table 1.0: Workers' remittances in East African Countries (in US\$mn)**

<b>Countries</b>	<b>GDP (current \$ Billion)</b>	<b>GDP per capita (current \$)</b>	<b>GDP growth (average, 2007-2014, %)</b>	<b>Population, Million</b>	<b>Population growth (annual %)</b>	<b>Population in urban agglomerations of more than 1 million (% of total)</b>	<b>Population density (people per sq km)</b>	<b>Workers' remittances 2015(USD)</b>
<b>Burundi</b>	1.6	192.0	3.9	8.4	2.6	0.0	362.4	53 Million
<b>Kenya</b>	31.4	775.0	5.3	40.5	2.6	9.0	71.2	754 Million
<b>Rwanda</b>	5.6	530.0	7.5	10.6	3.0	0.0	430.6	256 Million
<b>Tanzania</b>	23.1	527.0	7.0	44.8	3.0	7.5	50.6	317 Million
<b>Uganda</b>	17.0	509.0	5.2	33.4	3.2	4.8	169.6	837 Million

Source: World Bank Report 2015

From the table above the workers' remittances and migrant transfers from the five east African countries is a clear indication of how migration policies adopted by the various states have contributed to income flows to respective countries and consequently economic advancement of the respective countries.

The implementation of the Article on Free movement of persons is to be in accordance with the East African Community Common Market (Free Movement of Persons) Regulations, and through such implementation economic fast tracking of the entire region will be achieved much faster and with much needed people inclusivity.

With the deepening of EAC's regional integration and the appreciation of ensuring free movement of people, the migration issues in the region are becoming much better and smoother more than ever before. Nevertheless, a number of policy options must be considered to ensure that the great economic expectations are truly realized. To actualize that, freedom of labor to move geographically, transfer jobs and change employers is essential to ensure the most productive use of labor, including both skilled and less-skilled migrants.

Kenya has an obligation of establishing an informed and transparent labor migration system. Such a system would be able to respond to legitimate, measured labor needs, taking into account domestic concerns as well. Closer collaboration will be required between the immigration and labor departments, with use of reliable labor market assessments conducted in consultation with the social partners in identifying and responding to current and emerging needs for workers. Reduction in exploitation, trafficking and smuggling of migrants can only be achieved through a comprehensive migration policy.

Emigration in Kenya has been viewed as a drain on country's resources rather than an opportunity for acquiring more skills outside the country and when the conditions are conducive they contribute to development of their country of origin that if they remained behind. It is through such a view that this research has established a missing link that Kenya faces for failing to adequately harness the potential of human resource that has emigrated from the country and incorporate their acquired skills in national development programs. The human development index report 2011 (HDI) found out that, migrants who moved from countries with low human development index to a higher development index experienced on average a 15-fold increase in their income, a doubling in education enrollment rate and a 16-fold reduction in child mortality.<sup>94</sup> Emigration is therefore of great essence as Diaspora business people, professionals, skilled tradesmen and women are often exposed to new ideas, techniques and better and innovative ways of production which they could not acquire had they remained in the country of their origin.

In relation to liberal intergovernmentalism theory, national interest prevail when states formulate migration policies and Kenya, being the largest economy in the east African region has earmarked the tourism and investment promotion and attraction as the potential driver for the Kenyan Economic development. Therefore, from the above analysis what is required is to effectively accelerate the implementation of this policy so as to achieve its intended goals.

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<sup>94</sup>UNDP.(2011).*human development Report: overcoming barriers: human mobility and development*. New York: UN

## CHAPTER FOUR

### CRITICAL ANALYSIS OF MIGRATION AND INTERGRATION IN EAST AFRICA

#### 4.1 Introduction

This chapter aims to establish the linkage between migration policies and economic integration as per the third objective of this study. Migration has taken a number of different forms. It has cut across class and skill boundaries, and exists in widely different geographical and demographic contexts, which represents an alternative strategy out of poverty for many households seeking to diversify their sources of income. To link migration and integration in East Africa, this study will employ both primary and secondary data in order to establish the nexus between the two concepts.

This chapter utilizes heavily the primary data collected by interviewing 45 out of 120 selected migration officers and officials from EAC departments and ministries as well as at various borders points in the region. In analyzing migration and integration in East Africa, this chapter presents a thematic discussion of selected migration policies. The primary data is supplemented by secondary data to solidify the opinions of the respondents.

