

# Crossings

## New training course addresses challenges of migration

SAMP starts course for managers in partnership with Wits University

Shifts in the character of migration to and within the Southern African region over the last decade pose significant challenges for effective management and good governance. Attempts to craft a regional policy regime appropriate to the new emphasis on regional cooperation within SADC require that all stakeholders begin to consider alternative models of cooperation and migration management.

In early 2002, SAMP, in partnership with the Graduate School in Public and Development Management at the University of the Witwatersrand, will offer an annual in-service course for migration professionals in government departments, the private sector, the legal profession and civil society.

The certificated course is designed to build the capacity of government and civil society managers involved in migration issues and management.

The need for this course emerges out of the challenges facing administrators and practitioners caught in the contradiction between rapidly changing forms of migration within and to SADC member states and insufficient training to meet the governance, legal and human rights challenges posed by these movements.

Training will focus on improving knowledge of the causes, nature and implications of these movements; international, regional and national legislation and regulatory frameworks; and the informational and legal parameters for sound, knowledgeable and coordinated decision-making.

The course will be taught in four one-week modules by well-known local and international migration experts. It will improve local knowledge of the international context of migration within which trainees must operate and make decisions about migration management and provide reliable knowledge about the dimensions, trends, causes, consequences and impacts for host and destination countries of cross-border migration. The courses will have an international and comparative dimension but be focused on the practical realities and challenges of the SADC region.

There will be basic training in the constitutional, legal and human rights parameters within which policy is made and enforced and trainees will be sensitised to the gendered character of migration and the implications for gender-sensitive management. The final module of the course will focus on managing the social implications of migration including competition for jobs and scarce resources, xenophobia and HIV/Aids.

Trainees who successfully complete the course will receive a Certificate in International Migration Policy and Management from the University of Witwatersrand.

Details about the course can be obtained from Dr Sally Peberdy at: Graduate School of Public and Development Management, University of the Witwatersrand, Private Bag 3, Johannesburg 2050  
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And at <http://www.queensu.ca/samp/training.htm>



**ON THE MOVE:** The new course will improve local knowledge of the international context of migration.

## Setting framework for regional talks and co-operation

The issue of free movement in SADC is a controversial and complex matter. At the heart of it is the fear of those member states with the most advanced economies that a relaxation of migration controls would result in the one-way flow of large numbers of people in search of jobs and other opportunities. This is combined with a fear that minimised border controls would also create increased opportunities for cross-border criminal syndicates.

At a political level, it raises the fundamental question regarding the sovereignty of each of the member states and, therefore, whether migration should be governed by a regional protocol, or whether it should be subject to the domestic legislation of each member state.

The process around the design and adoption

of a regional protocol on migration, spearheaded by the SADC Secretariat, lasted for six years (following an initial SADC workshop in July 1993). At the end of 1999 the process ended inconclusively, with no immediate prospects of it being revived. It is unlikely that anything further will be forthcoming from the Secretariat unless it is on the basis of a renewed instruction from either the SADC Summit or the Council of Ministers. Yet the need for regional dialogue between SADC member states on a pressing issue such as regional migration remains paramount.

In April 1999, the International Organisation for Migration (IOM), the International Migration Policy Programme (IMP), SAMP and the US-INS arranged and hosted a regional migration policy and law training course in Pretoria for senior

migration officials from all SADC member states.

Two subsequent seminars in Lusaka and Harare, confirmed the value of a regular joint forum of migration officials, focused on various aspects of migration in the region. In November 2000 at a workshop held in Mbabane, Swaziland, representatives of all 14 SADC member states formally established the Migration Dialogue for Southern Africa (MIDSA), as a viable framework for regional dialogue and cooperation on migration issues and problems.

MIDSA was established as an ongoing process within which officials from SADC member states can network, exchange experiences, share concerns and develop their knowledge, understanding and capacities in the field of migration. Key to the establishment of MIDSA was the agree-

ment by participants in the Mbabane meeting, that it should be sustained through a collaborative effort that involves all the countries in SADC, the SADC Secretariat and international and regional institutions with knowledge and expertise in the field of migration. The work undertaken in the MIDSA process is co-ordinated by a Steering Committee that consists of the IOM (Pretoria), SAMP, US-INS, and the IMP.

The specific functions of the Steering Committee were identified as follows:

- Planning and approving the annual cycle of MIDSA activities
- Exchanging information among MIDSA partners

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# Migration, racism and xenophobia

**JONATHAN CRUSH** asks whether research that shows hostility by South African citizens to immigrants and migrants is a phenomenon found across the region, and whether the anti-racism conference held in September helped ameliorate these prejudices.

In September 2001, the United Nations World Conference Against Racism, Xenophobia and Related Intolerance convened in Durban, South Africa. As reported by Vincent Williams elsewhere in this issue, governments, non-governmental organisations (NGOs) and international organisations prepared for this event through a series of meetings and national and international consultations. But what did this international event mean for the SADC region? What lasting benefits might accrue to Southern Africans through this fleeting period in the international spotlight? Or was this just another international talk-shop with minimal practical implications for ordinary people within SADC?

Xenophobia (particularly when directed at citizens of one SADC country by those of another) is particularly damaging for good national and local relations within the region. Shining a spotlight on the global problem of xenophobia may have encouraged governments and NGOs in Southern Africa to take a growing problem in the region more seriously.

Think back to November 2000 when four South African policemen set dogs on three defenceless Mozambicans and subjected them to a torrent of racist abuse. In the past, such actions were routinely sanctioned by the apartheid state. Yet the police officers were convicted on charges of assault and attempted murder and sentenced to four to five year prison terms.

For many, this grotesque incident confirms the truth of the ANC's argument that racism is alive and well in South Africa.

