

THE BORDER WITHIN:
THE FUTURE OF THE
LESOTHO-SOUTH AFRICAN
INTERNATIONAL BOUNDARY

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SECHABA CONSULTANTS AND ASSOCIATES

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EDITOR'S NOTE:

This report was prepared at the request of the Department of Home Affairs by the Southern African Migration Project. The research and drafting of the report was undertaken by the SAMP partner in Lesotho, Sechaba Consultants and Associates. The draft report was extensively edited prior to submission by Dr Jonathan Crush. SAMP wishes to thank the DHA for its cooperation in the preparation of this report. Thanks are extended to Thuso Green, Prof. David Coplan, Dr John Gay, and to Christina Decarie for her editorial assistance. Funding for this project was provided by the Canadian International Development Agency (CIDA) through the Southern African Migration Project (SAMP). The views and recommendations in this report are those of the SAMP partners and do not necessarily reflect those of the funders or the Canadian government.

EXECUTIVE SUMMARY

It is impractical to treat Lesotho like any other foreign country in regulating movement across borders. Until 1963 no passports were required to enter South Africa from Lesotho, and it was only the security concerns of the apartheid government that led to travel documents being required. Following South Africa's transition to democracy, border controls with Lesotho might reasonably be subject to review. The report argues that streamlining, integration, and relaxation of immigration services at the Free State Border posts would not only be less costly and more cost-effective, but also mutually beneficial for communities and government agencies on both sides of the border.

While Lesotho citizens are covered by the same South African immigration regulations as those of any other country, in practice quite different regulations, permits, concessions, and arrangements are also in place and national policies are often ignored in accommodation to local realities. There is an assumption in South Africa that liberalised border regulation would be to the exclusive benefit of citizens of neighbouring countries seeking economic advantages to the detriment of South Africa and South Africans. In the Free State towns along the Lesotho border, however, South African businesses would be the major beneficiaries of rationalised border regulation. More important, the economic development of the entire Caledon River valley depends upon such rationalisation.

The report thus establishes the principles of bi-lateral relationship that should underlie management of the border with Lesotho. Second, it offers a portrait of how the border actually operates within the context of current immigration regulation and practice. Third, it reviews the problems that have arisen from the character and development of that operational context. Fourth, it provides a limited set of possible solutions to those problems and alternatives for post operations in specific relation to the probable costs and benefits of each potential course of action (or inaction).

In view of the limited period available for the study, the decision was taken to focus on the two most important posts in the Free State where cross-border traffic of all kinds is greatest, Maseru and Ficksburg Bridges. Border officials at both places argue that border operations ought to be made more efficient and effective. To this end, they argue for the commitment of greater, not fewer resources, specifically the provision of more numerous, better trained staff, physical plant, and computer technology. They did not consider how such improvements might generate any portion of the revenues required to pay for them. Nor had they considered the possibility that removing immigration officials from the

Lesotho border altogether and redeploying them to other stations where staffing was more necessary might be the most cost-effective and rational solution for the DHA.

Lesotho contributes over 40% of the movement of people across South Africa's borders from all neighbouring countries. Maseru and Ficksburg Bridges handle, by a very great margin, more travellers than any other border posts with any country. As a result, thousands of six months concession permits have to be issued at these posts, drastically reducing the monitoring of cross border traffic. Only a massive provision of additional resources would eliminate the necessity for six months concessions. Junior DHA staff and security guards at the two posts complain of overwork and poor conditions of pay and service, and additional resources would be required to address these problems as well. A control-oriented policy to operate the posts with even limited effectiveness would need new resources for the following:

- 1) A new, larger building with more staff and windows open during the daylight shifts at Maseru Bridge.
- 2) Separate windows for South African, Lesotho, and third state passport holders, and "streams" for goods lorries, private light vehicles, and pedestrians
- 3) An end to the 6 months concession system, with every traveller reporting to immigration at the windows.
- 4) Electrically charged fencing along the entire Free State border.
- 5) More police patrols and road blocks, operated away from the border posts themselves, where inquiries from officials are anticipated
- 6) Better training both prior to and during service for all ranks
- 7) Connections to the central MCS system and the input of data on people crossing, along with accessibility of police and immigration records through Pretoria, providing information on the frequency, nature and pattern of individual crossings.

These changes could only be implemented at enormous additional expense.

The physical, social, economic, and regulatory conditions in place at Maseru and Ficksburg Bridges create an environment in which circumvention of immigration and passport control regulations for personal gain is greatly facilitated, and transparent attention to legal responsibilities and procedures is discouraged. There is no document, permit, regulation, or procedure required by South Africa at the border that cannot be obtained, ignored, or circumvented at a price. There is no form of regulation that would do anything but exacerbate the environment for corruption without the commitment of very significant additional resources. In the absence of such an increased outlay, border control

produces border corruption. This report argues, conversely, that the harmonisation of regulations among the three services working at the border, the easing of travel requirements for Lesotho and South African citizens, and the scaling down of immigration service operations would do much to reduce or even eliminate this environment for corruption.

Are existing border controls at all effective in controlling the movement of unauthorized migrants from both Lesotho to South Africa? Immigration officials say that in practice they are not. Nor is this simply a result of corruption. Lesotho citizens are given visitors' visas as long as they have valid passports, and South African identity documents have never been difficult for them to obtain. Those who really wish to cross without documents can easily use the river or "jump the fence".

The SAMP surveys reported here demonstrate the great number of Basotho who have significant regular involvement in South African society; the difficulty of separating Lesotho nationals from the rest of South Africa's population; and the futility and waste involved in efforts to keep them out. The data show that a most of those who cross the border to South Africa go to the border towns and the neighbouring areas, and soon return to Lesotho. Most Basotho go to South Africa to purchase goods and attend to personal matters. Based on the annual statistics from DHA, large numbers of Basotho go to South Africa for business purposes and thus help to support the economies of the border towns. The economies of the border towns are heavily dependant upon Basotho who buy goods and services. Stringent border controls would impact negatively on the economic situation in the border towns.

Some 63% of respondents interviewed in a survey of border-crossers noted that they experienced problems crossing the border. The problems mentioned by most respondents were long queues and slow service. Other complaints included irregular and corrupt procedures, unfair and hostile attitudes and behaviour on the part of SA officials, poor facilities, discrimination against black travellers, overly stringent and inconvenient restrictions on travel, and favouritism towards certain known individuals.

Asked what should be done to improve border crossing, 47% said it should be easier for people to get six-month permits. Almost 72% noted that it is not at all likely for someone to be caught while crossing the border illegally. It is hard to justify the expenditure on border controls when these have so little effect on the ability of people to cross the border when and where they choose. Results of the surveys indicate that the border between Lesotho and South Africa is a hindrance to movement but that it is not insurmountable. People are able to cross with or without documents with little fear of being arrested. They also do not mind if they are arrested and returned to Lesotho.

There is no official revenue to be derived from passport control. Stamps, visas, concessions, and permits are graciously issued without charge. Unfortunately the delays (at times seemingly deliberate) and inefficiencies at Maseru and Ficksburg Bridges lead to the collection of significant personal revenue by officials and those members of the public who assist them, but these payments do not find their way into the government account.

The attempt to require customs gate passes was found to be unenforceable at Maseru Bridge, and would not in any case have brought in significant additional customs or tax revenue. It does not appear that any increase in the monitoring of customs and tax regulation would justify the budgetary resources and major inconvenience to the general travelling public that such monitoring would incur.

The stamping of every South African citizen and permanent resident travelling to and from Lesotho has no economic benefits. With regard to Lesotho nationals, unauthorized immigration, employment, free use of South African social services, and criminal activity in general have been cited as reasons why control of Lesotho passports must be maintained. This report suggests, however, that immigration and passport control are entirely ineffective in dealing with these problems, and do not repay the costs incurred in providing them. Within South Africa, Lesotho citizens must have study or work permits or labour contracts in order to legally remain. In brief, it is simply not worthwhile to maintain border controls for the purpose of protecting the South African labour market.

Recent statistics indicate that citizens of third states may use Lesotho and its border posts to obtain entry to and even six months concessions enabling them to reside illegally in South Africa. Immigration officials at Maseru Bridge, however, argued that such persons could be more effectively monitored at South Africa's international airports, if cooperation with Lesotho officials stationed at Johannesburg International could be arranged.

While SAPS officers emphasised how useful it might be if computers at passport control had information on wanted criminals, the legal status of the passport holder, or even on when and how often a particular person crossed the border, at present DHA neither collects nor has access to any such information. Immigration officers merely check whether the traveller has valid documents. At present 10 percent of travellers are "spot searched", and of those caught in violation of the law, 80 percent have valid six months concessions. Criminals wish to avoid the inconvenience, delay, and risk of illegal crossing just like everyone else, and officials of both services noted that the documents of criminals are most often quite in order.

Rivalries and an underlying lack of coordination among the public agencies serving at the border emerged when senior police officers were asked to comment on whether, as at smaller posts, the SAPS might run all operations, as they did before 1994. If some of the savings would be given over to them for expanded and improved services, senior police officers at both Maseru and Ficksburg Bridges favoured this plan, since they regarded immigration as of little use in itself. This would allow police to concentrate on crime control while facilitating the freer and more productive movement of the ordinary public, and to coordinate passport, permit, and crime control operations with the MCS within a single service.

While free movement through the posts might encourage Basotho to attempt to work illegally, better police services, coordinated at a higher level, would be a more effective means of dealing with this. Senior officers at Ladybrand pointed out, however, that SAPS investigators regularly arrest members of their own service for taking bribes, and for assisting criminal escapes and the transport of stolen vehicles and contraband at posts on all South Africa's borders.

If South Africa wished to withdraw immigration services from the border this could be more than compensated for by increasing resources and cooperation in policing. This would allow for a more effective concentration on both undocumented migration and cross-border crime, as passport control presently does little to control either one, without inconveniencing the law-abiding public. Joint patrols for illegal crossing and smuggling along the river itself might become feasible, along with more effective cooperative efforts to control the crime syndicates that span the border. An example is the current close cooperation between the Lesotho vehicle theft unit and the SAPS. Criminals based in Lesotho who steal livestock and attack farms in the Free State use the river to cross and re-cross, and immigration and passport control at the posts play virtually no role in controlling these sorts of crime.

The river crossings for the most part connect Free State farms with Lesotho villages, and most illegal crossings take place where there is not a formal border post for a considerable distance, such as between Maseru and Van Rooyen's Gate. Border fencing, where it has not been completely destroyed, has no practical effect on crime or unauthorized crossing. Beefing up the SANDF presence on the Free State-Lesotho border, with its attendant increase in expenditure, is in any event not what the government or the army desire, and there are currently plans to close down the SANDF base at Ladybrand altogether.

Officials of the Lesotho Government might well agree to the removal of South African DHA services from the border. If the DHA feels passports must be stamped, all Basotho could be allowed to get an

automatic and free six months concession, which would provide a stamp and put them in the system twice a year at least.

Virtually every business and professional leader in both Ladybrand/Manyatseng and Ficksburg/Meqheleng has important interests, enterprises and associations across the border in Lesotho. Their activities generate economic development, and thereby the private employment and public revenue that benefit government and help pay for border services. According to this view, DHA operations would be more productive for the region and the country if they facilitated rather than hindered such legitimate, taxable economic activity.

Eastern Free State business people believe they could not survive in business without personal “connections” at the border. Border service officials, they claim, have turned the border into an “own income-generating scheme”, and that official forms and procedures are required simply to encourage business to pay on the spot to circumvent or manipulate them. Business leaders suggest that passport control might well be abandoned, as it encourages rather than reduces illegal activity. In any case, they insist that it is impossible to do business at all without six months concessions, which ought to be automatic for business travellers. They further request that business people on both sides of the valley should have special permits or a reciprocal bi-national arrangement, as a good deal of time is wasted at the border.

Good cross-border relations, especially in the form of harmonisation of legal regulations, reciprocal permissions and agreements, and better working relationships are desired by businesses on both sides. The problem of poor bi-lateral relations was particularly emphasized by black business located in the border townships. Business people in Ladybrand/Manyatseng and Ficksburg/ Meqheleng feel that free movement for Lesotho and South Africa citizens would encourage and promote cross-border economic activity without cost or disadvantage to South Africa.

Tourism is currently the fastest growing sector of the Eastern Free State economy. Such growth depends directly upon the integration of the Eastern Free State and Lesotho into a single complex of attractions, with routes crossing and re-crossing the border at various points within a single tour. Rather than eyesores that delay, obstruct, and spoil the cross-border travel enjoyment of tourists, the border posts ought to be the gateways to the pleasures of the valley, with public conveniences, pleasant settings, and tourist information and fast, friendly services. The models of post operation need to shift from movement control to tourist movement incentive and facilitation.

Public transport services are very poorly managed at the border posts. Lesotho and Free State taxis cannot (officially) cross the border to

deliver passengers to the other side without a special and expensive (R300 for three months) group-tour permit. After Lesotho passengers are dropped at the Lesotho side, they must walk with their baggage across the bridge to the South Africa post, stand in line at passport control if they have no six months concession, and then walk again a half a kilometre up the long hill on the Ladybrand road, where taxis heading to towns in the Free State and Gauteng are allowed to load.

On the issue of farm labour, it is extremely difficult to prevent Basotho who have been crossing the river without documentation for generations from doing so now. They are aware, conversely, that the permit system can serve positively as a legal protection, as it prevents farmers who employ Basotho without permits from simply having them arrested and deported when the time comes to pay them their small wages. There is simply no way to prevent the daily casual use of the informal river and fence crossings visible every few hundred metres along the entire length of the Free State - Lesotho border.

In conclusion, certain benefits might follow directly from the reduction or removal of passport control at the posts. The governments would be able to provide other necessary services in with physically more manageable and attractive infrastructure in the same space. South Africa could create a more friendly, supportive atmosphere among the general public, including valued business people, tourists, and professionals, as well as ordinary travellers. Business, agriculture, transport, tourism, cultural education, and cross-border co-operation could be greatly enhanced in the Caledon Valley through the easing and harmonisation of border regulations, leading to economic development, job creation, increased public revenue and public services in the border districts.

The first principle underlying maximum utilisation of resources, increase of revenues, and mutually beneficial inter-state relations is that Lesotho be accorded particular status and treatment in border management. This is because of the tremendous volumes of traffic crossing in both directions at the border posts, reflecting a high degree of economic and social integration.