Majority of the respondents (74%) who participated in this research indicated that, they had travelled across national boundaries for the past one year, with the most preferred destination being Kampala. Key among the travel documents that facilitated their movement across the national boundaries was, a travel Permit issued by the Immigration department upon payment of a significant amount of Ksh 500. Whereas majority of the respondents (85%) acquired a travel permit, a substantial number (15%) had the East African Passport which they indicated was issued upon payment of more than Ksh 3,000 at the immigration departments.

Majority of the respondents (68%) cited the Kenya citizenship & immigration Act 2011 as the migration legislation framework in Kenya that governs and regulates the issues of migration in the country stipulating the provisions of the law, policies and procedures. Most of the respondents (75%) interviewed indicated the purpose of their travel to be business related and the travel was attributed with monetary returns. The research has established through the respondents that, they experienced less bureaucratic procedures while accessing their countries of destination. Majority of the respondents (60%) indicated that, less bureaucratic procedures were as a result of harmonized movement of persons across the region occasioned by the common market protocol, which has entered into force and is being implemented by the partner states.

#### **4.2 Development Associated with Migration**

Whereas, development is a tenet attributable with migration, some other negative outcomes have been associated with migration which manifests themselves in national development debates. One of the key features of migration in the region is the loss of human resources for many countries of origin, which is manifested in terms of "brain drain". This may give rise to insecurity and political, economic or social tensions in countries of destination.<sup>95</sup> In 2010, Kenya's Health Minister, Charity Ngilu, is quoted as saying that, out of 6,000 doctors trained in Kenya, just 600 remain in the country's public hospitals whilst, it is estimated that as many as 20 Kenyan doctors are leaving the country every month for better positions elsewhere.<sup>96</sup>

Since labor mobility is recognized as an integral part of the regional integration and development process in the East Africa Community Treaty, the EAC governments and social

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<sup>95</sup> Feleke, T.(2011). *An Overview of the State of International Migration in Horn and East Africa*. Addis Ababa: YMREF publication.

<sup>96</sup> Kaul, M. (2003.) *Reversing Africa's Brain Drain: The Africa Recruit Initiative and the Challenge to Governments, the Diaspora and the Private sector*. London: Commonwealth Business Council

partners have recognized the need to establish, modernize and improve their laws, policies, practices and administrative structures on migration.

According to the respondents for instance officials at the immigration department (Kenya) and customs officials who participated in this study, majority of them representing 68% of the total sample population indicated that migration facilitates economic development particularly in East Africa where people have moved within the region for employment purposes and remit money to their countries of origin. Majority of the respondents, 70% male aged between 31-45 years and working with government ministries, indicated that migration was labor related and those who have migrated to foreign countries did so on account of employment. 56% of the respondents have migrated outside east Africa while 23% of the migrations are within African continent mostly in southern Africa.

The Central Bank of Kenya (CBK) report 2015 indicates that Diaspora remittances (Remittance inflows) to Kenya picked up in the first half of 2015 by 9.2 percent to USD 754 million from USD 690 million in the first half of 2014. In June 2015, remittance inflows increased by 17.1 percent to USD 136 million compared to USD 116.1 million in June 2014 and increased by 5.3 percent when compared to inflows in May 2015 (Table 1). The increase was largely driven by flows from North America.<sup>97</sup> Remittance inflows from North America accounted for 49.3 per cent of total inflows, having increased by 17 per cent to USD 67.1 million in June 2015 from USD 57.3 million in May 2015. Over the same period, inflows from Europe decreased by 6.3 per cent and those from the Rest of the World by 1.2 per cent.<sup>98</sup>

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<sup>97</sup> CBK Report. (2015). Diaspora Remittances 2015. Central Bank of Kenya

<sup>98</sup> Ibid

From the statistics provided by the central bank of Kenya, Diaspora remittances to Kenya are of great economic significance to the development of the country given the multiplier effect they will render to the economy. Therefore it is evident that migration is attributed with development if statistics is anything to go by. Migration has a direct effect on the reduction of poverty. An increase of 10 per cent in a country's share of international migrants leads to a 2 percent decline in 1\$ a day poverty.<sup>99</sup> In addition to the financial remittances, a positive value is also attributed to the social transfers characterized by the flow of information and ideas. Countries of destination are said to be able to benefit from brain gain, not to mention the positive effects of return migration to the countries of origin.

Migration is viewed as positive factor, because it leads to a balance on the labor market and because international labor migration is expected to contribute to the eradication of inequality and to lead to a better distribution of the advantages of globalization. Migration impacts positively upon all stakeholders, as evidenced by the fact that sending countries and the migrants themselves benefit, because migrants find jobs, develop their skills, earn some money and remit part of it to their countries of origin, while destination countries benefit from the skills and labor they receive from migrants.

