

AN EVALUATION OF THE LABOUR MIGRATION POLICY FOR NIGERIA

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Abstract

Nigerian migrant workers have continued to play a key role in the development of their home country. With remittances, Nigerians in the Diaspora have shown their importance as a viable economic force. Nigeria receives the largest inflow of remittances in Sub-Saharan Africa with 65% of its total and 2% of global inflow. In 2012, Nigeria was ranked as the 5th largest remittance receiving developing country with an estimate of 21 billion US dollars. With the increase of the number of Nigerian abroad to a number beyond 17 million, it is without doubt that the sum of inflow for Nigerians living abroad would have increased as well. With this development, it became necessary for the Federal Government of Nigeria to develop a labour migration policy to promote good governance of labour migration, to protect migrant workers and promote the welfare of their families back home in Nigeria and optimize the benefits of labour migration for national development while developing measures to stand against its negative implications. The policy document on Labour Migration for Nigeria was drafted by the Federal Ministry of Labour and Productivity in view of the perspectives of the International Labour Organization's Multilateral Framework on Labour Migration of 2006, the Sri Lanka Labour Migration Policy of 2008 and the Tanzanian Labour Migration Policy in process. Inputs also came from several social partners. The document is divided into three parts. The first part deals with facilitating rights protection and achieving equitable social and economic outcomes; the second part focuses on the protection of Migrant Workers and Promotion of their Welfare, which includes that of members of their families, and third part concerns itself with how migration contributions can be mainstreamed into national development plans. However, the burden of this piece is the evaluation of the policy document with the purpose of advancing in a more effective way the place of the government in labour migration. This paper, using the critical method of inquiry has evaluated this document with the purpose of advancing a better optimization of the benefits of labour migration for national development.

Keywords: Labour, Migration, Nigeria, Policy, Governance, Immigrants, Immigration

Introduction

The International Migration Report of 2017 holds that the number of international migrants worldwide has grown rapidly in recent years, reaching 258 million in 2017, an increase from 220 million in 2010 and 173 million in 2000. It further reports that more than 60% of all international migrants live in Asia, which is about 80 million people, with 78 million in Europe. Northern America hosts the third largest number of international migrants, numbering to 58 million people, followed by Africa, with 25 million, Latin America and the Caribbean, 10 million and Oceania 8 million¹. From the 258 million migrants living all over the world, the International Labour Organization (ILO) estimates that 164 million of these people are migrant workers – a rise of 9 per cent since 2013, when they numbered 150 million².

The Federal Commissioner, National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) for Nigeria, Sadiya Umar Farouq, disclosed at the National Consultation on the Global Compact for safe, orderly and Regular Migration, in Lagos, on 20th October 2017 that more than 17 million Nigerians live abroad³. Out of the more than 17 million Nigerians living abroad, it is most likely that more than 16 million are workers, considering that most of the migrants from Nigeria are young people searching for a better future. With this number of Nigerians abroad, it became necessary for the Federal Government of Nigeria to develop a labour migration policy to promote good governance of labour migration, to protect migrant workers and promote the welfare of their families back home in Nigeria and optimize the benefits of labour migration for national development while developing measures to stand against its negative implications.

The policy document on Labour Migration for Nigeria was drafted by the Federal Ministry of Labour and Productivity in view of the perspectives of the International Labour Organization's Multilateral Framework on Labour Migration of 2006, the Sri Lanka Labour Migration Policy of 2008 and the Tanzanian Labour Migration Policy in process. Inputs also came from several social partners. The document has as its mission "To provide an appropriate framework at national level to regulate labour migration; to ensure benefits to Nigeria as a country of origin, transit and destination; to ensure decent treatment of migrants and their families, and to contribute to development and

¹ The International Migration Report, United Nations, New York, 2017, p.ii.

² International Labour organization, United Nations Report 2018, https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_652106/lang--en/index.htm

³ The Guardian, 17 million Nigerians living abroad, says government <https://guardian.ng/news/17-million-nigerians-living-abroad-says-government/>

national welfare”⁴, and its vision “To build an effective, responsive and dynamic labour migration governance system in Nigeria”⁵.

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The Promotion of Good Governance in Labour Migration

The document holds that good governance is a very fundamental dimension of migration policy development. It avers that: “Good governance protects human rights, promotes the participation of all stakeholders in migration management processes and achieves equitable social and economic outcomes. A sound approach to the governance of labour migration will also assist in resolving problems of irregular migration and positively enhance the image of Nigeria. Participation, transparency and accountability are key elements of good governance”⁶.