South African politicians and the media reacted with admirable outrage to the incident. Max du Preez, writing in the Johannesburg *Star*, called it "the worst pornography of racism and violence" that he has witnessed in three decades of journalism.

But what if this incident demonstrates the vitality not only of racism, but xenophobia. The three victims were all from the neighbouring country of Mozambique, and were characterised as suspected "illegal immigrants" in the South African press. South Africa has deported over half a million people to Mozambique since 1994. How do the police actually generate and manage this considerable human cargo?

In 1998, after a thorough investigation, the international group, Human Rights Watch, published a troubling exposé of the human rights abuses involved in the deportation system. Any potential deterrent effect was compromised by endemic corruption.

In 2000, the state-funded South African Human Rights Commission confirmed reports of misconduct in a study based on interviews with potential deportees at the privately-owned Lindela holding facility near Johannesburg. The Commission found that as many as 20% of those in detention were actually South African citizens. Concerned about escalating attacks on foreigners by citizens, the Commission launched a Roll Back Xenophobia campaign in co-operation with the United Nations High Commissioner for Refugees (UNHCR), NGOs and other organisations.

Research by SAMP, including two nationally representative surveys of South African attitudes to non-citizens in 1997 and 1999, paints a disturbing national picture. Far from being a place of tolerance and openness, these surveys reveal high levels of intolerance towards non-citizens (whether legal or illegal, immigrants or migrants, refugees or asylum-seekers). Interestingly, the problem of hostility does not appear to be confined to any one racial, social or economic group, but is directed mainly at Africans from neigh-

bouring countries and further afield. Yet the surveys showed that South Africans' first-hand contact with other Africans is relatively limited. Hostile attitudes are not driven by experience but by stereotype and myth. Here the media has played a defining role; its coverage of migration and immigration issues often borders on the xenophobic.

South Africans are, of course, far from unique in this regard. The evidence shows that with globalisation, the world's population is becoming much more mobile while national borders are becoming more porous.

In virtually all countries that receive rather than send migrants and immigrants, there will inevitably be a proportion of the population that is hostile to foreigners. In many countries, the sub-group is small and extremist. But when anti-foreign intolerance is widespread or growing rapidly, then the public policy challenge escalates. Policy-makers feel more constrained about bold or innovative policy changes. Policy tends to become focused on control and prevention. The benefits of immigration and migration for host and sending countries tend to be forgotten.

Governments have to counter the trend with expensive public education campaigns, preach tolerance and prosecute their own citizens for attacks on non-citizens, even as they themselves may also be extremely worried about the impact of immigration. South African policy-makers and attitude-formers have a major task ahead.

The key question in Southern Africa is whether the hostile public attitudes towards non-citizens that have been uncovered by researchers in South Africa are simply confined to that country and are a result of its unique history.

Other Southern African countries, particularly those that hosted South African political exiles in the anti-apartheid struggle, would like to think of themselves as both more welcoming of strangers and less prone to xenophobic attitudes and action. Zambia, for example, was singled out by the UNHCR for its gen-

erous refugee policies. During the Mozambican war in the 1980s, refugees were welcomed in countries such as Malawi, Swaziland and Zimbabwe. Visitors and non-citizens living in SADC countries do not complain about ill-treatment in the same way that non-citizens in South Africa do.

However, before we accept definitively that there are different attitudes either side of the Limpopo River, more rigorous research and analysis is needed of citizen attitudes in other SADC states. To that end, SAMP has conducted national surveys in a number of SADC countries and the results should be available shortly.

What is the connection between citizen attitudes and policy-making?

Policy discussions in Southern Africa are divided. One line of thought emphasises greater regional openness and new mechanisms to facilitate legal migration in the interests of greater regional co-operation and integration with one's SADC neighbours. Reduce illegal migration, the argument goes, by changing the laws that define illegality and direct resources to ameliorating the social and economic conditions that attract migrants to certain countries.

The opposite view, really an extension of inherited colonial approaches, advocates increased resources for border controls and deportations.

Immigration reform is never easy, as international experience confirms. One of the major obstacles to bold policy-making is a hostile public attitude based on second-hand knowledge and mythology (the very definition of xenophobia).

Southern Africans need to reflect positively on how far they have come in the effort to eradicate the racism and human rights abuses of the past. When people see the ugly side of xenophobia they are justly outraged. In that respect, incidents such as the one with the dogs may have a positive outcome, encouraging people to examine the basis of their own attitudes towards their SADC neighbours.

## Durban conference highlighted growing hostility

XENOPHOBIA and discrimination against non-nationals are often simply equated with racism. While it is true that these are overlapping phenomena, the fact that non-nationals are often discriminated against although their physical appearance, language, cultures and so on correspond with those of nationals, suggests that xenophobia and discrimination against foreigners requires a different understanding of the issues involved and, therefore, a different approach.

Unlike racism, xenophobia describes attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity (NGO Declaration). It is thus based primarily on the country of origin and national identity of the person(s) being discriminated against, as opposed to their physical characteristics.

The preparatory events for the World Conference Against Racism (WCAR) held in Durban last year and discussions at the conference amongst organisations working with migrants, asylum seekers and refugees, highlighted that growing racist and xenophobic hostility towards non-nationals is a serious denial of their human rights and human dignity. In particular, it is undocumented migrants, asylum seekers and refugees who become easy targets for xenophobic hostility.

Much of the current anti-xenophobia work in the world is focused on attempting to shift the debate(s) about migration. The starting point is usually in response to the belief held by citizens that millions of poverty-stricken, illiterate migrants and refugees are invading the country and competing unfairly for access to social, welfare and economic opportunities. However, it is well known that many migrants and refugees bring with them significant entrepreneurial and other skills and expertise. Many are also well qualified academically. The problem is that citizens are not

easily persuaded to change their perceptions, based simply on what they are told about the profiles and actual or potential contribution of migrants and refugees.

