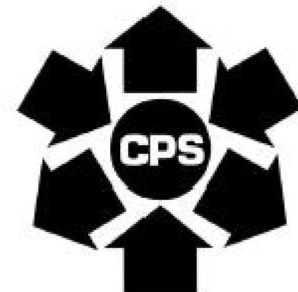
Research report no 71
Social policy series



Community of interests

Lessons for southern Africa from international labour migration regimes

Maxine Reitzes

Policy analyst, CPS

Centre for Policy Studies
Johannesburg
October 2000

This study has been financed with a grant from Interfund's Civil Society Fund, provided by the Students and Academics International Assistance Fund (SAIH) and the Norwegian Agency for Development Co-operation (NORAD).

The Centre for Policy Studies is an independent research institution, incorporated as an association not for gain under Section 21 of the Companies Act.

Centre for Policy Studies
Construction House
130 Sivewright Ave
New Doornfontein 2094
Johannesburg, South Africa

P O Box 16488
Doornfontein 2028
Johannesburg, South Africa

Tel (011) 402-4308
Fax (011) 402-7755
e-mail: cps@wn.apc.org

ISBN 1-919708-52-9

Contents

Background 5

Research method 6

The southern African context, and the case for a regional labour migration regime 7

Factors influencing international migration 10

Trends in international migration policy 12

Restriction 12

Containment 13

Increased selectivity 13

Post-world war 2 migration policies in receiving countries 17

Labour migration regimes in Africa 19

Reasons for the failure of regional regimes 20

The impact of migration on development in receiving and sending countries 21

Potential advantages to labour-receiving countries 22

Potential challenges to labour-receiving countries 22

Potential advantages to labour-sending countries 22

Potential disadvantages to labour-sending countries 22

The impact of immigration on the labour markets of receiving states 23

The impact of emigration on sending countries 25

Migration selectivity 25

The skills of returning migrants 26

Migrants' remittances 27

Some important factors identified by these studies 29

Conclusion 32

Background

For the past five years, the Centre for Policy Studies has researched unauthorised migration to South Africa. It has addressed a range of theoretical, normative and empirical issues surrounding the effects of current immigration policy on migrants, and the impact migrants have on South Africa's society and economy.

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.

Just as these migrants are currently unable to legalise their status in South Africa, there is no appropriate method for local employers to access foreign labour. The green paper on international migration acknowledges this, stating that:

> [the] presence of so many unauthorised workers in the country is a function of a regulatory system which offers little access to migrants who want to do temporary work, and few opportunities for employers who wish to hire them legally.[1]

This seems to suggest the need 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.

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.

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.

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

---

1 Department of Home Affairs, Draft green paper on international migration, 1997, Pretoria, s1.4.6, p 16.

(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.

Research method

This study approaches the management of migrant labour as an issue of co-operative governance between state and non-state actors. It is based on an extensive literature review, aimed at extracting lessons for southern Africa from migrant labour regimes elsewhere. It does not present detailed case studies of individual regimes, nor does it dwell on technical and administrative aspects such as quota systems, the imposition of taxes and levies on employers of foreign workers, regulation via visas, work permits, and so on.[2]

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.

What is possible and useful, and what this study does attempt, is to extract from the literature issues pertinent to migration regimes, and to draw out connections between the southern African context and others in which such regimes have been implemented. The study also reviews literature that 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.

The three major findings of the study are that:

- the proximity of countries among which people migrate has a decisive influence on the way in which those countries manage migration;
- 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
- migration can usefully be regarded as a development resource rather than a threat to social and economic security, and ought to be managed accordingly.

Ultimately, the study 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, given the major findings, is unlikely to succeed.

---

2 A great deal has been written on such policy instruments. See for example, W R Bohning, *Employing foreign workers : a manual on policies and procedures of special interest to middle- and low-income countries*, Geneva: ILO, 1996.

The southern African context, and the case for a regional labour migration regime

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.

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 evinced 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.

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.[3] 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.

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. South Africa is seen to provide more opportunities for skilled and professional labour. In 1994 it was estimated that more than 1 500 Zimbabwean medical doctors had migrated to South Africa; migrants from Lesotho occupy skilled posts in its public and private sectors.[4]

---

3 Lloyd Sachikonye, Rethinking about labour markets and migration in southern Africa, Southern African Political and Economic Monthly, 11(4), February 1998, pp 11-20.

