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***A contribution for the understanding of the legislation on  
repatriation on Southern Africa:  
The case of the relations between Mozambique and its neighbours  
(South Africa, Zimbabwe and Swaziland)***

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**1. Brief historical resumé of migrancy between the target countries**

The starting point on which this paper builds is that migrancy, specially illegal migrancy, and repatriation are the two faces of the same coin. In order to contextualise the problem we propose to provide a short description of its genesis so as to demonstrate that it is a deep rooted issue in the region. The selected countries for this study are South Africa, Zimbabwe and Swaziland. The other countries that share borders with Mozambique, namely Zambia, Malawi and Tanzania are not included in this study as the repatriations they engage in do not have a significant impact on Mozambique.

**1.1 Migrancy between Mozambique and South Africa**

Migration of Mozambicans to South Africa is an old phenomenon. References about these movements date back to XIX Century when Mozambicans migrated to the South African plantations and then to the diamonds mines of Kimberley. More recently migrations have been to the gold mines of Witwatersrand.

On the second half of the XIX Century a significant number of Mozambicans working in South Africa had been recorded. Indeed, in 1879 there were about 15,000 Mozambicans working in different places and taking on different jobs in South Africa. In 1897, just the gold mines of Transvaal employed about 60,000 Mozambicans ( Covane 1997).

The local chiefdoms profited from the earnings of these migrant workers. For example, the kings of the Kingdom of Gaza charged taxes in Pounds which the workers brought back with them. Where repatriation is concerned, it seems that there was no agreement between these chiefdoms and South Africa.

With the establishment of *de jure* Portuguese colonial administration, after the defeat of the last spot of resistance in Southern Mozambique, in 1897, Portugal started contacts with the authorities in Transvaal aimed at obtaining at negotiation a legal instrument which would regulate the migration flow to that region. Indeed, Portugal had understood, quite early, that she had no mechanisms to stop this migrancy and the best way forward was to try and profit from it. As a result of these contacts, the two parties signed an agreement which contained the rules and regulations for engaging the natives in the Republic of South Africa.

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The start of the Anglo- Boer war greatly affected the mining industry. The negative impact of this war on the industry was also felt in Mozambique. According to the Chamber of Mines, in this period 80,000 Mozambicans were repatriated. It was, indeed, the first great repatriation of Mozambicans. It must be mentioned, in passing, that there was no repatriation agreement between Portugal and South Africa.

## **1.2 Migrancy between Mozambique and Zimbabwe**

The delimitation of the Mashonaland border, in 1890, broke up a vast ethno linguistic group, the Shona. In Mozambique and in Southern Rhodesia the monoculture plantation economies were thriving. In Mozambique there was the Companhia de Mozambique and in Southern Rhodesia the British South African Company (B.S.A.C).

The dynamics brought about by B.S.A.C. brought a great deal of pressure on the local labour. At the same time, the conditions offered to workers were far better than those offered to Mozambicans working on Companhia de Moçambique and other similar enterprises in Mozambique. These differences became a factor in the competition and Mozambicans began to be attracted to cross the border illegally to work in Southern Rhodesia.

In 1913, Portugal signed an agreement with B.S.A.C. aimed at regulating the use of Mozambican labour. On the main, the agreement was aimed at curbing illegal migrancy. Subsequent efforts were made by the Rhodesian Native Labour Bureau (R.N.L.B.) to implement this agreement when it started recruiting Mozambican labour in 1915. As Joel das Neves makes the point, until 1916, that company had managed to recruit 2,707 workers, against 4,000 who had left the country illegally (Neves 1990). According to the same author, “ the fight to stop clandestine migrancy did not yield the expected results as there were no mechanisms to prevent it” (Neves 1990).

