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Southern African Migration Project

Regionalizing International Migration: Lessons for SADC

Migration Policy Brief No. 11

Series Editors: Jonathan Crush and Vincent Williams

Contents

1.0	Introduction.....	1
2.0	The Case for a Southern Labour Migration Regime.....	2
3.0	Factors Influencing International Migration.....	4
4.0	Trends in International Migration Policy.....	5
5.0	Policy Issues and Dilemmas.....	6
6.0	Regional Labour Migration Regimes in Africa.....	9
7.0	The Impacts of Migration.....	10
8.0	Migrant Remittances.....	15
9.0	Conclusions and Policy Implications.....	17
	References.....	21
	Endnotes.....	22

1.0 Introduction

- 1.1 Research on unauthorised migration to South Africa has addressed a range of issues surrounding the effects of current immigration policy on migrants, and the impact migrants have on South Africa's society and economy (DHA 1997: section 1.4.6). One finding that is particularly relevant to a discussion of regional labour migration regimes is that current South African immigration policy does not account for labour migrants who retain a social and domestic base in their countries of origin. Another is that most unauthorised migrants are temporary or contract workers who seek employment in industries—such as construction—that depend increasingly on this kind of labour. The needs of these sectors and of migrant workers are complementary.
- 1.2 Just as these migrants are currently unable to legalise their status in South Africa, there is no appropriate method for all local employers to access foreign labour. The new Immigration Act is extremely opaque on whether this will change. The ideal would be to develop a regional temporary worker's regime. Such a system is necessary not only for South Africa but for southern Africa generally, if integrated regional development is to succeed.
- 1.3 In the context of regional economic integration, labour migration can arguably be conceived of as a development resource, beneficial to all states in the region and regional integration as a whole, rather than as a threat to individual states. The purpose of a regional regime should be to manage migration in order to harness human mobility—as an agent of the exchange of goods, services, ideas and skills—to the development process.
- 1.4 This understanding suggests that the political management of regional labour migration extends beyond the ambit of unilateral migration control and state interests; becomes the responsibility of collaboration between migrants' countries of origin and destination; straddles the divide between domestic and foreign policies as well as state sovereignty and regional markets; and should be negotiated and formulated in a regional multilateral forum. As regional economic integration proceeds, the interests of sovereign states become increasingly bound up with those of their neighbours as well as those of non-state actors. Thus, in addition to governments, stakeholders that must be involved in formulating a regional migration regime include business, organised labour, and the citizenry of host and receiving countries.
- 1.5 This regional focus is in keeping with the impact of globalisation which has largely redefined the spatial and geographic distribution of labour as well as economic competition, resulting in the emergence of regional economic blocs in central and western Europe (the European Union); North America, Canada and Mexico (NAFTA); the Asian-Pacific rim; the Middle East; West Africa; East Africa; and part of South America.
- 1.6 Because regional blocs differ in various ways, it is not possible to derive a blueprint for Southern Africa from comparative studies. Surprisingly, although new global migration

dynamics are both a cause and function of increasing regional economic integration, there is currently no workable regional labour migration regime anywhere in the world. This raises the question of whether, and to what extent, contemporary governments are able to control or manage migration.

- 1.7 What is possible and useful, and what this paper does attempt, is to draw out connections between the Southern African context and others in which such regimes have been implemented. The paper also evaluates the development impact of labour migration regimes, in order to explore the extent to which institutionalised migration from sending countries (countries of origin) to receiving countries (countries of destination) stimulate or impede economic growth, and to highlight the political challenges they present.
- 1.8 The paper argues that: (a) the proximity of countries among which people migrate has a decisive influence on the way in which those countries manage migration;(b) although migration policy is often seen as a tool for managing domestic labour markets, and thus often privileges economic rather than social and political factors, migration is also an important issue for political management and governance; and (c) migration can usefully be regarded as a development resource rather than a threat to social and economic security, and ought to be managed accordingly. It then proposes a set of principles drawn from international experience which might usefully inform a regional labour migration regime, rather than advancing a rigid regulatory framework which is unlikely to succeed.

2.0 The Case for a Southern African Labour Migration Regime

- 2.1 This overview of regional dynamics is intended to illustrate the factors driving regional migration, as well as the urgency of establishing a regional labour migration regime. The region's colonial past—resulting in the interdependence of its countries—has made cross-border population movements inevitable: given the size of its economy, most migrants move from other countries in the region to South Africa.
- 2.2 Receiving countries in the SADC, particularly South Africa, have responded with policies designed to keep migrants out, failing which they are repatriated. The futility of this approach is illustrated by the fact that, despite the massive application of resources, these countries have failed to stem population movements; migrant labour to South Africa continues to be a cornerstone of dependence and interdependence in the region.
- 2.3 Several recent developments in Southern and South Africa have created new incentives for and pressures to migrate. One of the most significant changes in the region has been a movement towards economic liberalisation in line with the dictates of the IMF and World Bank. Malawi, Mozambique, Zambia and Zimbabwe are implementing structural adjustment programmes, but unemployment in those countries remains high. In Zimbabwe, which has implemented such programmes since 1990, unemployment is estimated at 40-50 per cent; in Namibia at 25-30 per cent; and in Mozambique at more than 50 per cent. The situation in Lesotho has not changed much since the mid-1980s, when only 36 per cent of