Good governance of labour migration includes ensuring fully adequate legal and legislative foundations for the governance of migration, migratory processes, as well as their social and economic dimensions through the enactment into national law legislations that reflect international and regional standards. International standards are obtainable in the guidelines of the International Labour Organization, United Nations Convention on the Protection of the Rights of all Migrant Workers and members of their Families; regional standards are obtainable in ECOWAS legislations, like on the free movements of persons, residence and establishments. This is a process that is continuous, through constant reviews that identify gaps and areas for improvement⁷.

Putting in place rules and practices to promote regular migration through established channels and reduce risks in labour migration. This concerns regulations bordering on employment and work related activities, which includes local recruitment and overseas employment and protection of worker’s welfare. Aspects of this is already contained in the Labour Laws of

⁴ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.2

⁵ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.2

⁶ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.13

⁷ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.13

Very important in the governance of labour migration is the setting up of government institutional structures and capacity-building of officials for the administration and coordination of the policy, and defining a clear division of responsibilities among them⁹.

The Federal Ministry of Labour and Productivity cannot handle the issue of labour migration alone effectively. There is therefore, the need to provide for mechanisms of social dialogue and consultation with all stakeholders like labour unions, employers associations, civil society organizations, association of private recruiters, etc. taking their views into consideration would go a long way in producing a more effective legislation on labour migration¹⁰.

Labour migration governance involves collecting and analysing labour migration statistics and promoting research to apply the results to both labour migration policy and national development policy¹¹; cooperating with other governments and regional bodies, especially ECOWAS, in relation to Nigeria¹²; making policies, legislations, establishing institutions and practices that are gender sensitive¹³. All these will not be possible without capacity building of staff associated with administrative, regulatory and management structures of labor migration¹⁴.

Protection of Migrant Workers and welfare

Great importance is placed on the protection of migrant workers, not just those who are lawfully residing in a country outside of their own, but those too who have migrated in an irregular manner. This protection given to them would be based on the pillars of the Decent Work Agenda of the International Labour organization and International Labour Standards, and also include providing support services to them so as to optimise the benefits of labour migration as well as ensure the human rights and dignity of all persons. This section of this policy document, therefore, focuses on “protecting the rights of all migrant workers within and outside the country, developing more effective mechanisms for enforcing the protection of migrant workers, regulating the employment environment to check unfair labour practices, enhancing the orientation and knowledge of migrant workers and potential emigrants, and ensuring the portability of the social

⁸ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, pp.13-14

⁹ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.14

¹⁰ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, pp. 14-19

¹¹ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, pp.19-19

¹²Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.19

¹³ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.19

¹⁴ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.19

security benefits of migrant workers”¹⁵.

The document gives special attention to vulnerable categories of workers, like women domestic workers, temporary migrants, and migrant workers in irregular status, who continue to suffer abuses and malpractices at the hands of employers, government officials and the general population in receiving countries. For their voice to be heard clearly and taken into account, the document proposes the formation of community-based organizations for migrant workers¹⁶.

The problems of inequalities and discrimination based on sex, race, ethnic origin, nationality or other grounds, according to document is at the base of the vulnerability of some persons to being abused, exploited and trafficked. This is even made more complex by restrictive migration laws and policies on entry, residence and employment, workers in irregular situations, as well as trafficked workers. This puts the migrant worker in situations that make them more vulnerable to multiple forms of discrimination. To help the situation, there is the need for ensuring the enforcement of labour standards and contracts, and giving of orientation programmes to migrant workers so that they have enough knowledge to make informed decisions about the work they want to undertake¹⁷.

The policy document stressed the commitment of the government undertake close supervision and monitoring of the recruitment activities of overseas employment promoters or agencies, to minimise malpractices and abuses against those seeking overseas jobs; and to deal with offenders accordingly. It showed commitment towards securing bilateral instruments with various countries and to enhance the implementation of the relevant ECOWAS protocols in Nigeria’s own region; and encourages the establishment and operation of welfare programmes for migrants as well as for their families left at home¹⁸.

Optimizing the Benefit of Labour Migration for Development

The developmental activities of the Diaspora, in the contention of Mohan Giles, can be categorized into three. The first in his typology for economic, social, political and cultural flows that facilitate the development of homelands is the development of the Diaspora, which speaks of the well-being of the Diaspora members; the second is the development through the Diaspora, which speaks of the Diaspora’s engagement in global and local

¹⁵ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.20

¹⁶ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p.21

¹⁷ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, pp.21-22

¹⁸ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p. 22

networks, and third, is the development by the Diaspora which speak of the role of the Diaspora in the development of their home country¹⁹. This section on the optimization of the benefits of labour migration for development concerns the third developmental activities of the Diaspora.