The link between migration and development is a virtuous circle which is very attractive. Migration contributes to development through various mechanisms, generally relying on the migrant maintaining links with the country of origin and at some stage returning to it.<sup>100</sup> As the economic conditions in the country or region of origin improve, the migrant returns back and this reduces inequality between countries and provides new opportunities for people at -home. As a

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<sup>99</sup>de Haas, H. (2006). *Engaging Diasporas. How Governments and Development Agencies can support Diaspora Involvement in the Development of Origin Countries*. A Study for Oxfam Novib: Den Haag.

<sup>100</sup> Olesen, H. (2002). *Migration, Return, and Development: An Institutional Perspective*. International Migration. Manchester: Manchester University Press.

result, there is less incentive for people to leave their country and the flow of migrants will slow down. Indeed, as the conditions improve further, the flow of migration may be reversed as old migrants return to their country of origin.

Migration contributes to the formation of human capital. Various studies showed that remittances from international migration are spent on education and health, rather than on everyday consumption. Children of migrant-sending households are more likely to be enrolled in schools, compared to children from non-migrant households.<sup>101</sup> From the findings of the primary data collected a significant number of respondents (32%) indicated that they send school fees and medical fees to their households while they were outside their country of destination. This is a clear manifestation that migration is a valuable undertaking for development. This is supported by the migration impact studies conducted on households with establishment that Migration of family members helped the majority of the left behind households to increase their family incomes, and some country specific evidence shows that migration reduces poverty at the family level.

Migrant remittances play a crucial role in rural economic development.<sup>102</sup> According to the respondents who participated in this research, majority of them (58%) send money to their rural areas to initiate economic income generating activities for instance, some indicated that they send money for purchase of Dairy cattle, construction of Posho mills (maize millers) while others send money for commercial agriculture. The remittances send by the migrant population helped transform rural economies through job creation and also had a multiplier effect on the local economy with households increasing their daily consumption of locally made products

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<sup>101</sup> Bracking, S. and Sachikonye, L.(2009).*Migrant remittances and household wellbeing in urban Zimbabwe*, *International Migration*.

<sup>102</sup> Hugo, G. (2003). *Migration and Development: A Perspective from Asia*. International Organization for Migration Research Series No. 14, Geneva: International Organization for Migration.

(maize flour) and jobs were created in the construction and transportation sectors (some purchased Matatus).

### **4.3 Conclusion**

This chapter has established that there exist a strong link between migration and development. This link is intricate and it is supported by evidence that if migration is optimally harnessed can contributed immensely to development and reduction of poverty in countries. Migration can contribute to poverty reduction and economic growth in origin countries, particularly as a result of the remittances sent back by migrants, through investments by Diaspora associations, and when migrants go home. The chapter also established that regional economic integration is greatly influenced by how free people move across national boundaries and their movement has a great impact on economic advancement taking the remittances which flow back to their countries of origin.

This chapter has also established that migration is a powerful force of social change and cultural interaction in implicated countries. It provides migrants themselves with significant opportunities to progress. It is also a factor that has diverse developmental effects on both the home and host countries considering the transfer of knowledge from where its supply is plenty to where it is deficient. This is deviation from the traditional notion that migration contributed to brain drain and loss of skilled manpower. Majority of respondents (84%) who participated in this study have indicated that migration should be viewed with positive lenses if it is to be beneficial to the countries of destination and those of origin.

Additionally, this chapter has realized that migration is viewed as a cost rather than a asset in countries of destination. Migrants are often the first to lose their jobs or suffer deteriorating working conditions, including remuneration during economic downturns and civil

strives. As one respondent indicated during the national civil war in south Sudan he was a victim of looting, discrimination and xenophobic attacks as well as losing his income. Other respondents (16%) referred to migration in a more negative light, focusing on human trafficking, the loss of skilled professionals, health-related problems and the spread of disease (Uganda) as well as Ebola virus which has led to cancellation of flights to Liberia and other West African countries, increased poverty and slum-dwelling (United Republic of Tanzania) and criminality (Zambia). The aim of this chapter was therefore to show how migration can be systematically integrated into development planning, and to guide governments and their partners through this uncharted process in order to give practical meaning to the concept of migration and integration.

## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATIONS

#### 5.1 Conclusion

Chapter one of this study introduces the research study, by focusing on the role of migration policies in promoting regional economic integration as well as linking migration with development taking a case study of Kenya in the context of East African Community. Migration in this study has been defined as the movement of people from one place to another and that movement is influenced by a number of factors and reasons characteristically socio, economic and political. Additionally, regional economic integration refers to the phenomenon where nations of a common geographic region come together in some type of partnership to foster trade and development. Regional economic integration can be manifest as a free trade area, a customs union, a common market, an economic union, or in its most extreme form, as a political union.