4 Sachikonye, Rethinking about labour markets and migration in southern Africa.

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.

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. As one commentator pointed out: 'One might just sound a note of caution to South African business leaders, who see the region only as a captive market for their exports. Unless there is growth and development in the whole region, yielding employment, incomes and therefore buying power, a captive market, defined merely by geography and population statistics, is no more than a mirage.'[5] 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.

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.

In recent years, anti-immigrant sentiment in South Africa seems to have 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.[6]

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'.[7]

---

5 Makoni, cited in Sachikonye, Rethinking about labour markets and migration in southern Africa.

6 See Maxine Reitzes, *Strangers truer than fiction: the social and economic impact of migrants on the Johannesburg inner city*, Research report no 60, Johannesburg: Centre for Policy Studies, 1997; *Temporary necessities: the socio-economic impact of cross-border migrants in Gauteng and North West – a sectoral study*, Research report no 66, Johannesburg: Centre for Policy Studies, 1998.

7 Report by the South African Press Association (SAPA), Maputo, 10.12.98.

But South African citizens are not alone in trying to expel illegal immigrants and expressing anti-foreigner sentiment. Zimbabwean informal traders in South Africa have rebelled against Zambian second-hand clothing traders, and Botswanan citizens have protested against Zimbabwean traders. Botswana, Zambia and Zimbabwe regularly deport 'illegals',[8] albeit on a smaller scale than South Africa.

It is commonly assumed that South Africa's democratisation has encouraged increased migration to this country from the region. There is also a growing awareness in government that South Africa has 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 domestic and regional policies and initiatives. Domestic responses have ranged from 'once-off' interventions, such as granting amnesties to various categories of foreigners, to amending laws and drafting new legislation.

South Africa has also, as a member of SADC, participated in drafting the *Draft protocol on the free movement of persons in the Southern African Development Community (SADC).* The first draft was released in March 1996, and subsequent drafts in January 1997 and May 1998. The first release caused considerable controversy in the SADC, and was temporarily shelved, largely because it was widely criticised by South African decision-makers. The subsequent draft – which significantly dropped the concept of the free movement of persons, and was reformulated as the *Draft protocol on the facilitation of movement of persons in the Southern African Development Community* – displays the same approach as the South African Aliens Control Act, which suggests that South Africa played a dominant role in drafting it.[9] Notwithstanding this, this draft was also shelved as a result of perceptions of migrants as a threat to South African law and order and the social security of its citizens.[10]

---

8 Sachikonye, Rethinking about labour markets and migration in southern Africa.

9 The most striking similarity is that the types of temporary residence permits – work, business, study, work-seekers' and medical – the draft protocol provides for mirror the Aliens Control Act precisely, as does the condition that people may only apply for temporary residence permits and visas from outside the country they wish to enter. Similarly, section 12 of the 1993 Aliens Control Amendment Act, which states that work and workseekers' permits are only to be issued if 'the applicant ... does not and is not likely to pursue an occupation in which ... a sufficient number of persons are available in the Republic to meet the requirements of the inhabitants of the Republic', is echoed by the protocol, which states that a work-seeker's permit should only be issued to an sadc citizen if the member state has 'identified a shortage of qualified personnel to fulfil the demand in that category of employment'. These provisions have been dropped from the most recent draft.

10 Centre for Socio-political Analysis, *A research review of the policies surrounding the issue of the free movement of people across international borders with specific reference to southern Africa and the particular effect thereof on SA,* Pretoria: Human Sciences Research Council, 1995.

The most recent version of the protocol provides guidelines that prevent member states from removing any citizen of another member from their territory without using certain procedures and respecting certain rights. It prohibits the removal of groups of people based on their country of origin or family relations, and requires that the merits of each case be assessed. It also provides for people granted residence rights in a member state to enjoy the same rights as citizens of that state, to the extent that this is possible. The protocol is to be implemented by a proposed committee comprising the ministers responsible for immigration policy in each member state.

But the protocol is fundamentally flawed: although it calls on member states to review and amend their laws to accord with it, it lacks mechanisms for enforcing its prescriptions, and privileges the domestic legislation of each member state. And, given its stated commitment to regional economic integration, it is strangely silent on labour migration, except for stating that its provisions will not prohibit any member state from issuing employment permits. Its future remains uncertain, with member states apparently lacking the political will to endorse its implementation.

