SEMINAR PAPER

Human security, Migration and Children in SADC

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**Introduction**

In Southern Africa, the concept of migration is a historical and contemporary phenomenon, having lasting implications across social and economic spheres. In the last few years, increased securitisation of migration has resulted in a growing concern of who is in fact crossing borders. In light of the economic climate, as well as the prevalence of conflict and poverty in the region, we are witnessing cross-border movement of children, many of whom are unaccompanied (SCFUK, 2003; Mayer et al, 2000). Indeed, poverty plays a key role in this process both within the country of origin and in the host country. The link between poverty and migration remains a contentious and debated issue in academic and migration management spheres. Poverty is recognized as a cause of migration (Crisp & Boswell, 2004; Waddington & Sabates-Wheeler, 2003) and migration often a cause and solution to poverty (CHS, 2003).

This paper argues that the migration of children is a serious human security concern and needs attention. The link between migration and human security is a bitter sweet mixture of cause and remedy rolled into one. The inclusion of children into this discussion takes one to the apex of a debate on vulnerability and long term human insecurity. Thus far, there has been very little focus in the region about the effects of child migration, particularly on the subjects of poverty and human development. Regional studies have included very specific research on, for example: the trafficking of women and children in the region(IOM, 2003); economic and forced migration of children (Kamarecki, 2004); the treatment of migrant children in receiving or host countries (LHR, 2003); the treatment of refugee children (Mayer et al, 2000); and the impact of HIV/AIDS in the region, the resultant AIDS orphans (Ansell & van Blerk, 2004) and HIV/AIDS contribution to migration trends.

This paper looks at the phenomenon of child migration across theoretically clear categories of forced and voluntary migration. It questions the assumption that there is in fact a clear distinction between forced and voluntary migration, which would thereby allow for the allocation of protection where deemed necessary. In general this paper aims to highlight the causes and results of child migration within the SADC region and the need for states and individuals to recognize the challenges and look for long term and sustainable solutions for vulnerable migrant children.

## Human Security

In 1994 the UNDP coined the phrase Human Security in their Annual Human Development Report. The report proposed a change in the idea of security, separate from the previously state- centred security regime that focussed on territories and boundaries, to that of human security.  The concept of human security was based on four key considerations, namely - universalism as human security applied to everyone, interdependent nature of the human security, in that causes and effects cut across all conventional divisions be they physical or theoretical; the focus on early prevention, the proactive sentiment of dealing with root-causes; and lastly the people-centred nature of the concept (UNDP, 1994).  In general a more human rights based approach than the traditional state security model, drawing the focus towards looking at individual security which if not ensured will eventually contribute to more general insecurity.

The UNDP report goes on to highlights some of the key threats to human security in the next century, including: unchecked population growth, disparities in economic opportunities, excessive international migration, environmental degradation, drug production, and trafficking and international terrorism. Within the context of these stated threats, excessive international migration or excessive migration pressure was predicted to create increased human insecurity on both host and origin countries. The reasons for the prediction of excessive migration are founded in increasing trends in movement between the South and North. Employment capacity and demands in both the countries of origin and the host countries drive much of the migration trends. The concepts of brain drains, migration floods, under utilised employment and foreign populations dominate much of this rhetoric. The increase in refugees and internally displaced persons were also factors identified in the report that increased the threat to human security in all actors.

In 2003 the Commission on Human Security presented its report *Human Security Now*, which gave a comprehensive overview of key areas of concern and recommendations. The report looks in detail at the issue of 'people on the move', which shows a distinct change in attitude in conceptualising migration within the sphere of human security. This more comprehensive perspective can be attributed to its the current chair of the Commission on Human Security, Sadako Ogata, former UN High Commissioner for Refugees (Ogata, 2003). This change in attitude toward the issues of migration moves away from the original perception of migration as a cause of human security to a perspective that recognised migration as both a cause and a solution to human insecurity.

