

**‘AFRICAN MIGRANT LABOUR SITUATION IN SOUTHERN AFRICA,’
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1. Introduction

Globalisation has seen a rise in the movement of people. This phenomenon is on the rise, despite the increasing anxiety, and in some cases xenophobia in the more affluent receiving countries. By the beginning of the 21st century, it is estimated by the United Nations that the total number of persons living in countries other than their own is 175 million, including 120 million migrant workers and their families (ILO, 2002). An estimated 20 million African men and women are migrant workers and it is projected that by 2015, one in every ten Africans will live and work outside his / her country of origin (*ibid*). Rather interestingly, this movement of people is highly contentious within both sending and receiving countries alike. This movement involves not only the ordinary workers, who constitute the majority, but also professionals and highly skilled persons. Some of these are refugees, while others are cross-border traders. While some are legal, a growing number are undocumented ‘illegal’ immigrants made up of border-jumpers and ‘over-stayers.’ Analysis of such movements is generally hampered by the dearth of adequate information, especially with respect to the undocumented migration (see Russell *et.al*, 1990a & b; ILO / SAMAT, 1998; Sachikonye (ed), 1998; ILO, 2002; Crush & Williams, 2002 Crush & Williams, 2002; SIRDC, 2003).

For the purposes of this study, four types of cross border population migration, with relevance to Southern Africa are explored, namely:

- ✓ Contract migration which involves the movement of unskilled and semi-skilled mainly male migrants which is legally sanctioned, regulated by government-to-government agreement and has formal deferred pay arrangements to ensure that wages earned are repatriated to the supply country;
- ✓ Clandestine or undocumented migration which involves the unregulated movement of unskilled and semi-skilled male and female job-seekers that is illegal;
- ✓ ‘Brain drain’ migration, which entails the movement of professionals and skilled persons out of a country or region. This type of migration is rapidly gaining momentum; and
- ✓ The movement of refugees, which is for relatively short durations, (Davies, 1995: 2).

2. Cross Border Migrant Labour Situation in Southern Africa in Historical Perspective

The history of migrant labour in Southern Africa is intricately tied to the uneven development of the capitalist mode of production at the onset of colonization. Because capitalist production started around plantation (agriculture) and mining concerns, it is these two sectors, and especially the latter, that played a dominant role in the evolution of migrant labour within the region. Labour migrancy in Southern Africa dates back to the 1850s, when large numbers of men migrated to work in sugar plantations in Natal, where British colonial capitalism was taking shape. At this juncture, the hunting and ivory trade of Southern Mozambique was in decline. The opening up of diamond mines in Kimberley in 1870 resulted in large numbers of workers from all over Southern Africa flocking to the new mines, which paid better than the plantations. As a result, labour was also attracted from the plantations in the Natal. An estimated 50-80,000 migrant workers came to work on the diamond mines at Kimberley (Crush & Williams, 2002). Labour shortages were experienced following the opening of the diamond mines in Kimberley and the discovery of gold in the Eastern Transvaal in 1874.

The further discovery of gold in the Witwatersrand in 1886 necessitated recruitment of scarce labour. The pull factors reflected in the high wages (six times higher than in Southern Mozambique) and the push factors represented by the outbreak of rinderpest in 1896, which decimated the cattle herd in the region, and declining peasant production, forced many men to join the trek to the mines. Believing that the rand belt extended northwards, the British hegemony was extended to Rhodesia in 1890. Failure to discover a gold belt of the magnitude of that in South Africa, together with the crush of the Johannesburg stock exchange in the early 1900s, resulted in the shift to agriculture in Rhodesia.

Meanwhile, the fall of the Gaza State in Mozambique to the Portuguese in 1895 meant that the Transvaal government could now enter into an agreement with the Portuguese authorities there regarding the sourcing of migrant labour. The first formal agreement between the two authorities was signed in 1897. A recruiting agency in South Africa, the Witwatersrand Native Labour Association (WENELA) was created and given exclusive rights to recruit labour from the region. WENELA established recruitment stations in present-day Namibia, Botswana, Zimbabwe, Zambia, Malawi, Lesotho, Swaziland and Mozambique. It built a 1,500 mile road linking its stations in Namibia and Botswana. By 1955, there were 32 flights in and out of Gaborone (Botswana) each week (see SATUCC & ICFTU, 1989). WENELA is what the Employment Bureau of Africa – TEBA - is now.

Initially, a plethora of taxes – hut or poll tax – to be paid in cash, were applied to push reluctant peasants into wage labour in the region. The taxes, as Davidson states, were imposed on all ‘fit adult males’ in order that “... rural producers may be removed from their lives of sloth and idleness, and made to give some return ‘for our wise and good government.’ The idea took on fast. To pay cash taxes, Africans would have to earn cash: almost invariably in that period, this meant leaving their villages for European

employment. If they failed to pay, they must naturally be punished, and would work as prisoners,” (Quoted in Manghezi, 1998: 17).

When it became clear that these taxes did not result in an adequate flow of labour into the mines and plantations, additional measures were used, and most importantly, the expropriation of land from the peasantry. White settlers were given the fertile land in reliable rainfall areas, while the Africans were resettled in poor land, poor rainfall areas, which became overcrowded. In the case of Zimbabwe, for example, by 1979, the communal areas where blacks lived were already overcrowded with 700,000 family units, and yet their safe carrying capacity was 325,000 units. Forced labour was also used as an instrument to create a flow of labour into the new settlements. As Manghezi (1998) rightly observes, this instrument was one of the major push factors that forced men to flee for the mines, especially in South Africa.

In the case of Mozambique for instance, forced labour (*shibalo*) continued up to the time of independence in 1975. This system of forced labour in Mozambique was aptly summed up by Mondlane, “...In 1899, ... a decree was issued which gave official sanction to this smooth transition from slavery to forced labour. It stated that ‘all natives of overseas provinces are subject to the obligation, moral and legal, of attempting to obtain, through work, the means that they lacked to subsist and to better their social condition.’ If the worker failed through his own efforts to do this, the government could intervene to force him under contract into either its own service or that of an individual employer,” (Quoted in Manghezi, 1998: 17). The practice in Rhodesia was referred to as *chibaro*, and applied also up to the time of independence in 1980. The flow of migrant labour was not confined to South Africa alone. The mines and plantations in Mauritius, Namibia, Swaziland, Tanzania, Zambia and Zimbabwe also attracted migrant labour, but not at the scale of the migration to South Africa.

Because of its highly regulated nature, based as it was on short-term contracts, migration in Southern Africa has been characterized as temporary and oscillatory. Family members or dependants were not allowed to accompany the migrant, requiring the latter instead to return home. The migrant worker had no right to permanent work or residence in South Africa. Thus, according to ILO / SAMAT (1998), 60% of the migrant workers go home on short visits. Apart from the legal migrants, up until 1963, there was also a considerable amount of clandestine migration, which included accompanying women and children (Russell *et.al*, 1990a). However, this was curtailed when South Africa imposed strict immigration control regulations in 1963 which adversely affected undocumented and family migration. These controls further prohibited BLS (Botswana, Lesotho and Swaziland) migration except for work in mines and agriculture (*ibid*).

3. **The Turning Point: Shifting Composition and Patterns of Cross Border Migrancy in Southern Africa**

Since the mid-1970s, clear changes in the national composition of migrants to South Africa began to emerge. Following the attainment of independence, several regional countries imposed restrictions on migration to South Africa (Tanzania, Zambia, and Zimbabwe). On attaining independence in 1975, Mozambique decided to allow the migration to continue in the short-medium term. However, the government intervened directly in the colonial structure of labour recruitment by replacing the old travel documents with new passports, and closed 17 of the 21 WENELA recruitment stations. The compliant Native Authority system, as well as *shibalo*, was abolished, effectively undermining the recruitment machinery established by WENELA. As a result of the tampering with the recruitment system, the flow of migrant labour from Mozambique fell from 114,385 in January to 48,565 by end of 1976. The number of migrants from Mozambique averaged 30-40,000 between 1976 and 1984, a period which coincided with the signing of the Nkomati Non-Aggression Agreement between Mozambique and Apartheid South Africa.