Against this background, the report identifies the following alternatives:

- *The system of controls at the Lesotho-South Africa border posts might be left as they are, but this emerges as the least desirable option.*
- *The strengthening of the functions and effectiveness of DHA operations, while providing faster and more convenient service to the public. This would require considerable additional expenditure on physical infrastructure, technology, security, staff numbers and training, and linkages to regional and national DHA offices.*

While there would be returns in the form of improved control combined with service to the public, the question must be asked whether such a result would be worth the investment required to produce it. There is little gain for South Africa, and much loss to the people and economy of the border region, in control for control's sake.

- *A partial easing and streamlining of border controls could be instituted, short of the complete free movement of persons across the border.* Separate lines for SA citizens and permanent residents, Lesotho citizens, third state citizens, pedestrians, light and heavy (goods and services) vehicles would not only make sense but seem necessary if controls are to be retained. Or the inspection of South African passports might be entirely foregone, with only foreign passports stamped. Six months concessions might be issued on demand to anyone who requested one, to benefit valley residents and visitors and reduce the corruption that thrives on these concessions.
- *Removing DHA operations completely from the Free State border posts.* On balance, the benefits of removing DHA operations from the four Free State border posts where they are in place could well outweigh the risks and disadvantages. This simple, inclusive strategy is an admission that the busy border posts cannot, in fact, be efficiently controlled except by the allocation of additional resources. Little benefit in revenue, crime control, labour market protection, or local or national security or interest exists to justify such a strategy. Removing passport controls would save budgetary resources. It could also enhance regional public revenue, social order, and political stability by promoting tourism, economic development and job creation. And it would not create any economic or security risk that could not be better addressed by other agencies, specifically SAPS and SARS.

INTRODUCTION

The purpose of this policy series paper is to review all the factors impinging on cost effective border operations at the major crossing points between the Eastern Free State and Lesotho. Our findings are intended to reflect on the Lesotho situation specifically. Lesotho is currently treated the same as any other foreign country in terms of immigration management. As a review of the history of international relations with Lesotho will show, the case of Lesotho is different from that of South Africa's other neighbours. The first principle underlying maximum utilisation of resources, increase of revenues, and mutually beneficial inter-state relations is that Lesotho must be accorded particular status and treatment in border management.

Most obviously, Lesotho is the only neighbouring state and SADC member entirely surrounded by South Africa; indeed it is the only member of the United Nations entirely enclosed by another member. This situation resulted from the historical resistance of the Basotho people, since the wars with the Orange Free State in the late 1860s, to incorporation into the white settler colonies or republics around them or into the Union or Republic of South Africa that succeeded them. Time and again Lesotho's national leadership expressed official opposition to living under what they explicitly identified as oppressive and exploitative white South African administration. Once this point had been forcibly driven home by successful Basotho resistance in the "Gun War" against the Cape Colony in 1880-1881, British Basutoland and later independent Lesotho settled down to many generations of peace and cooperation with its dominant white-ruled neighbour.

While both Orange Free State and colonial British officials imposed various kinds of pass laws and travel restrictions on Basotho, in practice Basotho worked, migrated, and settled freely in South Africa as they moved easily back and forth over the Caledon River boundary. Until 1963, no local or international passports were required to cross the border. In that year, South Africa embodied its growing security concerns and economic nationalism by imposing passport controls for all persons crossing to and from Basutoland. At the same time, all Basotho who did not have permanent residence, work permits, or labour contracts in South Africa were repatriated if caught.

The official treatment of Lesotho as a foreign country like any other is thus a relatively recent policy. Border and passport controls were instituted only during the period of National Party government as part of the apartheid regime's increasing self-isolation and security concerns. That isolation and those concerns are now a thing of the past. Problems or issues of comparable importance have not, in our view, replaced

them, so that border controls with Lesotho might reasonably be subject to review.

In this connection, Lesotho citizens are covered by the same South African immigration regulations as any other country. In practice at the border posts under study quite different regulations, permits, concessions, and arrangements are also in place, while national ones are often ignored, in necessary accommodation to local realities. For example, there are bilateral agreements between offices in the different districts that facilitate the movement of people. At Ficksburg, for example, there was an agreement that people going to shop would be allowed to cross even if they had no passports. Drivers for merchants in Ficksburg were allowed in Lesotho without passports. There are also arrangements directed at the convenience of immigration officials. Immigration officers of both countries, for example, are allowed to cross without identity documents. This is especially the case for South African officials, as the majority of them do not have passports. On the other hand, the Basotho officers have open access to six-month concessions, and they are also allowed to cross the border without passports.

For a number of reasons explored in this paper, the streamlining, integration, and relaxation of immigration services at the Free State posts would be not only less costly and more cost effective, but also mutually beneficial for communities and government agencies on both sides of the border. Mutual benefits would also follow from improved communication, cooperation, and integration between the immigration services of both countries along the entire border.

Neither this paper nor the research supporting it is in any way concerned with the possibility or feasibility of the closer political integration of Lesotho with South Africa. The alternatives in border management that we outline, and the regulatory reforms we recommend, are intended only to assist the effectiveness of border management in Southern Africa.

The aim of this project, undertaken by SAMP for the Department of Home Affairs, was to collect information on site with a view to improving the effectiveness, efficiency, and economic utility of border operations. This report provides an assessment of:

- the current patterns, dimensions and impact of movement (migration) between the Free State Province of South Africa and Lesotho.
- the anticipated or predicted changes to the patterns, dimensions and impact of movement if immigration controls are made cost effective, efficient, or abolished altogether.
- the advantages and disadvantages of official free movement between South Africa and Lesotho.

METHODOLOGY

The study combines quantitative and qualitative methodologies in order to provide a broad picture of border operations centring on key issues, alternatives and remedies while providing sufficient illustrative detail. A decision was taken to focus research on the two posts in the Free State where cross-border traffic of all kinds is greatest: Maseru and Ficksburg Bridges. Where information was available, the situation at other, smaller posts and unofficial river crossing points was investigated for comparison and to understand how these crossing points affect the operation and public use of Maseru and Ficksburg.

Unfortunately, the South Africa Department of Home Affairs was not able to provide published or unpublished statistics on patterns of legal border utilisation in an electronic format for purposes of computer analysis. Although a large sample of uncatagorised printouts were provided, these were of limited use for the purposes of the study. Data needs for further study include:

- statistics on border crossings in both directions (annually for the last 10 years and monthly for each border post for the past 12 months), in order to have a complete picture of seasonal changes.
- data (but without names) on people from Lesotho detained for reason of illegal entry, overstaying visas, illegal activities, and invalid travel documents.
- data on the staffing and costs of maintaining border operations including infrastructure, personnel, customs, policing, and so forth.
- data from TEBA, other recruiters and the Lesotho labour office on volumes and trends in contract migration.

The Southern African Migration Project (SAMP) provided data from its 1997-8 studies of movement of Basotho between Lesotho and South Africa. Re-analysis of these data provided needed information on who crosses the border, how, where and for what purpose. In particular, the data provides information about extra-legal border crossing. Implications can be drawn about future border use were the border controls to be modified.

Sechaba Consultants collected documentary and statistical reports from Home Affairs and other relevant Departments of both governments. A team of researchers administered an origin and destination (O&D) survey questionnaire at the Maseru and Ficksburg posts. The O&D surveys were carried out over a three-day period and produced a representative sample of 1500 interviews of Lesotho and South African

residents crossing the border at these two points. The O&D survey also included questions on attitudes towards and suggestions for improvement of the system.

Prof. David Coplan and Mr. Frank Mohapi conducted unstructured in-depth personal interviews at both sites. These included officials from DHA, Police, and Revenue and Customs Services of both countries, officials from the Lesotho Ministries of Home Affairs and Foreign Affairs, SANDF Group 32 in Bloemfontein, prominent members of the professional and business communities and organisations in Maseru and Maputsoe and Ladybrand/Manyatseng and Ficksburg/Meqheleng, leaders of taxi owners and drivers associations, farmers and farm workers on both sides of the Caledon River, and entrepreneurs in the eastern Free State and Lesotho tourist and cultural sectors.

The report establishes the principles of bi-lateral relationship that should underlie management of the border with Lesotho. Second, it offers a portrait of how the border actually operates within the context of current immigration regulation and practice. Third, it reviews the problems that have arisen from the character and development of that operational context. Four, it provides a set of possible solutions to those problems and alternatives for post operations in specific relation to the probable costs and benefits of each potential course of action (or inaction).

DYNAMICS OF MOVEMENT BETWEEN LESOTHO AND THE RSA

THE BORDER POSTS

There are four types of border posts between Lesotho and South Africa: (a) official border posts. These are fully staffed by both sides and have official opening hours; (b) partial border posts, staffed by only one country; (c) “local convenience border crossings” where people are allowed to cross to access stores or farms to purchase goods; (d) illegal crossing points, used either for the undocumented entry and exit of goods and persons, or merely to connect farms on the Free State side with villages on the Lesotho side that have well-established social and economic ties.

There are approximately 26 legal crossings that are regularly used along the border.¹ These do not include the many points along the western lowland border where people cross the river at their convenience. For example, there is a crossing point 500m from Maseru Bridge that is used regularly on a daily basis. The same is true at Makhalong near the Qacha’s Nek Border gate where people walk or drive from the

Lesotho village of Makhalong into South Africa and back. At Meqheleng in Ficksburg, houses once stood right on the banks of the river and concealed people crossing on foot. These were cleared back by SA security forces, only to creep back again since 1994. The Lesotho-South Africa border is very porous and there are many crossing points that exist to serve the daily convenience of both Basotho and border residents in South Africa, some of which have been decriminalised in recognition of important economic and social ties.

The official border gates are:

- Maseru Bridge (across from Ladybrand)
- Peka Bridge (across from Clocolan)
- Ficksburg Bridge (linking Ficksburg with Maputsoe)
- Caledon's Poort (linking Fouriesburg with Butha Buthe)
- Sani Pass (linking the Drakenburg with KwaZulu-Natal)
- Ramatseliso's Gate
- Qacha's Gate
- Tele Bridge
- Makhaleng (linking Zastron with Mohale's Hoek)
- Sephapho's Gate
- Van Rooyen's Gate (linking Wepener with Mafeteng)

The partial border posts are:

- Ongeluk's Nek - Only the RSA side is staffed
- Monontsa's Gate - Only the RSA side is staffed
- Tsupane's Gate - Only the Lesotho is staffed
- Deli Deli - Only the Lesotho side is staffed

Among all these, the DHA has immigration officials only at four border posts (Maseru Bridge, Ficksburg Bridge, Caledon's Poort and Van Rooyen's Gate). The other border posts are staffed by South African Police Service (SAPS).

MOVEMENT FROM SADC COUNTRIES TO AND FROM SOUTH AFRICA

Data from the South African DHA provides some insight into border crossings from a number of countries surrounding South Africa. It is significant to note that Lesotho contributes over 40% of the recorded movement of people from all countries around South Africa (Table 1).

Several issues are apparent from the table. First, the table shows the numbers of persons cleared by immigration officers. Looking at the Lesotho figures, it is clear that many people cross the border very frequently. Unfortunately it is not possible to tell how many individuals are responsible for the recorded crossings as many cross more than once. Also, these figures do not include the many additional crossings which are made by people with six month concessions. Second, the numbers of people who arrive and those who leave show significant differences.

Table 1: Records of border crossing to and from countries around South Africa				
1997				
Border	Arrival	Departure	Difference	Percentage Difference
Botswana	1,075,228	810,828	264,400	24.59
Lesotho	6,276,939	5,208,587	1,068,352	17.02
Mozambique	627,032	644,781	-17,749	-2.83
Namibia	426,222	429,489	-3,267	-0.77
Air and sea	2,513,910	2,716,331	-202,421	-8.05
Swaziland	2,042,291	1,942,235	100,056	4.90
Zimbabwe	1,185,072	933,129	251,943	21.26
Totals	14,146,694	12,685,380	1,461,314	
Lesotho % of total	44.37	41.06		
1998				
Botswana	1,234,446	1,113,847	120,599	9.77
Lesotho	6,877,319	6,519,597	357,722	5.20
Mozambique	779,859	774,868	4,991	0.64
Namibia	393,950	397,019	-3,069	-0.78
Air and sea	2,659,840	2,578,719	81,121	3.05
Swaziland	2,042,154	2,015,835	26,319	1.29
Zimbabwe	932,486	880,703	51,783	5.55
Totals	14,920,054	14,280,588	639,466	
Lesotho % of total	46.09	45.65		
1999				
Botswana	990,193	975,491	14,702	1.48
Lesotho	5,266,265	4,954,839	311,426	5.91
Mozambique	874,452	935,763	-61,311	-7.01
Namibia	387,249	392,534	-5,285	-1.36
Air and sea	2,676,045	2,804,571	-128,526	-4.80
Swaziland	2,000,949	1,993,347	7,602	0.38
Zimbabwe	872,145	960,792	-88,647	-10.16
Totals	13,067,298	13,017,337	49,961	
Lesotho % of total	40.30	38.06		

In the case of Lesotho, Botswana and Zimbabwe, the differences are relatively large. This does not mean that these people are all still in South Africa or will not leave in the future.

REPATRIATIONS

Data from the DHA indicate that the following numbers of Basotho were deported in the last three years (Table 2).

Year	1998	1999	2000
Number	4,900	6,003	6,180

These numbers are remarkably low compared with those for Zimbabwe at over 17,000 and Mozambique at over 131,000. The DHA in Bloemfontein noted that about 95% of the people who are deported overstayed their permits.

Country/Year	1998	1999	2000	Total	Percent
Lesotho	54,692	74,736	126,886	256,314	60.52
Angola	2,888	3,213	4,093	10,194	2.41
Botswana	6,740	8,826	18,130	33,696	7.96
Malawi	8,030	10,449	15,250	33,729	7.96
Mozambique	9,547	11,461	18,242	39,250	9.27
Swaziland	9,726	11,425	18,795	39,946	9.43
Zambia	2,934	3,314	4,176	10,424	2.46
Total				423,553	100.00

The numbers of people who overstayed their permits is much higher (Table 3). There is clearly little relationship between permit overstaying and deportation policy. Official deportations (as opposed to “voluntary” repatriations where a Lesotho citizen who has overstayed the stipulated period in South Africa appears at the border post and is allowed to return to Lesotho without formal processing) are few in proportion to the numbers of Lesotho visitors who overstay. Clearly, given the large number of Basotho overstayers, they are not targeting by the Aliens Control Units. The reason for this is unclear. The numbers of Lesotho visitors who overstay are also vastly higher than those from any of the other selected countries (data on Zimbabwe citizens was unavailable). This demonstrates the relatively great number of Basotho who have significant regular involvement in South African society, the difficulty of separating Lesotho nationals from the rest of South Africa’s population, and the futility and waste involved in efforts to keep them out.