-
- its economically active population were wage earners. Similarly high unemployment levels prevail in Malawi and Zambia, compounded by the extensive retrenchment of public sector workers. Retrenchment has also been a feature of adjustment in Mozambique and Zimbabwe. One result of large-scale unemployment has been the growth in these countries of the informal sector, as well as informal cross-border trade and migration.
- 2.4 The relatively higher employment and wage standards of Botswana, Namibia and South Africa attract unemployed migrants from other states. But it is not only the unskilled or semi-skilled who migrate; skilled labourers also gravitate towards labour markets in which incomes are higher. However, labour markets paying higher wages also experience skills deficits. In Namibia this has resulted in a considerable dependence in the public sector on skilled foreign workers who, in 1997, constituted 18 per cent of senior officials and 14 per cent of professionals in public posts. The proportions are higher in the private sector. Botswana has also drawn on nurses, doctors, university teachers and artisans from neighbouring states and overseas. South Africa is seen to provide more opportunities for skilled and professional labour.
- 2.5 South Africa, Botswana and Namibia all have immigration policies that discriminate against unskilled workers. Some have advocated increased controls over the migration of skilled labour to South Africa, on the basis that this benefits this country to the detriment of sending countries. Detractors reply that it is not possible to halt the flight of skills, and that if South Africa does not accept such workers they will migrate elsewhere, thus depriving the region of their skills.
- 2.6 The dominance of the South Africa economy has also resulted in trade imbalances between it and its neighbours, with the volume of trade largely in favour of South Africa. Restrictive import tariffs have exacerbated this inequity, particularly following the expiry in 1992 of a trade agreement between South Africa and Zimbabwe, leading the latter to complain of restrictive tariffs on its exports, especially clothing and textiles. Where factories have closed because South Africa raised trade barriers against a particular country, retrenchments have ensued. Some of those retrenched have swelled the ranks of migrants, legal and clandestine, to South Africa.
- 2.7 Increasing political instability in SADC states—evinced by secessionist movements in Namibia; renewed civil war in Angola; increasing hostility to organisations of civil society, opposition and the media in Zimbabwe; constitutional and democratic crises in Lesotho and Swaziland; and conflict in the Democratic Republic of Congo—may also spur migration to South Africa.
- 2.8 In recent years, anti-immigrant sentiment in South Africa has increased, often finding expression in violent attacks on foreigners. But xenophobia is a highly complex issue; attitudes of South Africans to foreigners are by no means universal or undifferentiated, and are influenced by a range of variables, such as the extent to which foreigners are perceived as a threat to citizens' economic and political interests. Hostility to foreigners also has

consequences for perceptions of South Africa in the region. During a debate in December 1998, parliamentarians in Mozambique, South Africa's closest regional ally, denounced this country's treatment of 'illegal immigrants'. Referring to the reported kidnapping of 17 Mozambican women and their subsequent exploitation as sex slaves, an MP said this showed 'the disrespect most South Africans display towards Mozambicans'. The Maputo media has called South Africa's deportation policy a 'human tragedy' (South African Press Association, 10 December 1998).

- 2.9 It is commonly assumed that South Africa's democratisation encouraged increased migration to this country from the region. There is also a growing awareness in government that South Africa inherited many 'illegal immigrants' from the apartheid era. Coupled with these factors are growing pressures on this country—given its role in the geopolitics of the region—to liberalise its immigration policy. Thus the South African government faces twin pressures: from domestic opinion, to clamp down further on immigration; and from its neighbours, to accommodate it. The government has responded with 'once-off' interventions, such as granting amnesties to various categories of foreigners, to amending laws and drafting new legislation. But if statements of regional co-operation are to transcend mere rhetoric, the possibilities and limits of a developmental regional migration regime, and the factors which may influence it, need to be seriously addressed. The following discussion attempts to inform such a debate.

3.0 Factors Influencing International Migration

- 3.1 Most of the literature cites changing global economic dynamics—primarily changes in the nature and structure of work, and therefore labour market needs and opportunities—as the primary factor influencing the globalisation of migration. Others include the acceleration of migration; its differentiation; its feminisation; and increasing intra-regional trends. It also argues that migration is both a cause and symptom of the interplay between domestic, regional and international markets (See Castles and Miller, 1993; Gill 1997).
- 3.2 It is also clear that migration is not purely an economic phenomenon, and therefore cannot be understood solely in terms of economic models and theories, or addressed exclusively by economically-inspired policies (See Rystad 1992); Marks and Richardson 1984). Many migration movements and policies are responses to economic imperatives. But for a range of actors, including migrants; their countries of origin and destination; citizens of host countries; and other groups such as business, organised labour and NGOs, migration becomes a challenge of political management. Migratory chains that begin with one type of movement often continue in other forms: for example, economic migration may evolve into migration aimed at reunifying families. Governments that initially develop migration policies as a tool of economic and labour policy are inevitably confronted with problems of political management, and a range of governance issues.
- 3.3 The primary factors that have changed labour demand in industrialised countries include new technologies that have revolutionised production processes, products and markets, and

changed sectoral structures. Many jobs have been lost in manufacturing, and service sector and science-based industries have grown massively. At the same time there have been increasingly competitive demands for professional, managerial and technical skills in other sectors. Manual workers skilled in new technology are also essential. Associated with these shifts are major changes in demands as well as working practices. These include the increasing need for skills, more non-manual jobs, more women in the labour force, more part-time and casual work, and more self-employment and entrepreneurial activity. As suggested by the overview of southern Africa, developments in the region mirror these trends.

- 3.3 Migrant workers have thus become differentiated into an increasing number of categories: (a) contract labour migrants recruited in groups for specific short-term projects; (b) individual contract workers, recruited for short-term contracts or for indeterminate periods; (c) highly skilled PMT (professional, managerial and technical) workers on secondment, short-term assignments or joint ventures; (d) seasonal workers; (e) entrepreneurs and traders. In many countries, migrants have turned to self-employment more quickly than their host populations have. Most immigrant businesses require comparatively little capital or skills; many serve only immigrant communities within an enclave economy. They use family labour or rely on ethnic recruitment networks to provide the cheap, flexible, labour that gives them a competitive edge. Most developed countries work actively to attract foreign entrepreneurs with substantial capital to invest. In effect, they sell residence rights, and even citizenship, for high prices: the more money a prospective immigrant has to invest, the more likely he or she is to be granted residence and citizenship (Salt 1992; Rogerson 1997); (f) service and hospitality workers, as well as domestics, au pairs, waiters, waitresses and the like; and (g) irregular or undocumented migrants in a range of sectors. Temporary and irregular labour migration have become the most significant recent types of international migration. Halting illegal immigration is not possible without the political support needed to master the forces that benefit from illegal immigrants. There are no indications that the scope of illegal immigration will decrease (Rystad 1992).

4.0 Trends in International Migration Policy

A review of the politics of immigration in major receiving states reveals three broad responses to changing migration dynamics: restriction (of entry and movement in the host state), containment, and selection.