Following the Nkomati Accord, the Mozambican migrants in South Africa increased to 61,000, only to be reversed in 1986 when the South African government ordered the mines to stop recruiting novices and renewing contracts from Mozambique after a border incident. As a result, Mozambique lost substantial revenues, which was worsened when in 1978 South Africa abolished the 'gold clause.' Under the 1928 Convention, the system of deferred pay, which was first mooted on a voluntary basis in 1909, was made compulsory. This implies that after 1928, the mines deferred a portion of the miners' wage (60% after 1964) to the Portuguese supplier government in gold valued at the official price. Following the introduction of the two-tier pricing system in 1969, the Portuguese supplier government would now receive the gold at the official price and sell it at the free market price. As the differential between the two prices widened during the period 1970-74, the Portuguese supplier government made a profit of R40 million. At independence in 1975, the Forelimb government inherited this system and made an estimated R150 million in 1975. When the IMF abolished the two-tier pricing system, the South African mining industry did away with the gold premium, adversely affecting receipts in supplier countries. There was no interest on the money held in trust for the miner and the deferred pay was not paid until the miner's return, ensuring the temporary and oscillatory nature of the migrant system. For the government, the system of deferred payment ensured that the migrant worker spent much of his earnings at home.

Malawi withdrew its labour in 1974, following an aviation accident that killed 74 Malawian miners, but relaxed these strictures in 1978. However, Malawi withdrew its migrants again in 1987, following a dispute with the Apartheid government over HIV testing. The new approach to the system of labour migrancy was informed by the post-independence position, aptly captured by Makinwa-Adebusoye: "Throughout tropical Africa there is a growing tendency to view international migration as a form of assault on national sovereignty ... many countries have tightened immigration laws and passed legislations [sic] or invoked administrative procedures to deny entry to new immigrants

while also enforcing rules and regulations aimed at reducing the number of established immigrants,” (Quoted in Russell *et.al*, 1990a: 100). As a result, measures such as border patrols, visa and passport requirements were implemented in several states.

Table 1 reports contract labour migration to South African mines during the period 1920-90.

Table 1: Contract Labour Migration to South African Mines, 1920-90

Year	Angola	Bots.	Lesotho	Malawi	Moza.	Swazi.	Tanz.	Zam.	Zimb.	Other	Total
1920	0	2,112	10,439	354	77,921	3,449	0	12	179	5,484	99,950
1925	0	2,547	14,256	136	73,210	3,999	0	4	68	14	94,234
1930	0	3,151	22,306	0	77,828	4,345	183	0	44	5	99,355
1935	0	7,505	34,788	49	62,576	6,865	109	570	27	9	112,498
1940	698	14,427	52,044	8,037	74,693	7,152	0	2,725	8,112	70	168,058
1945	8,711	10,102	36,414	4,973	78,588	5,688	1,461	27	8,301	4,732	158,967
1950	9,767	12,390	34,467	7,831	86,246	6,619	5,495	3,102	2,073	4,826	172,816
1955	8,801	14,195	36,332	12,407	99,449	6,682	8,758	3,849	162	2,299	192,934
1960	12,364	21,404	48,842	21,934	101,733	6,623	14,025	5,292	747	844	233,808
1965	11,169	23,630	54,819	38,580	89,191	5,580	404	5,898	653	2,686	232,610
1970	4,125	20,461	63,988	78,492	93,203	6,269	0	0	3	972	265,143
1975	3,431	20,291	78,114	27,904	97,216	8,391	0	0	2,485	12	220,293
1980	5	17,763	96,309	13,569	39,539	8,090	0	0	5,770	1,404	182,449
1985		18,079	97,639	16,849	50,126	12,365	0	0	0	4	196,068
1990	0	15,720	108,780	72	50,104	17,816	0	0	2	0	192,044

Source: Crush & Williams (2002: 7).

Clearly, the contract labour system stretched right across the region, extending as far north as Tanzania. After independence, Angola, Tanzania, Zambia and Zimbabwe withdrew their workers from South Africa. Other regional supplier states continued with their rhetorical denunciation of the system of migrant labour, but could not evolve a common policy. At a regional conference attended by several black states and liberation movements in Lusaka (Zambia) in 1978, a Charter of Rights for Migrant workers in Southern Africa was adopted, and a commitment towards “...concerted and collective effort ... at national, regional and international levels to hold the labor-supplying states to withdraw and finally to abolish their supply of migratory labor to South Africa,” (Quoted in Manghezi, *op.cit*: 20).

To implement the resolutions of this conference, the Southern African Labour Commission (SALC) was established. However, these resolutions were not implemented because, “Directly or indirectly, most of the surrounding governments depend on migrant remittances for revenue. For them, summary withdrawal from the migrant labour system would precipitate a severe fiscal crisis. The cash flow from South Africa through compulsory deferred pay and voluntary remittances rose sharply from 1975 to 1984. With mine wage increases of the 1970s and 1980s, the supplier states have become, more, not less, dependent on this source of revenue,” (Crush *et.al*, 1991: 122-123). Matlosa (1998) brings out the extent to which Lesotho was dependent on South Africa, characterizing Lesotho as a ‘hostage state.’ He points out that Lesotho’s survival is predicated upon four sources of income, namely, Southern African Customs Union (SACU) receipts, which account for 60% of total government revenue, migrant remittances, which make up over 50% of GNP and foreign aid at 30% of government expenditure. Lesotho’s reserve

economy is therefore dependent on South Africa, with mine workers' remitting about R20 million every month through the deferred pay scheme which was established in 1973. Almost 70% of rural Basotho households depend on remittances, which constitute up to 80% of gross incomes.

The Southern Africa Migration Project (SAMP) carried out nationally representative migration surveys in Botswana, Mozambique, Zambia and Zimbabwe in 1997/98 to capture the migration experience of the current generation of adults. The results are summarized in Table 2.

Table 2: Family Migration Histories to South Africa (%)

	Botswana	Lesotho	Mozambique.	Namibia	Zimbabwe
Has personally visited SA	40	81	29	38	23
Parents worked in SA	41	83	54	26	24
Grandparents worked in SA	26	72	38	23	25

Source: Crush and Williams (2002: 6).

The responses for Lesotho are high, reflecting its dependence on South Africa. Nearly a quarter of all respondents had a parent or grandparent who worked in South Africa.

Table 3 shows the sources of mine labour for the period 1920-2000.

Table 3: Sources of Mine Labour, 1920-2000							
Year	RSA	Botswana	Lesotho	Mozambique	Swaziland	%Foreign	Total
1920	74,452	2,112	10,439	77,921	3,449	57	174,402
1930	92,772	3,151	22,306	77,828	4,345	54	200,634
1940	178,708	14,427	52,044	74,883	7,152	49	347,054
1950	121,609	12,390	34,467	86,248	6,619	59	294,423
1960	141,406	21,404	48,842	101,733	6,623	62	375,614
1970	105,169	20,461	63,988	93,203	6,269	72	370,672
1980	233,055	17,753	96,308	39,636	5,050	44	415,337
1989	243,555	16,051	100,529	42,807	16,730	42	421,885
1990	199,810	14,609	99,707	44,590	17,757	47	376,473
1991	182,226	14,028	93,897	47,105	17,393	49	354,649
1992	166,261	12,781	93,519	50,651	16,273	51	339,485
1993	149,148	11,904	89,940	50,311	16,153	53	317,456
1994	142,839	11,099	89,237	56,197	15,892	55	315,264
1995	122,562	10,961	87,935	55,140	15,304	58	291,902
1996	122,104	10,477	81,357	55,741	14,371	57	284,050
1997	108,163	9,385	76,361	55,879	12,960	59	262,748
1998	97,620	7,752	60,450	51,913	10,336	57	228,071
1999	99,387	6,413	52,188	46,537	9,307	54	213,832
2000	99,575	6,494	58,224	57,034	9,360	57	230,687

Source: ILO/SAMAT (1998: 52) for the period 1920-1989; Crush & Williams (2002: 23) for the period 1990-2000.