*"The movement of people across borders reinforces the interdependence of countries and communities and enhances diversity. It facilitates the transfer of skills and knowledge. It stimulates economic growth and development. And for the majority of people, whether they are migrating temporarily or permanently, it creates new opportunities for pleasure or business." (CHR, 2003)*

**Migration**

In the face of these more positive perspectives on migration, recent responses to the threat of terrorism have resulted in the increased securitisation of migration. This move towards increased concern on state security has in many cases come at the cost of refugee protection and migrant rights. Increased barriers to migration such as visa controls, border patrols, and detention of illegal migrants have resulted in increased clandestine migration. In the face of this security environment trafficking and smuggling of migrants has grown extensively (CHR, 2003). In 2001, 44% of developed countries had restrictive immigration policies. So did 39% of developing countries (UN Population Report 2002). It is estimated that more than half the 15–30 million illegal migrants in the world have been assisted by smugglers or been forcibly relocated by traffickers.(Clark, 2002) Although comprehensive figures are unavailable, an estimated 700,000 persons, mainly women and children, are trafficked every year, the majority from South and Southeast Asia.

In the face of these very real challenges and the resultant securitisation of migration, it must also be said that migration is also a very effective form of protecting human security. From the perspective of the migrant, migration is often a means to achieve human security, either in the form of physical distance or socio-economic opportunity. Most people move to improve their livelihood, seek new opportunities or escape poverty (Kotharti, Crisp & Boswell, 2004; Waddington & Sabates-Wheeler, 2003). They also leave to reunite with family members elsewhere and often to access education. Receiving countries benefit from the inflow of labour and skills that are indicative of migration and in many cases pride themselves in their migrant heritage. Botswana's recognition as the melting pot of the region is an obvious example of the success of migrant communities and their contribution to a country.

From the economic perspective the benefits of migration are indeed quantifiable and vital development. Countries of origin, especially in SADC, continue to benefit from in some cases a heavy dependence on remittances such as Lesotho and Mozambique where this income contributes to a substantial part of the countries GDP. The African Diaspora is said to contribute more to Africa in foreign investment than the total aid given to Africa.  The positive links between poverty alleviation and migration cannot be underestimated.

The other side of migration is that of forcible displacement because of war, violent conflict, human rights abuses, expulsion or discrimination. For many people, therefore, migration is vital to protect and attain human security, although their human security may also be at risk while they are migrating (CHR, 2003). In the reality of migration today, there is a fine mix between the benefits and costs of migration. It is when this balance is upset in the context of forced or coercive migration that one is

faced with the real challenges of human security. Identifying who is a forced migrant and who is a voluntary migrant is an important element in allocating protection in the current international framework. Refugees and asylum seekers were traditionally identified as forced migrants, thereby triggering international protection mechanisms such as the UN Convention on the Rights of Refugees and at a regional level the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. These mechanisms oblige states to provide protection to forced migrants in a systematic and detailed manner. Where gaps in the system begin to show is in defining a forced migrant whose country of origin is either not able or not willing to protect a certain individual or group of people for specific reasons. The situation of forced displacement in respect of preferential access to food in Zimbabwe (Action Aid, 2004) and the stories of trafficked victims from around the region (IOM, 2003) blur the lines of state responsibility and human rights, bringing into questions the degree of choice and compulsion that makes a migrant decide to leave his/her country of origin.

Van Hear (1998) explains the spectrum between choice and compulsion that drive migrants' decision to migrate. People fleeing conflict and or persecution are logically those found on the far extreme of the spectrum in which choice is a luxury. Refugees and trafficked victims are identified as belonging to the side of the spectrum whereby choice is at the most minimal and where compulsion is very strong. This in part is due to the international legal frameworks that provide protection to these vulnerable groups. International legal frameworks make provisions for a state's obligation to the person and international structures for the enhancement of this protection. Economic migrants are seen as those who have the luxury of choice when deciding to migrate, something which comes across as both a clear and voluntary action. The reality in SADC and in most situations of migration between developing and developed nations is that migrants begin shifting further and further towards the centre and the compulsion side of the spectrum, thereby blurring both definitions and potential protection frameworks. Van Hear clearly illustrates the fine balance between choice and compulsions that exists and how the discussion of forced versus voluntary migration is in fact almost never absolutely clear.