- 4.1 *Restriction.* Increasingly restrictive policy responses are frustrated by unprecedented entry pressures. In many cases restriction is tempered by amnesties, exceptions on humanitarian grounds, and a hesitation, lack of political will, or incapacity to enforce the law. Increasing regionalisation undermines the ability of states to enforce unilateral immigration policies, but although attempts to formulate and implement multilateral strategies abound, these have largely been unsuccessful. Restrictive entry policies turn many economic migrants into asylum-seekers: the apparent increase in their number is often largely a function of economic migrants seeking to circumvent restrictive

immigration policies via alternative avenues. Consequently, legislation that regulates family reunion, asylum or illegal stay has been tightened in the last decade, in an increased effort to restrict migrants' mobility. The apparent increase in the number of undocumented migrants is also a result of policies of exclusion. Several regulations have also been introduced with the intention of reducing the ability of migrants to select their own jobs and location. Some involve the delivery of work permits for specific jobs or sectors; others, through legalising clandestine migrant workers, are aimed at channelling their participation in the economy. Additional measures attempt to prevent the constitution of ethnic enclaves and social networks by migrant labour via restrictions on family or community migration (Rystad 1992).

- 4.2 *Containment.* This involves attempts to keep people where they are, if not in their countries of origin, then in micro regions within macro regions. This marks a shift in priority of international efforts to manage global migration. After World War 2 there was a concern over migrants' rights, including freedom of movement, which the International Labour Organisation (ILO) codified in 1952. These efforts have been eclipsed by an ethos affording people the right to stay where they are. The shift first emerged in respect of refugees, and attempts to find regional solutions to the problem of displaced persons. Humanitarian-military intervention and the financing of refugee camps has become a standard response to refugee crises: witness the plethora of refugee camps in Africa, international responses to refugees from the Gulf War, and the containment of 2 million of the former Yugoslavia's population of 2,5 million within the territory of the former republic, with the help of relief agencies. This approach has gradually spread all over the world, as evinced by regional agreements such as the Schengen Convention,¹ which is based on the idea of the abolition of internal borders among certain European states, and tends to impose a heavy burden on states contiguous to the European Union. The heaviest burden of migration control falls on the peripheral and often weakest member states of the European Union. (See Pellerin 1997).
- 4.3 *Increased selectivity.* Most receiving countries have become more selective, actively seeking to import only skilled foreigners. According to John Salt, the need for mass immigration has gone and will not return (Salt 1992). Organised migration occurring with the consent of immigration authorities will be principally of skilled workers, whose movement will coincide with specific shortages and who will be seen as essential to retaining international competitiveness and increasing productivity. However, despite fundamental shifts in employment structures, some demand for low-skilled workers continues, mostly in labour intensive and low-paying service sectors such as hospitality. Much of this is satisfied by undocumented migrants, operates in terms of migration networks, and occurs in informal markets.

5.0 Policy Issues and Dilemmas

- 5.1 In order to establish the economic criteria that ought to inform migration policies, a great deal of information is required. The literature suggests that there are few concrete

guidelines for establishing the scale of intake required by labour markets (or that can be accommodated by the society in question), planning its management, or assessing its results. However, some information is required if labour migration is to be managed. As Salt notes, “There is no clear view of how government intervention in the national economy or labour market might be useful or appropriate. Perhaps more important, past attempts at manpower planning demonstrate that neither supply nor demand for labour remain constant nor do they necessarily change in a specific or predictable way. In these variable circumstances, identifying an appropriate future immigration response to labour requirements is fraught with difficulty (Salt 1992).

- 5.2 Besides these economic and labour market issues, increases in anti-foreigner sentiment, often resulting in violent attacks on foreigners and their property and informed by a range of assumptions concerning foreigners’ impacts on society, raise political issues of governance, democratic practice, and consensus-building which receiving states ignore at the risk of social, economic and political instability, domestically as well as regionally.
- 5.3 Another set of related issues concerns the needs of guest migrants. This involves achieving a political consensus among various stakeholders in the host as well as sending countries over the rights and entitlements afforded to foreign migrants. What civic rights immigrants should enjoy in the host country is inevitably a matter for debate. Much of the literature agrees that access to a country should be governed by clear rules subject to being tested in court, that immigrants are entitled to a fair hearing if they are alleged to have violated immigration law, and that they should be protected against arbitrary actions or violence. The more difficult question is the degree to which they should be able to participate in and make claims against the state. These include questions such as the right to receive benefits from the state, but, equally importantly, the right to vote and seek election to public office. But this right must be weighed against those of migrants whose participation in a national economy could be said to grant them the right to participate in decisions. Certainly states should “treat the other, the foreigner and the stranger in accordance with internationally recognised norms of human respect and dignity” (Benahib 1999; see also Walzer 1983). This approach recognises that there is no universal formula that can govern migrants’ rights to admittance; hence the need for this to be negotiated by all affected interests. But it does imply both the need to clearly spell out the criteria, and to ensure that they honour basic principles of fairness.
- 5.4 Issues of political management include the initial formulation of migration policy, in which governments of sending and receiving countries have a responsibility to include as wide a range of actors and interests as possible. Making migration policy ought to include a consultative process in which the citizens of countries intending to host foreigners, as well as those of sending countries, are involved. This is more likely to result in a policy based on consensus and which would therefore be more widely accepted as legitimate, pre-empting coercive enforcement measures. It is also more likely to be sustainable in the long term.

