



International
Labour
Organization



Better
Regional
Migration
Management



Terms of Reference

International Consultant to Develop Labour Migration Policy and action plan for Federal Republic of Somalia (FRS)

1.0 Background

Labour migration has become high in the political agenda globally, regional and nationally. At the global level, the opportunities and challenges posed by labour migration are being addressed by the two UN Global Compacts referenced above (GCM and GCR). The growing importance of labour migration is captured in ILO global and regional estimates of labour migration.¹ At the continental level, the opportunities and challenges have resulted in the development of the African Union Labour Migration Framework and Plan of Action (2018 -2027).

At the sub regional level, the IGAD Labour Migration Policy Framework (2012) seeks to promote sound management of intra-regional labour migration for the benefit of both countries of origin and countries of destination as well as migrant workers themselves. One of the specific objectives of this Framework is the development and implementation of national labour migration policies. In accordance with this Framework, Member States is encouraged to formulate evidence based national labour migration policies considering the local context, but most countries in the IGAD region are still in the process of developing such policies.

Most of the mobility (8%) within East Africa is intra-regional. The growing importance of labour migration presents new opportunities and challenges for the government in the IGAD member states. Somalia is a major country of origin for mixed migration with massive flows of inward and outward migration across the Horn of Africa and beyond. Over the last 20 years, main factors that have led to massive emigration include conflict, insecurity, flood, drought, poverty, and famine (FMPT, 2020)¹. Somalia is a transit, destination, and origin country with increased return. For instance, according to the United Nations High Commissioner for Refugee (UNHCR) data, as of April 2023², there are 685,198 Somali refugees, where majority of them remain in neighbouring countries, mostly in Kenya (301,526) and Ethiopia (253,616). Parallely, Somalia is hosting 35,461 registered refugees and asylum seekers, mostly from Ethiopia (23,701). Somalia also has a large diaspora community, estimated to be around 1-1.5 million people in the United Kingdom, the

¹ An assessment of labour migration and mobility governance in the IGAD region-country report Somalia-FMPT-2020.

² Document - Somalia Situation: Population Dashboard - 30 April 2023 (unhcr.org)

Netherlands, Norway, Sweden, the United States, Canada, and Australia (FMPT, 2020). And, according to the Ministry of Labour and Social Affairs (MOLSA), approximately 15,000 work permits have been issued in Somalia in the last two years, mainly to nationals of Kenya, Uganda, India, the United Kingdom, Pakistan, and Bangladesh. Finally, looking at inward migration, as per the UNHCR Protection and Return Monitoring Network (PRMN)³ report, there are than 1.2 million new internally displaced persons in 2023.

There is also a lot of irregular mobility out of Somalia, where common ways out of Somalia are the use of the three main migration routes: crossing by sea to Yemen (which is less popular since 2015 due to the conflict in Yemen) and moving on to the Gulf countries; moving south through Kenya to South Africa; and west through Sudan and Libya in the hope of crossing the Mediterranean Sea and reaching Europe. Updated data on irregular migration is not available. Nonetheless, reports from IOM on return migration show that around 169,000 Somalis have been deported, mainly from Kingdom of Saudi Arabia, Yemen since the onset of conflict in March 2015, and Kenya since 2014 (IOM, 2018).

Somalia's National Development Plan 2020–2024 recognizes that the lack of sustainable economic opportunities for the youth is a major push factor for out-migration, and states that two thirds of Somali youth wish to migrate abroad in search of livelihood opportunities. Similarly, the national employment policy recognizes the wide social and economic implications of labour migration by clearly indicating that the lack of decent employment opportunities has contributed to high rates of irregular migration. It was further stated that the development of a labour migration policy should be aligned with the objectives and activities of the national development plan and the national employment policy. On the other hand, peace and stability, economic opportunities, and decent living conditions are the major pull factors for Somalis to migrate to the Gulf, Europe, and South Africa.