Notes: For the period 1920-1989, data for Malawi, Zimbabwe, Zambia, Tanzania, and Angola are not shown (although the figures are reflected in the totals).

Although no clear trend appears on an annual basis in terms of overall employment on the mines, more generally, employment levels declined from almost 422,000 in 1989 to about 231,000 by 2000. The general decline in employment is due to retrenchments in the sector, which started after the 1987 industry-wide strike organized by NUM. Mass dismissals of mine workers followed the 1987 strike, followed by the adoption of a strategy of employment 'rationalisation' (see Standing *et.al*, 1996). Whereas foreign migrant labour's share in mine employment increased to 72% by 1970 (peaking at 78% in 1974), it fell to 42% by 1989, due to the withdrawal of cross border migrant workers by several independent regional governments (Zimbabwe, Zambia, Tanzania and Angola) and downsizing, as reflected in declining numbers of South Africans employed. The number of South Africans employed peaked around 1989 at around 244,000 employees, reflecting the policy then of employing more South Africans to create stability at a time labour supply from some independent countries in the region was uncertain. Since then, the number of South Africans employed plummeted to only close to 100,000 by 2000. The share of employment on mines from Lesotho declined markedly from a peak of 101,000 in 1989 to just over 58,000 by 2000. A similar trend emerges for Mozambique, Swaziland and Botswana.

Table 4 reflects the contribution of the various sources of mine labour over the period 1920-2000.

Table 4: Percentage Share of Total Mine Workforce By Source, 1920-2000							
Year	RSA	Botswana	Lesotho	Mozambique	Swaziland	%Foreign	Total
1920	43	1	6	45	2	57	100
1930	46	2	11	39	2	54	100
1940	51	4	15	22	2	49	100
1950	41	4	12	29	2	59	100
1960	38	6	13	27	2	62	100
1970	28	6	17	25	2	72	100
1980	56	4	23	10	1	44	100
1989	58	4	24	10	4	42	100
1990	53	4	26	12	5	47	100
1991	51	4	26	13	5	49	100
1992	49	4	28	15	5	51	100
1993	47	4	28	16	5	53	100
1994	45	4	28	18	5	55	100
1995	42	4	30	19	5	58	100
1996	43	4	29	20	5	57	100
1997	41	4	29	21	5	59	100
1998	43	3	27	23	5	57	100
1999	46	3	24	22	4	54	100
2000	43	3	25	25	4	57	100

Source: Calculated From Table 3.

The 1980s witnessed a substantial gain in the share of South African based labour, with its share rising from 28% in 1970 to 58% by 1989, before declining to 43% by 2000. The

relative fall in the share of South African mine workers suggests that they were more likely to lose their jobs during the downsizing and retrenchments of the 1990s and beyond than their foreign counterparts (see also ILO / SAMAT, 1998; Davies, 1995). Lesotho's contribution as a source of migrant mine labour increased sharply from 6% in 1920, peaking at 30% in 1995, before declining to 25% by 2000. Mozambique's importance as a source of cross border migrant labour initially declined from the peak of 45% in 1920 to 10% by 1989, reflecting post independence (1975) reluctance to supply migrant labour. Since 1990, the contribution of Mozambique as a source rises to 25% by 2000, to tie with Lesotho.

Standing *et.al.*(1996) argue that the endurance of migrant employment from Mozambique and Lesotho probably reflects the fact that these countries had the longest experience with migrant labour, and hence their migrants benefited from the 'last-in, first-out' practice of retrenchment. In addition, they were employed in jobs in the gold sector classified as more skilled and hence more protected. The share of cross border migrant labour from Botswana initially gained ground, rising to 6% by 1970, before edging downwards to 3% between 1998 and 2000. As Standing *et.al.* conclude with respect to job prospects in the mining industry, "The future seems unpromising for employment," (1996: 293).

Some analysts have argued that what is emerging is a gradual move away from the institutionalised system of labour migration, with a rise in recruitment at the gates. Sachikonye (1998) indicates that the reduction in the number of recruitment stations within the region by half between 1973 and 1993 by WENELA / TEBA provides evidence to that effect. ILO / SAMAT (1998) concluded that during the past 20 years, patterns of migration to mines 'stabilised,' implying the migrants are now 'career miners', continuously employed on the mines. ILO / SAMAT (1998) observed that due to this continuity and stability of employment, the mine workforce is now ageing, with limited opportunities for new work-seekers. A spin-off from this development is the relative decline in the role of TEBA, as employment 'stabilized' and retrenchments took hold. New recruits are primarily sons and relatives of current miners. This followed the increased duration of employment contracts. Standing *et.al.* (1996) argue that this relative 'stabilisation' of the mining workforce is supported by the improvement in the average age of workers in gold mines from 26 years in 1975 to 37 years in 1990. In addition, whereas 26% of the workforce in gold mines had more than 10 years' experience in 1987, this rose to 37% by 1990.

Another development in terms of shifting practices is the increased resort to contracting. Whereas contractors accounted for only 3% of the workforce in gold mines, the level rose to 10% by 1994. Likewise, whereas contractors had 5% of the workforce in coal mines in 1987, by 1994, it had risen to 16%. Contractors discouraged their workers from joining trade unions, and hence this was seen as providing some flexibility (Standing *et.al.*, 1996: 302). In addition, an attraction around employing contractors is that they use 'illegal' immigrants at extremely low wages (*ibid:* 3003). Effectively, sub-contracting was being used to bypass collective bargaining agreements. In the words of a Mine Manager, President Steyn gold mine, "There is a perception amongst many of our mine overseers

that mine labour outside of the stopes and development ends, employed on vamping, haulage construction, equipping, etc., seem to be highly unmotivated and contend to do as little as possible. They claim that when contract labour is employed on the same job, the job goes much quicker and with much less input from line supervision,” (Quoted in Standing *et.al*, *ibid*: 302).

To help explain the pattern of cross border migrancy reported above, it is necessary to examine the reasons why visitors from various countries enter South Africa. SAMP carried out a survey in 1998 where immigrants from Botswana, Lesotho, Mozambique, Namibia and Zimbabwe gave their reasons for gaining entry into South Africa. The results are contained in Table 5.

Reason for Entry	Botswana	Lesotho	Mozambique	Namibia	Zimbabwe
Employment related					
Work	7	17	45	11	15
Look for work	3	8	22	2	14
Business related					
Business	6	2	2	8	7
Buy & sell goods	2	3	2	2	21
Shopping	24	19	4	1	21
Other reasons					
Visit family	23	34	12	13	39
Medical	5	6	4	4	2
Holiday	14	2	5	19	3
Study	3	1	1	3	2
Other reasons	12	8	2	12	3

Source: Crush & Williams (2002: 22).

Sixty-seven percent of Mozambican migrants are labour migrants, seeking work or going to work. No wonder Mozambique’s share as a source of cross border migrant mine labour to South Africa has increased markedly during the 1990s. For Zimbabwe, the major reason for entering South Africa is to trade or shop (42%), while only 29% is entering for work-related reasons. For Lesotho, only 25% are entering South Africa for purposes of work, with 34% visiting family and 19% shopping. Botswana has the lowest level of work seekers at 10%, with 24% shopping and 23% visiting family. For Namibia, the main reasons for entering South Africa are holiday (19%), visiting family (13%) or seeking work (13%).

As for farm-workers, the mechanisms for entry vary and are complex. These could be recruited under bilateral agreements as with miners. Lesotho is a good example where farm-workers are recruited through Labour Offices by farmers or agents thereof to work on farms in the Orange Free State. According to Crush and Williams (*ibid*), 8,000 seasonal farm-workers were legally recruited this way in the Orange Free State. Similarly, in Mpumalanga, workers are recruited in Mozambique by companies such as Aglos and legally enter South Africa to work on lowveld farms. However, Crush and

Williams (*ibid*) observe that workers who are employed this way are few, with the majority being undocumented 'illegal' entrants.