It is interesting to note that while Portugal made efforts to stop illegal migrancy, Southern Rhodesia took a much relaxed stance as it was to its advantage since this would as had been a source of cheap labour. Indeed, the Barwe rebellion, in 1917-20, led to an exodus of about 5,000-11,000 Mozambicans. When the Southern Rhodesian authorities were contacted to bring the situation back to normal, they refused alleging that these migrants were mere refugees. However, they charged them *Native Tax* (Neves 1990). Clandestine migrancy continued to be key until the independence of Zimbabwe. Table 1 shows the trends in the second half of the 1950's: about 110,707 of the workers who migrated from 1955 to 1959, about 90% were clandestine migrants.

**Table 1: Comparison between illegal and legal migrancy**

<b>Year</b>	<b>Recruited</b>	<b>Percentage</b>	<b>Clandestine</b>	<b>Percentage</b>
1955	2.152	7%	27.976	93%
1956	2.552	10%	24.137	90%
1957	3.240	23%	10.560	77%
1958	2.288	13%	15.096	87%
1959	878	3%	21.828	97%
Total	11.110	10%	99.597	90%

Source: Based on Joel das Neves, 1990.

### **1.3 Migrancy between Mozambique and Swaziland**

The relations between Mozambique and Swaziland are also prior to the settlement of the colonial authorities in each of these countries. The fact that the two economies have been equally underdeveloped may explain why there was not much flow of migrancy between the two.

However, the establishment of monoculture plantation in Swaziland led to the clandestine migrancy into that country. To our knowledge, there were no agreements between Portugal and Britain or Swaziland.

## **2. Migrations after Mozambique's independence**

After the independence of Mozambique clandestine migrancy took different facets and forms. Its upsurge may be explained by the poverty rates, the difficult political and economic conditions and the destabilisation wars engineered from outside that devastated the country.

Despite the fact that the number of migrant workers to the South African mines reduced, the rates of illegal migrants shot up. Summarily, we discuss the main reasons for this flow of migrants. Among them, the following may help explain the illegal migrancy:

- Lack of jobs and low salaries in Mozambique;
- Barriers to access schooling;
- Barriers to access passports and visa;
- Barriers to obtain means to start life;
- Barriers to medical care and specialised treatment.

## **3. The occupation of migrants**

Forced by this number of factors, many young people cross the border into neighbouring countries where they find some kind of employment. In Swaziland, about 20,000-30,000 Mozambicans are concentrated in the most important towns and villages such is the case of Mbabane, Manzini, Bulembu, Lavumisa, Piggs Peak, Hlathikhulu, Hhlangano, Big Bend, Muhlume and Steki. Among these migrants we find different categories such as businessmen, plain refugees, residents under the “Nkotha” systems and illegal residents.

In so far as their occupations are concerned, these Mozambicans are employed in various enterprises such as the sugar factories in Big-Bend and Simunye, as well as in the mines of Mutembo and in the Usutu Pulps, in Hlambanyatsi. Others work in the building industry, restaurants and others still are mechanics. In the last few years there has been reports of illegal traffic of children aged between 8 and 15. In this group boys form the source of cheap labour for various activities such as car washing, shoe shining and shepherds.

In South Africa, the majority of the illegal migrants work on the farms. However, the numbers involved are not known and only the guessing game is at work. For example, the South African High Commission in Maputo estimates that there are around 8 million half of which are of Mozambican origin (Fion 2000). That the figure is high can be inferred from the number of people being repatriated. Another aspect that shows that the number is quite high is the fact that in 2000 about 40,000 Mozambican workers got registered, 25,000 of which in Nelspruit and in the Northern Province.

The migrants who manage to reach towns and cities get employment through the help of relatives and friends in workshops, bakeries, building sites, take aways, factories, to mention but a few. The majority of them work for the Portuguese communities, given the fact that they can easily communicate with them in the Portuguese language.

There migrants are housed in different types of lodgings. According to a survey conducted in Ressano Garcia, about 27% of the illegal migrants said that they lived in mukukus, 30% in flats and 10% in compounds (Covane 1998).

In Zimbabwe, like in South Africa, and we believe the same will apply to Swaziland, the majority of the illegal migrant work on plantations. In Zimbabwe the illegal migrants work in the tobacco and tea plantations. There are some few others who work in the mining industry and in restaurants.