- 5.5 Another political aspect of migration policy is the responsibility of elected representatives in sending and receiving countries to inform their constituents of the likely impact of migration. In South Africa, a growing body of independent research evidence challenges the pervasive negative assumptions concerning the impact of foreigners on our economy and society. Public figures should convey these to voters, rather than raising expectations that foreigners will be excluded (which they will inevitably be unable to meet) for short-term political gain.
- 5.6 The final set of related issues concerns the integration of foreigners into the host countries' economies and societies. This involves the extent to which they are granted access to public resources, and the rights and entitlements they are afforded. It entails achieving a political consensus among stakeholders in the host and sending countries to allay fears among host citizens who may perceive migrants as a threat to their social and economic security. It also involves ensuring that foreigners understand the degree to which certain rights and entitlements are to be protected and guaranteed by the host state.
- 5.7 Ricca provides a synthesis of basic principles that characterise existing African labour regimes, which he suggests could be used as a model (Ricca 1983: 53). It is presented here as an ideal type rather than a summary of regulations governing existing agreements. According to him, the legality of an organised group movement is usually sanctioned by a bilateral labour agreement between the country of departure and the country of destination. Furthermore, a labour convention should have two objectives: 'to guarantee rights of individual migrants and, where applicable, their families, and to ensure the practical organisation of the transfer of migrants from their place of origin to their place of work, and of their return'. Such an agreement would be time-bound, and after expiry would cease to apply or be renegotiated with a view to modification and renewal. Some likely provisions are: (a) on individual rights, the agreement should guarantee that immigrant workers and their employers be bound by South African labour legislation in respect of wages, benefits, and general working and living conditions, including safety, training and accommodation; (b) all benefits besides salaries accruing to workers in their country of employment should be fully transferable to their country of origin; (c) workers should receive full remuneration in their country of employment (thus ruling out deferred pay agreements); (d) seasonal or temporary workers should acquire additional rights as seasonal jobs accumulate or the period of steady employment lengthens; accrual of rights should be incremental, corresponding to the workers' contribution to and residence in a host country; (e) migrants should acquire the right to be joined by their families and receive related benefits such as access to accommodation, education, health and family allowances; the right to residence, irrespective of holding a particular job (and the right to change employer or to be self-employed); the right to acquire property; and the right to a long or indefinite period of residence and thereby all the rights of a national, except voting and holding public office. Permanent settlement and nationalisation will be governed by the naturalisation laws of the host country; (f) the agreements should safeguard migrants' rights in the event of loss of employment at the employer's initiative. In cases of dismissal for recognised misconduct, the agreement may provide for placement with an alternative employer or repatriation

before the date agreed, provided migrants' acquired rights and possessions are not jeopardised. Unfair dismissal should entitle the migrant to compensation and placement in alternative work; (g) the agreement could provide for individual expulsions for security reasons; (h) the agreement could prescribe the establishment of a joint labour committee composed of an equal number of representatives of the country of origin and country of employment. Such a committee would deal with issues concerning the interpretation and application of the agreement, possible amendments, and its renewal; (i) the agreement could allow for arbitration procedures or appeal to a supranational legal body in the event of disputes between signatory countries; and (j) a taxation agreement would ensure against dual taxation (Ricca 1983: 54-5). It is significant that the one issue which this list does not deal with in detail is political rights, as well as 'settlement' and 'nationalisation'. This confirms the degree to which these remain questions for debate and bargaining within each state, but does not contradict the need for them to be addressed and translated into clear law.

- 5.8 A major characteristic distinguishing countries in Southern Africa is geographical proximity. In post-war Europe, sending and receiving countries were usually far apart. This divide between where people lived and worked, which spatially and physically divorced their political from their industrial citizenship, was probably the major reason why temporary and irregular workers became *de facto* permanent immigrants; for vast differences in culture, language and social practices between migrants and their hosts, resulting in enormous challenges of integration and political management; for demands for family reunification, because of the geographic and resource constraints on regular home visits; and for costly subsequent demands on welfare services by migrants and their dependants. These challenges are less likely to confront the SADC states, which are closer to one another and whose citizens share common languages, cultures, social practices, as well as a colonial past and a history of migration and economic interdependence that transcend regional boundaries. The proximity of SADC states is likely to nullify the negative results experienced by parties to the 'temporary' migration system practised in Europe, by facilitating the separation of industrial and political citizenry and enabling the regional management of labour migration.

6.0 Regional Labour Migration Regimes in Africa²

- 6.1 Several regional migration regimes have been attempted in Africa.³ They have shared several characteristics, including, in varying degrees, guaranteeing certain rights of migrant workers; affording them equality as industrial citizens under labour law; placing varying restrictions on mobility and freedom of choice in pursuing job vacancies; and adopting the same periods of time for their full implementation. Some were introduced with immediate effect; others were phased. In terms of adherence to and implementation of their own rules and regulations, sustainability, and the achievement of their intended aims and objectives, all have failed.

- 6.1 Experience suggests that regional regimes have failed for the following reasons: (a) they are over-ambitious, and implementation is too rapidly attempted. International experience suggests that the introduction of such agreements must be phased; (b) discrepancies and disjunctures between national and regional legislation. Signatory countries have often failed to repeal conflicting national laws, which in some cases have inhibited the implementation of regional initiatives; countries have even adopted new legislation that contradicts regional provisions. This trend is particularly marked in respect of foreigners' access to employment. There is little legislation granting nationals from countries party to regional agreements preferential access to employment. Bilateral labour agreements have more practical effect than multilateral agreements on freedom of movement; and (c) in some countries certain administrative practices are discriminatory, affecting all foreign workers regardless of nationality. They concern, in particular, security of employment, the right to dispose freely of one's wages, access to vocational education and training, and the right to hold office in trade unions. Laws also justify the dismissal of foreign workers who can be replaced by a national, and this often occurs in practice. Since foreigners' work permits have a limited time span, the common practice is to terminate their employment when the permits expire. Discriminatory practices of this kind contradict the spirit of agreements on freedom of movement, as foreign workers are often obliged to accept specific jobs in defined areas of the host country, and permits prescribe and limit their movement to such areas. Finally, much legislation still discriminates against foreign workers' rights to dispose of their wages as they wish; inter alia, deferred pay agreements are still in force.
- 6.3 The authorities of member states charged with implementing regional agreements often lack the political will or administrative capacity to do so. For example, the ECOWAS agreement prescribes common visa requirements for citizens of member states. Since its signing, 'virtually no new measures have been taken to decentralise or simplify the procedures for issuing travel documents. When implementation of the first stage ... was almost complete, the ECOWAS secretariat designed a travel pass for citizens of member countries. Not only was the document simple and therefore economical, but it offered the advantage of a single format for all countries of the Community. Since the secretariat lacked the means to produce more than a specimen copy, each country was responsible for printing and issuing its own travel documents. It is estimated that some countries will need ten years to print and deliver the required number of copies' (Ricca 1983). In many countries, quota systems are still in force, which limit the number of foreigners able to gain access to employment in certain enterprises, sectors and professions. They obviously contradict and restrict the notion of free movement (Ricca 1983: 74-89).