Zimbabwe does not have a formal labour arrangement / agreement with the South African government. Another mechanism was initiated by the Apartheid government, involving designating the farming areas of the far north (Northern Province) as a 'special employment zone.' In this case, farm-workers are issued with a B1-17 permit by the local Home Affairs officials once they present ID documents and pay a fee at the border. The permit allows them entry for employment purposes. As many as 200 farmers were registered with the border officials as legitimate employers in 1998. It is estimated that some 20-30,000 Zimbabweans are employed as seasonal workers under this system.

However, farmers do also employ migrant workers outside of this arrangement in the Northern Province, who are mainly 'illegal' migrants. It has been observed that the South African Department of Home Affairs has taken a tough approach, sending back 10,000 'illegal' migrants in late 2001, while extending the permits of another 5,000. The Department has made it clear to the farmers in the area that it no longer wishes to encourage the employment of Zimbabweans on their farms. Reportedly, since 1990, South Africa has taken a tough position on immigration, with legal immigration falling from 14,500 in 1990 to only 3,700 by 1999. While the number of work permits issued and renewed to skilled labour migrants initially rose from 38,600 in 1990 to 52,704 by 1996 (with annual variations), it has since dropped to 16,000 by 2000 (Crush and Williams, *ibid*).

Another emerging trend is that "A downturn in contract migrancy, for example, seems to lead to an immediate upsurge in undocumented migrancy," (Davies, 1995: 1). The extent of undocumented migration in Southern Africa is not known, with varying estimates. Some estimates are as high as 12 million (ILO / SAMAT, 1998: 14), while others put the number of undocumented migrants at 8.5 million (Davies, 1995: 6). ILO / SAMAT suggest that the often quoted official estimates were in the 2.5 -5 million range (*op.cit*: 14). What is clear is that undocumented migrancy has increased markedly since 1990 to the extent that it is considered a 'new and significant problem' (see ILO / SAMAT, 1998: 14). With the political liberalization in South Africa, coupled with deteriorating economic performance in neighbouring countries, the flow of labour migrants to South Africa increased. With the implementation of Structural Adjustment Programmes (SAPs) at the behest of the IMF and World Bank in Malawi, Mozambique, Tanzania, Zambia and Zimbabwe during the mid-1980s and 1990s, their economies underwent downsizing, with significant job losses and increased hardships. Rising joblessness and poverty created conditions for increased emigration. There is a feeling, often exaggerated though, that South Africa is now 'flooded' with 'illegal aliens.' This has given rise to xenophobia (anti-*makwerekwere* sentiments).

In the absence of actual figures, deportations and 'overstayers' provide some rough indication of undocumented migration. Total deportations increased from 44,000 in 1988 to 53,404 in 1990 to 156,313 by 1995, 180,700 by 1996 and 176,000 in 1997. ¹Of the

¹ It is stated that resources to arrest and deport were increased substantially since 1994.

total 898,872 deportees between 1990 and 1997, 82% were from Mozambique, 11% from Zimbabwe, almost 4% from Lesotho, 1% each from Swaziland, Malawi, and other SADC countries. Tellingly, 99.7% were from the SADC region, with only 0.1% and 0.2% from other African and other global respectively. Of the 446,103 'overstaying' immigrants in 1997, 41% overstayed by 0-1 year, 22% by 1-2 years, 15% by 2-3 years, 12% by 3-4 years, 10% by 4-5 years and 0.4% by more than 5 years.

Whereas legal skilled migrants comprising professionals (lecturers, medical staff, layers, teachers and civil servants) amounted to 50,000 in the mid-1990s, they have fallen to below 20,000. A 1998 study by SAMP asked African immigrants in South Africa about their legal status. Permanent residents amounted to only 13% of interviewees, 27% were refugees, 23% had valid work permits, 30% had other official documentation to be in the country and only 7% had no official status. SAMP data suggest that apart from mining, the other sectors of employment are construction, domestic service and factory.

From a gender dimension, the South African labour market, like that of most of the regional economies, is highly stratified to such an extent that disadvantages women. Since in most cases, the only way for a SADC citizen to work legally in South Africa is to be a miner, statistics suggest that 99% of mine workers are male. This shows that the easiest sector of entry hardly offers any opportunities for women. Table 6 reports the results of a SAMP survey of 5 SADC countries (1998) checking on the gender differences in migration.

Table 6: Gender Differences in Migration to South Africa

Purpose of Most Recent Visit to SA	Males	Females
Employment related:		
Work	33	7
Look for work	17	3
Other work related:		
Business	3	3
Buy & sell goods	4	10
Other reasons;		
Shopping	13	23
Visit family / friends	17	38
Holiday	3	3
Medical	2	8
Other	8	5
Worked in SA at some point	63	16

Source: Crush & Williams (2002: 28).

More than 60% of men and only 10% women had worked in South Africa at some point. With respect to the reason for their last visit to South Africa, 40% of men indicated that their visit was working related, compared with 7% of women whose purpose of visit related to work. Thirty-eight percent and twenty-three percent of the women suggested that their last visit to South Africa was for the purposes of visiting family / friends and shopping respectively.

An influx of refugees migrated to South Africa, mainly from Mozambique due to the civil war in their home country during the 1980s. Because Apartheid South Africa refused to grant them formal refugee status, this deprived them of international assistance. Following the cessation of hostilities in Mozambique in 1992, only 70,000 returned out of at least 250,000 anticipated refugees (ILO / SAMAT, 1998).² The refugees from Mozambique dominated employment in the North-eastern commercial farming areas and occupied the lower end jobs in the urban centers of Gauteng. Other sources of refugees were DRC, Angola, Somalia and Rwanda.

In concluding this section, it is important to note the role played by cross-border migrant labour in the development of the mining industry in South Africa. Paton (1995) estimated that by 1990, the labour performed by migrants temporarily employed in other jurisdictions in the region totalled 48 million worker years. The biggest supplier was Mozambique, accounting for over 17 million worker years, followed by Malawi at over 11 million worker years, then Lesotho at about 9 million worker years, then Zambia at over 3 million worker years, Zimbabwe at just below 3 million worker years, Botswana at a little under 2 million worker years and Swaziland at about 1 million worker years (see Sachikonye, 1998: iii).

4. Cross Border Migrant Labour in the SADC Region³

The discussion has focused on cross border migration to South Africa, mainly because it is the most extensive and relatively better documented. This section examines the subject with respect to other SADC countries, data permitting.

4.1 Botswana

According to the 1991 Botswana population census, out of the population of 1,326,796, only 29,557 (2%) were non-citizens. Of the small migrant population of 18,339 (1.5% of the population), 34% were from South Africa (down from 44% in 1981), 29% from Zimbabwe (up from 27% in 1981) and 12% from Zambia. No other individual country contributed more than 4% of the migrant population. After its independence, Botswana sought to promote temporary employment of skilled personnel from other countries.

Table 7 shows the work permits approved by nationality for the period 1995 to 1999.

The major sources of migrant labour to Botswana in 1999 are South Africa, Zimbabwe, Other Africa, India, Other Europe and Britain. According to Crush & Williams (2002), Botswana now issues almost as many temporary work permits each year as South Africa. There are more South African skilled workers in Botswana than the opposite. Taking into account the declining numbers of Batswana in South African mines, it is much easier for

² The UN High Commission on Refugees (UNHCR) in Mozambique estimated that there could be 600,000 Mozambicans illegally in South Africa (see Davies, 1995: 6).

³ The idea here is to give an indication on the extent of migrant labour in the other SADC countries. The thumbnail summary is based on Crush & Williams (2002)'s work.

a South African to get a job in Botswana than it is for a Batswana to get work in South Africa. There is a clear gender bias in the allocation of temporary work permits, with 11,736 permits (83%) going to men in 1999 compared to 2,157 going to women. A total of 58% of the permits (8,288) were for employment, while 5,489 (42%) were for self-employment.