As Table 4 shows, there are over 3 million Sesotho-speakers in

South Africa, the vast majority with South African citizenship. Many Basotho from Lesotho have significant family and personal ties to South African Sesotho-speakers.

	Number	% of Province who Speak Sesotho
Eastern Cape	139,671	2.2
Free State	1,635,953	62.1
Gauteng	953,239	13.1
Kwa-Zulu-Natal	45,677	0.5
Mpumalanga	90,011	3.2
Northern Cape	7,419	0.9
Northern Province	56,002	1.1
North West	171,272	5.1
Western Cape	14,676	0.4
Total:	3,104,197	7.7
<i>Source: 1996 Census</i>		

Basotho in South Africa regularly return to visit their places of residence and family origin in Lesotho. It would appear that many are using a six months concession or are simply not monitored upon their departure from South Africa, since Lesotho passport control does not require a South African exit stamp or record the movement of Lesotho citizens or permanent residents in any way.

REASON FOR TRAVELLING TO SOUTH AFRICA

Table 5 breaks down the official DHA statistics on the basis of declared purpose of travel to South Africa from neighbouring countries for the period 1998 to 2000.

Year	Holidays	Business	Study	Work
1998	1,346,514	276,572	6,463	741
1999	1,340,109	220,583	7,149	531
2000	1,278,522	225,673	8,008	306

“Holidays” is a very large category and may serve as a generalised term covering a range of purposes. Business is the next largest category by a very great margin, but does not specify what types of business activity are intended. “Business” travel may include purposes ranging from

shopping, to earning a livelihood through retail or wholesale trading, to setting up or running a business in South Africa. The very low official numbers of “study” entrants does not reflect the numbers of learners studying in South Africa without study permits or, in the case of Lesotho, through possession of South African identity documents and residence permits. Again, the very low figures in the “work” category probably reflects at least some reluctance on the part of Lesotho and other citizens to state officially their intention of entering South Africa to take up or resume employment. There are certainly no reliable figures as to how many Lesotho citizens are employed in South Africa. These figures reflect the number of official work permits issued, mostly to workers with particular, desired skills.

MIGRATION PATTERNS TO SOUTH AFRICA

A national survey conducted by SAMP in Lesotho in 1997 provides the first nationally representative data of attitudes towards migration and provides detailed information on places visited in South Africa, frequency of trips, employment patterns, reasons for leaving or returning, attitudes towards South Africa and South African immigration policy, and expectations of treatment in South Africa.² Who the Basotho are and what makes their situation unique with respect to migration to South Africa comes out most clearly by contrasting them with others, such as Mozambicans and Zimbabweans.

One of the most marked differences between Lesotho and other countries is the sheer number of people who have visited South Africa from Lesotho and the long history of this movement. As Table 7 illustrates, travel to South Africa has been a way of life for an overwhelming majority of Basotho for at least three generations.

The frequency of visiting South Africa is also much higher for Basotho than for citizens of the other two countries. The mean number of visits of the Basotho who have visited South Africa in their lifetime is a very high 68, while the mean number for the Mozambicans and Zimbabweans who have visited South Africa is only 6. Table 8 gives the number of visits in a lifetime for all three countries.

The patterns for Mozambique, Namibia and Zimbabwe are quite similar, and very different from the pattern for Lesotho, where over a third of Basotho interviewees who had visited South Africa had been there more than 50 times. The Lesotho pattern even differs from that for Botswana. Some Basotho claimed to have made more than 1,000 visits in their lifetime, quite realistic in view of the fact that they shop or attend school or go to work there on a daily basis.

Table 6: A Profile of the Sample Population in Lesotho	
Gender (%)	
Male	51
Female	49
Race (%)	
African	99
White	-
Coloured	-
Age (%)	
15 - 24	26
25 - 44	48
45 - 64	25
65+	2
Urban or Rural (%)	
Urban	59
Rural	41
Marital Status (%)	
Married	64
Separated/divorced/abandoned	5
Widowed	9
Unmarried	22
Household Status (%)	
Household head	47
Spouse	26
Child	21
Other family	3
Other	3
N=692	
<i>Note: Figures in tables may not add to 100% due to rounding. A single dash (-) signifies a value of greater than zero but less than 0.5%.</i>	

Table 7: Percent of Respondents Who Have Visited South Africa At Least Once in their Lives					
	Lesotho (%)	Mozambique (%)	Zimbabwe (%)	Botswana (%)	Namibia (%)
Has personally visited SA	81	29	23	40	38
Parents worked in SA	83	54	24	41	26
Grandparents worked in SA	72	38	25	26	23
N=2,900					

Percent Who Made:	Lesotho (%)	Mozambique (%)	Zimbabwe (%)	Botswana (%)	Namibia (%)
1-5 visits	25	71	79	50	50
6-10 visits	12	19	10	21	15
11-30 visits	18	9	6	26	25
31-50 visits	10	2	4	2	7
More than 50 visits	36	0	0	1	3
N=1,571					

Basotho find it easier to travel to South Africa than citizens of other SADC countries. Eighty-seven per cent of the Basotho interviewees hold passports. Travel from Lesotho to South Africa is also generally easier in terms of available and affordable transportation than from other countries and for most Basotho the border is much closer. The proportion of Basotho who have friends or family in South Africa (74%) is significantly higher than other countries. In short, experience counts and enables Basotho to know South Africa and South Africans. Travel to South Africa is travel to a place they are familiar with, a place with friends and relatives to visit.

When asked where they are most likely to go when they visit South Africa, 76% of Basotho identified towns or cities which are predominantly Sesotho- or Setswana-speaking (Welkom in the Free State being the most commonly mentioned). An additional 14% said they go to communities within Gauteng (which itself has a large Sesotho-speaking population), and the remaining 10% go to other parts of South Africa.

A very high percentage of Basotho have worked in South Africa at some point in their lives. It is also clear that work is only one part of the cross-border movement equation. As Table 9 illustrates, a much smaller percentage of Basotho went to South Africa on their last visit to work or look for work than their Zimbabwean and Mozambican counterparts. Fully one third of Basotho went to South Africa to visit friends and family on their last visit (compared to about one tenth of Zimbabweans and Mozambicans). Shopping (including buying and selling goods) is the second most frequent reason given, with studying, holidaying and going for medical treatment also cited as important primary reasons for going to South Africa.

There are strong differences among the various subgroups of Basotho who were interviewed as to why they last visited South Africa. Table 10 provides a breakdown of the responses given by age, gender, education and household and employment status, with each column giving figures for the percent of the subgroups that cited a particular reason for why they went.

Percent Whose Reasons Were:	Lesotho	Mozambique	Zimbabwe	Namibia
Looking for work	8	22	14	2
Going to work	17	45	15	11
Buying and selling goods	3	2	21	2
Studying	1	1	2	1
Shopping	19	4	21	1
Business	2	2	8	7
Visiting family or friends	34	12	13	44
Holiday/tourism	2	5	3	19
Medical treatment	6	4	2	4
Other	8	2	3	6
N=1,199				

	Look for work	Work	Business	Study	Shopping	Family matters	Other
15-24 years old	7	2	3	3	11	28	46
25-44 years old	7	13	6	2	20	31	21
>44 years old	3	29	4	1	12	37	14
Male	10	24	6	1	13	26	20
Female	2	4	4	2	17	38	33
<= Primary school education	8	19	4	1	12	29	26
> Primary school education	3	6	6	2	20	36	27
Household head	7	26	5	2	14	26	20
Other member	5	3	4	2	16	36	34
Employed	8	21	6	1	16	30	18
Unemployed	4	2	2	3	14	35	40
N=561							

The age distribution is of particular interest. Not surprisingly, many younger persons are seeking work, while those who have work in South Africa are in the higher age group. Women are far less likely than men to have gone to South Africa to work or even to look for work. There is a serious bias against employing women in South Africa, even though it has long been shown that Basotho women are in general better educated than men. One reason for this bias is that the main source of employment for Basotho is the mines, which hire almost exclusively men.

Family matters are a reason for a high proportion of the older age group to travel to South Africa. Females are also more likely than males to travel for family affairs, as are persons other than the household head or unemployed persons, groups which are likely to overlap. This conclusion is supported by the fact that household heads, far more often than other household members, go to South Africa for work or to seek work. Shopping is done almost equally by all groups and is one of the main reasons why people cross the border to go to South Africa.

When it comes to employment, Lesotho once again presents a different picture from the other countries. Table 11 shows that almost a third of all Basotho citizens have worked at some point in their lives in South Africa, the overwhelming majority in the mines. Basotho who work, or have worked, in South Africa also remain on their jobs longer than persons from the other countries.

	Lesotho	Mozambique	Zimbabwe
Worked in SA	32	8	19
Worked in Mines in SA	32	10	1
N=2,300			

Employment is a major reason for visiting South Africa, even though it is far from the only reason, as noted earlier. Table 12 shows the principal work-related factors which differ significantly by population subgroup.

	Has Worked in SA (%)	Has Worked on the Mines in SA (%)	Sends Money Home From SA (%)	Knows How to Get Work in SA (%)
15-24 years old	7	2	7	28
25-44 years old	27	19	28	39
>44 years old	65	47	65	45
Male	51	43	55	45
Female	12	0	11	30
<= Primary school education	44	29	48	37
>Primary school education	15	10	18	39
Household head	55	41	56	46
Other member	11	5	12	30
Employed	46	32	46	45
Unemployed	7	3	8	24
N=692				

The most important point to highlight here is the fact that work in South Africa is clearly becoming harder to find. Only 7% of the youngest group have been able to find work in South Africa, while 27% of the middle age group have done so, and a staggering 65% of the oldest group have at one time or another worked in South Africa. No doubt these figures are influenced by the length of time a person has been on the job market, but given the difficulties that younger people experience finding work there would appear to be a significant change in employment trends.

Females have an even harder time finding work, or even looking for work, in South Africa. In the past, women used to regularly find informal/undocumented work on farms, brewing beer or doing domestic work in South Africa, but this is less common now. Although access to South Africa is easier, and thus women can find their way into South Africa without legal hassle, fewer women are finding work because competition has grown substantially for these low-level jobs. There is, however, still a demand for seasonal labour on farms near the Lesotho border, particularly when the time arrives for picking asparagus or fruit, and women are finding work in this sector.³ There is also still a demand in South Africa for skilled women. Nurses, teachers, doctors, secretaries and social workers are very much in demand, and although the numbers are relatively small, the result is an ongoing brain drain of skilled Basotho to South Africa.

ATTITUDES TOWARDS SOUTH AFRICA

Many Basotho seem to behave as if South Africa (or at least the neighbouring Sesotho-speaking parts of South Africa) is an extension of their home. This behavioural pattern is also reflected in the expressed opinions that Basotho have of South Africa. Many of the questions in the survey assessed people's attitudes towards South Africa and the differences between South Africa and their home country. These questions show a generally positive attitude on the part of Basotho toward their giant neighbour. Table 13 explores the question of borders between countries, in particular the border between the home country and South Africa. From the number of respondents who answered positively to the first three questions it is obvious that most Basotho see borders as an unnecessary and artificial construct.

Importantly, a majority of Basotho are willing to return the favour to South Africans, as shown in Table 14. The fact that a majority of Basotho are willing to let "anyone into this country that wants to enter" (as opposed to a small minority in other countries) highlights their openness to South Africans in particular.

Table 13: Attitudes Towards Borders				
Percent Who Agreed That:	Lesotho	Mozambique	Zimbabwe	Namibia
It is a basic human right for people to be able to cross from one country into another without obstacles	82	53	65	41
It is ridiculous that people from this country cannot freely go to another country, all because of some artificial border	78	40	43	39
It is very important for [respondent's country] to have a border that clearly differentiates it from other countries	45	74	76	80
People who live on different sides of borders between two countries are very different from one another	70	47	44	52
South Africa and [respondent's country] should join together under one government	41	7	9	
N=2,900				

Table 14: Willingness to Allow Southern Africans Into One's Own Country				
How About People From Other Countries Coming Here to [Respondent's Country]? The Government of [Respondent's Country] Should:	Lesotho	Mozambique	Zimbabwe	Namibia
Allow people from other southern African countries to come and sell goods in this country	69	79	75	56
Encourage people from SA to invest here	75	88	77	79
Encourage people from SA to come and farm crops and/or livestock here	23	67	28	15
Let anyone into this country who wants to enter	61	12	16	15
N=2,900				

The overwhelming majority of Basotho said they expect good or very good treatment when they go to South Africa even from police and border officials (two groups notorious for harassing foreign Africans). South Africa offers a warm welcome to Basotho, according to those who were interviewed. Table 15 compares the percentages of those who expect to be received positively by various South African groups, and illustrates the significant differences with other countries.

Table 15: Expected Level of Good Treatment by South Africans				
If You Were to Go and Live in South Africa, Would You Expect Good Or Bad Treatment From:	Lesotho	Mozambique	Zimbabwe	Namibia
	Percent who responded "good" or "very good"			
White South Africans	75	34	27	41
Black South Africans	87	45	37	60
South African trade unions	88	32	20	56
South African employers	86	47	43	50
South African government officials	87	28	37	62
South African police	88	25	43	62
Fellow citizens in South Africa	95	90	82	84
Other southern Africans	81	57	45	65
N=2,300				

Table 15 confirms the impression that Basotho feel at home in South Africa. Mozambicans and Zimbabweans have serious suspicions and fears as to how they will be received when they enter South Africa.

Table 16 shows how long people expect to stay in South Africa when they go there.