With the estimated 17 million Nigerians in the Diaspora, it is obvious that Nigeria has a huge labour force abroad. It is on record that the Nigerian communities abroad are among the best educated and relatively affluent of the immigrant population. A large number of those in advanced countries are professionals with specialisation in all fields of human endeavour including medicine, education, research, ICT, law and engineering, among others. Nigerians in the Diaspora thus constitute a large pool of skilled human capacity, the critical means through which the country needs to take-off, bearing in mind that galvanization and utilization of intellectual capacity that is integral to development²⁰. Thus, this document links labour migration with national development as transnational migrants and returning migrants contribute to investment, to the transfer of technology and skills, to human capital formation, to the enhancement of social capital, to the promotion of trade and to business links and good governance. It therefore works towards enhancing the benefits of labour migration on the economy and society through supporting migrant workers and their families.

Beyond linking migration with development, it also links migration with employment. It understands that this linkage comes with the responsibility of projecting human resource requirements in countries of labour and skills demand, with special attention to emerging skills requirements, to anticipate meeting demand with matching skills; provide information for the certification of professional and technical qualifications standards in harmony with international expectations; creating a system for disseminating information among potential emigrants; promoting opportunities for migrant deployment abroad, etc.

The linking of migration with employment also comes with the responsibility of enhancing skill development so that migrant workers may meet national and international needs. This would be achieved through reviews of skills development training structures and systems, taking into account the quality in education in the country, and emerging labour market needs, raising the skills levels of workers to higher standards, developing financial support schemes to help youths acquire skills that are sought on both

¹⁹ Mohan Giles and Alfred, B. Zach-Williams, Globalization from below: Conceptualizing the role of African Diasporas in Africa's development. *Review of African Political Economy*. 29. 92, 2002, pp. 77-140; Wapmuk, S., Akinkuotu, O., Ibonye, V., *The Nigerian Diaspora and National Development: Contributions, Challenges and Lessons from other countries*. Kritika Kultura. 23. 2014, pp. 292-343.

²⁰ National Draft Policy on Diaspora Matters. Federal Republic of Nigeria, November 2016, p. ii

domestic and foreign labour markets, reviews of skills development training structures and systems, to take into account the importance of quality in education, and emerging labour market needs, raising the skills levels of workers to higher standards, developing financial support schemes to help youths acquire skills that are marketable, and upholding freedom of employers and participation of employers and trades union organizations²¹.

Alongside the above elements of the policy is the need to enhance the developmental impact of the remittances of those in Diaspora, and facilitating their return when it is voluntary and condemning any forceful returning of migrants. This would obviously involve Nigeria improving on her bilateral relationships and agreements with labour receiving and sending countries. Efforts would also be made by the Federal Ministry of Labour and Productivity to link up with expertise in Nigerian transnational communities so as to contribute to the sharing of skills and technology transfer and for the communication of information about local investment opportunities²².

Evaluation

The document on ‘Labour Migration policy for Nigeria’ would remain a very fundamental step in acknowledging the significant place that Nigerian migrant workers play and can play in National development. In its own style, it makes a unique effort at identifying the need for engaging Nigerian workers abroad for positive economic impact²³. It acknowledges them as change agents in the different dimensions of the development of Nigeria or development partners with their home country²⁴. The policy recognizes, among others, that development between a homeland state and its Diaspora is not one dimensional, this is very clear as the Federal Government rolls out her commitment towards the protection of migrant workers in other countries of the world²⁵. Very important in the document is the need to protect the vulnerable labour migrants from Nigeria in other countries and from other countries resident in Nigeria. Beyond the rhetoric of Diaspora contribution to national development, the document is inundated with the responsibilities of the government towards the protection of the rights and dignity of her citizens within and outside Nigeria. It presents Nigeria as a government that has the good of her people at heart.

²¹ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p. 24

²² Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p. 25

²³ Minto, I. D. *Diaspora and development: An assessment of the Irish experience for the Caribbean*. The Centre for International Governance Initiative, 2009, p. 21.

²⁴ Joseph G., *Diaspora-Development nexus: The role of ICT*. United States Agency for International Development, 2008, p.23.

²⁵ National Draft Policy on Diaspora Matters. Federal Republic of Nigeria, November 2016, p. ii

This notwithstanding, a very important concept in this policy document is 'Labour Migration', and it is very surprising that there is no section of the work that is dedicated to the clarification of the concept, neither is there a grounded statistics that casts light on what the concept stands for. These two concerns, on the absence of a definition of 'Labour Migratio' and statistics on Nigerian Labour workers in other countries are concerns that might be put into consideration in a review of the document in the future.

The document stressed its commitment towards training and counseling pre-departure workers so as to help them prepare better for insertion into the labour market and integration into society at their destination. This is based on the fact that most Nigerian labour migrants travel under private arrangements. In spite of this policy, the protection against scams to ensure that recruitment agencies do not exploit the ignorance and vulnerability of potential migrants is yet to be realized. A good number of Nigerians are still exploited as a result of ignorance and vulnerability. To achieve this, there is need for a greater commitment on the part of the Nigerian government.