Table 7: Work Permits by Nationality, Botswana, 1995-99

Nationality	1995	1996	1997	1998	1999
South Africa	2,457	3,084	3,437	3,408	3,539
Zimbabwe	1,920	2,717	2,627	2,384	2,575
Zambia	423	609	635	608	637
Malawi	189	262	266	266	269
Ghana	125	293	293	347	208
Other Africa	453	555	588	598	1,591
British	1,403	1,771	1,672	1,422	1,039
Other Europe	680	863	831	727	1,058
India	1,097	1,578	1,846	1,866	1,290
China	234	445	548	689	799
Other Asia	91	120	145	160	833
Not Stated	276	412	447	386	299
Total	9,348	12,709	13,335	12,861	14,137

Source: Crush & Williams (2002: 13).

As with South Africa, the total number of undocumented migration is not known, but is reportedly rising, especially from crisis-torn Zimbabwe, and also South Africa and Namibia. Deportations from Botswana averaged 14,916 during the period 1993 and 1997. Anecdotal evidence suggests a rising trend, with Zimbabweans the main culprits.

4.2 Lesotho

As was shown above, Lesotho is primarily a labour-exporting country, mainly to South African gold and coal mines.

4.3 Malawi

According to the 1998 population and housing census, the proportion of foreign born persons in Malawi declined from 6% in 1987 to 0.3% by 1998. This decline reflects the return of Mozambicans home following the end of war in that country. There are no official records of undocumented migrants, although anecdotal evidence indicates it is rising. Deportations stood at 193 in 1996, 207 in 1997 and 233 in 1998, the majority of which were from Tanzania and Kenya.

4.4 Mozambique

As already suggested, Mozambique is primarily a labour-exporting country.

4.5 Namibia

The 1991 population census showed that there were 119,218 persons born outside Namibia, amounting to about 8% of the population. Many were permanent residents. No information is available on undocumented migration, although it may be high from Angola.

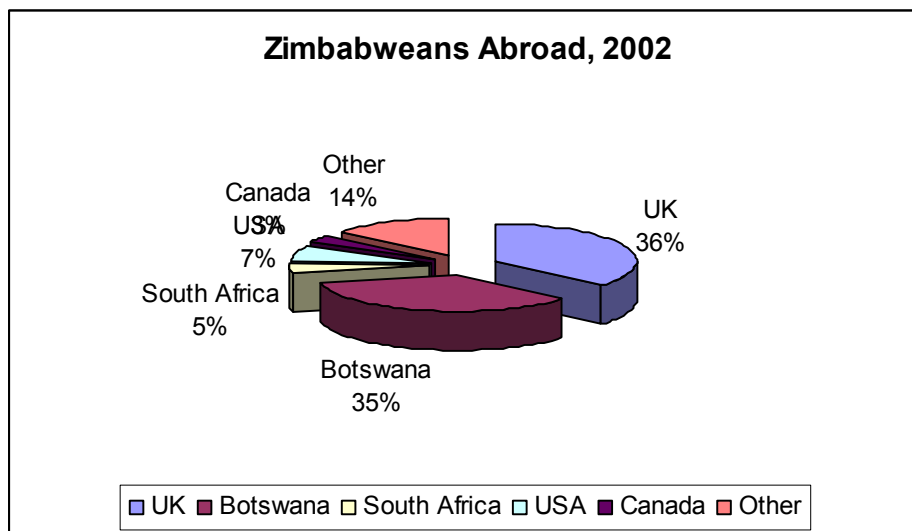
4.6 Mauritius

Mauritius is experiencing labour shortages. It is importing labour from Malawi, Madagascar and Asia among other countries as ‘guest’ workers.

4.7 Zimbabwe

The 1992 census indicated that there were 453,405 persons (4.4% of the population) born outside Zimbabwe. Out of the 247,013 non-citizens, 67% were Mozambicans, 16% Malawians, 4% each British and Zambian and 3% South Africans. Between 1990 and 1997, immigrants averaged 3,000 per year. Immigration policy sought to promote the entry of skilled persons.

Zimbabwe is currently engulfed in crisis which has resulted in a substantial ‘brain drain.’ A recent study by government (SIRDC, 2003) estimated that 532,609 Zimbabweans are out of the country. However, this is likely to be a gross underestimate. Using it, the study established the following distribution of Zimbabweans abroad:



The vulnerability of migrant workers is aptly illustrated with respect to the fast-track land resettlement programme in Zimbabwe, where 11 hectares of land was acquired from white commercial farmers during the period 2000-2002. Prior to the fast-track ad hoc resettlement process, commercial agriculture employed 320,000-350,000 workers, with

dependents numbering 1.8-2 million. At the beginning of 2003, only 100,000 farm-workers were still employed, a third of the original workforce, with 200,000 workers, who together with their dependents numbered more than 1 million, displaced. The effects of the land reform exercise are indeed profound. At least two-thirds of the original workforce was left stranded, with most wandering around in search of new sources of livelihood, resulting in the establishment of informal settlements, where conditions are desperate. They practically lost entitlement to housing, to basic social services such as health and education, and to subsidized food. The loss of permanent work status is widespread, with a visible trend towards contract or piece work arrangements. An estimated 50% of the permanent female workers and 60% seasonal female workers lost their jobs (Sachikonye, 2003). By the end of 2002, only a quarter of the displaced workers had received retrenchment benefits. Change in ownership has restricted access to resources and services (housing, schools, clinics and safe water). Where a farm owner was evicted, the running and maintenance of schools often ceased. Malnutrition amongst children is reportedly on the rise (*ibid*). Poor nutrition reduces the survival of those with HIV, while the disruptions are expected to expose more people to the deadly virus.

While the proportion of the farm workforce that is migrant dropped from 54% in the 1960s to about 26% at present, migrants still represent a high proportion of the workforce (almost 80,000 workers). At present, 12% of the migrant workforce is originally from Mozambique, 11% from Malawi and 5% from Zambia. Xenophobic tendencies have resulted in migrant workers being disqualified for land resettlement in the past and during the fast-track exercise, some xenophobic tendencies emerged. A ruling party official is quoted as having remarked “all your farm workers are Mozambicans, Malawians and Zambians and can be shipped home at a moment’s notice,” (Quoted in Sachikonye, 2003: 62). Concerned about the displacement of people originally from their countries, the Ministers of Labour from Malawi and Mozambique toured the country in early 2003. The General Agricultural and Plantation Workers’ Union (GAPWUZ) has reached an agreement with government to allow displaced farm-workers to remain at the compound since they have no communal home in Zimbabwe.

5. Working Conditions of Cross Border Migrant Labour and the Gender Dimension

The migration of people, especially from the South, is often accompanied by complications: exploitation and violation of workers’ and human rights. This is particularly so with respect to undocumented, clandestine migration, which complicates attempts at providing adequate safeguards against malpractices in recruitment and effectively protecting workers’ rights in the labour laws of the country of employment. Host countries typically do not bear the full reproduction costs of migrant labour, since workers are treated as temporary labour involved in circular migration. With respect to clandestine migration, it is often employed in precarious forms of jobs shunned by locals due to harsh working conditions, low pay and status, and little protection by labour market institutions. Employers exploit their ‘illegal’ status, threatening to expose them whenever they agitate for improved working conditions. In this regard, employers have a stranglehold over clandestine migrants. Migrant labour is therefore vulnerable.

Cross border migrants, whether on contract or clandestine, are typically found at the lower end of the job market in host countries in the region. Most undocumented migrant jobs are in the marginalized categories such as casual work, sub-contracting and informal trading. Because of the lower expenditures spent on non-permanent migrant labour; this has constituted a structured cost advantage for South African industry. The 'privileged' legal entrants are employed to a large extent in mining and to a lesser extent in agriculture. As ILO / SAMAT summed up the situation "In South Africa, foreign workers have typically been employed in the worst jobs for little pay, minimal social protection and no political representation; effectively constituting a relatively docile source of cheap labour for South African employers," (1998: 24).

