

(Ir)relevant doctrines and African realities: neoliberal and Marxist influences on labour migration governance in Southern Africa

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Abstract

Southern Africa has a long and complex history of migration. This article argues that overall, the mechanisms for governing migration and the practice of migration in the region ignore prevailing theoretical and ideological influences. Instead, Southern Africa operates on an age-long labour migration governance system predicated on private capital. The article qualitatively analyses scholarly literature, migration policy and legislation, and data from interviews with relevant stakeholders. Southern Africa could benefit more from favourably governing migration at the regional rather than the national level. This is consistent with the African Union's preferred approach to integrating Africa. Also, sociocultural traits in borderland communities of neighbouring Southern African countries tend to be shared and traverse state borders.

Keywords: Labour migration; regional migration governance; neoclassical economics view; modes of production; SADC

Introduction

Migration is complex and affects the political economies of migrant sending, transit and receiving countries. It can propel development because it reinforces and diversifies the labour force, which is a key factor of production (Damelang and Haas 2012). Migration can facilitate the supply of qualified and skilled labour within a regional bloc of countries while strengthening the economic ties between them (Crush and Williams 2003). This is an important precondition for creating common markets and establishing the free movement of labour, capital, goods and services between countries. The European Union (EU) provides an example of where this happened.

Migration has its downside too. It can strain social safety nets and raise socio-political tensions in migrant-receiving countries (Jakubiak 2017). This is because immigrants might stretch the socioeconomic and political infrastructure of the host country. Jakubiak (2017, 52) argues that one of three highly politicised theoretical arguments concerning the effects of heightened migration into the EU focussed on potential extra economic strains on social security systems. This was because of existing employment patterns and the skill composition of the immigrant population. Migrant-sending countries too, may lose skilled labour or suffer the effects of the brain drain (Stolz and Baten 2012). This is besides the negative sociocultural impacts on households, where members might be left behind without the head or able-bodied people to support them (Mara et al. 2012). This migration conundrum might be further complicated by the fact that migration pressures are a fundamental and inevitable component of socioeconomic life. The tendency to associate migration with security, climate change and the environment in

the early twenty-first century (Leighton, Shen, and Warner 2011; Nicholson 2014; Methmann and Oels 2015) compounds the conundrum further.

The conundrum makes it crucial to govern international migration. Because migration is unavoidable, the question arises how to govern it more successfully. This question is necessary in regions like Southern Africa, where the history of international migration is long and complex. Also, a proper understanding of the historical context of migration in the region helps to appreciate its reality and policy landscape. The imperative is also because of the moral panic over migration created by the media, politicians, the public and academicians in countries like South Africa, where they portray immigration as ‘a flood of illegal aliens’ who bring diseases and crime and steal women and jobs from citizens (McDonald 2000; Nyamnjoh 2006; Ndlovu-Gatsheni 2010; Matsinhe 2011; Gordon 2015; Mutanda 2017). Approaching migration in this way constitutes a problematic distortion. It also reveals a sense of amnesia and a lack of historical depth, especially when even academicians, as Crush (2000, 12) indicates, ‘assume that cross-border migration [from South Africa’s neighbours] did not begin until the first Mozambican crawled under the electrified fence in 1985’.¹ But migration in Southern Africa occurred long before the Westphalian type nation-state was created (see eg Crush 2000; Boahen 2003; Ogot 2003). A question worth considering, though, is: Who governs regional labour migration in Southern Africa?

This article argues that Southern Africa exhibits a contradiction in policy and practice on migration governance. Economic policy frameworks in the region reflect the influence of neoliberal and the ‘benefits of migration’ approaches to migration. But in reality, the region enforces restrictive measures against the free movement of labour. The region also operates on an age-long system of migration governance predicated on private capital and the demand for labour by capital. This makes richer countries like South Africa seem to control the regional system of migration governance. The control is evident in South Africa’s (as well as Namibia and Botswana’s) opposition to free movement within the Southern African Development Community (SADC). The opposition includes the way that these countries respond to the formulation of SADC migration legislation and their respective immigration legislation and policies.