7.0 The Impact of Migration on Receiving and Sending Countries⁴

- 7.1 Earlier, it was argued that labour migration ought to be conceptualised as an agent of regional development, not as a threat to states' social and economic security and political stability. In this section an attempt is made to highlight the major costs and benefits of the

institutionalisation of labour migration to receiving and sending countries. Where labour migration has been institutionalised, the flows are normally from poorer countries with a surplus of labour to wealthier ones perceived to be experiencing sectoral labour scarcities. Southern African countries are characterised by a surplus of unskilled labour and considerable levels of unemployment at the lower end of the labour market, accompanied by a shortage of skills at the upper end. Thus none is likely to actively recruit or encourage the migration of unskilled labour from labour surplus countries. On the contrary, contemporary domestic debates within these countries concentrate largely on the most appropriate policies for stemming such migration.

7.2 Nevertheless, there are relevant factors that may enable or undermine the development impact of a Southern African regional labour migration regime. And issues affecting unskilled and skilled migration are not necessarily entirely different. For example, citizens and governments of countries of origin may assume that migrant remittances enhance development, whereas international experience suggests that they may also impede it. Similarly, they may assume that migrants who have acquired skills in foreign countries will return and apply those skills to the benefit of their home countries, whereas the international experience suggests that they may not return and that their newly acquired skills will not necessarily be beneficial.

7.3 The major advantages, disadvantages and challenges of migration to labour-receiving and labour-sending countries can be summarised as follows:

Potential advantages to labour-receiving countries

- competitive regulation of domestic wage and employment standards
- increased consumer market for domestic goods and services
- gain of skills and expertise
- enhanced international competitiveness

Potential challenges to labour-receiving countries

- increased domestic unemployment
- increased pressure on social services
- political management of foreigners' integration into host society
- political management of citizens' resistance to foreign migrants

Potential advantages to labour-sending countries

- reduced unemployment
- the provision of training and work experience for returning migrants
- receipt of migrant remittances

Potential disadvantages to labour-sending countries

- loss of skills and expertise
 - demographic impact, including increasingly ageing and unproductive populations
- 7.4 The complexities of national labour markets do not allow for a uniform set of advantages and disadvantages in sending and receiving foreign workers. Nor is there necessarily an equilibrium between domestic job availability and the importation of migrant labour. (Papademitriou and Martin 1991: 3-26; Rystad 1992: 1,172-6). For example, it is possible for 'migrant labour [to allow] for the coexistence of high levels of unemployment among the indigenous labour force, and economic decline more generally, with significant levels of employment amongst foreign workers, or at least some categories of foreigners in several sectors' (Pellerin 1997: 113). This can be a function of a range of labour market factors, including the labour needs of various sectors; a structural dependence on foreign labour in particular sectors; and differences between locally available skills and those provided by migrant labour.
- 7.5 The networks created and maintained by migrants can create self-enclosed communities that simultaneously attract and depend on new influxes of migrants to sustain themselves. This is the case, for example, in the textile industry in many countries, where 'the emergence of large numbers of small enterprises, home work and unpaid family workers are propitious forms of work for many migrants' (Pellerin 1997: 114). Migrants' close connection with textile networks give them an advantage over more traditional industries and the local workforce.⁵
- 7.6 In the 1980s, awareness grew of a polarisation in the effects of immigration on the labour markets of industrial democracies. Immigrant workforces similarly became increasingly bipolar, clustering at the upper and lower levels of the labour market (Castles and Miller 1983: 174). Portes distinguishes between a primary and secondary labour market for immigrants (Rystad 1992: 1,188). The latter category involves tasks that require no previous experience; these are typically low-wage jobs that lack advancement opportunities and are highly sensitive to seasonal and economic fluctuations. This type of immigration is not controlled by law, since it is generally illegal. The main advantage for employers is the vulnerable situation in which illegal immigrants find themselves. Employers are thus able to force foreign workers to accept wages and conditions that the domestic workforce would refuse. Such immigration complements and disciplines the local labour force: the foreign workforce is employed despite the availability of a domestic one. The decisive difference is that foreign labour places fewer demands on wages and working conditions.
- 7.7 The range and significance of immigrant labour market diversity can be obscured by policy and analytical perspectives that stress the homogeneity of competitive labour markets, or sharp contrasts between primary and secondary labour markets. It is often meaningless to generalise about average earnings and other labour market effects of immigration, which

- have extremely unequal effects on different social strata. Some groups clearly gain from policies facilitating the large-scale expansion of foreign labour migration, and others lose. The winners are large investors and employers who favour expanded immigration as part of a strategy for the deregulation of the labour market. The losers would be many of the migrants themselves, who would find themselves forced into insecure and exploitative jobs, with little chance of promotion. Among the losers would also be local workers whose employment and social condition might be worsened by such policies (Rystad 1992).
- 7.8 The impact of migration on receiving countries' labour markets is not exclusively a function of the demand and supply of labour, but also of the immigration policy of the receiving state: thus Borjas has observed an overall pattern of declining skills among post-1965 immigrants to the United States compared to pre-1965 migrants (Borjas cited in Castles and Miller 1993: 177). He argues that the fundamental explanation is the *Changes in US Immigration Law* of 1965 that removed the national origins restrictions, thus opening the United States to immigration from around the world. As entries from western Europe declined in favour of growing immigration from Asia and Latin America, differences in socio-economic and educational standards were reflected in the declining skills and rising poverty of post-1965 immigrants. The United States is far more attractive to poorer and less privileged Mexicans than to the middle and upper classes, who are disinclined to emigrate from a society marked by extreme inequality in income distribution and life chances. Hence it was scarcely surprising that the nearly one million Mexican immigrants who were legalised in the late 1980s through the Special Agricultural Worker programme only had an average of four years' schooling. Borjas estimated that the decrease in the level of economic development and the increase in income inequality in the countries sending immigrants to the United States, along with declining educational attainment, accounted for 60 per cent of the decrease in earnings between the immigrant cohorts of the 1950s and those of the 1970s.
- 7.9 The growing bifurcation of immigrants to the United States was apparent in the sharply contrasting poverty rates of groups of different national origin. The fraction of immigrants from Germany and Italy living in poverty was 8,2 percent, Chinese and Koreans had poverty rates of 1,5 and 13,5 percent respectively, and immigrants from the Dominican Republic and Mexico suffered poverty rates of 33,7 and 26 per cent (Borjas cited in Castles and Miller 1993: 177). Similarly, Borjas found a strong link between rising welfare use by immigrants and the changing character of immigration to the United States. These trends prompted him to advocate changes in American immigration law that would increase the skill levels of immigrants. The Immigration Act of 1990 included provisions designed to accomplish this by nearly tripling the visas reserved for qualified workers from 54 000 to 140 000 annually—7000 for foreign investors of at least US\$1 million in urban areas, and 3 000 for investors of no less than US\$500 000 in rural and high unemployment areas (Borjas cited in Castles and Miller 1993: 176-7).
- 7.10 For most labour importing countries, the experiment with labour migration is deemed to be successful in the short term, although an increasing social and political liability. Foreign