The Government of Somalia is making advances in promoting regular migration. To this end, the Government has ratified several conventions in 2021, including, C97 and C143 which focuses on migrant workers' protection and contain significant guidance for shaping labour migration policies. It has also ratified the Private Employment Agencies Convention C181, which contains specific provisions on the protection of migrant workers. Moreover, the revised 1972 Labour Code, finalised in 2019, also contains clauses that offer some protection to migrant workers. These protections include the provision of labour inspection services and improving the regulation of employment contracts for migrant workers. In addition, the code forbids forced or compulsory labour in Article 6. However, the code does not comprehensively address the legal protection mechanisms of incoming and outgoing migrant workers. In addition, the 2015 Foreign Employment Act⁴, which regulates labour migration to Somalia, only details the procedures related to obtaining work permits for migrant workers in Somalia and does not contain any legal

³ Somalia: Internal Displacement (unhcr.org)

⁴ <http://molgov.so/wp-content/uploads/2018/06/Foreign-worker-employment-Act.pdf>

mechanisms to offer protection against violence, harassment, discrimination in the workplace, or access to complaint mechanisms. On the other hand, the overseas employment guidelines for Somali migrant workers, which were not adopted, contain procedures for registration, provision of licenses for PrEAs, complaint mechanisms, employment contracts for migrant workers, penalties for sending migrant workers overseas in an unlawful manner, social security, labour inspection, and reception and return for migrant workers. Further, the Protocol on Free Movement of Persons in the IGAD Region⁵, which Somalia endorsed, provides mechanisms for protection of migrant workers against unfair recruitment practices, including by intermediary bodies, private recruitment agencies, and public employment services.

The Somalia's National Development Plan 2020 – 2024 has also prioritized the need to establish a body that identifies the skills sets of Somalis and negotiate agreements with receiving countries to promote regular labour migration. It further highlights the need to manage internal and external migration dynamics as a key strategy for poverty reduction and acknowledges the need to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

Despite these noteworthy developments, Somalia still does not have a migration policy or a specific labour migration policy. The assessment of labour migration and mobility governance for Somalia conducted by the ILO in 2020 clearly indicated that the Federal Republic of Somalia (FRS) would benefit from developing a labour migration policy that incorporates rights-based labour migration objectives and the promotion of decent work, and a related legal framework⁶. Moreover, the recently signed first Decent Work Country Programme (DWCP) for Somalia (2023-2025) has, under outcome 2 “Economic development”, prioritized the implementation of fair and effective labour migration policies, institutions, and services to protect migrant workers in place. To this end the ILO, through the “Better regional migration management” (BRMM) project financed by the UK Government Foreign Commonwealth and Development Office (FCDO), is seeking to engage an international consultant to develop a labour migration policy and action plan for Somalia.

2.0 Objectives of the assignment

The overall objective of this consultancy is to develop a gender sensitive rights-based labour migration policy and action plan for Somalia that is in line with international labour standards, global and regional commitments as well as emerging/good practices to promote safe, orderly, and

⁵<https://environmentalmigration.iom.int/sites/g/files/tmzbd11411/files/event/file/Final%20IGAD%20PROTOCOL%20ENDORSED%20BY%20IGAD%20Ambassadors%20and%20Ministers%20of%20Interior%20and%20Labour%20Khartoum%2026%20Feb%202020.pdf>

⁶ https://www.ilo.org/global/docs/WCMS_743318/lang--en/index.htm

regular labour migration and protect the rights of migrant workers, with a focus on women and persons with disabilities.

More Specifically,

- Conduct a situational analysis on labour migration context and dynamics in Somalia through desk review of relevant documentation including, but not limited to, policies, laws, institutional structures, actors, and coordination mechanisms pertaining to labour migration and provide recommendations in line with international good practices.
- Develop the National Labour Migration Policy in line with ILO Guidance tool on Labour migration policy⁷. The development should also take into account the formats of relevant national labour migration policies from other countries and draw on Somalia National Employment Policy and action plan and ensure complementarity with the pipeline migration policy under development as well as other relevant policies.
- Develop action plan to operationalize the labour migration policy in Somalia with short (one to three years) to medium (four to ten years) term perspective.
- Monitoring and evaluation framework should also be included to enable the Ministry of Labour and Social Affairs of Somalia to track progress towards achieving the objectives of the labour migration policy and strategy, identify challenges, and make necessary adjustments.

3.0 Scope of the work

- Review existing national, sub-regional and international instruments on labour migration.
- Benchmark good practices with the view of developing the outline for the National Labour Migration Policy and Strategy.
- Conduct consultations with all relevant stakeholders in Somalia, including, but not limited to, the Ministries of Labour and Social Affairs, Foreign Affairs and International Cooperation, Planning, Interior, Investment, and Economic Development, Internal Security, social partners, civil society organizations, academia, and international partners, to agree on the policy priorities, target groups, and main elements of the Policy and action plan, through the establishment of working groups per pillar to define content.
- The action plan should include outlining the necessary steps, timelines, and resources (human and financial resources) required, and needs in terms of coordination to implement the policy and strategy effectively. The action plan will also identify key government and

⁷ See ILO (2021) Practical Guide on Developing Labour Migration Policies.