The precariousness of migrant mine jobs is clearly demonstrated with respect to the restructuring that is happening right across the sector. The migratory patterns of employment ensured that flexibility in hiring and firing was achieved at little cost. It has already been indicated how mining jobs have dropped from almost 422,000 in 1989 to about 231,000 by 2000. Most sadly, "Retrenchments in mining have been deep, swift and widespread. According to union observers, the mining employers have not taken measures to mitigate the effects of retrenchment on former workers, while the state has not tried to co-ordinate downscaling or to promote efforts to deal with its social consequences," (Standing *et.al*, 1996: 322). There is an observed growth in sub-contracting activities on South African mines, as evidenced by the rise in such activities from involving 2% of the workforce in 1987 to 10% by 1994 (ILO / SAMAT, 1998: 11-12). The National Union of Mineworkers (NUM) opposes this trend, seeing it as an attempt at undermining union gains.

The National Union of Mineworkers (NUM) estimated the average wage of all mineworkers at R1,400 per month in 1995. The average wage of migrant workers was much lower. The Central Bank of Lesotho found that the majority of Basotho migrant mineworkers earned a net monthly income of R700-R800 in 1992-93, with less than 20% earning more than R1,000 per month. Although the statistics available may not necessarily suggest that foreign migrants earn less than their South African counterparts, they are nonetheless locked in a low pay system. Reports in 1994 indicated that Zimbabweans were crossing the border to work on Northern Transvaal farms for as little as R90-R150 per month. Most casual agricultural workers earned three-quarters of the wage of permanent staff, (ILO / SAMAT, 1998: 26). It is reported that in many instances, refugees work for food and accommodation only. In the sectors where migrant workers are found, construction and hotel and catering, the wages and conditions of employment are inferior (*ibid*) to those for South Africa counterparts.

ILO / SAMAT finds some evidence to support the view that there could be direct displacement of local labour, citing the experience of 1987 when more migrants from Mozambique and Swaziland were hired to replace militant South Africans dismissed after the 1987 strike and since then, downsizing and retrenchments disproportionately affected the South Africans in the mining industry (*ibid*: 28). In addition, social protection in South Africa does not cover migrant workers, except when they become permanent

residents, which mainly applies to skilled migrants. The proportion of eligible migrants is not only small, but is declining. Where private benefits apply, they are not in the contract of employment, implying it is up to the employer and do not cover the worker beyond employment. Because they engage in arduous and dangerous work, migrants are vulnerable to occupational health illness. The single-sex hostels provided for housing, systematic denial of normal family life to migrant workers, encouraged prostitution, the spread of communicable diseases such as TB, and now HIV / AIDS, widespread breaking of families and crime.

The mining sector in particular has a stubbornly high rate of disablement and deaths. The inability of the current system at mines to prevent, gauge, and adequately compensate for occupational injury and illness is well recognized. The legacy of under-recognition and under-detection of occupational illnesses on mines persisted into the 1990s (ILO / SAMAT, *ibid*). This is compounded by the fact that ill-health may only emerge some time after employment when the migrant has returned home. Time lags of up to 20 years between exposure to risk factors on mines and detectable occupational lung disease in mine workers place the burden of ill-health on the supplying country. In case of sickness, injury and disability, migrants fall back on the rural households and public health systems of home countries. Thus, rural migrant households do not only serve as a source of new labour, but also as a mechanism for the ‘renewal, repair and recuperation of exhausted labourers,’ (*ibid*: 33). Disability is strongly related to ‘repatriations, retrenchments and resignations,’ (*ibid*: 33). We may conclude with Standing *et.al* that “One could scarcely call the safety record of South African mining exemplary,” (1996: 321). As many as 483 workers lost their lives in 1993, and nearly 7,700 suffered injuries. A further 357 deaths and 6,793 injuries occurred in 1994, and the figures were expected to be worse for 1995 due to an accident at Anglo American’s Vaal Reef mine.

The viewing of foreigners as ‘aliens’ and hence a threat to national interests places them in a vulnerable position. This has been compounded by the stereotyping of workers by ethnic groups and areas by TEBA (e.g. working on farms in North-Eastern Transvaal is associated with Zimbabweans, Orange Free State with Basotho and Mpumalanga with Mozambicans). NUM, which has a significant proportion of migrant workers in its membership, and especially from Lesotho, has fought against mass deportations. The Congress of South African Trade Unions (COSATU) has argued for the evening out of working conditions to remove the attractiveness of migrant labour. Trade unions have recognized the fact that problems around migrancy cannot be resolved by one country, requiring complementary policies across the region. Strengthening regional economies and labour organizations is crucial for the future stability of regional labour markets. Thus, the co-operation of unions across the region is emphasized as a useful starting point to address regional divergences in working conditions. It is for such reasons the NUM facilitated the establishment of the Southern African Mineworkers Federation to co-ordinate trade union work in the mining sector of the region.

Following a deal between NUM, the Department of Home Affairs and then President Nelson Mandela in 1995 (the miners’ amnesty), all those migrant miners who voted in the 1994 elections and who had been normally resident in South Africa since 1986 or

before, could apply for residence permit. Out of the 104,000 eligible miners, 90,000 benefited. The second amnesty of 1996 was offered to SADC citizens who had been resident in South Africa before 1991, have a South African partner / spouse or children born in South Africa, has been engaged in gainful economic activity for 5 years and have no criminal record. The offer attracted 199,596 applications.

NUM has recommended that the deferred pay system be abolished as it does not serve the interests of workers. However, the Chamber of Mines and supplying states think otherwise. NUM has advocated the adoption of a Social Plan pitting together mine employers, unions, the Department of Labour, Regional Training Centres, and development agencies to examine options for counselling, retraining, severance pay, self-employment for retrenched workers, savings plans, and regional development strategies in the area the mine is located. Such an approach is indeed useful and is similar to the initiative by SATUCC and ICFTU in 1989. Meanwhile, NUM went on to introduce its own 'two-phase' strategy to deal with employment creation and support those eased out of jobs. It launched a 'co-operative development' strategy in 1987 and a 'micro-enterprise' strategy in 1992. It is therefore important to take up this challenge at the regional level and in particular to encourage information sharing and learning from good practices.

It has already been shown that women hardly participate in the regulated aspects of cross border migration. The central migrant contract labour processes excluded women from participating. The migration of able-bodied men at the prime of their productive lives had dire consequences for local peasant production. Food and cash crop production was hampered as a result. Gwaunza (1998) explored the gender implications of migration. She argued that migration increased the burden on women as they sought to ensure subsistence and reproduction of the families they assumed headship of. This marked a significant shift in the character of the family, which was now split. In addition, by looking after returning migrants when they sought to recuperate from illnesses or injury, the households in the supplying communities effectively subsidized both capital and the receiving states. Gaidzanwa (1998) explored an area that is an offshoot of the explosive growth of the informal economy, cross border trade, which is mainly undertaken by women. Gaidzanwa finds that instead of being facilitated, the women engaged in cross border trade are instead demonised, stigmatised, harassed at border posts, subjected to xenophobic attacks and often rounded up and deported. No clear policy has been adopted with respect to such activities of the informal economy, and yet they play such an important economic role.

The separation of families fuels HIV / AIDS, especially in the context of migrant labour. Southern Africa is at the epi-centre of the HIV / AIDS pandemic, with at least a quarter of the adult population infected. Growing unemployment and endemic poverty are underlying causes of HIV infection. Clearly, rates of HIV infection are much higher in the transport sector, the conduit of migration, and in mining communities. Typically, transport routes have higher than national average levels of infection.