 In the case of children and specifically unaccompanied or separated children, the realm of migration increases the vulnerability of a child two fold. One should not assume that children are inherently vulnerable – rather, we should acknowledge their role as actors in their communities and families. Children only become vulnerable when placed in situations in which they are unable to assert or protect themselves. The migration framework extensively undermines children's ability to protect themselves. A child faces increased vulnerability in the general context of a child in an adult centric society that although provides protection to children, requires adult's intervention to achieve this protection, more explicitly in the form of access to judicial protection, social services and documentation. Secondly, as a migrant in a state-centred system in which the frameworks for control and enforcement can often only be accessed by an adult. The resultant effect is that migrant children are often dealt with first as migrants, often detained and summarily deported, rather than as children.

This is not to say that all migrant children are vulnerable. The focus of this paper is on migrant children who would enter the realm of concern because of their circumstances. These are children who are considered 'in need of care' but continue to

fall through the gaps of national and international protection. Trafficked victims and refugees fall within the group that often are afforded international protection but often lack national protection (IOM, 2003; Mayer et al, 2000). For those migrant children who migrate clandestinely and are considered to be irregular migrants, there is neither a specific international and in many cases no national framework for their protection. These children are often travelling in search of employment, shelter, education and assistance because they often lack these provisions or need to support family members back home(SCFUK 2003). In many cases a huge challenge lies in making a clear distinction between children that have chosen to migrate and those that have been forced to. Motives for migration in the SADC region especially of unaccompanied migrant children are often based on poverty and a lack of human security.

## Causes of Migration

Before one can truly understand the vulnerability of migrant unaccompanied children, it is important to understand why children migrate in Southern Africa. Numerous studies have been done on the causes of migration in the SADC region. I will provide a brief overview of some key causes that cause children to migrate, sometimes alone and often clandestinely.

*Conflict* is often recognised as a root cause of much of the forced migration in the region. Unrest in the pre and post apartheid era, independence struggles, conflicts over control of power and resources and the genocides of the Great Lakes have created numerous refugees that flee the turmoil of their countries looking for protection and shelter. Although the conflicts in Angola and Mozambique have ended, the conflicts in the Great Lakes region remain of serious concern. Refugee populations from the conflicts can be found in almost every country in SADC (LHR, 2003; Mayer et al, 2000).

There cannot be any doubt that the impact of *HIV/Aids* in the region has had a substantial impact on migration and the migration of children. Studies conducted in Lesotho and Malawi (Ansell & van Blerk, 2004) as well as in Zimbabwe and South Africa (Clacherty, 2003) highlight the increased numbers of orphaned children who fend for themselves and in many cases provide for their family and siblings, as parents become ill and die as a result of the disease (UNICEF, 2003). Migration becomes a coping mechanism for survival by children, families and even communities. In many cases its is the impact of HIV compounded by other factors that both motivates and forces a child to migrate in search of work, food and basic survival.

*Natural disasters* and in particular, the floods in Mozambique and the droughts that have ravaged the region leave in their wake impoverished communities which are increasingly pushed to migrant labour as a means of sustaining the family as they attempt to rebuild their lives.

*Food insecurity* in the region has been caused by a multitude of issues including natural disaster, political turmoil, conflict, changing markets and land issues (Drimie & Nazare, 2004). Food insecurity has left many communities in desperate situations in which their self-sustainability is compromised. Again, communities and families look to migration as a means to both feed themselves and support their families.

There have been a few studies discussing the issue of socio-economic insecurity as a cause of migration. In many cases the *lack of basic infrastructure and services* can drive people to migrate in search of these necessities (Komarecki, 2004). One of the biggest challenges at the hospital in Musina on the border of South Africa and Zimbabwe is the influx of Zimbabwean women with their babies in search of basic inoculations and health care. In countries such as Angola, where there are limited infrastructures due to the protracted conflict in the country (SCFUK Angola, 2004), one finds children migrating to neighbouring countries in search of schools to attend. In many refugee situations access to educations in camps is both haphazard and often disrupted, resulting in children actively seeking out alternative options that would provide a more stable learning environment.