An initiative expected to create regional employment is the Maputo corridor between South Africa and Mozambique. It is seen as the largest current infrastructure project on the continent. At its launch in 1998, presidents Nelson Mandela and Joachim Chissano reinforced their commitment to regional development and co-operation. As Mandela declared at the time: 'As we co-operated in our struggle for liberation, as we stood together against oppression and violence, so we now take hands to improve the lives of our people.' Chissano added: 'We are saying to the world that Africa is not only a zone of instability, but rather one of economic progress and development. This is what is going to draw us out of poverty, because it will bring about job creation. We go to South Africa seeking jobs, but now the jobs are coming to us.'[11]

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.

Factors influencing international migration

Most of the literature under review 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.[12]

---

11 Report by SAPA, Mozambique, 6.6.98; report by SAPA, Komatipoort, 6.6.98; NBI *Quick Brief*, 17.2.98.

12 See, for example, Stephen Castles and Mark J Miller (eds), *The age of migration*, London: Macmillan, 1993; and Stephen Gill (ed), *Globalization, democratization and multilateralism*, Tokyo: United Nations University Press, 1997.

However, it is also clear that migration is not purely an economic phenomenon, and therefore cannot be understood solely in terms of rationalist models and theories of economic primacy, or addressed exclusively by economically inspired policies.[13] Many migration movements and policies are responses to economic imperatives. But for a range of stakeholders, including migrants; their countries of origin and destination; citizens of host countries; and other actors 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.

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.[14]

Migrant workers have thus become differentiated into an increasing number of categories:

- contract labour migrants recruited in groups for specific short-term projects;
- individual contract workers, recruited for short-term contracts or for indeterminate periods;
- highly skilled PMT (professional, managerial and technical) workers on secondment, short-term assignments or joint ventures;
- seasonal workers;
- 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 com-

---

13 For a critique of such approaches, see Goran Rystad, *Immigration history and the future of international migration*, IMR xxxvi (4), pp 1168–1100; Shula Marks and Peter Richardson, Introduction, in Marks and Richardson *(eds), International labour migration: historical perspectives*, London: University of London, 1984.

14 For a discussion of these trends in South Africa, see Haroon Bhorat and Rashad Cassim, Industry and trade policy: is it job-friendly?, *CPS Policy Forum,* 4, job creation series, Johannesburg: Centre for Policy Studies, 1999.

petitive 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;[15]

- service and hospitality workers, as well as domestics, au pairs, waiters, waitresses and the like; and
- 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.[16]

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.

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 states' ability 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.

Thus, as Freeman observes,

> ... however logical it would seem to attack migration from a multilateral, regional or even global perspective, the era of nationally based immigration policies is far from over.
>
> [O]ne result of the current crisis is that all western states ...have upgraded their legal and administrative capacities to control their borders ... *The ironic legacy of a crisis that seemed to demon-*

---

15 See John Salt, *The future of international labor migration*, IMR, xxvi (4), pp 1077–111; and Chris Rogerson, *International migration, immigrant entrepreneurs and South Africa's small enterprise economy,* Cape Town: IDASA, 1997.

16 Rystad, *Immigration history and the future of international migration*, pp 1169-99.

> *strate the weakness of national immigration controls and the futility of independent policies may be to reinforce both the principle of national prerogatives with respect to immigration* and the distinction between economic and political refugees.[17] [Author's emphasis]

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.[18]

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,[19] 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.[20]

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. Organised migration occurring with the consent of immigration authori-

---

17 Gary P Freeman, *Migration policy and politics in the receiving states*, IMR, xxxvi (4), pp 1144–67.

18 Ibid.

19 The parties to the 1998 Schengen Agreement are Germany, France and the Benelux countries.

20 For a more detailed discussion of containment policies and regimes, see Helene Pellerin, New global migration dynamics, in Stephen Gill (ed), *Globalisation, democratization and multilateralism*, New York: United Nations University Press and Macmillan, 1997.

ties 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.[21]

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:

> A major problem in identifying future foreign worker needs is the problem of what assumptions to make about the behaviour of the economy. 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. Not only does demand respond to the business cycle, new technologies, capital movement and international competition, but indigenous supply in turn responds to both public and private intervention via adjustments in wages, training and conditions of work. *In these variable circumstances, identifying an appropriate future immigration response to labour requirements is fraught with difficulty.* In other words, immigration is only one of a series of responses to labour market needs. Any attempt to use immigration as a labour market tool must also take account of the possible harmful effects on the indigenous supply.[22] [Author's italics]

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.