At a more substantial level, there has not been any major shift in the perceptions of, and attitudes towards foreigners by citizens. On the contrary, negative attitudes are becoming more common-place and widespread and increasingly result in foreigners being victims of indiscriminate and violent attacks. Even when citizens have been exposed to alternative and more balanced information about migrants and refugees, this has had little impact on attitudes and perceptions. One of the key outcomes of the WCAR in this regard was the recognition that xenophobic attitudes are increasing in many countries around the world.

South and Southern Africa is no exception, as is demonstrated by the results of the SAMP survey on citizen attitudes to migration policies that Jonathan Crush reports on in this issue of *Crossings*.

If public awareness and alternative information is not sufficient to reduce xenophobia, what then is to be done about it?

Fundamentally, anti-xenophobia strategies must comprise a number of different interventions that are geared towards changing the manner in which citizens think about, and behave towards, foreigners. Such attitudinal and behavioural change is brought about by two factors: Firstly, by making it possible for an individual to understand how his or her attitude or behaviour, whether implicit or explicit, may be harmful (emotionally, psychologically and sometimes physically) to others. The second and related factor has to do with the environment in which the individual finds her or himself. If the environment does not condone discriminatory attitudes or behaviour, it makes it more difficult for an individual to continue with such practices.

One of the factors that contributes to ongoing xenophobic attitudes is the lack of interaction between migrants and refugees and

citizens. Experience has shown that those citizens who have had opportunities to interact with migrants and refugees in a meaningful way, are less likely to be xenophobic. These processes of interaction, however, will only succeed if they are specifically constructed to allow for dialogue and meaningful interaction. By implication, this means that such interaction cannot just be coincidental, but needs to be organised and facilitated.

Strategies to counter xenophobia have been primarily developed in response to the question "what makes people xenophobic?" thus resulting in anti-xenophobia programmes directed at people who are deemed to be xenophobic. However, in most countries, there is also a significant number of people who are not xenophobic, that support and lobby for the rights of non-nationals to be protected. This prompts the question- why are some people not xenophobic? Does it have to do with a particular set of experiences, beliefs or value systems?

Whatever the case may be, the fact that there is a cadre of people who are not xenophobic provides an important opportunity for building and strengthening a "movement" of peer educators who, through engaging in actions and activities that promote the rights of non-citizens, can help contribute to an environment in which xenophobic attitudes and behaviour are deemed to be unacceptable.

The inclusion of xenophobia in the WCAR as a distinct form of discrimination provided an important impetus for governments and civil society organisations to collaborate locally, nationally, regionally and internationally to confront xenophobia and to develop strategies to counter it.

Such strategies must be aimed at reducing ignorance and creating an environment in which the rights of migrants, asylum seekers and refugees are not only respected, but also actively protected and promoted.

## MIDSA process

◀ From page 1

- Co-ordinating training and capacity-building activities within MIDSA.
- Mobilising the technical and financial resources necessary for the implementation of the MIDSA process.
- The systematic evaluation of MIDSA activities.
- To liaise between SADC member states and the Secretariat and interested donors.

During the period 2001-2, the MIDSA process will focus on the following areas:

- Migration Data Assessment – several activities will be undertaken by SAMP to assess migration data collection and storage/usage in the region, as a basis for determining needs for additional facilities to collect, standardize and exchange such data.
- Research on legislative harmonisation – a review and comparative analysis of migration policies and laws in the SADC region will be undertaken by SAMP together with a workshop on harmonisation.
- Migration and Border Management – this training workshop, co-ordinated by IOM, was held in Lusaka in May 2001. The workshop reviewed approaches to border management, identified modalities for the facilitation of cross-border movements, including customs and visa policies and assessed the needs for future technical assistance.

MIDSA is a new and important inter-agency and inter-governmental initiative which has moved into the vacuum created by the demise of the SADC Movement Protocols. One of the reasons why the Protocols stalled was their ambition and grand design.

All states within SADC recognise the need for greater co-operation and a regionalised approach to cross-border migration. Initiatives such as MIDSA provide one instrument by which this important goal may be realised.



**PROTESTING:** Xenophobia was highlighted at the 2001 UN World Conference Against Racism, Xenophobia and Related Intolerance in Durban.

## Making conversation with migrants

*Crossings* was published regularly from 1997 to 1999 as part of SAMP's commitment to public education and dissemination of research information on regional migration issues. The feedback we received from across the SADC region indicated that this was an important, respected and widely read source of information and commentary. While SAMP remains committed to disseminating migration-related information, new funding sources are required to keep *Crossings* in business. Until such time, SAMP will publish occasional special issues, such as this one, when funding becomes available.

In July 2000, SAMP organised a major regional conference on International Migration and Regional Co-operation in Southern Africa. Some of the conference proceedings are reported in this issue. The conference itself aimed to promote the idea of multilateral co-operation as a viable response to the political and social challenges of accelerating population movement within SADC. Informing policy-makers of the state of knowledge about cross-border migration causes, volumes, trends, and economic and social impacts was another important goal.

The conference also aimed to evaluate existing policy and legislative instruments used for the governance of cross-border migration in the SADC region. Finally, it sought to educate delegates on the regional challenges posed by issues such as undocumented migration, the rise of xenophobia and HIV/Aids.