workers have provided the labour necessary to maintain economic growth during times of labour scarcities. *As migration streams mature, however, the role of foreign labour in the host country's economy changes. The labour supply becomes increasingly independent of demand, and foreign labour becomes entrenched in options locals avoid, thus creating a structural dependence on foreign workers.* With the liberalisation of restrictions in such areas as family reunification and residence and work permits, receiving countries become *de facto* immigration nations, while paying lip service to the alleged temporary nature of the foreign worker presence.

- 7.11 Permanence creates new problems. Second-generation migrants may only have tenuous social and economic roots in their country of origin. The social and cultural issues resulting from increasing racial, ethnic, and linguistic heterogeneity politicise migration. Migrants become more assertive of their social and economic rights, and locals react to rising infrastructure and social costs and the perception that there is economic competition between migrant workers and themselves.
- 7.12 Emigration states have shown renewed interest in migration over the past 10 years, as the outflow of people has brought some benefits in the form of an inflow of foreign currency as well as relieving the unemployment situation at home. Many south east Asian states have elaborated policy frameworks for controlling emigration flows: since the late 1970s such efforts have become a component of export-led strategies in the Philippines, Sri Lanka, and Bangladesh. Most of the efforts of exporting states consist of encouraging emigration, seeking placements abroad for their nationals, and signing bilateral agreements with labour-importing countries such as the Gulf states or other Asian countries (Singapore, Brunei, Japan and Hong Kong) (Pellerin 1997: 116).
- 7.13 At the time of introducing labour export schemes, many labour-surplus countries had great expectations of labour migration. Beset by economic stagnation and unemployment, they embraced any opportunities for sending unemployed and underemployed workers to work elsewhere. Their hopes overlooked negative developmental consequences such as the depletion of their already meagre supplies of skilled personnel, the age and sex selectivity of emigration, and the possibility that the socio-economic gains from the skills and remittances of returning emigrants might be only marginal. The loss to sending countries of their youngest and best-educated citizens is one of the most striking features of African migration, and it is now generally recognised that education and training stimulate migration from poorer to wealthier countries (Ricca 1989). This also results in disruptions in production as workers with skills or managerial talents are replaced with less skilled and experienced individuals. In some cases this can lead to production bottlenecks and wage inflation. It also reduces the global competitiveness of industries and countries. Brain-drain migration is, arguably, a subsidy of the rich by the poor, and can only increase the asymmetry between the two types of countries. It is also expensive for the sending countries, which have invested resources in the skilling of emigrants (Papademetriou and Martin 1991:14-6).

- 7.14 Labour sending countries also overestimated the development promises of skills and remittances. Relatively few emigrants acquire new technical skills; this is because many receiving countries require service and agricultural workers instead. Often, employers are unwilling to train foreign workers as, should the migrant return home or change employers, the investment would be lost to the employer and host country. For these reasons, immigration policies often discourage employers from investing in foreign workers.⁶
- 7.15 Often, the skills migrants acquire are inappropriate in their country of origin, which is unlikely to have the advanced industries that could exploit newly acquired technical skills. Paradoxically, however, this may be an advantage to the returning migrant, as it may stimulate demand for such skills or begin to meet existing unsatisfied demand, thus resulting in the requisite technology being imported. Thus, unless it can be demonstrated that there is insufficient effective demand for such skills or the products produced with such skills, the importation of newly acquired technical skills is advantageous for both the returning migrant and the country of origin.

8.0 Migrant Remittances

- 8.1 Remittances and transferred savings provoke even greater controversy. Remittances do relieve some of the sending countries' balance of payments difficulties, and contribute to capital formation and *per capita* national income, but their role in promoting development is less clear. To appreciate the impact of remittances, it is necessary to consider the extent to which they are used productively, how they relate to other processes and larger social and economic activities, and their effect on improving the living standards of the migrant household and the community's income distribution.
- 8.2 Remittances are spent in three major ways. Investment in housing and land often accounts for as much as three quarters of total remittances, which are also used to purchase consumer goods, settle debts, and pay for family-centred activities. Only a small fraction is invested in productive activities, such as the purchase of agricultural equipment, and the financing of service sector activities, such as opening small shops and service stations or buying buses, trucks, and taxis.
- 8.3 Migrants use their earnings in a manner consistent with their reasons for migrating: to improve their living standards. But their resultant spending behaviour has unintended economic and social consequences. For example, investment in housing may distort the property market, resulting in inflationary pressures on wages and materials. Housing construction also has complex multiplier effects: it leads to higher demand for building materials, but many of these items may have to be imported. Kirwan (Papademetriou and Martin 1991: 19) points out that construction has high multiplier effects, but only while it lasts. Hyperactive construction sectors in otherwise unhealthy economies can distort labour and material costs, and often exacerbate social and economic inequalities as an inflated property market places building or buying a house beyond the reach of many