The argument of the article builds on a consideration of what it takes to establish an international framework for governing migration between states that voluntarily establish a regional economic bloc. Given the approach to integration espoused by SADC, the article examines the labour migration governance mechanism established in Southern Africa and how that mechanism was established. The article explores the legislation and policies that deal with labour migration and simultaneously draws on the reality and practice of migration to examine the emergence of a regionwide system from the mid-nineteenth to the early twenty-first century. The concept of regional migration governance in this regard underpins two elements. First, the framework for investigating the movement of labour in Southern Africa. Second, the way that the region has governed migration during the period in question.

The article uses two key theoretical perspectives to fulfil its objective. First is the neoclassical economics view, which posits that workers migrate in response to differences in international labour market conditions (Kuptsch 2010) to countries with higher labour market-wages. The second is a Marxist view that migration is part of the super-exploitation of labour by imperialist monopoly capital (Pröbsting 2015). The latter view sees migration as a symptom of historically unequal development and Southern Africa’s migrant labour system as responsible for the underdevelopment of countries like Lesotho (Arrighi, Aschoff, and Scully 2010). While the

article is hinged on earlier Marxist debates, it also highlights disagreements within the Marxist theoretical perspective and engages with a recent survey of debates therein concerning the political economy of migration in Southern Africa. The article lays out these contentions, which range from Amin's notion of 'Africa of the labour reserves' to Wolpe's cheap migrant labour thesis and Mafeje's critique of Wolpe's thesis. And, while an earlier debate on labour supplies exists that refers to the important work of Lewis (1954) and the critique by Arrighi (1970) as well as by Cross and Cliffe (2017), Zhan and Scully (2018) provide a more recent articulation.

Juxtaposing the neoclassical economics view with the Marxist perspective on the realities of labour migration in Southern Africa reveals that the South African state's apparent hold on regional labour migration governance essentially constitutes private capital operating outside of and yet influencing the state – and, now and then, forcing the 'hand' of the state to do capital's bidding concerning the demand for labour. Conversely, the influence of capital vested and invested in the extractives and agricultural sectors is central to the historical governance and pattern of labour migration in Southern Africa. Capital is responsible for this reality, and the system that capital constructed in the 1800s persists in the twenty-first century as a mechanism that governs regional labour migration. As such, the article suggests that from a historical perspective, the 'benefits of migration' posited in the neoclassical economics view of migration and in neoliberal economic policies fail to adequately explain the labour migration situation in Southern Africa.

Contrary to those assumptions, some countries in Southern Africa remain least developed although they have long supplied labour into the regional system. This is contrary to the predictions made by the neoclassical economics view that developmental gains of labour migration accrue in migrant-sending countries. Moreover, the major migrant-receiving countries securitise migration because they consider it a threat. Even when formulating (or holding back from) regional migration legislation, these countries seem to ignore the tenets of the cited neoliberal theoretical approaches/ideologies. Yet the economic systems of the SADC region and respective member states are predicated on free movement of factors, including labour, as essential to regional integration.

Through the foregoing, the article resolves missing elements in most examinations of migration in Southern Africa. It also draws important indicators from the region's regime and practices on international migration governance to inform SADC and member states, who have committed to regional integration. Furthermore, understanding the governance of migration focussed on a region like Southern Africa underscores the rationale for regional governance and the variety of governance regimes evident in the rules, norms and regulations or institutions that concern the movement of people in different parts of Africa and the world.

Methodological approaches

A thorough review of scholarly literature and regional legislation and policies on migration was conducted. The documents were qualitatively analysed and key themes distilled (Lawless and Chen 2019) as dictated by the objective of the article. The analysis also drew on data from interviews with relevant stakeholders including, officials at the SADC Secretariat and ex- and migrant mineworkers. The three SADC officials interviewed were purposively selected based on their policy portfolio, just like the ex- and migrant mineworkers who participated in focus-group discussions in Pretoria, South Africa. The primary data was collected between November 2012 and November 2015.