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. As the Swiss author and playwright Max Frisch said of European receiving countries, 'We asked for workers, but human beings came.'[23] Countries that host migrant workers have inevitably had to invest substantially in social welfare benefits for them and their families.

---

21 Salt, *The future of international labor migration.*

22 Ibid.

23 James H Mittelman, Restructuring the global division of labour: old theories and new realities,in Gil (ed), *Globalisation, democratisation and multilateralism*, p 92.

Thus 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 stakeholders 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.

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.

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.

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. As Seyla Benhabib has noted, a state is a 'political community' which therefore has the right to 'control the criteria of membership, and the procedures of inclusion and inclusion';[24] 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. The question, Benhabib notes, is '… the distinction between admittance and membership'. She suggests that, while 'admittance does not create an automatic right to membership', it does entail 'the moral right to know how and why one can or cannot be a member, whether one will or will not be granted refugee status, permanent residency, etc'. And these conditions 'must treat the other, the foreigner and the stranger in accordance with internationally recognised norms of human

24 Seyla Benhabib, Citizens, residents, and aliens in a changing world: political membership in the global era, *Social Research,* 66 (3), Fall 1999, pp 709-44.

respect and dignity'.[25] 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.

Ricca provides a synthesis of basic principles that characterise existing African labour regimes, which he suggests could be used as a model. 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'.[26] 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:

- 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.
- All benefits besides salaries accruing to workers in their country of employment should be fully transferable to their country of origin.
- Workers should receive full remuneration in their country of employment (thus ruling out deferred pay agreements).
- 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.
- 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.
- 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

---

25 Benhabib, Citizens, residents, and aliens in a changing world … , p 732. See also Michael Walzer, *Spheres of justice. a defense of pluralism and equality, New York:* Basic Books, 1983.

26 Sergio Ricca, *International migration in Africa: legal and administrative aspects*, Geneva: ILO, 1989, p 53.

jeopardised. Unfair dismissal should entitle the migrant to compensation and placement in alternative work.

- The agreement could provide for individual expulsions for security reasons.
- 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.
- The agreement could allow for arbitration procedures or appeal to a supranational legal body in the event of disputes between signatory countries.
- A taxation agreement would ensure against dual taxation.[27]
- 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.

Post-world war 2 migration policies in receiving countries

Two distinct models of immigration policy developed in post-war Europe: the 'rotation system', and permanent residence. The rotation system was a response to a desire by receiving countries to access labour while maintaining the cultural integrity of their nations. Thus its overarching logic was to direct foreign workers exclusively towards industrial citizenship while strengthening obstacles to political citizenship. Although in 1974 there were more than one million people of foreign origin in Switzerland, for example, the Swiss did not consider their country as one of immigration, which they regard purely as an economic issue, and which they believe they may modify in line with the interests of the country. Its immigration policy is aimed at regulating the number of foreigners and length of residence to prevent *überfremdung* – an unacceptably high percentage of foreigners.[28]

Thus the rotation or guest worker policy granted foreign workers temporary residence in receiving countries. These countries were unprepared to support entire families, but rather sought out young single males who were given temporary work permits, generally on an annual basis. When economic conditions changed and an immigrant labour force was no longer required or could no longer be supported, foreigners' contracts were not renewed.

For their part, the governments of sending countries often encouraged the temporary out-migration of workers, believing this would reduce unemployment in the short term and lead to the return home of trained workers in the long term. Many workers who mi-

---

27 Ricca, *International migration in Africa: legal and administrative aspects*, pp 54–5.

28 Hoffmann-Nowotny, cited in Rystad, Immigration history and the future of international migration, p 1180.

grated to industrialised countries intended to return home after earning as much as possible in as little time as possible, and this attitude often facilitated such a policy.[29]

But – given the large foreign populations in many western European countries today – the rotation system is deemed to have failed in achieving its original objectives. As Zolberg has observed, there is nothing as permanent as a temporary migrant. Reality failed to accord with assumptions that the extent of migration could be modified according to fluctuations in the labour market needs of receiving countries, and that the supply of foreign labour could be turned on and off in times of economic growth and decline. A major factor that undermined the intended outcome was family reunification: twice as many family members of migrant workers immigrated to France from 1975 to 1977 as workers did themselves.[30] A related factor that militated against these workers returning home was the establishment and entrenchment of informal recruitment networks, which facilitated new entrants.