Each country in East Africa has enacted migration policies which have for a long time been associated with movement of people, labor and capital from one sovereign state to another. These policies have a great impact and influence on integration both at social level, political level and in economic spheres and it is the soundness of these policies that dictate how the integration process is achieved.

The chapter also presents the justification that categorically states the role migration policies play in facilitating the process of integration given the treaty establishing the East African Community has enacted five freedoms and two rights which include; the free movement of goods, labor, services and capital. The freedom of movement of persons, workers, the right of establishment, the right of residence and the commitment to the progressive

liberalization of services. Chapter one of the research study touches on background of the study, statement of the problem, objectives of the study, research questions, justification literature review, theoretical framework and methodology.

Chapter two of the research study, focuses on establishing the relationship between migration policies and economic integration through a critical analysis of migration policies, as they have been implemented in east Africa with other states, as well as reviewing the integration policies in international relations of states and how those policies have facilitated the free movement of goods, persons and capital across the region. This study has established that free movement and generally mobility of factors of production from one country to another in East Africa, has greatly influenced by migration u patterns that characterize migration in East Africa hence, a strong linkage between migration and economic integration.

To harness the economic potential that is attributed with migration, policies in Africa are shaped by the Migration Policy Framework for Africa adopted in 2006 during the Banjul Summit of the African Union by Heads of States and Governments. The migration Policy Framework for Africa provides basic guidelines for migration issues, relevant for both national and regional migration policies as well as economic gains that countries stand to gain from migration. From the analysis of migration policies adopted in East Africa states have gained increased foreign direct investments, creation of job opportunities and increased flow of remittances.

Chapter three of the research makes a comparative analysis of migration policies adopted by Kenya, Tanzania, Uganda, Burundi and Rwanda and how these policies are aligned to ensure fast tracking of economic integration in the region. The research established

that, certain countries (Kenya, Tanzania and Burundi) lack comprehensive migration policies and those with them have been singled out as key components in country's economic transformation. The policies intend to maximize the benefits of the skilled migration while at the same time mitigating the consequences of illegal migration through a skilled work programme. Migration policies in the respective countries have singled out economic migrants as a critical component of development therefore; migration is placed in development frameworks.

Chapter four makes a critical analysis of migration and integration in East Africa by establishing the link between the two concepts. In making the analysis this chapter incorporated both primary and secondary data to make informed decisions. The analysis incorporates data presentation models and interpretation. Migration has an intricate relationship with integration as evidenced by the report of the Central Bank of Kenya and World Bank Report 2015 which clearly documents flow of remittances from the Diaspora population in the respective countries. Additionally, majority of the respondents (68%) have indicated a direct co-relationship between migration and integration. Further, migration can contribute to poverty reduction and economic growth in origin countries, particularly as a result of the remittances sent back by migrants. Evidence from table one indicates that countries in East Africa have economically gained from remittances flowing into their economies. Chapter five of this research study is the conclusion and recommendations.

The main objective of this study research was to establish the role of migration policies in Kenya in promoting regional economic integration in East Africa. The research has established that there is no comprehensive migration legislation framework in Kenya, nor does the country have a comprehensive migration management strategy. As a result the country cannot harness optimum economic potential attributed with migration, as well the

country cannot achieve the full benefits of economic integration in East Africa, unless it harmonizes and realigns her migration policy framework with the stipulations of common market protocol as enshrined in the East African Community treaty.

This study has established that there exist a strong relationship between migration and regional economic integration if migration policies are designed to tap economic potential of migrants. This research endeavored to establish, if Kenya's migration policies facilitates free movement of persons in East Africa and findings indicates, there still exist hindrances and obstacles to free movements people and factors of production from Kenya and within the region. This is supported by primary data where respondents clearly indicated that requirements of permits, visas and health related clearances were compulsory in their movements within the region. This hindered the full realization of regional economic integration since the movement was characterized by obstacles hence not free at all.

However, this research acknowledges the achievements made by countries in East Africa towards regional integration given the fact integration process is currently at the common market stage and fast tracking the monetary union process, but questions the effectiveness of the migration policies adopted by Kenya in order to achieve free movement of people.