Those were the hard goals. The soft objectives may be more durable. The conference was an important step towards fostering three new conversations in the region. First, by bringing together senior officials from most SADC states and a range of migration researchers, the conference initiated a long-overdue conversation between practitioners and analysts. Second, the conference furthered an ongoing conversation about migration management amongst senior SADC officials themselves. That discussion has since continued at the Migration Dialogue in Southern Africa (MIDSA) meetings. Third, the conference clearly demonstrated that governments and non-governmental organisations can discourse civilly about migration issues.

Absent at the conference were the migrants themselves. Migrants (whether immigrants, refugees or temporary workers) are often seen as objects to be governed, not subjects who experience, respond to and sometimes resist government policies. However workable a statute appears on paper, it is the migrants themselves who play a major role in determining whether the policy or regulation will work or not. Researchers can play an important role in "giving voice" to migrants and citizens on migration issues. However, these voices are still mediated by research priorities, methodologies and styles of analysis. New mechanisms and forums are still needed in which migrants are spoken with, not just about.

*Jonathan Crush and Vincent Williams*

Editorial



# Common ground for migration research and policy

Kathleen Newland,  
Carnegie Endowment,  
Washington

International perspective

I have spent most of my career moving in and out of academic and inter-governmental institutions. I have therefore seen the interface from both sides and am one of those who truly believes that good research can make possible good policy; and also that good policy-making facilitates good research (which is maybe a little less intuitively obvious).

Let me start by listing some of the ways in which research can facilitate good policy-making. Researchers will be familiar with the following pattern. The researcher decides on the research topic and methodology, goes out and does the research, writes it up and includes a little chapter called Policy Recommendations. This is handed over to the policy-makers with an accompanying statement: "Here are the results of our research. Now please make good policy on this basis." This is not an interactive process and it does not always work very well.

I have found that there are at least three ways for researchers to work with policy-makers. Firstly, there is what I might describe "mapping exercises": ie trying to chart the terrain on which policy is going to be made. That often involves very basic forms of migration research – how many migrants are there? Who are they? Where

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are they coming from? What do they do? What are their intentions about staying in the country where they're working? Will they go home? Are they sojourners or permanent migrants?

That sort of basic research often reveals a lot of surprises to policy-makers. That is because they often find themselves operating on sets of assumptions that may be outmoded or overtaken by events. In the case of the US-Canadian border and the US-Mexico borders, for example, we found an enormous number of official and unofficial cross-border projects and interactions and migration relationships that the policy-makers in Mexico City and Washington and Ottawa were not even aware of. For researchers to uncover these



facts and communicate them in a clear way is an immensely important factor in assisting policy-makers to see what they must deal with.

The second major contribution of migration researchers to the policy process lies in their monitoring function. Researchers can monitor the impact of new policy, give feedback and permit adjustments to policies when necessary. They can provide information on whether a particular policy is producing what it is intended to produce or whether it is having unintended consequences, good or bad.

A third contribution of researchers is to speculate intelligently on the "what if?" questions; that is, they try to anticipate what the results of proposed policy changes might be. This is one activity that is much more successful when it is done jointly between people in government and the research community. That is one of the founding premises of an international effort called the International Metropolis Project which is designed to be a truly interactive project. There are now about twenty countries that participate in the process and policy-makers from all levels – from the federal down to state and local government – have truly been interacting with academics and researchers to ask the right questions and to help the researchers design their research in a way that will truly be useful to policy-makers.

This is a two-way street. Good research makes good policy possible, but good policy-making facilitates good research. What do I mean by that? For researchers to really be able to frame their questions in a useful way for policy, transparency is important in the policy-making process. When a policy is tabled and debated policy-makers must make clear what the policy is really intended to do so that researchers can try to monitor and follow the results and give feedback on its introduction. Transparency is important not only when a policy is being framed, but also when it is being implemented. In the US there is a battle for transparency in the immigra-

THREE PROMINENT MIGRATION EXPERTS REFLECT ON THE LOCAL AND INTERNATIONAL EXPERIENCE OF INTERFACING RESEARCH AND POLICY. THESE ARE EDITED VERSIONS OF THEIR PRESENTATIONS TO A SAMP CONFERENCE ON INTERNATIONAL MIGRATION AND REGIONAL CO-OPERATION.

tion service. If information is not made available, there can be no dialogue and no feedback.

Clearly the interface works best when it is truly interactive – not just the "here is my research, now go and make good policy" or the "here's our new policy, please come back in two years and tell us whether it's working". The dialogue must begin much earlier in the day.

Steven Friedman,  
Centre for Policy  
Studies

South African perspective

I spent part of my life as a researcher during the apartheid era in which we were trying to generate research, not to convince a group of policy-makers, but to assist a group of social actors. Quite bluntly our research aimed to get rid of those policy-makers and put in place policy-makers who might be open to more rational debate. Since 1990, we have had a situation in South Africa in which a better relationship between policy-makers and researchers has operated. Most of the policy-makers and many of the researchers share the same moral perspective and values. It was also a new political order. There was a great deal of fluidity and people were looking around for solutions. You had a period, now fading, in which there were unusually favourable conditions for a dialogue, a genuine dialogue, a mutual search for solutions between policy-makers and researchers.

This did not occur in migration policy. The small migration research community divided into two camps. There were those researchers who were comfortable with a policy devoted exclusively to keeping foreigners out and there were those who were not. I am one of the latter. I personally find the idea of throwing foreigners out of South Africa deeply offensive.

The research which was done on the anti-immigration side was officially endorsed but would not pass muster in a first-year sociology class. It was based on an almost obsessive idea of

counting the uncountable and then drawing policy conclusions from that. There is no formula that could possibly give you a relationship between the number of people who overstay visas and the total number of undocumented migrants in the country. The figures that came out of this exercise were made to look scientific, but they were not. The dialogue of these researchers with policy-makers was based on the fact that they were on the same wavelength. They both believed in migration control and (engaged in) serious dialogue about how you make control work. I find much of the official migration research a symptom of a problem, rather than a solution. If we rely purely on a dialogue between control-oriented researchers and policy-makers, we will achieve very little.