The issue of *education* is worthy of further discussion in this paper. Children who are not able to go to school often find themselves looking for employment to support themselves or their families. In some cases children are taken out of school to work and provide an income for struggling families. Children are also often sent to relatives in neighbouring countries to gain access to higher education and opportunity.

The Southern African region historically has maintained extensive *labour migration patterns* that focus around the mining and framing industry. In South Africa various mechanisms were created by the Apartheid government to ensure that migrant labourers returned to their countries of origin once their work was completed. In other countries these migrant populations slowly settled in their host countries, such as the Malawian farm workers in Zimbabwe, but maintained their identity as migrant communities. The result of these migrant patterns is the extensive migrant networks that have been created throughout the region (Clacherty, 2003).

*Globalisation* is another important cause of migration. The increase in flows of information, transport and communication between countries makes movement much easier. Perceptions of what can be achieved in one country as opposed to another, and the clichés of the grass is greener on the other side, are serious factors that make the decision to migrate seem very viable. In the case of trafficking, traffickers often lure their victims with empty promises of money, new clothes, fame and success in the destination countries (IOM, 2003).

While it may seems that there are more push factors than pull factors in migration, one needs to acknowledge that key to the decision for children to migrate in search of work and opportunity is that there is a *demand* for them. The demand for sex workers in Southern Africa, for example, is very real (IOM, 2003). Women and children are smuggled into the country illegally to work in brothels and to be sold as wives. The reality of child labour is very bleak in the region and migrant child labour is even cheaper. Anecdotal stories of farmers refusing to pay their migrant workers and calling the authorities to deport troublesome workers is something which continues to happen in South Africa. Illegal migrants remain extremely vulnerable to abuse and coercion purely as a result of their status.

Unaccompanied and separated children who find themselves outside of their countries of origin, with no legal status to be in the host country, are often prime victims for abuse and trafficking. These children fall between the cracks in social welfare systems

that have been created to focus on the protection of citizens and the migration system that does not cater to children that are alone. The result is a general lack of social services and protection, resulting in the marginalisation of these children based on their nationality and the limited remedies available to them within the continued state-centred approach.

The question is, why should states concern themselves with the welfare of children who are not nationals/citizens of their own county? In terms of the traditional role of states, they are there to protect the interest of their citizen and borders. I argue that it is in the interest of states to be concerned with the welfare of these children because of both humanitarian obligations and such states' security.

**Consequences of Migration**

There are extensive accounts written on what happens to migrant children who are vulnerable either because they are alone or because they do not have any legal status. The reality of general abuse is well documented in the area of child labour (Clacherty, 2003) and sex trafficking (IOM, 2003). Sexual exploitation is not limited to the sex industry but becomes a means by which a child can "pay" their way across a border, or out of a police cell, and in many cases, for transport and food.

Studies maintain that migrants are automatically at a higher risk of becoming HIV positive due to the nature of their travel and lifestyles. This is equally true for migrant children who are sexually exploited (IOM, 2003; Ansell & van Blerk, 2004).

In 2002 the Institute for Security Studies issued a report that looked at the migrant community as a source of crime within Johannesburg (Leggett, 2003). Although that when identifying the vulnerable status of migrant, and especially destitute migrant children, the reality of crime as a survival mechanism cannot be underestimated. Illegal migrant children are quickly becoming the next generation of street children in South Africa. As they are marginalized from accessing social services, their options for survival are few.

It is important to realise that not only is there a generation of migrant street children emerging within the region, but these children are not accessing schools and education. The result is a "lost generation" of children that are illiterate or have a limited education, undermining their ability to in many cases "properly rejoin society" as recognised by a Botswana Minister at a region meeting on refugees and internally displaced people (Brookings et al 2004).

**Key challenges to the protection of migrant children**

At a roundtable convened by SARPN with some key stakeholders in the arena of migrant children in SADC, eight key challenges to the protection and care of unaccompanied migrant children were identified.   Many of the challenges overlap with each other and require action and interventions from a variety of actors and at various levels of policy and implementation.