#### **4. *The complaints of the migrants***

One of the difficulties that illegal migrants face is getting the documentation to legalise their stay. Some Mozambican citizens did not benefit from the amnesty given by South Africa in 1996 to the citizens of the SADC region who live in that country for more than five years working in activities officially recognised by the state. One of the reasons is the corruption of the officials involved in this process. Although it was supposed to be free they went on to demand bribes.

One another reason has to do with the allegation that Mozambicans are there to steal the jobs of South African citizens. A study conducted by Covane, already referred to above, demonstrate that 46.3% of the informants refuse to accept that to be the reason. They counter charge saying that they South African colleagues disappear on the pay day only to come back when they have finished off the money.

In Swaziland, naturalisation is covered by a local traditional system known as “Mkhota”. In an attempt to benefit from this system some Mozambicans are robbed of their monies by some traditional chiefs who find in them an easy source to enrich themselves.

According to information given by some of the Mozambican repatriated from South Africa there is a stark difference between the salaries offered to illegal migrants and that offered to South African despite the fact that the two are doing the same jobs and under the same obligations. To make matters worse, the farmers and the police connive in detriment of the illegal migrants. On the day before the pay-day, some farmers denounce the presence of these illegal workers to the police. The police officers act and get some hand oiling from the farmers!

The illegal migrants are then repatriated without any information being provided to their next-of-kin. Worse still, they are not even given the opportunity to collect their belongings such as money or goods that they may have acquired during their stay. In order to buy back their freedom, some police officers demand large bribes from the unfortunate workers. Illegal migrants also mention that the police officers often resort to physical torture against them.

## **5. *The existing agreement and their impact***

The target countries have understood the problems that illegal migration causes in the bilateral and multilateral relations between their states and people. In order to tackle this problem, which falls outside their will, the states concerned have established specialised organs namely the Sub-Committee on Migration and Labour between Mozambique and South Africa, the Sub-Committee on Defence, Security and Migration between the Kingdom of Swaziland and the Republic of Mozambique and the Sub-Committee on Migration, Security and Labour between Mozambique and Zimbabwe.

## **6. *The main achievements of the Sub-Committees***

After they had been established, these committees undertook a number of initiatives and activities including meetings and bilateral and multilateral consultations. However, the fact that these are not decision making organs lead to issues having to wait longer before decisions can be taken. Often the agreed course of action is not followed by the parties involved. Below the activities and initiatives undertaken by these organs are described:

### **6.1 Sub-Committee on Migration and Labor between Mozambique and South Africa**

This forum ha already held a number of meetings. Among the issues discussed is the co-ordination of modalities and mechanisms for repatriation, the notification procedures to the Mozambican consulates, complaints against the police and migration officials during the repatriation process, legalisation of Mozambican workers and means for social reintegration of those repatriated.

The understanding on the co-ordination of modalities and mechanisms of repatriation and procedures for the notification of Mozambican consulates is aimed at addressing a number of

irregularities in the process of repatriation. In the last few years the Mozambican territory has been used as a corridor for entry into the hinterland, specially South Africa. When they are rounded up these aliens are taken to be Mozambicans and are then shipped to this country. This means that Mozambique is flooded with citizens which are not her own citizens which become a source of instability of different description.

In the light of these understanding the South African authorities should notify the Mozambican consulates so that these can take part in the process of checking up whether those illegal migrants are Mozambicans or not. Another issue that is raises is to do with the possessions of these migrants. It has been agreed that they should be allowed some time to collect their belongings. Nevertheless there are voices that question the wisdom of that as they argue that those goods should be forfeit as they were acquired under illegal circumstances.

## **6.2 Sub-Committee on Defense, Security and Migration between the Kingdom of Swaziland and the Republic of Mozambique**

Among the main aspects dealt with in this organ is tolerance, notification of the High Commission of the country concerned three days before the repatriation starts so that the reception of the citizens of that country can be organised.

The question of belongings has also been object of discussion as was the case between Mozambique and South Africa. Indeed, it was agreed that time should be given to the migrants to collect their belongings.