The question that people like myself have to confront is what about the researchers who do not believe in this model? What about those who believe that there is plausible evidence that migrants do not cause crime; that they are actually an economic asset to the country rather than an economic drain; and that the incidence of HIV/AIDS amongst migrants is no greater than it is amongst anybody else?

Firstly, there needs to be a broader understanding of who the policy-makers and policy actors actually are. However critical I may be of current migration policy, South Africa is still a



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constitutional democracy. People are allowed to organise and debate and lobby for their particular policy positions. If there is going to be progress towards the sort of migration policies that I personally would favour, then those are going to be achieved by the actions of people outside government as much as by people inside government. Researchers need to engage more broadly with policy actors, not just those in government.

Secondly, there needs to be as much attention

South African migration policy is far more fluid than it appears; there are many opportunities for dialogue but there must be an appropriate strategic understanding by researchers of how and where to talk.

given to researching strategy as to researching actual issues. Researchers must earnestly try to understand whether a policy or set of policies will work or not, whether it is good for the country and so on. However, research that is opposed to current migration policy will not make any impact if that is all it does. The other thing is to look at those policy positions strategically. What do they say about shifts in government policy and where are the points of leverage? I happen to think that at the moment, South African migration policy is far more fluid than it appears; there are lots of opportunities for dialogue but there must be an appropriate strategic understanding by researchers of how and where to talk.

Sehoai Santho,  
National University  
of Lesotho

Regional perspective

Having watched the Southern African scene in the 1980s and 1990s, I have a number of questions that I want to raise. Firstly, is there too much research or what passes off as research? Whether it is relevant or irrelevant, focused or unfocused, self-indulgent or consultancy-driven, is there simply too much research to digest?

Secondly, is there too much dialogue, both at national and regional level? I ask this because in Lesotho in the 1970s and 1980s we became used



to donor-driven dialogues and workshops. They developed a workshop or conference culture which, in the case of Lesotho, ultimately became a workshop disease, but with minimal outcomes in terms of policy processes.

At a regional level, SADC inherited from SADCC a glorious culture of forums and dialogues and regional meetings. In the 1980s, a club of Southern African policy-makers and donors used to meet in nice hotels to discuss various projects. SADCC was a fundraising club for countries that were affected by South Africa. SADC inherited this culture, but called it "developing a regional integration agenda on a consultative basis".

Thirdly, too little public policy formulation, both at national level and regional level, is informed by research or workshop output. Public policy formulation in the area of migration, for instance, has either been based on frameworks (mostly of bilateral treaties) or on an ad hoc, short term basis, with no consideration of the complexity of the issue of migration in the SADC region.

This criticism includes the way SADC framed and pushed a SADC-wide free movement protocol. This was not well thought through, and no doubt shot down by countries that feared that a regime of free movement in Southern Africa would lead to an avalanche of economic migrants, with serious consequences. So, the SADC bureaucracy underplayed the political sensitivities that they ought have taken into consideration before framing this free movement protocol.

In 1995, I served on the National Labour Market Commission in South Africa at the invitation of the then Minister of Labour, Tito Mboweni. The migration issue was added to the terms of reference more as an afterthought. The

fact that the relationship between the South African labour market and the regional labour market was seen as an afterthought is telling. Some of us felt very strongly that South Africa is in Southern Africa; it cannot duck its relationship with Southern Africa. Within Southern Africa at large there is an expectation about post-apartheid South Africa's role in a regional reconstruction and development programme within the framework of the SADC's principles of equity,

Good and reliable information is essential for informed policy-making.

balance and mutual benefit. Some communities, especially Cosatu (the Congress of South African Trade Unions) and NUM (the National Union of Mineworkers) in their presentations took this very seriously.

Thirdly, key stakeholders and interest groups that made presentations to the Labour Market Commission differed significantly on this matter. Within South Africa, there was the problem of multiple jurisdictions. You have the Department of Labour, which initiated the Labour Market Commission. You have the Department of Home Affairs that administers the system. You have the Department of Foreign Affairs concerned with inter-state relations. You have Trade and Industry involved in discussions about the South African Customs Union as well as the development of a SADC Trade Protocol. You had defence, security and police involved with policing borders effectively. None of these ministries presented a co-ordinated vision of the issue and its remedies.

Then we had the Chamber of Mines whose representations were very clear. They wanted maintenance of the migratory labour system. You had Cosatu, NUM and the Mineworkers Development Agency, the development arm of NUM, which was advocating for a regional reconstruction and development programme and campaigning for an end to the migratory labour system.

The Commission was hampered by the absence of good basic research. Our sources of data were a big problem. There was good data on mine contract migration but this is no longer the main pattern. The emerging pattern was that of undocumented migration. A source of data for the latter was the Department of Home Affairs. I vividly remember the representations from the concerned old-order officials from Home Affairs who were arguing implausibly that there were eight million "illegal immigrants" in South Africa. One enthusiastic official said – in a quite serious vein – "and on the assumption that the average African male is married to four wives or two wives or whatever, eight million is actually quite modest because if you multiply these eight million men by their three wives, you can get serious numbers indeed!"

The migration issue is clearly complex but good and reliable information is essential for informed policy-making. There is now a lot more research going on than there was at the time of the Labour Market Commission. Some of it is unfocused and there is still a need to situate regional migration in terms of general process of regionalism, but it is happening.