Table 16: Long-term Plans to Stay in South Africa				
	Lesotho	Mozambique	Zimbabwe	Namibia
	Percent			
Wishes to live temporarily in SA	50	57	49	43
Wishes to live permanently in SA	25	32	19	17
Likely to live temporarily in SA	58	40	39	35
Likely to live permanently in SA	25	13	12	12
Wishes SA permanent residence	33	14	13	17
Wishes SA citizenship	34	7	15	12
Wishes to retire in SA	27	4	7	11
Wishes to be buried in SA	17	1	4	7
N=2,300				

Although the majority of respondents in all the countries desire to live temporarily in South Africa there is an important difference between wishing to do something and being likely to do it. In other words, what one would like to do and what one realistically thinks one can do are often very different. Accordingly, the differences between lines one and two, and then between three and four, in Table 16 drop significantly for other countries. In Lesotho, on the other hand, the percentages actually

rise slightly. More Basotho not only wish permanent residence and citizenship in South Africa, they are seemingly more likely to pursue it. A significant number of Basotho even have the desire to retire or be buried in South Africa. But the vast majority (75%) do not wish to live permanently in South Africa.

Also significant are the differences between subgroups as to their desire to live in South Africa for a short period. Table 17 lists the level of desire by population subgroups. Young people and males are more likely to want to live in South Africa for a short period than older people and females. Likewise household members other than the head and the spouse, who are inevitably more settled, are more interested in living temporarily in South Africa. But it must not be forgotten that temporary means temporary. These people eventually want to return to Lesotho. Presumably the majority of the young men who go across to seek their fortune plan to return to Lesotho to marry and settle down.

	Not At All (%)	Not Much (%)	To Some Extent (%)	To A Great Extent (%)
15-24 years old	29	12	41	18
25-44 years old	39	12	35	14
>44 years old	49	6	30	15
Male	33	10	38	19
Female	45	10	33	12
Household head	41	10	35	14
Spouse	50	7	32	11
Other member	25	14	40	22
N=692				

The analysis of the survey clearly displays the uniqueness of Lesotho in the Southern African region. People move back and forth across the border for work, for shopping, for family matters, for personal needs. The key policy implication of this finding is that a new and special immigration compact should be worked out between Lesotho and South Africa. Maintaining the status quo is least satisfactory. The border remains a nuisance to many people, blocking them from their natural interaction with South Africa and their family, friends and fellow Basotho who live there, as well as the workplaces they have depended on for so many years.

The other possible option might involve opening the border to freer travel in both directions. It would allow Basotho to own land and seek

jobs in South Africa, without losing their citizenship. Lesotho's government would continue to be responsible for social services within its own borders, but Basotho would have the chance to improve their material conditions within South Africa. Short of total integration with South Africa, this model seems to have the best chance to match the actual behaviour of Basotho as work-seekers in, visitors to, but not ultimately citizens of South Africa.

AT THE BORDER

This section draws attention first to various problems of “intolerance” encountered at the border posts in administering the O&D survey. Pre-testing for this study was done on Tuesday the 16th January 2001. Nine Research Assistants (RAs) went to the Maseru Border Post South Africa Entry point. The team reported to the officer in charge of the South African Border Post. The team found two very long queues of people wanting to cross to South Africa. The RAs pre-tested the questionnaire by doing 10 or 11 interviews each. The research team returned on 18th January. When they arrived they found the situation had changed drastically. This was probably a reaction to advance warning of the implementation of the survey. The Officer in charge of the Border Post had now provided increased efficiency and services for the occasion. On “normal” days there are only one or two border officials stamping passports, and queues move at a slow rate. On this day, however, there were four border officials doing the work, and at such a rapid pace that people would not stop long enough to fill out the survey questionnaire before they disappeared through the gate to South Africa. Additional time had to be spent to obtain a sufficient survey sample. In addition, SANDF members had been dispatched to the Border Post to chase away the “tjotjo” boys who regularly take people to the head of the queue for a fee of M10 or quickly obtain a six-month concession for a fee of M50. However this happened only on the 18th. On Friday the 19th and Sunday the 21st they were back at “work” in full force. When it became clear that the RAs were not going to get the expected number of interviews, it was decided that they should work on Sunday 21st when many more people were expected to cross the border on their way back to work.

At one point the research assistants were asked to leave, as Border Officials claimed they did not want to see people from Lesotho “loitering” around the Border Post area. Some officials were quite rude to these young members of the research team. The research assistants also reported that on Sunday the officials asked them to leave and not to work from the South African side of the border. When the team

explained that the immigration officer in charge had approved the work of the team, one replied this meant nothing as “ha se khooa la ka” (he is not my boss). This made work at Maseru Bridge difficult for the team. At Ficksburg, on the other hand, things went smoothly and the team did not encounter any problems with either the respondents or officials.

It was extremely difficult to interview people travelling in vehicles who were crossing from Lesotho. Most have six month permits and did not appear to appreciate having to “waste their time” answering questions. The only way they could be interviewed was by targeting those who were in the cars while others who were travelling with them went to have their passports stamped.

The data in Table 18 shows that nearly 60% of those interviewed did not have permits in their possession and thus had to stand in queues. On the other hand more than a quarter had six months concessions.

Permit	Percent
No permit	58.4
Six months concession	35.4
Study permit	2.3
Work Permit	3.3
Other	0.7

The majority of the 1,500 respondents interviewed during the O&D survey were Basotho nationals (Table 19).

Nationality	Percent
Lesotho	81.9
South Africa	7.4
Other SADC countries	9.9
Other Africa	0.4
Europe/America	0.1
Asia	0.2
Other	0.2

In 68% of cases the interviewee was alone. The rest were crossing in pairs or groups of three or more. Some 60% of the interviewees used public transport while 19% were on foot and 11% used private vehicles.

Table 20 shows the stated destinations of the respondents.

Table 20: Destinations of Those Crossing the Border To South Africa	
Destination	Percent
Ficksburg	50.2
Ladybrand	12.7
Other Gauteng	8.4
Bloemfontein	6.7
Welkom/Virginia	6.2
Johannesburg	3.8
Other RSA	2.8
Other Free State	2.6
Thaba Nchu/Botsabelo	1.9
Bethlehem/Kestel	1.1
Pretoria	0.8
Qwaqwa/Harrismith	0.7
Cape Town	0.5
Durban	0.2
Outside RSA	0.2
Pietermaritzburg	0.1
Wepener/Zastron	0.1

The above data confirms that a significant proportion of those who cross at the two border posts on any one day go to the border towns and the neighbouring areas (63% to Ladybrand and Ficksburg alone). Most of these people probably go straight back to Lesotho.

Table 21 suggests that most people go to South Africa to purchase goods and attend to personal matters. It is clear therefore that large numbers of Basotho go to South Africa for business purposes and help to support the economies of the border towns.

Table 22 suggests that most of the people who cross the border into South Africa come from the towns of Maseru, Leribe and Teyateyaneng. The picture that emerges is one of localised movement with Maseru people crossing to Ladybrand and Leribe people crossing to Ficksburg.

Table 23 presents the results of cross-tabulating purpose of visit by destination. It is clear that most people go to the neighbouring towns for business. Relatively few go for work, medical purposes and education. The main locations that people travel to from Lesotho for work are Gauteng, Welkom and Bloemfontein, as expected.

The data from the preceding tables indicates that the economy of

Table 21: Purpose of Visit	
Purpose	Percent
Shopping	35.7
Other personal business	21.4
Leisure	13.3
Other	9.3
Commute to/ from work	7.1
Employer's business	5.9
Medical services	4.2
Education	3.1

Table 22: Origins of People Crossing the Border	
Origin in Lesotho	Percent
Leribe	47.3
Maseru	30.8
TY	10.4
Mafeteng	5.3
Butha Buthe	2.2
Mohale's Hoek	2.1
Thaba Tseka	0.8
Mokhotlong	0.5
Quthing	0.4
Mohale	0.1
Katse	0.1

the border towns is heavily dependant upon Basotho who buy goods and services. More stringent border controls would impact negatively on the economic situation in the border towns. From Table 24, it is clear that most people also cross the border very frequently with more than half reporting that they cross the border at least twice a week. About 10% cross the border more than once a day. The data in the table help to explain the massive cross border movement presented earlier in Table 1. The actual number of annual border crossings is in the region of 8 million when taking into account the people who cross using the six months concessions.

It is clear from Table 25 that more than 75% do not stay in South Africa for more than a few days.

The O&D survey showed that 63% of respondents experience problems crossing the border. The problem mentioned by most respondents

Destination/ Purpose of visit	Shopping	Own business	Leisure	Employer's business	Education	Commute to work	Medical Services	Other
Ladybrand	60.6	18.9	8.7	6.3	0.8	-	3.9	0.8
Ficksburg	48.5	22.4	6.0	2.4	0.2	5.2	3.7	11.8
Thaba Nchu/ Botsabelo	31.6	5.3	26.3	10.5	5.3	5.3		15.8
Johannesburg	2.3	20.9	41.9	7.0	2.3	16.3	-	9.3
Wepener	-	-	100	-	-	-	-	
Welkom/ Virginia	1.4	16.9	25.4	15.5	4.2	23.9	4.2	8.5
Qwaqwa/ Harrismith		14.3	28.6	14.3	14.3		14.3	14.3
Bethlehem/ Kestel	21.4	35.7	-	14.3	7.1	14.3	-	7.1
Bloemfontein	25.4	20.9	17.9	9.0	17.9		6.0	3.0
Outside RSA	33.3	-	33.3	-	33.3	-	-	-
Other RSA	3.1	18.8	37.5	21.9	6.3	12.5	-	-
Other Free State	6.5	35.5	12.9	9.7	6.5	19.4		9.7
Other Gauteng	1.1	19.5	27.6	4.6	3.4	20.7	9.2	13.8
Cape Town	40.0	-	-	20.0	40.0	-	-	-
Durban	-	50.0	-	50.0	-	-	-	-
Pietermaritzburg	-	-	100	-	-	-	-	-
Pretoria	-	10.0	10.0	30.0	50.0	-	-	-

Frequency	Percent
Couple of times a week	51.7
More than once a day	11.1
Couple of times a month	10.7
Couple of times a year	9.0
Once a month	7.5
Once a day	5.4
Once a week	2.8
Once a year or less	1.8

is that of long queues. The other problem is slow service. Other complaints include:

- too many stamps in passport;
- border “touts” who insist on “helping” people are irritating,

Table 25: Duration of Stay		
Duration of stay	Percent	Cumulative Percent
A few hours	49.9	49.9
Half a day	9.1	59.0
The whole day	8.8	67.0
A few days	11.6	78.6
A few weeks	7.3	85.9
1 to 3 months	8.7	94.6
6 to 12 months	4.7	99.3
Other	0.7	100

- cheat people, and make false promises of six months permits;
- if one overstays in South Africa, one's passport is destroyed;
 - hard to get six month permits;
 - having to pay a bribe of R50 to get a six month permit;
 - too few officials;
 - people are given too few days to stay in South Africa;
 - border officials do not talk nicely to people;
 - poor administration at the border;
 - official disinterest in welfare of those queuing - "we have to stand in the sun, rain and cold";
 - restrictions renewing six months permits;
 - demands for bribes;
 - the cars of black motorists are stopped but cars of whites are not;
 - being sent back to Lesotho without reason.

Asked if they ever had to bribe someone to facilitate crossing the border, nearly 10% answered in the affirmative (8.4%). Asked whom they bribed, 41% noted that they paid border officials while 50% paid the boys who facilitate the crossing who, some claim, work with the police and border officials. Only 5% noted that they bribed the police. The major reasons for bribing are: to get six-month permits (28.3%), to jump the queue (21.7%), or because they overstayed (32.1%). In response to a question on how often they had to pay bribes, 58% indicated they had paid bribes only once. Some 10.5% indicated they had paid bribes twice while 8.7% had paid three or more times.

Asked if they had ever passed through the border post without a passport, only 2.5% answered yes, either because they had forgotten their passports at home or had lost them. In other cases the people noted that they were regular crossers and are well known by the border officials. Asked how they manage to cross without passports, some (38%) said that they ask permission from the officials, while others (10%) noted that they are known by the officials. Others noted that

they just wave a passport or use someone else's passport. Some (10%) indicated that they bribed officials.

Respondents were asked what should be done to improve border crossing (Table 26). While 35% had no idea about what should be done, some respondents noted that the working space at immigration should be increased so that more officers can be accommodated to speed up processing at the border post. Almost half (47%) indicated that immigration officers must make it easy for people to get six-month permits. This is especially the case for Maseru Border post.

Proposed improvements at border	Percent of cases
Officials must make it easy to get 6 month permits	47.0
Do not know	35.4
Increase the working space	14.1
All people crossing should have six month permits	11.4
There should be free movement, no passports	9.3
People who go to make phone calls to cross without formalities	7.2
Nothing to be changed	5.4
Officials to work with people with respect and peacefully	1.8
There should be better supervision to make sure that officers serve people fast	1.6

Other suggestions included:

- toilets to be renovated;
- improve buildings and have shelter;
- people and cars should use different gates;
- the boys who help people skip the line should be expelled;
- officials to stop stamping passports for those people with study permits;
- independent organisations should be asked to make regular checks;
- Lesotho and RSA officials need to work together;
- guards should stop searching luggage as this wastes time;
- disabled people should not have to stand in queues;
- there should be a special line for RSA citizens;
- change the staff as current officials are “too comfortable”;
- passports should not be stamped only photos to be checked;
- declaration of goods to be stopped;
- checking passports using computers wastes time and the system should be fully automated and reduce the people working there.

BORDER CONTROL ISSUES⁴

With the inauguration of President Mandela, many Basotho assumed the border would be free and open, as in the pre-1963 period. Today they are offended by South Africa's (unsuccessful) policy of treating them like "aliens". Tightened restrictions on study permits and work permits and contracts, intended to protect South Africa's own workers and social services from foreign non-tax payers, are also resented. Basotho cannot see why the present Government should be less accommodating to them than the previous one, or see them as other than "its own." In practice, the Maseru and Ficksburg borders are "friendly" posts. Many legal and logistical problems are worked out co-operatively on site between the officials of the two countries, and SA Immigration officials are not the old SAP that regarded visitors from Lesotho as potential security risks.

Predictably, Lesotho citizens have found ways of circumventing South African border controls. Many Basotho now carry dual passports and identity documents, whether they reside in South Africa, Lesotho or, quite commonly, in both countries at once. This situation has come about due to the ease with which Basotho, both in the past and presently, obtain South African identity; to the large-scale issuance of South African identity documents to Basotho in the run-up to the 1994 general democratic elections; and to the "amnesty" programme of 1996, through which any Mosotho migrant who had worked continuously in South Africa for five or more years was entitled to South African permanent residence.⁵

Significantly, the granting of South African permanent residence has not led many Basotho to give up their Lesotho identification, to move permanently to South Africa, or to reduce their frequency of travel between the two countries. Many use their permanent residence permits to collect state pensions in South Africa and then return immediately to their homes in Lesotho. The majority of Basotho wish to travel freely between South Africa and Lesotho, and many have arranged the documentary means of doing so.