What makes it difficult to regulate migrant labour and ensure that working conditions are respected is the lack of labour standards that create uniform conditions in both sending and receiving countries. Two ILO Conventions are particularly relevant. These are the Migration for Employment Convention (Revised) Number 97 of 1949 and the Migrant Workers (Supplementary Provisions) Convention Number 143 of 1975. Only two countries, namely, Malawi and Zambia have ratified these two conventions. The most comprehensive international instrument that provides for protection of migrant workers and their families is the UN Convention 45/158 adopted by the General Assembly on December 18 1990. For it to come into force, the Convention needs to be ratified by 20 UN member States. The 20th ratification by the only SADC member state to do so, Seychelles, implies the Convention has come into force. The poor ratification of ILO and the UN Conventions within SADC was deplored at the ILO Tripartite Forum on Labour Migration in Southern Africa held in Pretoria, 26-29 November 2002. The adoption of the regional Social Charter which seeks to set minimum labour standards across the region is most welcome. However, it deferred the issue of migration to the Ministers of Home Affairs.

That Forum identified the following as ill-conceived or poorly implemented migration policies that have led to various problems, namely:

- ✓ Prevailing abuses of migrant workers' fundamental rights;
- ✓ Poor labour conditions;
- ✓ Increase of irregular migration;
- ✓ Acute unemployment;
- ✓ Brain drain;
- ✓ Lack of or poor social protection;
- ✓ Growing xenophobia; and
- ✓ Family dislocation (ILO, 2002: 4).

The Forum also identified issues that were of concern to all SADC countries as follows:

- ✓ The fate of nationals employed abroad;
- ✓ The need for social protection;
- ✓ Concerns regarding voluntary remittances;
- ✓ Unemployment; and
- ✓ The dearth of labour market information.

6. Policies and Measures to Deal with Migrant Labour

South African and Regional approaches have tended to focus on the effects and not the underlying causes of cross border migration, focusing on tightening controls, monitoring borders, establishment of detention centers and increased deportation of 'illegal' 'aliens.' As Davies (1995) points out, the evolution of 'revolving door migration' reflects failure of this approach. Illegal migrants from mainly Mozambique and Zimbabwe in South Africa, and Zimbabwe in Botswana are routinely deported, only to return no sooner have they reached home soil. The policing approach is therefore fraught with problems, as trade union organizations in the region have pointed out.

More rewards can be achieved through regional co-operation to create conditions that minimize the departure of undocumented cross-border migrants. It is necessary to make a distinction between short-term 'illegal' migrants such as informal traders, who enter as tourists, only to be rounded, arrested and deported for selling their wares, and long-term 'illegal' migrants. The short-term traders ought to be issued with trade visas to facilitate their work. Since undocumented migrancy is linked to conditions in the home country, it is necessary that the 'push' factors be addressed, through for instance regional economic co-operation. It is clear that as things stand, South Africa dominates regional trade. Between 1990 and 1995, South Africa's exports to SADC rose six-fold to US\$2.3 billion, while her imports from the region jumped seven-fold to US\$502 million. The trade imbalance between South Africa and other SADC countries is not only large, but is growing. Before the DRC joined SADC, South Africa's GNP amounted to ten-times that of the other SADC countries put together. It is therefore essential that policies are harmonized to minimize continued uneven development.

The rest of the paper explores interventions that have been implemented to date and offers some recommendations as a way forward.

The fundamental principles underlying laws immigration laws in the region are as follows:

- ✓ Protection of the sovereignty of the nation state;
- ✓ Protection of the integrity of national boundaries; and
- ✓ The right to determine who may enter national territory and to impose any conditions and obligations upon such persons (Crush & Williams, 2002: 31).

Thus, the overriding principle is 'citizens first.' It is the perceived threat to this principle that has seen the upsurge in state restrictions on entry by migrants within the region. The migration laws on the books of SADC countries are therefore largely 'protectionist.' However, inadvertently, these practices fuel undocumented (hidden) migration practices that are difficult to deal with.

At the level of policy, there is a disjuncture in that while issues of immigration are reserved for Ministries of Home Affairs, migration policy is under the Ministry of Labour. Thus, at the level of implementation, preoccupation with 'protectionism'

sidelines the Ministries of Labour. Botswana is unique in that it is the same Ministry deals with labour and home affairs. The issue is that there is need for synchronization of policy and to bring migration policy into the domain of tripartite consultations. A good example of where immigration law plays a subservient role to migration policy is the system of migrant contract labour in Southern Africa, where the movement of such workers is governed by the bilateral agreement or arrangement between South Africa and that country. This therefore ensures a better managed and well regulated system, with readily available data. There are no regional multilateral arrangements regarding the management and regulation of cross border migration.

Earlier attempts at regional co-operation on migration through the Southern African Labour Commission (SALC) failed. In July 1993, a SADC workshop on the free movement of people held in Harare. Following the SADC Council of Ministers meeting held in Swaziland in July 1994, a team of consultants was appointed to prepare a SADC protocol on the free movement of persons. In June 1995, the team submitted the Draft Protocol on the Free Movement of Persons in the SADC. The main objective of the protocol is to promote and protect:

- a. the right to enter freely and without a visa the territory of another Member State for a short visit;
- b. the right to reside in the territory of another Member State; and
- c. The right to establish oneself and work in the territory of another Member State.

The implementation was to be phased over a period not exceeding ten years from the date of entry into force of the Protocol.

Not surprisingly, the countries with better economic performance and most likely to face substantial flows of migrants, Namibia, South Africa and Botswana were opposed to it. The Minister of Home Affairs of South Africa, Mangosuthu Buthelezi reacted thus, "South Africa is faced with another threat, and that is the SADC ideology of free movement of people, free trade and freedom to choose where you live or work. Free movement of persons spells disaster for our country ... We cannot feed the population properly as it is, let alone persons from across our borders," (Quoted in Matlosa, 1998: 34). He went on to qualify that "... it should be pointed out that until there is a greater economic parity in the SADC region, it is premature to agree to any proposal to open up our borders i.e. to have a free movement of persons. We do believe that migration and immigration can be managed and regulated properly but flexibly, in the interests firstly of South Africa, but also in the interests of our partner states in the SADC region," (*ibid*: 34).

Even after revisions were made, governments were reluctant to adopt the latest version referred to as the Draft Protocol on the Facilitation of Movement of Persons, dated May 1998. Thus, the issue of free movement of persons remains unresolved. It is important to note that unless the push factors are dealt with (the underlying causes of migrant labour); it is difficult to have a situation of free movement of persons. Uneven development in the

region will imply some countries becoming disproportionately overwhelming recipients of in-migration. Economic policies should therefore be synchronized to allow for a more even development. Resort to market-driven approaches as in SAPs has exacerbated the problem and should be discarded in favour of people-oriented strategies (the human-centred development approach) that focuses on the achievement of people’s basic economic and social rights (the right to food, health, education, shelter, transport, utilities etc).

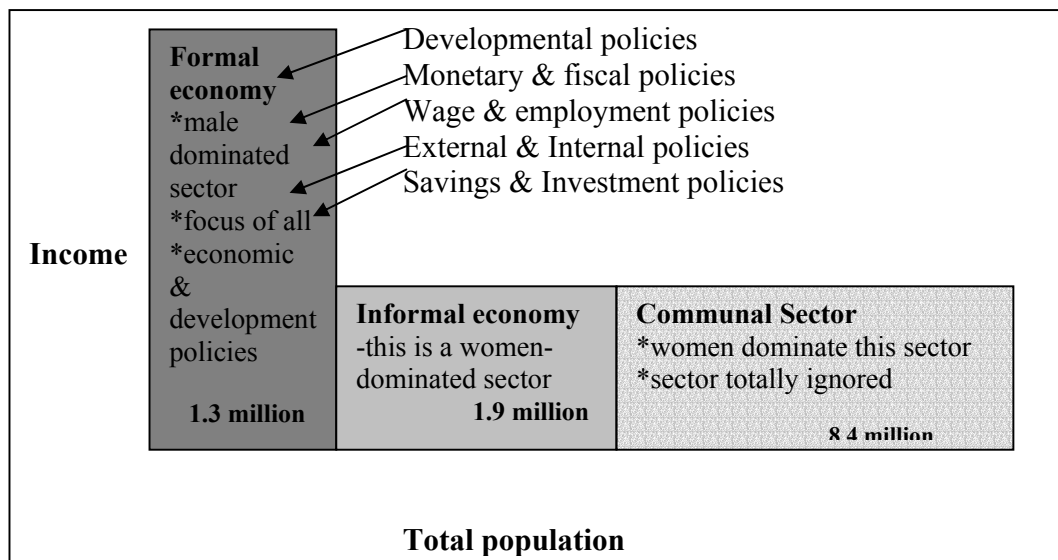
The Way Forward

The following could form a basis for the way forward:

6.1 Addressing the dual and enclave nature of regional economies to achieve some measure of ‘parity’ in development.

There is need for a new development strategy that integrates the hitherto dual and enclave structure of the regional economies to minimize the push factors of unemployment and endemic poverty. Figure 1 below illustrates the structure of the Zimbabwean economy, which is a prototype regional economy.