*This Forum contains edited versions of presentations made to the July 2000 SAMP Conference on International Migration and Regional Cooperation*



BELINDA DODSON argues that it is necessary to recognise female migration, in research and policy-making, as a powerful and positive force for regional integration and development.

# PUTTING THE GENDER BACK INTO MIGRATION

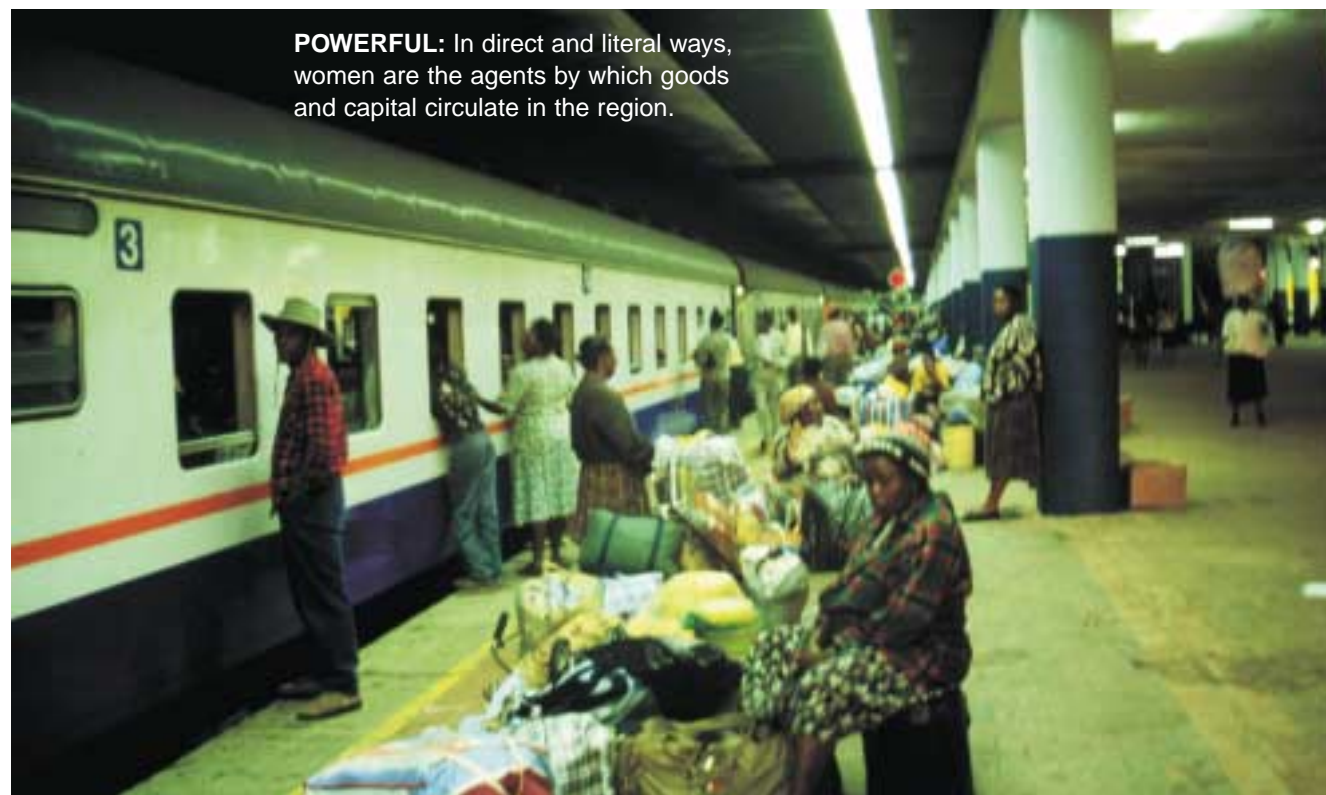
The research and policy debate on migration in Southern Africa has been dominated by labour migrants, especially mine migrants, and hence by men. Women have been looked at largely as those left behind in Lesotho, Swaziland, Botswana or Mozambique: as *de facto* heads of household and bearers of additional burdens of domestic and agricultural labour. Women as migrants themselves have been largely invisible, not because they aren't there but because no one has really been looking. Where female migrants have been the subject of migration research, this has usually been in the context of their support role to male labour migrants, for example as beer brewers or sex workers in the mining towns of the Witwatersrand.

The male-dominated "labour migration" paradigm has created other distortions too. It has meant an emphasis on migration to a single country, namely South Africa, and the corresponding neglect of migrant flows across other international borders in the region. It has represented migration as something that is done by "labour" as a category, not by individuals who are members of couples, families, households and communities. These intersecting gender, geographical and theoretical biases distort our understanding of the causes, effects and very process of migration, with serious implications for the formulation of regional migration policy. While they may have been relevant to the migration patterns of the past, they are increasingly inappropriate to current and future migration flows. They are especially inappropriate for understanding migration by women.

Over the past decade, although cross-border migration has remained male-dominated, more and more women are crossing borders between Southern African countries. New social, spatial and temporal patterns of migration are evolving, with various forms of to-and-fro migration driven by a variety of social and economic motives. Yet these patterns remain little researched and poorly understood.

Who are these women? Are they married, single or widowed? How old are they? Are they the partners of male migrants or do they leave male partners at home? Do they have children? Do they migrate individually or in groups? Where do they come from and where do they go? Do they conduct work? What goods do they take with them and what do they bring back? How often do they cross borders, and how long do they stay? How do they travel? In direct and literal ways, these women are the agents by which goods and capital circulate in the region – carried in plastic shopping bags; in bundles on people's heads; tucked into shoes and bras. They are potentially powerful agents of development, yet most migration policy and law hinders rather than facilitates their mobility.