Other factors discouraging return migration included the fact that foreign workers were no more adversely affected by economic decline than locals; unemployment among them was no higher than among the host population, because they were unevenly distributed across the labour market and often concentrated in sectors and jobs that the local population shunned. The rising standard of living and higher levels of education that developed during periods of economic growth diminished the supply of local labour available for these sectors and jobs.

Gradually, labour importing countries came to depend on a continued supply of foreign labour – which became more and more independent of the actual labour needs of the host economies, as migrant networks increasingly supported migration for the purposes of family reunification and the search of 'a better life'. As migration flows matured, and labour demand persisted, the temporary and revocable nature of the arrangement began to recede and give way to expanding opportunities for family reunification, some occupational mobility, and the all but formal establishment of settlement immigration.[31]

According to Rystad, mass rotation migration is obsolete as an instrument of immigration policy, and will not reappear. It is being replaced by a shift towards policies involving the highly selective recruitment of individuals deemed to be valuable additions to a country's labour force. At the same time, illegal immigration will continue and possibly increase.[32]

In summary, the outcome of the rotation system includes:

- many temporary and irregular workers have become de facto permanent immigrants;

---

29 Rystad, Immigration history and the future of international migration.

30 Ibid.

31 Demetrios G Papademetriou and Philip L Martin, Labor migration and development: research and policy issues, in Papademetriou and Martin (eds), *The unsettled relationship: labor migration and economic development*, New York: Greenwood Press, 1991, p 14.

32 Rystad, Immigration history and the future of international migration ….

- their presence poses considerable social, cultural, linguistic and political challenges to the receiving countries;
- the legal ambivalence of host countries and citizens, and the administrative discretion to which they are subject, have given rise to severe social and economic adjustment problems among such workers;
- the discrimination inherent in the employment and residential restrictions characteristic of guest worker policies channelled immigrants into specific economic sectors and types of jobs. This led to accusations of discrimination, and made certain industries structurally dependent on a continuing supply of foreign labour; and
- the sending societies have not yet realised many of the benefits which the 'temporary' emigration of their citizens was expected to provide.[33]

A major characteristic distinguishing countries party to the kinds of agreements discussed above from those in southern Africa is geographical proximity. In 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 the system failed. It was probably largely responsible for temporary and irregular workers becoming *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 rotation system practised in Europe, by facilitating the separation of industrial and political citizenry and enabling the regional management of labour migration.

Labour migration regimes in Africa[34]

As a general comment, Ricca notes that:

> In Africa, in the great majority of cases the public authorities do not intervene in migration and the decision to migrate. This very African trait partly explains the importance of the migrant's family environment and the reception networks.[35]

---

33 Papademitriou and Martin, Labor migration and development ..., p 7; and Stephen Castles and Mark J Miller, Migrants and minorities in the labor force, in *The age of migration: international population movements in the modern world*, London: Macmillan, 1993, p 193.

34 The discussion in this section draws extensively on Ricca, International migration in Africa ... , p 22-43.

Notwithstanding this claim, several regional regimes have been attempted in Africa.[36] 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 pursing 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.

Reasons for the failure of regional regimes

Experience suggests that regional regimes have failed, for the following reasons:

- They are overambitious, and implementation is too rapidly attempted. International experience suggests that the introduction of such agreements must be phased.
- 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.
- 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

---

35 Ibid, p 22.

36 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).

legislation still discriminates against foreign workers' rights to dispose of their wages as they wish; inter alia, deferred pay agreements are still in force.

- 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.'[37]
- 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.[38]

The impact of migration on receiving and sending countries[39]

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.

Nevertheless, a review of this literature highlights 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

---

37 Ricca, International migration in Africa …, p 74.

38 Ibid, p 74-89.

39 This section of the report is largely indebted to the overview of migration and development literature in Papademetriou and Martin, *The unsettled relationship: labour migration and economic development.*

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 literature suggests that they may not return and that their newly acquired skills will not necessarily be beneficial.