Other means of circumvention are not legal and therefore less preferred because they involve more expense and inconvenience. A great many Basotho cross the Caledon or the fence south of Van Rooyens on foot, because they wish to avoid taxation and customs duties on goods they are carrying or transport prohibited items. In many cases such travellers are not concerned about South African permits as they can cross on a renewable 14-day visitors stamp and purchase the necessary South Africa documents or permits later in the interior of the country. This strategy suits

Basotho women, for example, who wish to work informally in South Africa as domestics, shebeen operators, or even sex workers.

Because a six months concession is popularly regarded as a substitute for a work or residence permit, these are often purchased from corrupt officials at the border post. Perhaps most often, the river crossings are used simply for convenience, as the nearest formal post may be far from the traveller's home village, or because of the notorious difficulty and inconvenience of obtaining or renewing a passport from the Lesotho authorities. There are indeed well-known crossings that have developed within two kilometres of the post bridges, used for hand carried contraband as well as undocumented entry. The majority of illegal pathways, however, are those that occur every few hundred metres along the entire length of the Free State-Lesotho border where there are no posts, conveniently linking farms, stores, or labour collection centres on the South African side to villages on the Lesotho side.

South African officials (passport control) at Maseru and Ficksburg Bridges understandably argue that border operations ought to be made more efficient and effective. To this end, they argue for the commitment of greater, not fewer resources, specifically the provision of more numerous, better trained staff, physical plant, and computer technology. They did not consider how such improvements might generate any portion of the revenues required to pay for them. Nor had they considered the possibility that removing immigration officials from the Lesotho border altogether and redeploying them to other stations where staffing was more necessary might be the most cost-effective and rational solution for the DHA. Most of these officials did argue that increased resources dedicated to passport control would generate returns in the form of improved national security, crime and aliens control, protection of the SA labour market, and movement monitoring. It is striking that no official interviewed was at all satisfied with the current state of border operations or facilities, and one very high ranking staffer stated bluntly that if additional resources and increased efficiencies were not provided, then it would serve South Africa better if he and his office were transferred elsewhere.

Of all the subsections of South Africa immigration law only the requirement that all persons entering or leaving South Africa must appear before an immigration officer and possess a valid passport, travel document, or visa where required is enforced on site. It is in practice not possible for passport control to prevent wanted criminals or persons who might become a ward of the state from entering the country as such information is not available to officials on site, and such functions can only be handled by the South African Police Service (SAPS).

Officials at the bridges have no information on previous crossings,

the legal status of the passport holder, whether the person has previously been repatriated or overstayed their permit. If a Lesotho citizen has overstayed and appears at the post, officials ordinarily simply allow “voluntary repatriation” without penalty to Lesotho, and nothing prevents such a person from re-entering South Africa the very same day with a new 14 day visitor’s permit. Indeed, records may show, for example, that 12 000 crossings occurred on a particular day but not whether these were 12 000 individuals or the same individuals several times. Staff cannot check with HQ in Pretoria to find out if a travel document in hand is valid, especially if it is after hours, when there is no possibility of checking by phone. Lastly, the various posts have no regular communications linkages with each other, and a violator refused or caught at one post may be allowed to pass through at another.

In response to the huge volume of traffic handled by the posts on a daily basis,⁶ regular travellers (officially those who can show they have crossed three times a week for three weeks) can obtain a six months concession stamp that permits the holder to cross the border without appearing before an immigration officer merely by displaying the permit to the security guard manning the traffic boom. Since the SADC military intervention in Lesotho in September 1998, hundreds of Maseru business and professional people have moved their residences to Ladybrand. In 1998, this led to a dramatic increase in the number of people who qualified for and received such a six months concession. Since then the number of new concessions has again decreased, as so many border residents who required them have already obtained them. The purchase of a house in South Africa automatically qualifies a Lesotho citizen or other foreign passport holder for a six months concession.

The six months concession is particularly disliked by immigration officials, because apart from the semi-annual stamp, holders are not monitored when crossing. It would be possible, as is done at smaller, low volume posts such as Peka Bridge, to computer scan concession permits, but the sheer numbers and daily regularity of crossings for so many travellers makes this impractical at current levels of staffing at Maseru Bridge. Nor is this done at Ficksburg where staffing levels are higher, or even at Van Rooyen’s Gate where volumes are moderate.

Many concession holders use them as if they were six months temporary residence or even work permits, despite the clear condition that the holder return to Lesotho before 10 pm on each occasion of crossing. In addition, a significant number of concessions are issued at Maseru and Ficksburg Bridges to other third state nationals, from western Europe and from other African countries. Officials pointed out that the utility of the six months permits for travellers led to such a demand for them

that they easily became a focus of corruption.

Basotho applicants are often swindled by young touts who take money with a promise to get them a six months permit, and then disappear. While simply issuing the concessions to all who apply for them without travel frequency restrictions would address this in part, even longer lines at the six months application window at Maseru would make the situation worse. At Ficksburg, economic activity and integration with Maputsoe on the Lesotho side have increased dramatically year by year, increasing the demand for six months concessions. At Maseru Bridge, 1998 saw a striking increase in the granting of concessions, followed by a levelling off in 1999-2000.

Six months concession permits	1998	1999	2000	Percent
Maseru Bridge	83,655	65,632	56,785	17.43
Ficksburg Bridge	41,855	31,470	44,830	13.76

The same data show that the figures for concessions at these two posts are many times greater than those for the next busiest posts: the popular Oshoek crossing to Swaziland, and Bray with Botswana, which interestingly had about the same number as tiny Pekabrug with Lesotho.

	1998	1999	2000	Percent
Bray (Bots)	14,334	8,110	7,690	2.36
Oshoek (Swaz)	24,051	25,561	24,276	7.45
Pekabrug (Les)	14,083	14,235	9,865	3.03

Maseru Bridge has four officers checking +/-2000 people on computer per shift. Officials observed that the repetitive detail of the task produced exhaustion during busy shifts, resulting in unknown numbers of people receiving the required stamp without being properly checked. Overwhelmed security procedures and guards are inadequate to monitor pedestrians as well as cars at the congested post area, and only the regular but voluntary assistance of the police prevents chaos at peak hours. Partly due to this shortage of staff and other resources, emergency passes are no longer issued. Officials pointed out that this can cause serious problems where an injury or health emergency or crime situation is at issue, or where an impatient VIP must be accommodated. In such cases an unofficial "arrangement" is worked out on the spot. While the old

system was subject to abuse, with whole bus loads of funeral mourners demanding to be let through and travellers who could not be bothered to obtain or carry passports taking advantage of emergency permits for crossing, the current ad hoc system is very far from ideal.

The security guards at the booms receive virtually no training in checking documentation. They perform an immigration officer's task, often under considerable pressure. They alone check every traveller, on foot or in cars, with six months or window stamps. Working in twos during the day and alone at night, they stand outside in every sort of weather, but are paid only R1,300 per month. Officials in Bloemfontein have promised to upgrade the security guards into the regular Immigration Service, but this would increase costs in salaries and benefits. Their present working conditions, however, are an incentive for corruption. The junior officials who work most closely with these security guards also have poor working conditions. The lowest ranks are paid only R2 800, with no proper winter clothing or regular medical check-ups. Danger allowances are gone, and overnight allowances are a mere R54 per month. While job rotation and post transfers that would reduce corrupt practices and provide broader experience and opportunities for promotion have been supported by staff, union leadership, and the DHA, no action has been taken. Among the difficulties are the DHA's need to reduce overstaffing in the Free State Province as a whole, and simply the increased costs that job rotation and transfer would incur.

Issues of conditions of service raise the problem of costs of border operations in relation to revenue, crime and migrant control, national security and other returns. Virtually every respondent interviewed in both countries and in every walk of life agreed strongly that the Maseru and Ficksburg Bridges do not operate effectively or efficiently, and that the least productive and most problematic plan of action would be to leave things as they are. If the South African Government wishes to increase and improve border control with Lesotho, then the following points advanced by immigration officials should be considered. Better control of the border with Lesotho would at the very least require the following:

- A new, larger building with more staff and windows open during the daylight shifts at Maseru Bridge.
- Separate windows for South African, Lesotho, and third state passport holders, and "streams" for goods lorries, private light vehicles, and pedestrians.⁷
- An end to the 6 months concession system, with every traveller reporting to immigration at the windows.
- Electrically charged fencing along the entire Free State border.
- More police patrols and road blocks, although these might be

most effective if operated away from the border posts themselves, where inquiries from officials are anticipated.

- Better training both prior to and during service for all ranks.
- Connections to the central MCS system and the input of data on people crossing, along with accessibility of police and immigration records through Pretoria, providing information on the frequency, nature and pattern of individual crossings.

Immigration officials are in the “control business” and therefore they assumed that the solution to their problems lay in the provision of significant additional resources. They were quite correct, in disputing that more control could be accomplished with less, or the same, level of commitment by Government. A few of the most senior were quite capable of questioning what, if any, purpose was served by passport control on the Lesotho border. Such questioning began with the unequivocal assertion that if the Government was unwilling to invest in the measures listed above, then passport and immigration control services on the Lesotho border might better be removed altogether and the resulting savings allocated to more important borders such as those with Zimbabwe or Mozambique.

THE BUSINESS OF THE BORDER

It is not our brief to make unsubstantiated accusations or to assist the DHA or other authorities in rooting out practices or persons involved in the circumvention of immigration regulations, the sale or improper provision of identity documents and permits, or preferential treatment accorded travellers in return for unofficial payments. Our research was not structured or intended as an investigation of corruption in border post operations. We do not wish to create an impression that DHA personnel are themselves the primary cause of the physical unpleasantness, congestion, inefficiency, ineffectiveness, waste, fraud, bribery, and contravention of the law at Maseru and Ficksburg Bridges. Indeed, we did not purposefully inquire about corrupt procedures. Our perspectives on this sensitive issue are based rather on the constant, extensive, detailed, and unsolicited testimony of all categories of subjects interviewed, including particularly officials of the Immigration, Police, and Customs Services at the border. All of these respondents expressed concern about the problem and its causes, and wanted their “local knowledge” and opinions communicated in this report.

The physical, social, economic, and regulatory conditions in place at Maseru and Ficksburg Bridges create an environment in which circumvention of immigration and passport control regulations for personal

gain is greatly encouraged, and transparent attention to legal responsibilities and procedures is discouraged. To elaborate, it was reported that:

- The junior staff, including security guards who rank below regular Immigration officers, who deal most directly with the ordinary public are poorly paid. The generally low level of education and training of junior ranks makes them more amenable to contravening regulations, including ones of which they are unaware or do not understand how to apply.
- A payment of R20 enables a member of the public to get their passport stamped immediately rather than wait an hour or more in a queue in sun or rain.
- The line of applicants for six months concessions can be similarly lengthy, and a cash payment of R50 will secure immediate processing.
- Travellers who do not possess valid passports or other necessary documents can likewise gain admittance to South Africa in return for a payment.
- In a great many cases travellers in difficulty with Immigration are allowed to pass through because of personal relationships to officials. It is understandable that officials deal sympathetically with relatives, friends, associates, and actual or prospective sexual partners. In many cases such “known” persons are not asked to make contact with passport control at all.
- Large shipments of goods or other material that cannot be cleared for trans-shipment for various reasons can obtain such clearance in return for cash payment by a driver or owner. Such practices occur to a greater degree because, as immigration officials themselves explained, there is no material reason to enforce the letter of the law at the Lesotho border, except for the personal financial gains that flow from allowing those willing to pay to circumvent it.

To summarise, there is virtually no document, permit, regulation, or procedure required at the border that cannot be obtained, ignored, or circumvented for a reasonable price. Attempts by DHA or allied agencies to change or increase requirements do nothing to improve enforcement, but on the contrary simply add to the opportunities to extract payment for yet another level of circumvention. It is our view that under present physical conditions, levels of staffing, infrastructure, equipment and communications technology, there is no regulation or set of regulations that would do anything but exacerbate the environment for corruption without the commitment of very significant additional resources.

In the absence of such an increased outlay, border control produces

border corruption. In many ways, the border posts are themselves a form of “business”, with the conditions of the market producing the mode of operation. According to this principle, if the posts were adequately staffed, resourced, and technologically controlled, there would be far less opportunity for or temptation to contravene regulations for a price. Conversely, if passport controls were greatly relaxed or withdrawn, there would be no reason to pay cash for the service. A system of illegal payments depends upon controls that are inefficient and inconvenient enough to encourage payment to circumvent them, and this is indeed the form of operation presently in place. Further, inconsistent enforcement encourages many travellers who do not possess or have failed to carry the required documents and permits to “try their luck” at crossing without them. This ensures that when officials do “spot check” or slow down ordinary operations to enforce regulations they will catch a far higher percentage of violators than if such enforcement were regularly anticipated. Such violators, when caught, serve to demonstrate to travellers who pay to circumvent procedures just what it is they are paying for.

It might well be asked whether corruption is a sufficient reason to re-examine Immigration operations at the Lesotho-Free State border. If the virtually free passage of South African and Lesotho citizens and permanent residents has few consequences for South Africa, then what harm is done by officials supplementing their modest incomes in this way? The harm is this: 1) systematic small-scale corruption makes it much more difficult for honest officials to carry out their duties; 2) unofficial cash payment for personal services creates an environment of contravention that encourages and conceals greater and more damaging violations such as the processing and transferring of stolen cars, livestock, fire arms, dagga, and contraband of various kinds, along with the evasion or misrepresentation of tax and customs payments.

Conversely, the harmonisation of regulations among the three services working at the border, the easing of travel requirements for Lesotho and South African citizens, and the scaling down of Immigration service operations would do much to reduce or even eliminate this environment for corruption. As previous studies have shown, both South African and Lesotho residents would much prefer the convenience and security of a legal post crossing if it were easier to obtain Lesotho passports and to move more freely into South Africa. Further, while evasion of border controls may be easy enough, remaining in South Africa without legal documentation is not. Many ordinary Basotho working people, including former female domestics and male mine workers, said they would travel to South Africa as visitors, but not to seek work as they lacked South Africa documentation, and finding and keeping both work

and accommodation was both difficult and involved considerable continuing risk.