- citizens. With similarly increasing costs for farmland, one of the most important consequences of migration may be the creation of a new system of social stratification, with remittances becoming the major fault-line between migrant and non-migrant households.
- 8.4 Migrant households often purchase consumer goods with relative abandon in a limited market, causing broad demand-pull and sometimes cost-push inflation. In some countries, migrant remittances are not substantial enough to affect internal markets, but in most countries inflation is clearly fuelled by remittances. The increasing demand for luxury imports to satisfy the substantial consumption appetites of migrant families often leads to similar behaviour by non-migrant households, as the latter have their consumption aspirations raised by the former. A corollary to these changing consumption patterns is the increased economic and psychological value of foreign products, so that foreign currency reserves must be used to import such products.
- 8.5 Migrant spending may also eventually have cumulative impacts that increase farm productivity, create employment for members of non-migrant households, and, in the long run, transform agrarian societies. While Massey and his associates found different traces of such migrant behaviour in four communities in Mexico (Papademetriou and Martin 1991: 21), one should not overgeneralise from these cases because these communities had been embedded in Mexico/United States migration streams for generations, as a result of which robust binational communities had been established on both sides of the border. Migrants from these Mexican communities were socially and economically embedded in Mexico, and treated work in the United States like some American long-distance commuters who view their hours-long daily trek from rural to metropolitan areas as a necessary evil.
- 8.6 The extent to which positive impacts of migration are experienced by countries close to each other (Mexico and the United States) seems to endorse the argument for a Southern African migration regime. Remittances and returning migrants have rarely led to an economic take-off in areas of origin that have naturally reduced emigration pressures. Instead, most areas of origin have become heavily dependent on an external labour market for jobs and remittances (Papademetriou and Martin 1991). The initial coincidence of interests between labour-scarce and labour-surplus societies gave rise to an enthusiasm for both organised and spontaneous labour migration; however, hindsight shows that migration has had unexpected consequences in both sending and receiving societies. *Migration is neither capable of correcting the underlying weaknesses of receiving societies, nor of transforming sending societies. Its major contribution may thus be to progressively undermine national labour boundaries, and transform itself into a component of the international political economy.*
- 8.7 In Southern Africa, where migrants often do not recognise the legal significance of territorial boundaries, this dynamic is already under way. Attempts to halt it are futile, costly, and squander opportunities for growth. Instead, regional stakeholders ought to

acknowledge and manage it, thereby harnessing it to regional development. Furthermore, the impact of remittances and returning migrants may be different in southern Africa, again because the various countries are so close to each other. For example, research findings suggest that migrants spend a large portion of their earnings in South Africa; they purchase various goods there because they are close enough to home to transport the goods quickly and relatively cheaply. South Africa obviously benefits in several ways. Migrants also patronise service industries such as trans-boundary transport, stimulating supply and creating job opportunities.

- 8.8 There is a need for further research on the impact of remittances on sending and receiving countries in the region, and on the impact of skilled and experienced migrants when they return to their source countries. It may be possible to harness these factors productively for the benefit of the entire region, rather than allowing them to impact asymmetrically on source and receiving countries.

9.0 Conditions and Policy Implications

- 9.1 The development and implementation of labour migration management regimes are influenced by a range of factors. These will have to be addressed by the SADC if a sustainable system of regional migration governance is to be evolved. The major factors influencing feasible and sustainable labour migration regimes are discussed below.
- 9.2 The most significant factor determining states' ability to manage migration is the *proximity of countries of origin and destination, and the nature of their borders*. These are linked to issues of family reunification, migrant pressures on state services, and the economic integration of regional blocs. The Western European countries that implemented the *gastarbeiter* system were not close to their sending countries. By contrast, the long and porous borders between Southern African states as well as readily accessible and cheap transport networks facilitate cross-border migration. This is likely to lessen demands for family reunification, as it is relatively easy and cheap for migrants to visit their families. Similarly, it is likely to inhibit demand on social services as migrants' dependants are more likely to claim those in their home countries, as current patterns suggest. If these dynamics continue, migrants' use of social services would be limited, entailing less cost—and thus less of a dilemma—than is commonly assumed.
- 9.3 The relatively poor response by SADC citizens to South Africa amnesties to some extent allays fears that, if a migrant labour regime were to be introduced, countries with stronger economies, such as South Africa, would be swamped by enthusiastic immigrants. Thus, for many migrants the borders that separate their countries of origin and destination do not have much legal meaning. Instead, they represent the dividing line between where they live and where they work. For example, folk wisdom in Mexican emigration areas advises the young to work in the United States but to 'live' – or enjoy life – in Mexico. Research in South and southern Africa suggests that migrants from Mozambique and Zimbabwe tend to hold similar views of their migration to and from South Africa.⁷ Thus, if migrants perceive

borders as divisions between where they work and where they 'live' rather than as sovereign state boundaries, border control becomes increasingly difficult to enforce and migration management becomes a more viable alternative. Increasing regional economic integration is also likely to result in greater movements of people. Trade liberalisation among countries and increasing transfers of capital, goods, skills and technology are likely to stimulate and be accompanied by the movement of people. The countries involved in the *gastarbeiter* system did not constitute integrated regional blocs.

- 9.4 *Once migration linkages are established, they are very difficult to break, and migration flows almost impossible to reverse.* Southern Africa is marked by particularly strong linkages between sending and receiving countries, originally created by the mining and agricultural industries. They are impossible to break, and any migration regime that attempts to do so is doomed to fail. Restrictive policy interventions that fail to acknowledge them are likely to depend on coercive measures rather than on consensus. They would disrupt and dislocate survival networks, generating increased poverty by severing the economic lifelines on which many migrants and their dependants rely for survival. No historical linkages existed between labour-receiving countries in western Europe and the sending countries from which they recruited and imported their labour. Despite this, as discussed earlier, once migration linkages were established they could not be broken, and governments found it impossible to reverse migration flows.
- 9.5 *Successful labour-importing countries share certain demographic characteristics,* including relatively small populations, and below-replacement-level birth rates due to the ageing of the population. These are not shared by southern African countries; on the contrary, they have relatively large, young, populations. But HIV/AIDS is likely to have a dramatic impact on this profile, as well as the economies and labour needs of these countries. Very little research is being done on this issue. Migrant labour imported by western European countries after world war 2 was characteristically young and male. These countries did not pay for the education and training of these workers, nor was it their intention to help support their dependants. The distance between receiving and sending states was a factor that initially inhibited dependants from accompanying the migrants, but subsequently resulted in increased pressure for family reunification.
- 9.6 For a variety of reasons, *migration policy is inappropriate for managing labour markets.* The closeness of SADC states makes it even more unlikely that such a policy will succeed.
- 9.7 *Migration flows are more likely to occur from less to more developed countries.* Once again, this is facilitated in Southern Africa by historical linkages as well as geographic proximity.
- 9.8 Besides proximity, *high levels of infrastructural development,* as evinced by regional spatial development initiatives, *are likely to further facilitate migration.*