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwikiPzg04j_AhWHSfEDHfDcDncQFnoECAkQAQ&url=https%3A%2F%2Fwww.ilo.org%2Fwcmssp5%2Fgroups%2Fpublic%2F---ed_protect%2F---protrav%2F---migrant%2Fdocuments%2Fpublication%2Fwcms_832194.pdf&usq=AOvVaw35BjnS_v6nHXjVmpRCljKC

non-government partners mandated in labour migration and detail their roles and responsibilities for the effective implementation of the policy and strategy.

The labour migration situation analysis should include the following elements:

A. Data Collection and Analysis

1. Identify and take stock of existing data sources available on labour migration from internal sources in Somalia, being provided with all the relevant data by relevant stakeholders who play a role or have interest in labour migration.
2. Analyse data collected to gauge the coherence and compatibility of data collection mechanisms to give a better overview of the current situation of labour migration into and from Somalia.
3. Assess the availability of data and data sources as well as the credibility of existing data to be able to ascertain the means and feasibility of bilateral agreements for the placement and matching of Somalian workers into labour markets.

B. Institutional Structures and Inter-institutional Collaboration

4. Analyse the roles and responsibilities of existing institutional structures responsible for managing labour migration in Somalia, including the scope and functioning of inter-ministerial and inter-institutional collaboration.
5. Provide recommendations on how to improve these structures and coordination mechanisms.

C. National Legislative Basis and International Norms

6. Analyse current national legislation regarding the departure of national workers for employment opportunities abroad to identify potential gaps.
7. Examine existing bilateral and multilateral labour agreements involving Somalia and to what extent such agreements are being implemented in an effective manner.
8. Ascertain the extent to which legal provisions prescribed in international conventions are in place and functioning, and where ratification has not taken place, assesses the obstacles and requirements for ratification. In particular, focus on any obstacles in the national legislation preventing access to employment.

D. Regional Context

9. Examine good practices and lessons learned vis-à-vis labour migration in other countries that have draft labour migration policies and assess their applicability to the specific context in Somalia.
10. Explore the extent to which labour migration policies, practices, structures, and legislation in Somalia are in line with AU and IGAD policy frameworks (e.g. AU and IGAD Migration Policy Framework and IGAD Free movement protocol) and make recommendations accordingly.

4.0 Methodology and deliverables

The consultant will work closely with the members of the BRMM TWG, and in particular the Ministry of Labour and Social Affairs, Social partners and the ILO.

The methodology for the assignment includes, but not limited to the following elements:

- Desk review of national and international documentation relevant to the development of the NLMS.
- Analysis of stocks and flows of (labour) migrants based on national and international sources.
- Key informant interviews and/or consultations (virtual or face to face) with stakeholders in Somalia, and in particular the members of the TWG.

5.0 Deliverables

- An inception report detailing the methodology, work plan, stakeholder interview guide and timeline for the consultancy.
- A situational analysis report with a view to developing a detailed understanding of the context and dynamics of migration/labour migration movements, examining the political and economic aspects of labour migration and its impact on key development indicators in Somalia, and ensuring that the policy is founded on a solid evidence base.
- A draft gender responsive labour migration policy and strategy for Somalia, inclusive of a policy plan with short- and medium-term perspective and a detailed action plan as stated in the scope of work.

The action plan should include the following components:

- Executive Summary
- Introduction
- Strategic Objectives
- Gaps and Challenges

- Priority Areas of Intervention
- Stakeholder Roles and Responsibilities
- Timeframe
- Required Resources
- Conclusion

The following annexes should be attached to the final documents:

- a. All notes from meetings with stakeholders, including a list of all respondents in consultations, interviews, and other meetings.
 - b. All available statistics gathered in the course of the data/information collection and assessment process.
 - c. All references and sources consulted.
 - d. Any other material relevant to the assignment
- A power-point presentation on the draft Labour migration policy & strategy and participate in the national consultations to gather feedback on the draft policy.
 - A finalized labour migration policy and action plan taking into account the comments provided by ILO, MoLSA and the feedback from the validation workshop.
 - Final labour migration policy & action plan for Somalia.

6.0 Reporting

The consultant will report to the DG of the MOLSA, ILO Chief Technical Advisor (CTA) of the BRMM and LM Specialist in Algeria. The MOLSA will ensure leadership and coordination of the policy's design process to ensure compliance with the wider national development agenda. This will involve consultations with other ministries as well as social partners, and international partners.