In Nigeria, remittances from migrant workers are now the second-largest foreign exchange earner. Prior to 2003, remittance inflow into the country was under US\$2.0 billion; five years later it had reached ten times that amount. However, the document pointed to the limited success in harnessing this huge remittance inflow for development. This policy document was written in 2010, and in the policy document on Diaspora Matters in 2016, the Federal Republic of Nigeria still complained about the paucity of data when it wrote that, "At the moment, there is no reliable information regarding the number of Nigerians living abroad"²⁶, a situation that has not improved considerably even after six years of writing the document. What we have on ground are estimates of migrant workers and their inflows raises questions about the capacity and preparedness of the Nigerian government to optimize the benefits of labour migration for national development.

Still related to the problem of lack of data, there is also the complaint in the policy document about the absence of the monitoring of the return of the Nigeria Diaspora working abroad; and this makes it difficult to employ their skills for national development²⁷. This raises the question as regards the commitment of the Federal Ministry of Labour and Productivity towards the actualization of this policy. Moreover, in a country where excellence seem not to top the agenda of recruitment of workers, raises more questions as regards the relevance of the expertise of professional Diaspora workers.

²⁶ National Draft Policy on Diaspora Matters. Federal Republic of Nigeria, November 2016, p. 9

²⁷ Labour Migration Policy for Nigeria, Federal Ministry of Labour and Productivity, 2010, p. 8

At the base of several labour migrations in Africa is the result of corruption. Corruption has led to an unparalleled rate of unemployment and retrenchment. The faces of greater percentage of Africans register destitution, frustration and despair. Politically, the turmoil, the repression and the general insecurity that has pervaded Africa has forced thousands of Africans young and old to flout all international border laws to get out of the continent by hook or crook. Their patterns of escape from Africa strongly suggest that they prefer to die than return or remain in Africa. Some enter ice-fish containers, preferring to die suffocated by the smell and cold, some pass through the deserts of North Africa, preferring to face wild beasts than return home, our young girls in huge numbers are moved across the sea to Europe rather than face economic backwardness caused by corruption²⁸. If you have tried to go to the American Embassy, you would see the huge number of Africans struggling to leave the continent as though they were given an ultimatum. Consequently, the image of most African countries has suddenly slumped into infamy²⁹. A contagious sin that has become structural so that it leaves every one with a smear. It is in this regard that Pope John Paul II compares the continent of Africa to the unfortunate wayfarer who fell into the hands of brigands along Jerusalem-Jericho road: “Africa”, he says, “is a continent where countless human beings, men and women, children and young people, are lying, as it were, on the edge of the road, sick, injured, disabled, marginalized and abandoned”³⁰. In a document of this importance, one would have expected at least a mention of the commitment to resolve the problem of corruption, or even to acknowledge its existence, but there is not clear reference to it in all the pages.

Although the document observes that Nigeria has an established legislative framework that could provide a foundation for national migration policy and practice, it should not be forgotten that level of respect for the rule of law and the judicial arm of government cannot be divulged from the success of this document. This means that it is not enough to have the legislative framework. And if there is breakdown within, commitment towards international standards might be compromised.

This notwithstanding, this document on ‘Labour Migration Policy for Nigeria’ remains a fundamental step in the right direction. It is an acknowledgement of the multidimensional character of development- in terms of the Diaspora as a new development sector and the recognition of the huge capital and resources of migrant workers and the need to tap into that vast reservoir of knowledge, skills and experience for national development.

²⁸ Dagin Sylvester, *Bring Back the Lost Daughters: A Fight Against Trafficking of Nigerian Women and Girls for International Sex Market*. (Jos: Fab Educational Books, 2005), p.45.

²⁹ John Odey, *The Anti-Corruption crusade, the Saga of a Crippled Giant*. (Enugu: Snaap Press, 2001), pp. 41-42

³⁰ John Paul II, Encyclical Letter, *Ecclesia in Africa*, No. 41.

Recommendations

1. The success of this policy document depends on the availability of up-to-date data on the Diaspora working abroad. The government therefore needs to improve on her data management. Relevant high quality data is critical for designing, implementing and evaluation of policies that can generate substantial economic, social and humanitarian benefits for nations.
2. There is the need to monitor the return of the Nigeria Diaspora working abroad; without which it would be difficult to employ their skills for national development
3. The government needs to be sincere on her commitment towards the economic development of the country so as to reduce the phenomenon of brain drain.
4. Since the document requires obligations from various quarters, it is necessary that the document be publicized as many Nigerians are not aware of its existence.

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