Putting the gender back into research and policy-making on



**POWERFUL:** In direct and literal ways, women are the agents by which goods and capital circulate in the region.

migration means more than "just adding women" by examining female migration, although listening to women migrants' stories would be a good starting point. One of the main tools of gender analysis is to examine migration as a household strategy. People practice mobility as a strategy to secure household livelihoods, although the resulting migration might itself be gender-specific.

Even male labour migration has to be understood in terms of gender relations. Men migrate to work in other countries in order to fulfil social expectations and obligations, almost all of them relating in one way or another to questions of gender: to prove their manhood, to pay "lobola" or bridewealth, to provide for their wives and families. Gender relations and household structure influence migration flows; migration flows modify household structure and gender relations. Without understanding intra-household

gender relations, the gender division of labour and cultural constructions of gender identity, our explanations of migration will remain incomplete, our migration policies ill conceived.

In Southern Africa, the term migration has become virtually synonymous with male migrant labour. It is time to acknowledge that women are migrants too, and that not all cross-border migration is labour-related.

It is also time to acknowledge that policies which perpetuate labour migration in sectors such as mining, but that constrain or prohibit other forms of migration in other sectors of employment, in effect discriminate against women. We need to put the gender back into migration research and policy, and to recognise female migration as a powerful, positive force that should be harnessed – or unharnessed – for regional integration and development.

lic attitudes towards immigration and immigrants. To date, the project has conducted three public opinion surveys of South African attitudes towards immigration; national public opinion surveys of immigration in five other SADC states; and two large surveys of non-citizens living in South Africa. Together, these surveys provide a unique database for accurately assessing the attitudes of citizens and immigrants towards a wide range of

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# Conference promotes dialogue on cross-border policy

SINCE 1994, Southern Africa has been confronted by the challenge of massive unregulated cross-border and internal movements of labour migrants, economic migrants and refugees. Inherited policy instruments have failed to cope with the challenge of formulating and implementing an appropriate and sound regional approach to the management of migration. While the development of immigration and refugee policies and legislation is primarily a domestic affair, it also requires a collective and collaborative approach between national governments to ensure that such policies, legislation and procedures do not fundamentally contradict each other.

SAMP believes that such a collaborative approach will also enhance the ability of individual governments to co-operatively manage and regulate cross-border movement.

Reliable information and its dissemination are critical to the development of complementary and consistent regional policies, mechanisms and procedures. With this in mind, a regional conference, on International Migration and Regional Cooperation in Southern Africa, was convened in July 2000 by SAMP, in partnership with the United Nation High Commission on Refugees, the International Organisation for Migration, the South African Human Rights Commission and the United States Immigration and Naturalization Services. Its aim was to present policy-makers with current research findings and data on cross-border migration and refugee movements in the region, to discuss the regional impact of new national immigration policy frameworks and to promote a collective and co-operative approach between governments.

The overall aim of the policy conference was to develop and promote a regional vision for the regulation, management and facilitation of future cross-border movements in the SADC region and to debate the process whereby such a vision might be implemented.

The conference was attended by over 100 delegations from 10 of the 13 SADC states. Seven countries were represented by more than one ministry and department. The delegations were headed by senior immigration officials. Since one aim of the conference was to facilitate dialogue between researchers and policy-makers, the research community was also well-represented with researchers from universities and research institutes from eight SADC states. Non-government organisations, civil society organisations and trade unions were also represented at the conference.

The migration issue has so far been an obstacle to, rather than a catalyst for, improved inter-state relations and co-operation in Southern Africa. A conference of this nature has great potential for furthering constructive debate and co-operation on the policy challenges of good regional migration governance.

Given the potential for conflict, the conference atmosphere was highly positive and constructive.

High quality presentations on issues ranging from migration and trade, HIV/Aids and migration, xenophobia and human rights, and the brain drain were interspersed with lively and constructive interventions and debates from all participants.

The conference resolved to take these issues up in future forums through the Migration Dialogue for Southern Africa process (see article on page 1) and the conference proceedings will be published in the SAMP Migration Policy Series.

**HARSH PASSAGE:** The migration issue has so far been an obstacle to, rather than a catalyst for, improved inter-state relations and co-operation in Southern Africa.



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In preparation for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerances, SAMP published report 22 in its Migration Policy Series.

Titled "Immigration, Xenophobia and Human Rights in South Africa", the paper first examines various reports and studies which made the claims about growing xenophobia in the mid-1990s. The paper shows that these claims were not based on systematic, national research, but rather on anecdotal evidence or generalisation from small and unrepresentative samples. In 1997, SAMP set out to rectify this problem with a series of nationally representative surveys of citizen and non-citizen pub-



# Protecting refugees

IN A PRESENTATION AT THE SAMP CONFERENCE HELD IN JULY 2000, SONIA MUMOZ OF THE UNHCR PRESENTED AN ANALYSIS OF THE CURRENT STATE OF REFUGEE PROTECTION IN SOUTHERN AFRICA. VINCENT WILLIAMS PROVIDES AN EDITED AND SUMMARISED VERSION OF THE ISSUES RAISED IN HER PRESENTATION.

In its Provisional Statistics on Refugees and Others of Concern to the United Nations High Commissioner for Refugees (UNHCR) for the year 2000 report, published in April 2001, the UNHCR estimates that there are close to 600 000 people in Southern Africa in need of services provided by the UNHCR. Of these, 308 540 were granted status as refugees — the overwhelming majority (250 940) in Zambia — and 257 508 were classified as internally displaced persons in Angola.