All data is to be kept confidential. All information relating to this consultancy, including any copyright or ownership of documents generated during the process, is owned by the ILO and its project partners.

7.0 Timeframe

The consultant will complete the activities listed below within 14 weeks from 14 August to 17 November 2023.

- Week 1: Drafting of the inception report
- Week 2–4: Drafting and submission of the situational analysis
- Week 4–8: Drafting of policy paper and action plan including individual consultations and consultation workshops
- Week 8–11: Review of draft policy paper and implementation framework, and including getting comment from ILO, MOLSA & relevant partners.
- Week 11: Submission of the second draft of policy paper and action plan.

- Week 11-13: National validation workshop on draft policy paper and action plan.
- Week 14: Submission of the final labour migration policy and action plan.

8.0 Fees & payment schedule

The work will be performed between 14 August to 17 November 2023. The payment will be delivered in instalments upon delivery of the products according to the details below:

- 20% of the agreed sum upon submission of the inception report.
- 20% of the agreed sum upon submission of the situational analysis
- 30% of the agreed sum upon submission of the draft labour migration policy and strategy.
- 30% of the agreed sum upon submission of satisfactory final labour migration policy and strategy.

9.0 Qualification and experience

- Advanced degree (Master's or higher) in public administration, international relations, political science, economics, law, social science, or other related fields.
- Sound knowledge of policy and legislative frameworks relevant to developing a labour migration policy.
- At least 10 years of professional experience in policy development, of which at least 5 years of relevant experience in labour migration policy and strategy design, implementation, monitoring, and evaluation, with a focus on developing countries.
- Extensive knowledge of Somali migration issues, including legal frameworks, labour market trends, and socio-economic factors affecting migration.
- Substantive knowledge on gender mainstreaming and a human rights-based approach
- Producing high quality reports in English
- Solid experience with ILO process, tripartism and working context/modalities.

10.0 Evaluation Criteria

The successful consultant will have a mix of expertise and qualifications in the focus areas related to this assignment. Evaluation of the suitability of the consultant to work on this assignment will be made against the following technical criteria:

| Evaluation Criteria | Maximum mark |
|-----------------------------------|--------------|
| A. Expertise/Qualification | |

| | |
|---|------------|
| The consultant needs to have a minimum of Advanced University degree in law, social science or a relevant discipline. | 10 |
| Knowledge and familiarity on designing labour migration policy and strategy is critical. Experience with migrant contexts, ideally with familiarity of the context in Somalia will be an advantage. | 10 |
| Proven experience in carrying policy development assignment (at least 10 years.) | 10 |
| Maximum Points | 30 |
| B. Proposed approach to deliver the ToR's scope of work | |
| Applicant demonstrates (via submitted technical proposal) their expertise working on developing labour migration policy and strategy. The technical proposal includes a realistic work plan. | 40 |
| Applicant, demonstrates the appropriate approach/methodology to be used to deliver on the objectives of the assignment including any innovation/new idea proposed. | 30 |
| Maximum Points | 70 |
| Total for Both Section A (30 Points) and Section B (70 Points) | 100 |
| Minimum Acceptable Score for the Proposals to be considered for financial evaluation. | 70 |

11.0 Recommended presentation of proposal:

Interested consultant must submit the following documents:

- **Technical proposal**, specifying the understanding of the assignment, methodology, approach, proposed work, and work plan, qualifications of key personnel, and relevant experiences of the consultant, samples of reports of similar work done previously. Personal CV indicating all experience from similar assignments, as well as the contact details (email and telephone number) of the candidate and at least three (3) professional references.
- **Financial proposal**, the interested consultant is requested to provide a financial offer in USD and includes separately professional fees related to the activity and costs for field mission dates and days, travel cost and daily allowance if needs be.

12.0 Application:

Interested consultant can send questions if any to the ILO's Procurement Unit in Addis Ababa, Ethiopia (ADDIS_PROCUREMENT@ilo.org) until 20 July 2023. Questions will be answered and shared with the interested organizations by Close of Business 24 July 2023.

Completed technical and financial proposals are to be submitted to ADDIS_PROCUREMENT@ilo.org by Close of Business on 4th August 2023.

Note: - Please note that this is not a job post. Only individual consultant who submit technical and financial proposal will be considered. Offers from a firm and a group of individual consultants will not be considered.