## **6.3 Sub-Committee on Migration, Security and Labor between Mozambique and Zimbabwe**

The Sub-Committee discussed, among others, the question of the involvement of the High Commission of the country concerned in the repatriation. The issue of the possession of the repatriated citizens was also discussed. In relation to the former, it was agreed that the Governments concerned should work together and that the Government expected to receive its repatriated citizens should be given five days notice before the process started.

On the issue of possessions it was agreed that the migrants to be repatriated should be given the opportunity to collect their possessions including withdrawing cash from the banks.

## **7. *The impact of the work of the Sub-Committees on the repatriation***

By and large the understanding that are achieved on the negotiating table are contributing to the improvement of the repatriation system of Mozambicans. The Mozambique consulate in Johannesburg travels regularly to the detention centres of Lindela, where they participate in the checking of whether the candidates for repatriation are Mozambicans or not. It was thanks to the work of the consulate that more and more bogus Mozambicans are uncovered and stopped from

being shipped to Mozambique. The involvement of the consulate has also improved the behaviour of the South African police officers towards the people to be repatriated.

In 1999 cases of people being robbed of their monies by police offices while on travelling on the repatriating train and being pushed out of the moving train have been reported. Some of these unfortunate citizens have suffered major injuries as a result. In 2001, the second Joint Commission Mozambique-South Africa noted, with satisfaction the involvement of the Mozambican Consulate in the process of repatriation.

Despite this progress, a number of problems are still being reported. For example, in relation to detention, there are complaints that are communicated to the Mozambican authorities by their South African counter parts. Zimbabwe has also found wanting when it comes to fulfilling the agreed minutes. Indeed, in July 1999, the Zimbabwean authorities repatriated, through the Machipanda border, 564 Mozambicans, without any prior notice to their Mozambican counter parts. These Mozambicans were not given the opportunity to collect their belongings including cash in the banks.

The need for the involvement of the Mozambican consulate would have avoided the embarrassment of the Zimbabweans themselves. Indeed, two of the citizens repatriate to Mozambique were Zimbabwean!

By and large, the number of people being repatriated continues to grow: in 1999, there were 43, 821 repatriated while in 2001 the figure grew to 72.365 (see Table 2). The majority of these are from South Africa with Zimbabwe and Swaziland coming with small figures.<sup>2</sup>

Between 1999 and 2001 3.006 people were repatriated from Mozambique. These include Europeans, Asians and Africans. In this figure 669 were repatriated in 2001, the majority of whom are Zimbabweans. These Zimbabweans were caught in the provinces of Gaza (21), Sofala (180), Manica (335) and Tete (112) (see Annex 1.)<sup>3</sup>

**Table 2: Repatriation to Mozambique**

Year	Mozambicans	Foreigners
1999	43.821	1.429
2000	40.470	908
2001	72.365	669
Total	156.656	3.006

Source: Adapted from the information provided by Direcção Nacional de Migração de Moçambique

<sup>2</sup> Direcção Nacional Migração de Moçambique.

<sup>3</sup> Direcção Nacional de Migração de Moçambique

At the level of the activities of the Sub-Committees, one can notice that not everything is followed through by the parties. Some of the parties do, sometimes, engage in unilateral decision. South Africa, for example has entered into agreements about visa relaxation and circulation of people<sup>4</sup> but one steps and does something else. For instance, from the beginning of 2002, no Mozambican citizen can obtain a visa without having attached a document from the employer, school or other. It is a known fact that most people are unemployed, or out of school. Where will they obtain such documents? The option that they are left with is to join the queue of illegal migration!

Other measures have also been taken. From March 2002, the cost of visa to South Africa from Mozambique has gone up to R425, which is almost twice the minimum wage. Taking up this issue, the main daily paper “Notícias” complained that South Africa is punishing her neighbours. Whether this was the intention or not, what is a fact is that decision to raise the visa price will certainly attract more people to join the illegal route to enter South Africa. This will, in turn, lead to rising costs in the process of repatriation of the very same Mozambicans. Currently the cost is estimated at millions of Rands (Fion 2000).