Figure 1: Structure of the Zimbabwean economy



By focusing on the formal sector, which is male-dominated, past policies have neglected the non-formal sectors that accommodate the majority of the population, and especially women. They have therefore reinforced the inherited dual (separate) and enclave (isolated) structure of the inherited economy. With this structure, the economy cannot rely on the formal economy alone to meet the development needs of the people. The expected ‘trickle down’ from the formal to the non-formal economy has not, and will not

occur, implying the need for conscious policies of integrating the non-formal economy into the mainstream of the economy, as a basis for regional integration.

6.2 National migration policy co-ordination and capacity building

The issue of migration should be brought into the realm of tripartite consultations to ensure win-win outcomes. Involvement should be at all levels, namely, policy formulation, co-ordination and implementation. The ILO, in conjunction with regional and international trade union bodies should help develop capacities for effective participation by trade unions. This also implies co-ordination of trade union positions and exchange of information and strategies across regions on the basis of ‘best practices.’

6.3 Establishment of National and Regional Migration Information Systems

The dearth of detailed information on migration, and especially the rising undocumented cases needs to be addressed. The establishment of the Southern Africa Migration Project (SAMP) at the Institute for Democracy in South Africa involving Queen’s University (Canada) and funded by CIDA in 1995 has helped generate relevant information.

However, unions, through their own research institutes or departments, should generate worker-focused data on migration. This is critical if at all unions are to play their role in dealing with migration issues.

6.4 Worker Empowerment Initiatives (Active Labour Market Policy Programmes)

It is necessary for unions to come up with active labour market empowerment measures to mitigate the impact of retrenchments, as NUM attempted to do. Since the extent of the problem of redundancies is widespread and beyond the individual capacity of individual unions, it is necessary to draw up a stakeholder-based Social Plan or Accord in order to collectively address the concerns of retrenched workers. The sharing of emerging good practices should be promoted. Regional and international trade union bodies like SATUCC and ICFTU should play a leading role in this regard.

6.5 Ratification and implementation of ILO Conventions 97 and 143 and the UN Convention 45/158 of 1990, including the 8 core ILO Conventions.

6.6 All in all, a holistic, gender-sensitive approach that deals with both the immediate and underlying factors and mainstreams HIV / AIDS is critical in dealing with cross border migration.

Box 1 reports an example of a programme to fight HIV / AIDS from the Transport Sector in Zimbabwe.

Box 1: Transport Sector in Zimbabwe Fights HIV / AIDS

The transport sector is highly vulnerable to AIDS and is important to its prevention. The nature of the sector is such that teams have to spend extended periods away from their families, exposing them to multiple partners and HIV infection.

The National Employment Council in the Transport Operating Industry (NECTOI) has a membership of some 2,000 companies, employing 80-100,000 employees. After a marked increase in deaths, the sector developed an industry-wide HIV awareness and prevention programme that has outreach to communities and commercial sex workers along major transport routes. These communities include hotel / beer hall workers, petrol attendants, security guards, immigration and customs officers and others with whom truck drivers interact with.

The programme started as a company focused intervention in 1992. It was expanded to include outreach sites with donor support in February 1995. The interventions include education on STD / HIV and behavioral change, working through peer educators and counseling services, early diagnosis / treatment of STDs, encouraging home based care and avoiding stigma, providing decent accommodation at border posts, encouraging truck drivers to take their wives with them on journeys, supply of condoms and open discussion of HIV / AIDS. About 500 peer educators were trained in the 21 project sites between 1995 and 1997 under the programme.

This has stabilized the STD rates. Annual prevention costs are estimated at 10% of the total cost of AIDS related losses.

References

- Abella M.I, 1997: **Sending Workers Abroad**, International Labour Organisation, Geneva.
- Crush J, Jeeves A. & Yudelman D, 1991: **South Africa's Labour Empire: A History of Black Migrancy to the Gold Mines**, Westview Press, Boulder, San Francisco, and David Philip, Cape Town.
- Crush J. & Williams V, 2002: **Labour Migration In Southern Africa: Contemporary Trends and Issues, A Preliminary Review**, Paper Presented at the ILO Tripartite Forum on Labour Migration in Southern Africa, Pretoria, 26-29 November.
- Davies J, 1995: Cross Border Migration in Southern Africa: Mission Report, Institute for Democracy in South Africa (IDASA), Public Information Series 1.
- Gaidzanwa R.B, 1998: "Cross-Border Trade in Southern Africa: A Gendered Perspective," in **Sachikonye L.M. (ed)**.
- Gwaunza E, 1998: "The Impact of Labour Migration on Family Organization in Zimbabwe," in **Sachikonye L.M. (ed)**.
- ILO, 2002: **Tripartite Forum on Labour Migration in Southern Africa: Summary Report and Conclusions**, Pretoria, 26-29 November.
- ILO/SAMAT, 1998: "Labour Migration to South Africa in the 1990s," **ILO/SAMAT Policy Paper No.4**, May, Harare.
- Manghezi A, 1998: "Legacies of Labour Migration from Southern Mozambique to South Africa," in **Sachikonye L.M. (ed)**.
- Matlosa K, 1998: "Basotho Migrant Miners in South Africa and Lesotho's Future," in **Sachikonye L.M. (ed)**.
- Russell S.S, Jacobsen K. & Stanley W.D, 1990a: "International Migration and Development in Sub-Saharan Africa," **World Bank Discussion Papers, No.101**, Africa Technical Department Series, Volume 1, Overview.
- Russell S.S, Jacobsen K. & Stanley W.D, 1990b: "International Migration and Development in Sub-Saharan Africa," **World Bank Discussion Papers, No.102**, Africa Technical Department Series, Volume II, Country Analyses.
- Sachikonye L.M. (ed), 1998: **Labour Markets and Migration Policy in Southern Africa**, SAPES Trust, Harare.
- Sachikonye L.M, 1998: "Rethinking about Labour Markets and Migration Policy in a New Era," in **Sachikonye L.M. (ed)**.
- Sachikonye L.M, 2003: **The Situation of Commercial Farm Workers After Land Reform in Zimbabwe**, Farm Community Trust of Zimbabwe.
- SATUCC & ICFTU, 1989: **SATUCC / ICFTU Meeting of Experts on the Economics of Labour Migration in Southern Africa**, Ridgeway Hotel, Lusaka, 25-27 July.
- Scientific & Industrial Research & Development Centre (SIRDC), 2003: **An Analysis of the Cause and Effect of the Brain Drain in Zimbabwe**, National Economic Consultative Forum (NECF) & UNDP.
- Standing G, Sender J. & Weeks J, 1996: **Restructuring the Labour Market: The South African Challenge**, An ILO Country Review, ILO, Geneva.
- Toolo H. & Bethlehem L, 1994: **Research Report: Migration to South Africa: Problems, Issues, and Possible Approaches for Organised Labour**, National Labour and Economic Development Institute (NALEDI), RR11, October.
- Weiss T, 1998: "Addressing the Brain Drain: The Re-integration of Qualified African National Programme," in **Sachikonye L.M. (ed)**.