In her presentation at the SAMP conference in July, Sonia Mumoz of the UNHCR Regional Office for Southern Africa described the refugee experience in Southern Africa as “deeply contradictory”. On the one hand, most states have committed themselves to provide protection to refugees and asylum-seekers through the application of international refugee law and the absorption of these instruments into domestic legislation. On the other hand, many states have taken measures of which the intended or consequential effect has been to restrict or negate the rights of refugees often secured by legislation in the same state. This, according to the UNHCR, is the critical and defining feature of the refugee experience in Southern Africa.

The system of international protection provides for a series of minimum standards ranging from the duty of admission, adjudicating asylum claims and granting status, to non-discrimination, equality before the law and non-refoulement. These minimum standards are built upon a human rights foundation and constructed on a legal basis through international refugee law and subsequently in domestic legislation. The problem, however, is that the system of international protection has a limiting effect on the sovereignty of states and it is in this context that there is often tension between the obligation to provide protection, and the defined priorities of individual states.

It is not uncommon for states to respond to refugees in the same manner as they respond to other migrants. This creates a strong impetus to act towards refugees on the basis of immigration law, security, national defence and other domestic priorities, rather than on the basis of the international obligations. The contradictory tendencies have underpinned the development of refugee law and jurisprudence in more recent years.

Historically, the response of Southern African states to refugees can be divided into three broad periods. The first identifiable period was from the early 1960s to the early 1980s when the region essentially dealt with refugees fleeing from the apartheid regime in both South Africa and Namibia. This period is often viewed with romanticism — refugees were regarded as revolutionary heroes and the response of the countries providing protection

were equally regarded as their contribution to the struggle for justice and equality. Thus, protection was not necessarily based on their obligations in terms of international refugee law, but was also a self-interested political statement about the independence of the states neighbouring South Africa — a means of declaring their sovereignty as nation-states.

The second period coincided with the increasingly repressive nature of the apartheid regime and



## REFUGEE RIGHTS:

The UNHCR estimates that there are almost 600 000 people in Southern Africa in need of their services.

the reprisals it exacted on its neighbours, in part to punish the surrounding states for the support it provided to the ANC and SWAPO. This forced refugees from South Africa and Namibia to move further north. At the same time, the civil wars in Angola and Mozambique were creating refugee movements within the region, and there was a flow of refugees into Southern Africa from elsewhere on the continent. The system of protection based on political and revolutionary solidarity, with longer-term benefits potentially accruing to those states that provided protection, was becoming more and more unsustainable and gave way to institutional and legal instruments for dealing with refugees. Without these instruments, it was difficult, for example, for Zimbabwe and Malawi to formally attribute refugee status to Mozambicans since this would have fundamentally undermined the political solidarity that was prevalent in the preceding period. Sometimes, even with appropriate legislation in particular countries, protection was granted on the basis of bilateral arrangements between refugee-producing countries in the region and the countries that provided protection.

The third and current period emerged with the wave of democratisation, human rights and constitutionalism that has swept across the region. Intuitively, the assumption would be that increased commitment to refugee protection would form part of this “good governance” package. However, in many respects, times have never been as critical for the sustainability of a rights-based refugee protection and asylum regime in the region. In overall terms, the formal policies and legislative mecha-

nisms adopted by most states continue to be rooted in positive and human rights oriented language, but key to the concept of good governance is the eventual social and economic advancement of the citizens of a particular state. When this has to be balanced against providing protection and therefore, allocating resources to citizens of another state, it creates the impetus for a much sharper differentiation between national and foreigner and consequently, a reluctance on the part of governments to

give effect to the policies and legislative imperatives they have adopted. Clearly Zambia, the country that is host to most of the refugees in the region, is an exceptional case.

Comparatively, the region is not overwhelmed by refugees, but it is also becoming increasingly clear that individual SADC member states are not able, or willing, to bear the costs inherent in the application of international refugee law. The solution to this, some would argue, lies in the development of a system of burden-sharing or collectivized protection; the creation of a regional mechanism that allows SADC member states to collectively fund and share the costs of giving effect to their responsibilities and obligations in terms of international refugee law.

In 1997, the UNHCR initiated a project that was aimed at the drafting and adoption of a Charter on Refugee Protection in SADC. The objective was for all SADC member states to commit themselves, in principle, to the concept of collectivised protection. This Charter never saw the light of day, once again demonstrating, as with the Protocol on the Facilitation of Movement of Persons, the reluctance of member states to adopt regional or international instruments that place limitations on their rights as sovereign states.

Thus, while most states, not just in Southern Africa but all over the world, continue to commit themselves in policy and legislative terms to protecting refugees and asylum-seekers, the reality is that they are acting in an increasingly restrictive manner that threatens the whole concept and system of international protection.

► From page 6

immigration-related issues in the Southern African region.

The basic aims of this paper are:

- to critically review the evidence for official and other claims that South Africans are intolerant of outsiders and African immigrants in particular;
  - to summarise the results of various SAMP research into public opinion (citizen and non-citizen) on immigration issues;
  - to analyse the extent and character of “xenophobia” amongst the populace at large;
  - to provide concrete suggestions to government, the ANC, unions, NGOs and CSOs and others for public education and other initiatives to counteract xenophobia and intolerance; and,
  - to inform the public education strategies of initiatives such as the South African Human Rights Commission’s Roll Back Xenophobia Campaign.
- The paper addresses four themes:
- the basic level and character of human rights awareness amongst the South African citizenry;
  - citizen views of immigration and the presence of non-citizens in the country;
  - the kinds of rights citizens are willing to extend to non-citizens including refugees; and,
  - migrant perceptions of their own treatment in South Africa.

The research shows that government and other agencies have a major task ahead of them if they are to convince South Africans of the value of a more open and inclusive immigration policy that is actually in the interests of the country. This paper is published in the belief that a greater understanding of this troubling phenomenon will lead to better and more workable counteracting strategies and policies.

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