According to some of the agreements, for example the one between Mozambique and South Africa (16.07.1999), sensitisation campaigns must be undertaken specially among the people living on the border areas about the dangers of illegal migration. Despite the fact these campaigns are indeed undertaken there are not done in large scale and, therefore, their impact seems very little. The National Institute for the Support of Mozambican Migrants argues that it has little resources at its disposal to do more what is done now (Covane 1997).

The Mozambican legislation does not have specific mechanism that would discourage illegal migration. This omission is also another contributing factor to the swelling of the number of illegal migrants. Within the Mozambican legislation there is not a single instrument that punishes illegal migration. That is why, in our view, that even citizens from other countries prefer to call themselves Mozambicans.

## **8. *The Impact of the understandings in the development and in poverty alleviation***

It is not easy to assess the impact of the activities of the Sub-Committees in the development of the regions from where the people being repatriated come. When these people venture into the unknown they carry a dream that their lives will eventually improve. However, most of them come back home empty handed, perhaps worse, than before they embarked on that journey. A number of factors have been identified in this paper. Chief among them is the way the farmers and the police behave and the fact that this process is often done unilaterally without prior consultation and coordination with the Mozambican authorities.

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<sup>4</sup> Minutas Acordadas na Reunião Trilateral entre os Ministros do Interior de Moçambique, Africa do Sul e Suazilândia, Maputo, 1 de Abril de 1998.



Perhaps the issue of poverty alleviation should be addressed within the context of stamping out illegal migration. It is clear that however, strong the machinery that the countries creativity that hunger and poverty force people to.

The number of Mozambican citizens being repatriated daily from South Africa reaches hundreds. Once they are left on the Mozambican side of the border, they find that there is no mechanism to receive them, accommodate and accompany them awaiting them. As a result, more than 50% of these return to South Africa. They prefer to venture back than to continue their journey to their homesteads where they take nothing to and where nothing except poverty, unemployment and low salaries await to greet them. The unemployment justification was given by more than 52.1% and the low salary by 12.1 of 190 interviewed by Covane. Finally reference to the fact that they had nothing to take home and, therefore the best route was to try another luck was referred to by 34.8% of the repatriated interviewees at the border post of Ressano Garcia (Covane 1997).

## **9. Conclusions**

The repatriation policies in Southern African specially between Mozambique and its neighbours are based on agreements. These are ironed out through meetings whether of bilateral or multilateral nature. The Government joint commissions are also involved in developing such agreements and Memoranda of understanding.

The fact that the complaints of the repatriated were truth is proved by the fact that these have been tabled and discussed at the appropriate government fora. Therefore, the statements and submissions that are made by the people concerned are not lost in academic inquiries but find their way to these appropriate channels.

In our view there is not point in resting on the achievements so far. It is important to build on them, and on the will of the parties to work together to improve the mechanisms. It was clear from this paper that the countries of the hinterland continue to take unilateral measures when it comes to repatriation of Mozambicans. It is therefore that the Mozambican Government uses research and other forms of data collection to build and argue its case. Vigilance is the order of the day.

The reduction of illegal migration will not end by a magic word from Mars. The government of the region needs to look at the problem as one that affects them all. The fact that a country has to put resources available to the repatriation process is already a burden to its agenda. It is clear that people when driven by hunger become much more adventurous trying their luck even in the face of the most untold dangers and hardships. The countries of the region need to work together to address this problem collectively within the context of regional integration.