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

The complexities of countries' labour markets do not allow 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.[40] 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

---

[40] For more detailed discussions of theories of migration, see Papademitriou and Martin, Labor migration and development ..., pp 3–26; and Rystad, Immigration history and the future of international migration ..., pp 1172-6.

some categories of foreigners in several sectors'.[41] 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.

The networks created and maintained by migrants in some industries not only provide a labour force but also capital and markets, facilitating their self-reproduction and dependence on migrant workers. Thus migrants form 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'.[42] Migrants' close connection with textile networks give them an advantage over more traditional industries and the local workforce.[43]

The impact of immigration on the labour markets of receiving states

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.[44]

Alejandro Portes distinguishes between a primary and secondary labour market for immigrants. 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.[45]

However, 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

41 Pellerin, *New global dynamics …*, p 113.

42 Ibid, p 114.

43 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.

44 Castles and Miller, Migrants and minorities …, p 174.

45 Cited in Rystad, Immigration history and the future of …, p 1188.

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.[46]

But 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 George Borjas has observed an overall pattern of declining skills among post-1965 immigrants to the United States compared to pre-1965 migrants.[47] 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 that 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.

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 per cent, Chinese and Koreans had poverty rates of 1,5 and 13,5 per cent respectively, and immigrants from the Dominican Republic and Mexico suffered poverty rates of 33,7 and 26 per cent.[48] 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

46 Ibid.

47 Borjas, cited in Castles and Miller, Migrants and minorities …, p 177.

48 Borjas, cited in Castles and Miller, Migrants and minorities …, p 177.

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.[49]

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.

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.

As discussed earlier, the distance between countries of origin and destination seems to be a decisive factor influencing these developments.

The impact of emigration on sending countries

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).[50]

The dynamics of emigration and its impact on sending countries can be summarised as follows:

Migration selectivity

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

49 Castles and Miller, Migrants and minorities …, pp 176-7.

50 Pellerin, New global migration dynamics ., p 116.

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.[51]

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.[52]

The skills of returning migrants

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.[53]

If migrants acquire technical skills, one of the following may occur :

- The worker may be reluctant to return home because of his or her economic integration into the host society. Migrants who acquire skills usually achieve occupational advancement, increased economic rewards, and social acceptance.

---

51 Ricca, *International migration in Africa .,* p 20.

52 Papademitriou and Martin, Labor migration and development ..., pp 14-6.

53 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 Papademitriou and Martin, Labor migration and development ..., pp 14—22.

- Industrial migrant workers who return home are usually reluctant to engage in industrial work. According to Papademitriou, the evidence on this point is incontrovertible in Europe and the Gulf states, although evidence from the Caribbean and Latin America is mixed because industrial jobs are not the dominant ones for which workers from these regions are recruited. Evidence from Africa is even more complicated, because overt racism and ethnic discrimination play a much larger role in determining an immigrant group's place in the host labour market. If a worker has acquired substantial new skills and holds a responsible position abroad, he or she may be unwilling to work in the home country for lower wages and under inferior conditions. Furthermore, migrants who return may no longer be interested in industrial work, may prefer the independence of owning their own businesses, or choose retirement or semi-retirement.

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.

Migrants' remittances

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.

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.
- 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. Kir-

wan[54] 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.

- 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.

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,[55] 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.

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.[56]

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 con-*

---

54 Cited in Papademetriou and Martin, Labor migration and development ..., p 19.

55 Cited in Papademetriou and Martin, Labor migration and development ..., p 21.

56 Papademetriou and Martin, Labor migration and development ....

tribution may thus be to progressively undermine national labour boundaries, and transform itself into a component of the international political economy.

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.

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.

Some important factors identified by these studies

The preceding reviews of the rotation system, African migration regimes, and the development literature suggest that 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 listed below.

- 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. 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. In-

stead, 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.[57] 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.

- *Once migration linkages are established they are very difficult to break, and migeration 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.
- *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

---

57 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 Jonathan Crush and Wilmot James, Migrant labour must end, says white paper, *Crossings* 3(1), 1999.

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.

- 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.
- *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.
- Besides proximity, *high levels of infrastructural development*, as evinced by regional spatial development initiatives, *are likely to further facilitate migration.*
- *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.
- *Sending and receiving states need a certain level of administrative and managerial capacity to succesfully 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.
- *Succesful 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 infilux of foreign workers. Again, this is not the case in any countries in the region.

Conclusion

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.

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.[58]

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.

---

58 Reitzes, *Temporary necessities ....*