Immigration officials and the SAPS argue that their resources are far too limited and the volume of traffic far too great to permit more than spot checking and periodic enforcement. Occasionally, when police spot check for dagga, cars, weapons, or tax evasion, they cooperate with Immigration to check for the abuse of the six month concessions. People with the concessions are made to get a stamp and have a bar code read into the computer, to see if they use it often enough. If expired or cancelled it ought to be renewed only if the traveller first makes three crossings in a week. In reality such checks work only temporarily because the volume of traffic is too great and the monitoring process too slow. A few days after the spot check the old unmonitored drive-through system is back just as before, and no directive from Bloemfontein or Pretoria can in any way change this. This is in part because the congestion and delays at the border produce a level of frustration and pressure from the travelling public that make it virtually impossible for officials to enforce regulations consistently.

Recent examples of this pressure include: 1) an effort by officials at Maseru Bridge to require holders of six months concessions to report to the Immigration window for scanning, as they do at smaller posts such as Peka Bridge. This effort lasted two days before an angry crowd of concession holders physically forced a return to the previous, drive-through system; 2) a circular from Customs in Pretoria requiring gate passes both leaving and entering South Africa, whether they possessed a six months concession or not. While such a system is in place at border posts with other neighbouring countries, at Maseru Bridge enforcement ended after just four hours, when again angry concession holders forced abandonment.

Some 260 000 pedestrians and 90 000 vehicles cross Maseru Bridge every month, all passing though one channel where the line can be up to 5 kms long. While separate lines for pedestrians, light and heavy vehicles would help, the post itself cannot be physically widened, with the river bank falling away to one side, and the railway embankment up against a steep hill to the other. The overall movement of people around the post is chaotic, and the congestion and crowding around the passport control windows and traffic boom makes illegal passage, smuggling, and transport of stolen vehicles and goods hard to spot and prevent. As traffic increases year by year, the travelling public is in effect breaking down the economic border and passport control at Maseru by the variety and volume of traffic. Any new regulatory measures would be ineffective without the commitment of considerable additional resources.

Other problems at Maseru and Ficksburg derive simply from inadequate organisational resources in the Immigration Department. Staff at the border complained that officials at DHA in Bloemfontein often don't know the regulations, make up their own, or don't inform the posts properly. One example of this was recounted often in the course of our research. It appears that in an effort to limit the consequences of the abuse of six months concessions, officials in Bloemfontein ordered that their use be restricted to the municipalities where they are issued, so that a Maseru Bridge concession was valid only to and within Ladybrand, a Ficksburg one only in Ficksburg. When officials from the higher levels of the Lesotho Ministries of Home Affairs and Foreign Affairs called their counterparts in Pretoria to protest, it emerged that Pretoria had not issued and knew nothing of such restrictions, and they were promptly withdrawn. This incident had serious implications, as a provincial office had imposed its own international travel restrictions affecting relations between the citizens of neighbouring states.

Although the DHA is entitled to act unilaterally in the best interests of South Africa, neither officials at the border, the DHA, nor the South African government itself would wish to ignore the views and requests of their counterparts in Lesotho. In addition to the economic, social, and security benefits, bi-lateral cooperation between national services is invaluable to border operations in general. Senior South Africa officials candidly characterised the Bridge as a "friendly" border where SA and Lesotho counterparts work well together and problems are often ironed out in person between them on behalf of travellers in difficulties. The Lesotho side of the post, while physically newer, larger, more convenient, and better serviced than the South Africa side, is even more under-resourced. Even daytime shifts may field only three officers, and junior ranks are virtually untrained with little knowledge of Lesotho's own immigration laws. Partly for this reason, they do not issue six months concessions for Lesotho at the post, but only at Foreign Affairs in Maseru. In general, Lesotho immigration and police services depend heavily upon their South Africa counterparts to control the border. South Africa officials were equally candid in identifying the main problem with the Lesotho side as bribery and influence peddling, as underpaid, poorly trained officials worked diligently to identify any means, legal or illegal, to extract cash payments from travellers and especially business people. In some cases, South Africa Immigration officials intervene with their Lesotho counterparts to assist a South African or other foreign citizen detained by a demand for cash payment.

Lesotho does not require any documentation or clearance from its own citizens, and does not monitor them either entering or leaving the country except (inconsistently) for customs and tax purposes. South

African and third state citizens are required to have their passports stamped at the immigration counter, but familiar visitors may drive through unquestioned at the boom. While non-Basotho ought to stop for a stamp upon leaving, in practice no travellers are asked to stop for anything except the strictly enforced two-rand exit fee. While this payment is made at the traffic boom, the line waiting to do so can reach 100 vehicles at peak hours. In respect of passport control alone, then, Maseru Bridge is already virtually a “one-stop” post similar to that officially in place at the Lebombo crossing with Swaziland.

The physical situation is rather better at Ficksburg than at Maseru, where the post received a major infrastructural upgrade and an increase of DHA staff to 45 during the period of the construction of the Katse Dam. Maseru by contrast has only 17 proper Immigration officers (security guards excepted). Ficksburg is the only South African town that is physically located on the river itself and immediately across from a Lesotho municipality, Maputsoe. The custom of many generations of Basotho of crossing to shop in Ficksburg makes them extremely impatient with delays at the border post. Officials argued that there should be a special “shopping permit” for Basotho to benefit the Ficksburg economy, which was losing out to new outlets springing up in Maputsoe itself.

Ficksburg as well as Maseru Bridge, they had observed, had become particularly crowded on Saturday mornings, due to large numbers of Basotho shoppers crossing to buy tickets for the South African lotto. Due in part to the availability of better infrastructure and wider space for entry, Ficksburg Bridge has separate lines for heavy and light vehicles and pedestrians, and expects soon to provide them as well for SA, Lesotho, and third state passport holders. Basotho who overstay in South Africa get DHA officials at the border who are themselves Basotho to fix this or any other problem, and to allow travellers to pass back and forth as they please without a passport.

On the Maputsoe side, Lesotho immigration officials admitted Lesotho’s dependence on South African services, as the post has no computers. There are no training courses but only in-service training for staff, who commonly know nearly nothing of Lesotho immigration law, and so on occasion make up regulations to suit themselves. Lesotho officials say that there is not a good, cooperative working relationship with South African officials, who they say have little respect for them and do not care whether South Africa or other foreign citizens bother to get Lesotho stamps in their passports. Unlike at Van Rooyens and Maseru, they have no regular consultative meetings.

Both Lesotho and South African immigration officials admit that in practice border controls are ineffective in controlling undocumented migration. Nor is this a simply a result of corruption. Lesotho citizens

are given visitors' visas as long as they have valid passports, and South African identity documents have never been difficult to obtain. Those who really wish to cross without documents can easily use the river or "jump the fence". Citizens of third states may use Lesotho and its border posts to obtain entry to and even six months concessions enabling them to reside illegally in South Africa. Immigration officials at Maseru Bridge, however, argued that such persons could be more effectively monitored at South Africa's international airports, if cooperation with Lesotho officials stationed at Johannesburg International could be arranged. They observed further that in most cases where third state citizens are stopped at Maseru Bridge for invalid documents or lack of permits and visas, they had previously cleared Immigration at Johannesburg. It was Johannesburg that required improved monitoring of third state citizens, they charged, not Maseru Bridge. Table 26 shows a sample of six months concessions issued by DHA officials for crossing the Lesotho-South African border, by nationality:

Would the removal of border controls lead illegal immigrants to come to Lesotho "directly" through Johannesburg airport and then enter South Africa from Lesotho? This tactic is less convenient than entering South Africa on a visitor's permit and remaining either legally or illegally as the case might be. Lesotho does have a small number of applicants for political asylum from third states who cannot presently officially even visit South Africa, but it is not clear that border controls effectively stop them from doing so. In practice, Lesotho currently allows the South African DHA to check people travelling to Lesotho at Johannesburg International, which in reality is a favour to Lesotho. Indeed Lesotho, which has no special reason to stamp South African passports at the border, could suspend stamping of third state passports as well and station an official at Johannesburg International for this purpose instead. The concern that this might discourage tourists who wish to travel to Lesotho without entering South Africa is in reality a matter of national sovereignty since even if there were such people (there are not) there is no valid reason why Lesotho should wish to grant entry to persons whom South Africa would exclude, and tourism to Lesotho would be facilitated if third state passports were handled at South Africa's international airports. A recent, glaring example of the problem was the refusal of a Lesotho Immigration official to allow a bus full of German tourists to cross at Maseru to visit Katse Dam because they had not obtained Lesotho visas in Germany or Pretoria.

Table 29: Sample Survey of Six Months Concessions by Nationality			
	1998	1999	2000
Lesotho	168,135	123,131	130,920
United Kingdom	2,077	1,305	1006
Netherlands	116	67	63
Germany	451	264	272
Portugal	405	48	211
Italy	120	104	88
Jordan	15	13	10
Israel	22	13	8
Angola	0	2	1
Australia	133	90	82
Botswana	14	11	17
Congo	3	10	34
Cameroon	12	8	10
Canada	145	98	75
Rep. of China (Taiwan)	1295	465	506
Denmark	111	65	58
Ethiopia	47	31	39
Ghana	208	129	106
India	1106	521	742
Kenya	120	61	36
Malawi	24	36	42
Mauritius	219	104	114
Mozambique	34	20	12
Nigeria	158	94	152
Pakistan	215	93	133
Palestine	43	11	67
Philippines	345	233	136
Sierra Leone	26	18	19
Sudan	18	11	25
Swaziland	24	15	12
Switzerland	78	52	64
Uganda	213	88	85
USA	636	456	543
Zambia	78	78	75
Zaire	45	16	9
People's Rep of China	618	469	689
Bangladesh	32	34	58
Zimbabwe	104	76	74
Myanmar	46	28	19
Tanzania	177	92	122

CRIME ON THE BORDER

SAPS officers at the border object to the idea of removing passport control. Police argue that passport control supported their function and played a role in identifying and tracking criminals, or would do so if the MCS were fully connected and functional at the border. The SAPS is of course committed to the “control business” and the inconvenience suffered by honest citizens and legitimate business people caused in the process of fighting crime was a secondary consideration.

While this report makes no recommendations that fall outside the mandate or functions of the DHA, the Department’s activities are carried out in the context of inter-departmental and inter-national integration and allocation of responsibilities. The idea that maintaining four posts along the Free State-Lesotho border control crime is one possible explanation as to why South African citizens and permanent residents continue to be required to show their passports both crossing into and returning from Lesotho, a country from which there can be no other outward destination than South Africa.

The other possibility is the old National Party government’s view that Lesotho is “like any other foreign country”. This is contradicted by the reality of social and economic relations on the ground and by the friendly relations between Lesotho and the present South African government. It is important, then, to examine whether the resources allocated to the border repays the investment made, or whether those resources might more effectively be allocated elsewhere.

SAPS officers want computers at passport control to provide information on wanted criminals, the legal status of the passport holder, or even on when and how often a particular person crossed the border. Home Affairs neither collects nor has access to any such information. They merely check whether the traveller has valid documents. At present 10 percent of travellers are “spot searched”. Of those caught in violation of the law, 80 percent have a valid six months concession. Criminals wish to avoid the inconvenience, delay, and risk of illegal crossing just like everyone else, and officials note that the documents of criminals are mostly quite in order. The police would like Immigration to be fully integrated into the MCS and, equally important, to collect data on individuals crossing, but this would require a major increase in both technological and human resources at the posts at enormous additional cost.

The proper police headquarters is over 15 kms distant in Ladybrand, and as there is no holding cell at the border, police simply handcuff suspects to an office chair. Police command at Maseru Bridge observed

that the post itself is too busy for the current conventional means of control. Further north at Ficksburg Bridge, police officials noted that smugglers prefer to get a six months concession so their passage is not monitored. Further, Immigration responds to local commercial and labour market pressures by hurrying travellers through, while the police would like to check every one of the over half million vehicles and 5 million pedestrians who use the bridge each year. While the provision of a full-scale police station headquarters right at the bridge facilitates better policing than at Maseru, the lack of coordination of police and immigration within the MCS is a great hindrance.

Equally important are cross-border coordination and relationships with Lesotho security services. SAPS officers emphasised that co-operation with Lesotho police and Interpol in recent years has been excellent. Their counterparts readily provide any records they may have on SA citizens in Lesotho (very limited), but of course Lesotho keeps no records of the movements of its own citizens. Policing had improved with agreements for hot pursuit and arrest by SAPS in Lesotho, although no arrests can be made there unless Lesotho police (who have no vehicles and have to be informed, collected, and transported by SAPS officers) are present.

The Community Policing Forum, with representatives from various professions on both sides of the border was of some value during the late 1990s and should be given renewed attention. Among the Forum's functions have been co-operation among stock theft and murder and robbery units, and responsible community members, including traditional leaders in Lesotho.

Lesotho Police officials were concerned about any reduction of controls, Immigration or otherwise, by South Africa as they admitted that apart from intermittent stamping of foreign passports on entry, Lesotho only checked on goods and services that might yield customs or tax revenue.

Overall, Lesotho relies on South Africa for border control. Joint patrols for illegal crossing and smuggling along the river itself might become feasible, along with more effective cooperative efforts to control the crime syndicates that span the border. An example is the current close cooperation between the Lesotho vehicle theft unit and the SAPS.

A related concern is rural security and stock theft on both sides, and attacks on farms in the Free State border districts. The Rural Safety Officer at Ladybrand noted that farm attacks are the work of full-time criminals, whether from South Africa or Lesotho, and not Basotho villagers. Often, a disgruntled former employee teams up with professional criminals to attack the farm. In the absence of local police support,

Lesotho village vigilante associations apprehend, assault, and even kill stock thieves themselves, but this has led thieves themselves to carry heavier arms. Cross-border herding associations have reduced thefts and assisted the location and return of stolen animals, but Lesotho police are of little assistance to the SAPS in this area. Such thieves and attackers use the river to cross and re-cross of course, and the important point here is that Immigration and passport control at the posts play virtually no role in controlling these sorts of crime. Spot checks at the posts do more to frustrate and inconvenience the general public than to control serious crime, but perhaps if there were no passport controls then police spot searches would be less of a problem and more effective when they are carried out. More joint patrolling of illegal crossing points along the river itself might be a more effective use of resources than simply checking at the formal posts.