The challenges identified included:
1.  **Resources** – Resources was seen as the concrete availability of provisions for the

protection and care of foreign children. In most cases countries are struggling to provide for their own children and are therefore not able and willing to focus on the provision of resources to children who in many cases are illegally within a country. Problems for the implementation of programmes to assist foreign children include a lack of allocation and prioritization.

2. **Capacity** – This can be divided into human capacity, in which an official is not aware of the laws or provisions that exists for the protection of foreign children And then resource capacity, the resources that do exist are being fully utilized by citizens and are therefore not available to foreigners.

3. **Policy** – In many cases policies on the protection and treatment of foreign children do not exist, and in cases where policy exists it is often ineffective. The lack of implementation of policy is often due to a mixture of lack of resources, lack of capacity and the lack of political will.

4. **Communication gaps** – This is a challenge for both officials and civil society. The lack of formal communication channels inhibits the development of effective solutions to the challenges foreign children face and pose to governments. Government departments often are not able to "speak to each other" or there is a lack of clarity on jurisdictions, which in many cases has resulted in children falling through the gaps.

5. **Attitudes** – Xenophobia, the fear or dislike of foreigners, often inhibits the provision of assistance to migrant children in need of care. These attitudes that prevent the protection of foreign children are often a result of a lack of awareness of government responsibility and provisions that may exist. In other cases officials having to prioritise their attention, and rationalize assisting their national children before they assist foreign children is a form of unconscious xenophobia.

6. **Information** – There is a lack of information on the various causes and effects migration has on children in the SADC region. A few studies have been done, but in many cases these are for a very specific area or group of children. There is also a need to identify the various definitions and concepts as they relate to children, migration and poverty to ensure that stakeholders are in agreement. It is important to ensure that children are given a voice in the process.

7. **Best interest of the child** – It is often very difficult to balance the needs of a child in the face of first, firstly the child's own interests (as in the case who migrate to work and earn money for their families) and secondly, the interest of the state (whose first priority has always traditionally been the protection of their own citizens over foreigners). Another argument is based on perceptions of what is in the best interest of the child and balancing the options available.

8. **Viable alternatives** – In the face of the current climate of, in some areas political unrest, food insecurity, HIV/Aids and economic challenges, organisations, government and individuals struggle to identify viable alternatives to migration as a whole. Migration is often a survival mechanism for both families and individuals, and is pursued in an attempt to achieve a better life or to support ones families in their country of origin. Removing the option of migration does not solve the problems

that would drive people to migrate in the first place. If anything, this exacerbates the chances of people turning to more dangerous and clandestine means of migrating.

## Way forward

These challenges set the foundation for further work in creating awareness and in resolving these concerns at both the state and regional level. Research shows that ccriminal networks exploit the absence of multilateral migration policies and cooperation among countries to traffic and smuggle migrants across national borders (CHR, 2003). Although prime responsibility remains with the state, it is imperative that as a region SADC engage in a regional discussion to address these extremely complex, cross juridical and border challenges. This paper has outlined the links between migration, human security and poverty and the important role the movement of people plays both in creating human insecurity and security. Poverty's inextricable link with migration in the region has a similar bitter sweet relationship. Migration is and will continue to be a survival strategy for many of the region's most vulnerable groups. How to identify the vulnerable groups poses a challenge in light of the traditional methods of labelling a migrant worthy of protection or deportation. The reality of current migration and specifically the migration of children questions the validity of the traditional *forced* versus *voluntary* migrant distinction.

Having said that, the causes and consequences of migration of vulnerable groups, where their vulnerability is exacerbated, which undermines their human security and poverty levels, is a challenge to the state-centred migration frameworks that are followed dogmatically in the region. There is a desperate need to look at the key challenges as identified above and gain consensus on a regional level for cooperation and effective interventions. The idea of ending poverty and human insecurity and controlling migration are all vastly complex challenges, which may not necessarily end the vulnerability of migrant children.  At the same time the continued state-centred approach of increased securitisation of the migration regime continues to drive children to seek out clandestine means to relocate. This innate survival mechanism will not be arrested by taller fences at a border.

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