The last objective of this research was to establish the linkage between migration and integration in East Africa. The findings indicate that migration has a direct effect on the reduction of poverty. An increase of 10 per cent in a country's share of international migrants leads to a 2 percent decline in 1\$ a day poverty. To realize more fully the potential of migration to contribute to development, more effective capacities may be required in the

following core areas which include mainstreaming migration in national development plans, optimizing formal remittance flows in the economy, enhancing the developmental impacts of remittances through directly engaging the Diaspora population, consolidating knowledge network and strengthening the links between return and development.

## **5.2 Recommendations**

From the research study findings, it is noteworthy to present a number of recommendations that will guide the policy makers and decision makings in Kenya and regionally in utilizing migration policies in economic integration and development. The study recommendations are guided by the study objectives.

Having established the procedural challenges affecting regional integration it is recommended that the government of Kenya should formulate the migration framework within which to achieve all the aspirations stipulated in the vision 2030 and the East African Community treaty. The study objective of facilitating free movement of persons in East Africa can be achieved through eradication of stringent travel requirements for instance work permits, students permits as well as visas.

Migratory regulation must be sensitive to the conditions of the poorest peoples and societies while identifying the potential of emigration as a source of progress for those involved. The national migration framework should incorporate economic guidelines on how remittances will be subjected to national economies and in development blue-prints.

The governments in the East African region should develop frameworks to capture all remittances from Diaspora population. If states fail to implement general social and economic reform, migration and remittances are unlikely to contribute in nation-wide sustainable

development. The government of Kenya should formulate a migration policy that is comprehensive and one that reflect the aspirations of the East African Community more specifically the regional integration aspect. This goes long way to creating a common identity for all east Africans and utilizing the common identity for mutual development.

The government of Kenya should realize that the role of the state is decisive. The positive relationship between migration and development is not automatic. Market forces alone will not establish the connection therefore the proactive intervention of the state to create productive infrastructure in rural areas and scientific as well as technological institutions capable of innovation are necessary conditions for the developmental potential of migration flows to materialize. For migration to have its full developmental impact, the most beneficial policy change would be to reduce barriers to migration, at all levels and particularly for the poorest. The governments in East Africa should adhere to the provisions of the common market protocol and eliminate all barriers to free movement of persons across the region so as to ensure full utilization of potential migration has in development and in regional economic integration.

Rather than a simplistic and pessimistic notion of brain drain from developing countries, warranting barriers to emigration or some form of un-ethical recruitment policy in destination countries, a much more well thought-out view of skilled migration is required. Countries in East Africa and Kenya in particular need to identify and enable migration and development policies that support human resource development, rather than simply restricting mobility. A distinction needs to be drawn between countries that export skilled labor (for instance Kenya to Rwanda, Uganda and Tanzania) from a large pool of supply, and those which are losing high proportions of scarce and critical human resources.

Lastly, the government of Kenya should seek to reduce barriers to labor migration in order for it to contribute more fully to poverty reduction and eventual actualization of economic integration in East Africa. Consequently, this will ensure free movement of factors of production and achievement of the rights enshrined in the East African Community treaty.

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## APPENDICES

### Appendix I: Research Questionnaire –Kenya

Dear Respondents,

I kindly request you to provide information on my Masters research study titled: The Role of migration policies in promoting regional economic integration: A case of Kenya. You have been identified to provide critical information to make this study a success. All responses will be acknowledged, credited and strictly used only for academic purposes. Information obtained will be treated in confidence. Your cooperation is highly appreciated.

Thank you  
George Simiyu

**Masters candidate: University of Nairobi, Kenya**

#### SECTION A: Bio Data. Please tick as appropriate

- i. Sex:  Male  female
- ii. Age  25-30  31-35  41-45  46-50  51-55  60 & Above
- iii. Level of formal education:  None at all  
 Primary education  
 Secondary education  
 College education  
 University education
- iv. Organization:  Government Ministry  INGO  
 NGOø  MNCs





Q10. In your opinion, do the Kenya's migration policies mitigate integration bottlenecks which hinder full economic integration?

Strongly agree [ ] Agree [ ] Neutral [ ] Disagree [ ] Strongly Disagree [ ]

Q11. Do the Kenya's migration policies encourage Foreign Direct Investment (FDI)?

[ ] Yes [ ] No

Q12. If your answer to the above question is yes elaborate.

í  
í  
í  
í í

Q13. Do the Kenya's migration policies contribute to other regional states GDP growth?

[ ] Yes [ ] No

Q14. If your answer to the above question is yes elaborate.

í  
í  
í  
í í

**Questions on the linkage between migration policies and Regional economic integration**

Q15. What links does EAC common market have with Kenyan migration policies?

í  
í  
í  
í í

Q16. How does the Government of Kenya/ministry/department match the migration goals or priorities with integration goals pursued by the EAC?