A district liaison committee, in place since the regime of General Lekhanya in Lesotho in the early 1990s, and composed of representatives of Immigration, police, farmers, chiefs, and business people, chaired by the South African High Commissioner in Maseru is supposed to meet every three months. This committee was, however, a product of the crime and security concerns of the National Party Government and their farmer constituents, and was regarded at present as ineffectual and in need of re-organisation.

Lesotho officials agreed with South African observers that cross border Liaison Committees are outmoded and without the authority to make mutually binding commitments or recommendations. A formal agreement on cross-border liaison is supposed to supersede these committees as of April, 2001.

The SANDF Ladybrand is the main base for patrols intended to control illegal border crossings, dagga smuggling, stock theft, and attacks on farms from Lesotho. In both Ladybrand/Manyatseng and Ficksburg/Meqheleng there is a problem with robbery and housebreaking by people coming from the Lesotho side of the river. Conversely, thieves from the SA side do the same in Lesotho towns, and in particular steal livestock from rural villages. The Group commander maintained that farm attacks always increase when patrols are few and security measures along the river are relaxed, and claimed that army patrols do apprehend a significant percentage of illegal crossers.

The Lesotho border has a low, uncharged fence in the Wepener District only, and that is often cut, not for criminality but for convenience. The terrain works against patrolling, as the higher elevation on the Lesotho side and the noise made by army vehicles means that patrols are easily spotted and heard from a distance by anyone waiting to cross the river. Tracks and paths made by dagga smugglers and farm

workers allow even vans to cross at some points. Horses are sometimes useful for patrolling the river, but only foot patrols provide the cover and quiet required. Patrolling is too intermittent (once every three months) to be effective, except when they are stepped up in the wake of farm attacks.

Recently the government promised to provide helicopters to support such patrols, but in practice helicopters appear intended more for conducting rapid raids on farmers employing Basotho labour than to control criminal attacks. River crossings for the most part connect Free State farms with Lesotho villages, and most crossings take place where there is no formal border post for a considerable distance, such as between Maseru and Van Rooyen's Gate. Border fencing, where it has not been completely destroyed, has no practical effect on crime or unauthorized crossing. Beefing up the SANDF presence on the Free State-Lesotho border, with its attendant increase in expenditure, is not what the government or the army desire, and there are currently plans to close down the Ladybrand SANDF base altogether. Over on the other side of Lesotho in the Drakensburg, Sehlabathebe/Bushmanshoek is now a one-country post staffed only by the SANDF.

BILATERAL RELATIONS

A new bilateral encompassing framework on immigration is sorely needed. In January 2001 a high level meeting was held bringing SA and Lesotho officials from these ministries together in Pretoria to work out a new, more mutually beneficial and neighbourly relationship. Prior to discussing any practical difficulties in improving South Africa's relationship with Lesotho's government and citizens, we may review some of their explicit submissions.

Lesotho government officials have no wish that South Africa stamp Lesotho passports for any reason, and would happily agree to the removal of SA DHA services from the border. On a practical level, Lesotho passports have a ten-year validity but include only 32 pages. These soon fill up with South African stamps, and getting a new Lesotho passport can take several months. If South Africa feels passports must be stamped, Lesotho officials requested that all Basotho should get an automatic and free six months concession, which would provide a stamp and put them in the system twice a year at least. The DHA has formally agreed to this already and might no longer require Lesotho passports to be stamped.

Lesotho officials recognise that the Basotho practice of treating the six months concession like a work or residence permit was an annoyance for South Africa, and worry that Basotho would not carry passports

at all if there were no border control. They noted that there was no reason why the DHA had to agree with these practices, and were entitled to repatriate any Lesotho citizen found without documents, or working in South Africa without a contract or work permit. The six months concession did nothing in itself to encourage unauthorized immigration or employment, and was in place because the facilities at Maseru and Ficksburg Bridges simply cannot handle the volume of traffic if every passport is stamped on each crossing. All felt that Maseru and Ficksburg should implement separate lines for South Africa passport holders, Lesotho and other foreign passports, with separate channels for pedestrians, light, and heavy vehicles.

To get a study permit today Basotho have to apply at least six months in advance and show proof of medical aid, adequate bank balances and other qualifications. The recent high level meeting of ministry counterparts in Pretoria did lead to an agreement, first proposed in 1996, that study permits would be granted for the length of the course required, rather than only for three months. In this as in other areas, Lesotho officials have objected strongly to South Africa treating their citizens like those of any other foreign country, and believe Lesotho is entitled to special arrangements.

Under the present heading, we can communicate some concerns on bi-lateral economic relations. Lesotho officials argue that South Africa should assist Lesotho's employment creation if they want Basotho to stay at home rather than seeking work in South Africa. Under SADC's protection of infant industries policy, South Africa blocks direct investment from abroad and the establishment of new industries in sectors already existing in South Africa in neighbouring states including Lesotho. Yet at present there is virtually no direct investment from South Africa in Lesotho apart from the Lesotho Highlands Water Project. Further, Lesotho firms have difficulty selling their products in South Africa, as regulations are too many and too difficult. So, for example, Lesotho has the excess capacity to produce bread for sale in South Africa, but cannot do so if the wheat used was originally imported from South Africa, with the attendant rebate. Border industries on the Lesotho side must depend on local buyers only, or on exports to third states, and as they cannot sell their products in SA, cannot really grow.

Generally Lesotho, whose main product is cheap labour, needs South African goods, while South Africa does not really require re-importations from Lesotho. Further the Lesotho Government must come to the realisation that economic cooperation is a two-way street, and that for every reform, benefit, and measure of assistance extended by South Africa to its dependant neighbour, there must be reciprocity on the

Lesotho side. Having said all that, it is clear that protection of South Africa's industries and labour market and the reduction in local unemployment is the only measure that might keep Basotho from seeking unskilled work in South Africa and both depend upon the economic development of the Caledon Valley as a cross-border region. There is no potential for such development without improved legal harmonisation and bi-lateral economic cooperation. The reform or removal of passport controls would be one useful element in fostering such cooperation and development.

Looking at the cross border movements recorded in this report, the Lesotho borders are the busiest in both directions which imply that most Basotho cross the border to conduct business in South Africa and return to Lesotho. It seems unlikely that many Basotho are flooding permanently into South Africa as some seem to think. Furthermore, many Basotho possess South African identity documents as a result of their kinship and they could easily go and settle in South Africa if they so wished. It appears that most Basotho who wanted to go to South Africa did so after they were given Identity Cards at the time of the 1994 elections, or as a result of the "amnesty" given to Basotho who had worked in South Africa for more than 5 years. The increased regulation of Basotho residing in South Africa since then has had the effect of encouraging Basotho to obtain South African identity documents and to move back and forth, virtually unhindered, between Lesotho and South Africa.

It is this issue of bi-lateral cooperation for economic betterment that ultimately links DHA operations with Customs and Tax (SARS) at the border. In view of South Africa's impending agreement to the SADC Protocol on Trade and Tariffs on 14 February, 2001, it is puzzling that Customs in Pretoria implemented customs gate passes at the Free State-Lesotho Border posts on 2 February. According to the regulation, every traveller, beginning with motorists and later extending to pedestrians, would stop to obtain a gate pass declaration form from the Customs office or Immigration window, fill it out, and hand it in at the security stop on the way through in both directions. Officially, this action was mandated by the section of the Customs Act that requires all travellers to present themselves before a Customs official at the border, with no provision for six months concessions. In practice, this requirement has been ignored, because of the complete impracticability of requiring all travellers, whether pedestrian or motorist, to stop at the small Customs container. Those who require Customs services stop voluntarily.

Perhaps in Pretoria the assumption was that since gate passes are already in use at borders with Zimbabwe and Swaziland, they could be implemented to increase revenues at Lesotho. The head customs official

at Maseru Bridge did not believe so. What he did believe was that gate passes would improve recording of car registration numbers and other useful information. He admitted, however, that the +/-R1.3million that is to be allocated to upgrading the post would not do much to reduce congestion, since the post area cannot be made physically wider, and there was no way to provide more parking closer to the offices. While the allocation is supposed to support the implementation of separate lines for holders of different passports and for pedestrians and vehicles, he was doubtful that this would take place, as there were interests, as he put it, that were served by the present arrangement. He pointed out that Lesotho has a greater interest in customs regulations because it gains significant revenue, unlike SA, from declared imports. To that end a one-stop post with a single form (CCA1) on the Lesotho side might serve both customs services well. The implementation of gate passes at Maseru Bridge lasted only between the hours of 6 am and 10 am on February 2 before overwhelmed officials abandoned the effort. In addition to the recent ratification of the SADC Protocol on Tariffs and Trade, the mechanism of the Southern African Customs Union might be used to simply keep track of the percentage of trade that Lesotho represents, and pay out its share at the end of each financial year.

Virtually every business and professional leader in both Ladybrand/Manyatseng and Ficksburg/Meqheleng has important interests, enterprises and associations across the border in Lesotho. More important, their activities generate economic development, and thereby the private employment and public revenue that benefit government and help pay for border services. According to one view, DHA operations would be more productive for the region and the country if they facilitated rather than hindered such legitimate, taxable economic activity. Local business people had many complaints and problems that officially do not involve Immigration. In practice, however, there are a range of such matters with which DHA staff can and do assist, such as tax regulations and its attendant bureaucracy, or inefficiencies, lack of cooperation, and corruption in the Lesotho border control agencies.

It is not possible here to review the numerous difficulties and manipulations of customs, tax, import/export, and permit regulations experienced by both Free State and Lesotho business people at the border. To cite one example, the differential between the SA system of VAT at 14% and Lesotho GST at only 10% leads to astonishingly complex illegal forms of evasion and manipulation by both business and officials of all three border agencies on both sides of the bridges. The point here is that business people can arrange to have difficulties and delays with this or any other "problem", legal or illegal, official or unofficial, solved by the personal intervention of DHA officials. This includes "fixing things

up” with Lesotho officials as well on their side of the “friendly border”. It is however, difficult to criticise these officials for intervening. They know their counterparts on the Lesotho side are interested in personal profit no matter what the cost to business. They know that many of the tax and documentary regulations are needlessly obstructive and inconsistent both as ordered and enforced. They sympathise with local people working hard to make a living, even when they are in violation of various, often contradictory or impractical transshipment regulation.

Business people believe they could not survive in business without personal “connections” at the border. In general official forms and procedures seem to be required simply to encourage business to pay on the spot to ignore or manipulate them. Pursuant to this system, different rules are encountered at different times on either side of the bridges, combined with inconsistent, unprofessional enforcement. Officials on both sides, merchants said, seem uncertain of their role and behave inconsistently, distracted or lax one minute, enjoying the abuse of power another. Further, they observed inter-agency rivalries in poor working relationships and authority conflicts between immigration officials and police.

They suggest that it is impossible to do business at all without six months concessions, which ought to be automatic for business travellers. They further requested that business people on both sides of the valley should have special permits or a reciprocal bi-national arrangement, as with or without bribery a good deal of time is wasted at the border, and time is money.

Lesotho businesses also complained about unnecessary delays, which have worsened since 1994 due to the increased traffic and opportunities for corruption, particularly on the South Africa side because that is where the real control is exercised and therefore circumvented, manipulated, and bought off. Business to business relations are actually improving and may work better than bi-lateral governmental arrangements, since beyond protectionism neither government has shown any concern for business in their negotiations. Like business people in South Africa, they feel that free movement for Lesotho and South Africa citizens would encourage and promote cross-border economic activity without cost or disadvantage to South Africa. While all this may represent progress towards an ideal in Lesotho-South African relations, Lesotho business must acknowledge the validity for Lesotho just as for South Africa that cooperation and neighbourliness are a two-way street. South African officials have little encouragement to become more accommodating to Lesotho business as long as systematic corruption and abuse directed against South Africans for profit remain entrenched in the Lesotho border services.

TOURISM AND THE BORDER

The two most important economic sectors in the eastern Free State are agriculture and tourism. Tourism displays the greater potential for growth and employment, while agriculture is currently in decline. Currently, in fact, the two sectors are increasingly integrated, with picturesque farms opening bed and breakfasts and farming towns attracting tourists. The achievement of this potential, however, depends directly upon the integration of the eastern Free State and Lesotho into a single complex of attractions, with routes crossing and re-crossing the border at various points within a single tour. The tourist sites and infrastructure of either the eastern Free State or Lesotho alone are not sufficient to attract the numbers of tourists to the region that sustained development requires. One such cross-border tourist development project, the “Maloti Route”, was launched on 29 September 2000 by Minister Valli Moosa and the MECs for tourism of both the Free State and the Eastern Cape, has since then actively pursued both local and international agency funding. Many problems derive from a lack of receptivity and managerial capacity on the Lesotho side that are of course not the province of SA Immigration and passport control.

The border post and its service agencies can, however, play a role in promoting the development of the tourist industry, thereby generating investment, employment, and public revenue in the Caledon Valley. Rather than eyesores that delay, obstruct, and spoil the cross-border travel enjoyment of outside visitors, the border posts ought to be the gateways to the pleasures of the valley, with public conveniences, pleasant settings, and tourist information and fast, friendly services. The models of post operation need to shift from movement control to movement incentive and facilitation. Businesses in Ladybrand want Maseru Bridge to serve as the tourist gateway to the eastern Free State and Lesotho. Travel agents must be encouraged to regard the border positively and take the trouble to arrange for pleasant, problem-free passage over the Bridges in advance. As it is, tourist facilities in Lesotho advise visitors heading north to Gauteng or south to the Cape to avoid Maseru Bridge and use a faster and more pleasant exit point, depriving Ladybrand, whose most important retail businesses are petrol and vehicle services, of badly needed rands.

Educational and cultural tourism is yet another area where cross-border cooperation has great acknowledged potential. The Morija Museum and Archive, Thaba Bosiu, dinosaur footprints, and traditional Sesotho village architecture, religion, and social life are all attractions offered by Lesotho that could be enjoyed by South African as well as international

tourists, and by Sesotho-speaking South Africans in particular. The annual Basotho Cultural Festival held in Morija already attracts, indeed depends upon South African visitors. For Sesotho-speaking Free State school children, Lesotho provides a unique and invaluable resource in Basotho history and culture. Yet, when Free State schools seek to take busloads of pupils to see the Festival or famous heritage sites in Lesotho, they must have a passport for each individual child. As parents in the townships find arranging a passport for this short journey inconvenient and expensive, such expeditions are often cancelled, to the detriment of education, South African-Lesotho understanding, and the African Renaissance. Certainly a single tour permit carried by the head teacher would be sufficient for such brief outings.