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- 9.9 *Strong political leadership and the tolerance of foreigners by citizens of host countries is essential if migration is to be properly managed.* It has repeatedly been stressed that migration management is about governance. Given the perceived need for migrant labour, and the normative climate in post-war Europe, there were higher levels of tolerance of foreigners when the *gastarbeiter* system was introduced. South Africans appear to be expressing growing hostility towards foreigners, based on assumptions about their negative impact on economy and society. Thus a successful migration regime will have to address the challenges of political management. This will necessitate responsible political leadership, including the involvement of public figures in actively discouraging xenophobia; challenging negative assumptions about migrants' socio-economic impact; and educating and informing citizens about the rights and entitlements of foreigners. This must be the responsibility of all stakeholders in all the SADC states. This is more than a plea for a normative framework that recognises the rights of foreigners; a failure to undertake these tasks is likely to have negative consequences for receiving countries and ultimately for the region as a whole, regardless of any normative framework. Transboundary migration in southern Africa is inevitable, and xenophobic attacks on foreigners are likely in the long run to result in social and political tensions, both among states and within states between citizens and foreigners. In turn, such tensions are likely to undermine the economic, social and political stability of individual states and the entire region.
- 9.10 *Sending and receiving states need a certain level of administrative and managerial capacity to successfully implement labour management regimes.* Southern African countries clearly do not have the human, financial or technological resources to manage complicated systems of entry and exit.
- 9.11 *Successful receiving countries have an efficient welfare net for their own citizens, which protects them against the effects of economic competition, which helps to allay fears of unemployment and reduced state benefits as a result of an influx of foreign workers.* Again, this is not the case in any countries in the region.
- 9.12 Most labour migration regimes are expressions of an uneasy compromise between political, economic and social imperatives and the often highly differentiated interests of a range of stakeholders in sending and receiving countries. A complex system of migration management is beyond the current capacity of SADC states. But an agreement that would allow the freer movement of persons among states is both possible and a key test of the region's ability to manage its labour markets in ways that will reduce conflict and maximise opportunities for growth. Such an agreement ought to be based on particular principles, and recognise certain realities.
- 9.13 More effective management of labour migration would give employers improved access to all levels of skills: research findings suggest that a significant number of foreign workers in South Africa are employed in jobs for which they are vastly overqualified, because they cannot access appropriate jobs. While their failure to secure work may be a consequence of a weak job market rather than immigration control, they do appear to command skills that

are in short supply in South Africa and could contribute to economic development. The opportunity to harness these skills is currently being squandered (Reitzes 1997).

- 9.14 No matter how tough the challenge of implementing a regional labour migration regime may appear, given the historical and current regional realities of Southern Africa it is arguably the only solution to regional migration management. While short-term initiatives such as amnesties may address immediate domestic and regional concerns, they do not provide long-term solutions. The alternative is for countries to continue to pursue unenforceable policies of immigration control that squander scarce resources which could be more effectively deployed in development, with the added negative consequences of domestic and regional social and economic instability, and growing diplomatic tensions.

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Endnotes

- ¹ The parties to the 1998 Schengen Agreement are Germany, France and the Benelux countries.
- ² The discussion in this section draws extensively on Ricca 1983: 22-43.
- ³ Five labour agreements have been signed in Africa since 1961 under the auspices of regional organisations: the OCAM (Joint African and Mauritian Organisation) agreement of 1961 on the status of persons and conditions of establishment; the CACEU (Central African Customs and Economic Union) joint agreement of 1972 on the free movement of persons and the right of establishment; the 1978 agreement on the free movement of persons and the right of establishment; the 1978 agreement on the free movement of persons between member states of the CEAO (West African Economic Community); the 1970 protocol on the free movement of persons, and the right of residence and establishment in the ECOWAS (Economic Community of West Africa) countries; and the 1985 convention on the free movement of persons, goods, services and capital, and on the right of establishment in the member countries of the CEPGL (Economic Community of the Great Lakes Countries).
- ⁴ This section of the report is largely indebted to the overview of migration and development literature in Papademetriou and Martin 1991.
- ⁵ In southern Africa, the legacy of the institutionalisation of the migrant labour system for the mines, and its spawning of migrant networks beyond that sector, should not be underestimated.
- ⁶ There are exceptions: in an attempt to ensure that sending countries benefit from emigration, some receiving countries instituted training programmes. France has attempted several variations with Algerians, Spaniards, and Portuguese, and the Netherlands offers similar programmes for workers from all sending countries. The funds committed to these projects have been significant, but the number of workers involved has been modest. Management failures and difficulties in obtaining sustained financing have made for few successful projects. Another reason for the limited success of such programmes is that sending countries have made only a few concerted efforts to assist migrant-led investments. The literature reports many isolated instances of such assistance programmes for migrants, but most are not integral parts of a comprehensive development strategy. Receiving countries have also developed other interventions, such as remittance schemes and return migration. For further discussion, see Papademetriou and Martin 1991: 14-22.
- ⁷ A study by the Southern African Migration Project (SAMP) on the poor response to the mineworkers' amnesty concluded that 'foreign miners hold overwhelmingly negative views of South Africa and very positive opinions of their home countries. Most Mozambicans could not bring themselves to mention any advantage—other than a job—of living in South Africa.' Miners from Mozambique and Lesotho are, relatively speaking, an economic elite in their home districts. Most own land and have invested resources in livestock and agriculture. These provide powerful ties to home. Their affection for home is in no way diminished by the fact that they are migrants. What they want is to dip in and out of the South African labour market, which is what many have been doing successfully for decades. See Crush and James 1999.