## **10. Recommendations**

The Sub-Committees should develop repatriation policies that are more in line with the reality of the countries concerned and they should all strive to fulfil their obligations as agreed upon;

The Sub-Committees should find ways of jointly monitoring the implementation of the agreed memoranda. It must be borne in mind that the region is committed politically to a process of regional integration. It is through this process that our states can be able to make a meaningful contribution to globalisation. Thus the problems of our country should be seen to be the problems of the other and together these should try and find lasting solutions that will contribute to poverty alleviation, the major source of illegal migration. Among these one would suggest that investments should be promoted in the border areas so that there is as much on the Mozambican side as there is on the other;

In Mozambique investment should be made so that the working conditions of the law enforcement agents is improved. There is evidence that some of these agents are involved in illicit acts of corruption to top up their salaries in exchange of allowing easy crossing of the illegal migrants. At the Ressano Garcia border these agents are known by the local people and by their colleagues as “ten- ten”, because they demand, at least R10 to facilitate illegal crossing of the border.<sup>5</sup>

Work for the construction of the Centre in Moamba should be speeded up. This would provide the minimum conditions for reception and accommodation of the repatriated Mozambican citizens and to double check whether there are no bogus Mozambicans in the lot. Once the centre is in place other institutions could be invited to sensitise the repatriated Mozambicans about the dangers of clandestine migration.

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<sup>5</sup> Constatações pessoais, Ressano Garcia, 3.04.2002

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- Agreed Minutes of the I Meeting of the Trilateral between the Ministers of Home Affairs of Mozambique, Swaziland and South Africa, Maputo, 1. 04. 1998.
- Minutes of the Mozambique/Zimbabwe Sub-Committee on Immigration, Security and Labour of Joint Permanent Commission on Defence an Security, Harare, 9.08.1999.
- Memorandum of the Bilateral Meeting between Hon Minister of Labour of Mozambique and Hon Minister of Labour of South Africa, Pretoria, 17 August, 2000.
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- Executive Summary and the Main Decisions of the Second Joint Commission Mozambique South Africa, Pretoria, 4-5. 12.2001.

## Annexure

### Illegal foreigners repatriated in 2001

	C. Map	P. Map	Gaza	Inhamb.	Sofala	Manica	Tete	Zamb.	Namp	Niassa	C. Del.	Total
Pakistan	9	19	0	0	1	0	0	2	0	0	0	31
Nigerian	1	0	0	0	0	0	2	0	0	3	0	7
Portuguese	4	0	0	0	2	0	0	0	0	0	0	6
Tanzanian	9	0	0	0		4	8	8	5	9	10	53
Zimbabwean	0	0	21	0	180	335	112	0	0	0	0	648
S. Tome	0	0	0	0	0	0	0	0	0	0	1	1
Kenyan	0	0	0	0	0	0	0	0	1	0	0	1
Malawean	0	1	1	0	39	2	28	4	4	20	0	99
Zambian	0	0	0	0	0	2	8	0	0	0	0	10
Somali	4	0	0	0	0	0	1	0	6	0	7	18
Guinean	2	0	0	0	0	0	0	0	0	0	2	5
Ivorian	3	0	1	0	0	0	0	0	1	0	1	6
Senegalese	0	2	0	0	0	0	0	0	0	0	9	11
Bangladeshi	0	0	0	0	0	0	0	0	3	0	0	3
Burundian	0	2	0	0	0	1	5	1	0	0	1	10
Mauritian	0	0	0	0	0	0	0	0	0	0	2	2
Siera Leon	0	0	0	0	0	0	0	0	0	0	1	1
Indian	5	1	0	0	1	0	0	0	1	0	0	8
South African	1	6	1	0	0	0	1	0	0	0	0	9
Congolese	0	0	0	0	0	2	0	0	1	0	0	3
RDC	0	3	0	0	0	0	2	0	5	0	0	10
Gambian	0	0	0	0	0	0	0	0	1	0	0	1
Gabonese	0	0	0	0	1	0	0	0	0	0	0	1
Korean	1	0	0	0	0	0	0	0	0	0	0	1
Rwandese	3	12	0	0	0	0	0	0	1	0	0	16
Ugandan	3	0	0	0	0	0	0	0	0	0	0	3
Burquinabe	0	0	0	0	0	0	0	0	1	0	0	1
Lebanese	0	0	0	0	0	0	0	0	1	0	0	1
French	0	4	0	0	0	0	0	0	0	0	0	4
Chinese	2	0	0	0	2	0	0	0	0	0	0	4
Total	47	50	23	1	226	346	166	19	32	29	35	975