Important projects such as a high-altitude sports training and water recreation centre at Katse Dam, and a Maloti/Drakesburg Transfrontier Park have been proposed, but the Lesotho Government has not been agreeable or responsive. The reality is that tourism is the only potential sector of development for the Highlands apart from the sale of water. Free State tourism in turn cannot develop except in partnership with Lesotho. The South Africa Government should encourage this partnership, and one way of doing so is to ease passage at the bridges for tourists. Tourists to Lesotho visit the region to enjoy themselves and not to endure a long, torturous wait to cross back into South Africa while worrying about missing on-going air travel connections.

TAXIS AND THE BORDER

At the other end of the economic scale, working-class Basotho travellers and taxi operators also experience unnecessary hardships at the border posts. Here we will consider only the problems affected by passport control and the poor and inadequate physical facilities provided to taxis and their passengers, particularly at Maseru Bridge. To begin with, Lesotho and Free State taxis cannot (officially) cross the border to deliver passengers to the other side without a special and expensive (R300 for three months) group-tour permit. After Lesotho passengers are dropped at the Lesotho side, they must walk with their baggage across the bridge to the South Africa post, stand in line at passport control if they have no six months concession, and then walk again a half a kilometre up the long hill on the Ladybrand road to the "Border Box", an unsavoury liquor restaurant where taxis heading to towns in the Free State and Gauteng are allowed to load.

These taxis are operated by members of the local taxi associations. In defiance of these associations and the system that inflicts such hardships

upon passengers, some operators have begun to squeeze their vehicles into a small space on the right-hand embankment where the broken toilets stand just before the post. These operators risk the displeasure of both the taxi associations and Immigration and police officials. Their vehicles are subject to impoundment and fines, there is no liability for any damage they may suffer, bribery is endemic, but the opportunity to attract passengers by saving them the long walk up to the Border Box makes the risks worthwhile.

Officially, a Lesotho taxi must operate only in Lesotho, and a South African taxi only in South Africa. A taxi with a special permit to ferry people from one border post across to the other may not also obtain another permit that allows for group tours into South Africa or Lesotho. In the meantime, operators on both sides complain that border control allows taxis from the other side to cross over with passengers (for a price) especially at night. Yet, they readily agree that changing taxis, sometimes twice, is dangerous and expensive at night, and see no reason why they should not be allowed to carry passengers into the other country officially by reciprocal agreement. Any travellers wishing to cross into South Africa later in the day may find that delays at passport control prevent their onward journeys, because the taxi rank at Botsabelo near Thaba N'chu, for example will be closed by the time they have waited an hour or two to have their passport stamped. Of course they can pay to jump the queue if they are in a hurry. In the opposite direction, taxis from Gauteng often arrive at an hour when safe, direct transport to destinations in Lesotho is not available, and passengers must wait until morning to continue their journey. One South Africa driver heatedly observed that "people from Lesotho" provided 70% of their business and so should not be so inconvenienced, underserved, exploited, and "chased about" by taxi regulations and passport controls at the posts.

BASOTHO FARM WORKERS

Basotho have crossed the river to work on the farms of the Free State since the 1870s. While work-seekers passes and migrant contracts were officially required, these were given upon request, and were never inspected. Over the decades, whole farm families and their draught animals moved back and forth across the border as conditions and opportunities for production changed. Strong ties of family and social cooperation knit workers resident on farms to village communities across the river. At busy seasons such as harvest time, farmers scoured the Lesotho border villages for hundreds of additional workers.

More recently, the South African government has sought to protect its own rural labour force from “foreign” competition from Lesotho. Due to the wave of mass evictions, there is indeed a good deal of unemployment in the black townships and informal settlements attached to the Free State border towns. A new class of black commercial farmers is “emerging” in these districts. They agree with their white counterparts that Lesotho villagers are harder working, less expensive, and more cooperative than workers from the townships, who have greater consciousness of legal entitlements and expectations as workers.

During the late 1990s, the South African Government tried to forbid Basotho labour on farms entirely, but had to create a permit system instead when farmers complained they could not handle the demands of peak seasons without them. Under this system farmers must first obtain a permit for a specified number of workers from the DHA, then travel to Lesotho to recruit them. In practice, however, the farmer often spreads the word and workers simply cross the river to the farm, where their number and names are subsequently matched to the permit.

It is extremely difficult to prevent Basotho who have been crossing the river without documentation for generations from doing so now. They are aware, conversely, that the permit system can serve positively as a legal protection, as it prevents farmers who employ Basotho without permits from simply having them arrested and deported when the time comes to pay them their wages. Basotho have also responded by obtaining South Africa identity and moving over the border to the informal settlements mushrooming on the fringes of Free State border farming centres such as Ladybrand, Clocolan, Marquard, Ficksburg, Fouriesburg, and others. Lesotho villagers with South Africa identity documents are the ideal solution to the labour requirements of hard-pressed border farmers.

Quite a few Lesotho citizens now have farms on the Free State side of the river, including former Lesotho Head of State and current leader of the opposition Basotho National Party, General Metsing Lekhanya. Other emerging farmers are successful business people from the local black townships. All of these farmers agree that South Africa should recognize that Lesotho is a market and a source of valued labour resources, and that the Basotho cannot now suddenly be denied work. They argue that Basotho find employment on Free State border farms no matter what measures, including the use of helicopters, are taken to prevent this. The answer would appear to be the upgrading and enforcement of proper legal conditions for all workers including the Basotho, rather than a futile policy to deny Basotho access to their traditional labour market. Farm attacks and theft are rampant, but Lesotho citizens are no more a part of the problem than South Africans, and passport

control does nothing to prevent them. Easier passage at the formal posts, including emergency permits, might reduce the use of unauthorized crossings by the law abiding, making police and army patrols more effective against genuine criminals. There is probably no way to prevent the daily casual use of the informal river and fence crossings visible every few hundred metres along the entire length of the Free State - Lesotho border.

RECOMMENDATIONS

In view of the foregoing analysis, removing DHA services from Free State border posts would seem to incur few economic, social, or political costs. On the contrary, resources currently expended to maintain immigration and passport control at these posts might be saved or put to more effective use elsewhere. Information from the DHA indicates that the DHA spend R8 218 581 for the financial year 1999/2000 for immigration presence at the four border posts (Maseru Bridge, Van Rooyens' Gate, Ficksburg Bridge and Caledonspoort Bridge) with Lesotho.⁸ Detailed breakdown of the costs is given in Table 30 below. This figure includes personnel, operational and transport expenses. Other posts have no immigration services and are staffed by the SAPS and the cost of this is not available. Other additional costs to the government which could not be quantified are the costs of policing the border by the SANDF. We have noted that the large part of the SANDF work is controlling unauthorized crossing and not other criminal activity of significance such as theft and murder. In addition, the cost of repatriation (about R600,000) would have to be added to the cost too.⁹

Category	Ficksburg	Maseru	Caledon	Van Rooyen	
S&T	25,950	20,000	20,000	20,000	
GG	53,728	125,385	87,000	57,545	
Freight	200	200	500	300	
Postal	5,000	2,500	2,400	2,000	
Telephone	25,000	20,000	13,000	18,000	
Incidental payment	100	-	50	250	
Regional Service Levy	7,342	4,200	3,200	2,150	Totals
Sub-total	117,320	172,285	126,150	100,245	516,000
Salaries	3,693,186	2,010,915	1,196,167	802,313	7,702,581
Total by post	3,810,506	2,183,200	1,322,317	902,558	8,218,581

This is the amount that might be saved by removing immigration and passport control from the Free State border alone. Just as important, certain benefits would seem to follow directly from the removal of passport control at the posts. The governments would be able to provide other necessary services with physically more manageable and attractive infrastructure in the same space. South Africa would acquire a better image and create a more friendly, supportive atmosphere among the general public, including valued business people, tourists, and professionals, as well as ordinary working-class travellers. As we have shown, business, agriculture, transport, tourism, cultural education, and cross-border co-operation would be greatly enhanced in the Caledon Valley through the easing and harmonisation of border regulations, leading to economic development, job creation, increased public revenue and public services in the border districts. It is particularly important to include the problems of cross-border business in this argument, since the border controls constitute a major obstacle for business. Reform of the VAT/GST and tariff systems are just as crucial to legitimate business development as the transformation of passport control. Even Basotho small traders might be assisted if a personal duty free limit were allowed at the border, as they do not qualify for the present exemption.

There are four possible alternative strategies or recommendations for the rationalisation and management of DHA operations at Lesotho-South Africa border posts:

- maintain the status quo;
- beef up the system;
- ease off on the control;
- or remove immigration controls completely.

First, by way of background, Lesotho is different from South Africa's other neighbours. Hence the first principle underlying maximum utilisation of resources, increase of revenues, and mutually beneficial interstate relations is that Lesotho must be accorded particular status and treatment in border management. This is because of the tremendous volumes of traffic crossing in both directions at the border posts, reflecting a high degree of economic and social integration. Reasons for this are partly historical, as Basotho labour has been used to build the South African economy and society for the past 180 years. Basotho do not and cannot be made to see themselves as proper foreigners in South Africa, no matter what regulations are imposed, and they resist border controls not only for personal expediency but in principle. Add to this the physical and administrative ineffectiveness of the border itself and one has a recipe for regulation that is inefficient, even counter-productive.

Given institutional inertia, public anti-foreign feeling, and the resistance of vested interests, the system of controls at the Lesotho-South

Africa border posts might be left as they are. We regard this as the least desirable option because it most evidently produces no public revenues, wastes resources, encourages corruption, inconveniences and angers the travelling public and strains relations with Basotho neighbours and their government. It also hampers cross-border economic development and partnerships in the region, does nothing to reduce and may even encourage crime, has no value for national security, and does not in practice control movement across the border.

At the other end of the spectrum, the DHA could attempt to strengthen their functions and the effectiveness of border control, while providing faster and more convenient service to the public. This would however require considerable additional expenditure on physical infrastructure, technology, security, staff numbers and training, and linkages to regional and national DHA offices. While there could be returns in the form of improved control combined with service to the public, the question must be asked whether such a result would be worth the investment required to produce it. Clearly the government has not thought so to this point. There is little gain for South Africa, and much loss to the people and economy of the border region, in the practice of control for control's sake. Unless additional benefits of increased controls become apparent, we cannot recommend this option.

A third option is a partial easing and streamlining of border controls short of the complete free movement of persons across the border. While it is not yet entirely clear what measures should be retained, which abandoned, and which modified in what ways, some suggestions might be discussed. Separate lines for South Africa citizens and permanent residents, Lesotho citizens, third state citizens, pedestrians, light and heavy (goods and services) vehicles would not only make sense but seem necessary if controls are to be retained. Or the inspection of South African passports might be entirely foregone, with only foreign passports stamped. Six months concessions might be issued on demand to anyone who requested one, to benefit valley residents and visitors and reduce the corruption that thrives on these concessions. The Basotho practice of using these as temporary residence permits, however, militate against this, and indeed favour doing away with six months concessions. Emergency travel documents could be re-introduced. Study permits could be granted at a less discouraging fee and for the period of the course registration, as has been recently formally agreed. Special permits for business, shopping, tourism, and educational purposes could be available at the posts on both sides. There could be a single customs and tax regime for both South Africa and Lesotho. Whether these and other measures are worth the time and effort required to administer them is uncertain, but any or all of them would be an important, beneficial

improvement over the current situation.

The final option would contemplate the removal of current immigration and passport control from the Lesotho-South Africa border posts altogether. The risks and uncertainty of this policy are something this report has attempted to reduce. On balance, the benefits of removing DHA operations from the four Free State border posts where they are in place would seem to outweigh the risks and disadvantages. This simple, inclusive strategy is an admission that the busy border posts cannot in fact be efficiently controlled except by the allocation of considerably more resources. No benefit in revenue, crime control, labour market protection, or local or national security or interest seem to justify this strategy. Removing immigration and passport controls would save budgetary resources. It is the only means of eliminating corruption among DHA officials. It would enhance regional public revenue, social order, and political stability by promoting tourism, economic development and job creation, the only means of reducing unauthorized immigration. It would also serve to promote good political relations and better economic and social integration between South Africa and Lesotho. It would improve transport services for working-class black people. It would make a far better impression on important local and international visitors. It would not create any economic or security risk that could not be better addressed by other agencies, specifically SAPS and SARS. The Government of Lesotho would have no objection. It would improve life for all the inhabitants of the Caledon Valley.

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ENDNOTES

- 1 Ha Rakolo, Brindisi Drift, Joel's Drift, Steyn's Store, Namahali Pass, Mbundini Pass, Fang's Pass, Mnweni Pass, Mlabonga Pass, Lekhalo-la-Masole (Organ Pipes Pass), Tlhanyaku Pass, Langalibalele's Pass, Mkhomazi Pass, Mzimude Pass, Ngoangoana's Gate, Khamokha Pass, Nene's Pass, Likhoelaneng Pass, Tsatsane Pass, Sixondo, Ha Moilola, Trolli's Gate, Rankhakile (Tlokotsing) and Don Don are only some of these points.
- 2 For details of methodology see David McDonald, ed., *On Borders: Perspectives on International Migration in Southern Africa* (New York: St Martin's Press, 2000).
- 3 Theresa Ulicki and Jonathan Crush, "Gender, Farmwork, and Women's Migration from Lesotho to the New South Africa" *Canadian Journal of African Studies*, Special Issue 34 (2000).
- 4 The discussion in this section is based on issues raised in open-ended interviews with key informants.
- 5 Jonathan Crush and Vincent Williams, *The New South Africans? Immigration Amnesties and Their Aftermath* (Cape Town: Southern African Migration Project, 1999).
- 6 During the peak holiday month of December, for example, over 100,000 travellers cross Maseru Bridge (Post Commander P. Erasmus, Maseru Bridge, January 1998).
- 7 All parties consulted regarded these improvements as absolutely essential and funds have been allocated to provide them, but none have been implemented to date. Ficksburg Bridge has separate traffic streams, but not separate windows by citizenship.
- 8 From Mr. Linda Immigration Officer, Bloemfontein office.
- 9 Estimate provided by Mr. Linda for the four repatriation centres (Bloemfontein, Bethlehem, Thaba Nchu and Qwaqwa. The figure excludes detention costs, which amount to about R80/day per person.

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