Theoretical conceptions

The migration regime and practices in Southern Africa relate to mechanisms through which the international movement of people is managed. These can be formal, informal or a hybrid of both. Regional migration governance as a concept is in and of itself too abstract. Moreover, governing migration at any level – local, national, regional or global – is much more difficult than the tricky process of shaping trade. The only mode of governance that seems achievable in most contexts is opening up cross-border movement of people, as the case is in the EU (Nita 2013). Even there, however, early twenty-first-century events show how complex the process is – in a region that has advanced in its integration project. The point to note is that free movement among members of the EU itself is highly controversial and actually contributed to Brexit in 2020. Also, even in the EU's case, much time elapsed between the establishment of free trade with Eastern European countries and the establishment of free labour mobility, because of concerns similar to those raised by the richer countries in Southern Africa.

Regional migration governance

The EU arrived at the form of migration governance it practises by, first, freeing labour migration only (Nita 2013). Eventually, it freed migration for other categories of migrants. In the twenty-first century, it has gone beyond dealing with the regulation of migration, residence and establishment of citizens of member states in other EU countries, to handling issues concerning regional citizenship (Nshimbi and Fioramonti 2013). This places intra-EU migration in the realm of *the right to move* for EU citizens. That is, citizens of an EU member state are regional citizens who have the right to move in and out of, reside in and establish themselves in any other EU country. They have as much right to do this anywhere in the region as in the country of original citizenship. This is what defines migration governance in the EU – the overall architecture of rules, norms, regulations, legislation, policies and decisions, or institutions, designed to address the movement of people within the region. This could include facilitating, allowing or inhibiting movements within the region and across respective member states' borders. Member states collectively draw those institutional arrangements. Regional migration governance, therefore, is here conceptualised as an international regime for managing the cross-border movement of people whose loci are the interstate rules, norms and regulations – embodied in treaties, legislation and/or policies, decisions, declarations, and such other instruments – that operate at a level within and above states. The regime is 'outside' and 'beneath' the state, but simultaneously between the states' governments (Deudney 2016).

The apparent paradox in the location of governance regime is worth emphasising because problems that require collective action, like international migration, health, peace and security, demand global or regional governance. Governing migration connotes global problem solving (Rosenau and Czempiel 1992) if done at the global level, or regional problem solving if carried out at a regional level. This is because it represents an issue area that requires transnational responses through joint problem solving. Collective action is necessary because the twenty-first-century world order is a Westphalian state-centric global order. Although the world or regions face problems that are global in nature, the state seems to still be the last point of call. And insofar as concerns issues like international migration, there is apparently little to do about freeing the movement of people at a regional level unless the states that form a given region agree to act (cf. Deudney 2016). The state therefore remains crucial, despite globalisation and free flows and despite arguments that the world has witnessed the end of the state and the emergence of regional economies (Ohmae 1995). The state maintains convening power over many global or regional issues. It is still an important stakeholder in formulating/establishing

(global and) regional governance standards, although non-state actors have increasingly entered the governance arena and become significant in processes therein.

(Ir)relevant doctrines and labour migration governance

Applying the neoclassical economics view on migration to Southern Africa makes sense, because member states follow a neoliberal model of regional integration (see eg SADC, 1992; SADC Protocol on Trade, 1996, as amended in 2010; SADC 2020). The model is reinforced by the liberal economic policies that most countries here adopted in the late 1980s and early 1990s. Also, some basic tenets of the neoclassical economics view seem to better explain the historical reality of migration in the region. The tenets are clear to see when one examines the construction of a regionwide ‘free movement’ of labour regime as a historical phenomenon. That regime emerged through/with the establishment of the extractives and agricultural industries and the accompanying demand for labour in those industries. What is obscure in this narrative, however, is the reality which a Marxist perspective helps to uncover. That reality emphasises labour exploitation coupled with land dispossession. This article contrasts this perspective with the neoclassical economics view to mediate between two ideas. On one hand, labour migration in Southern Africa follows a historical pattern based on neoliberal principles designed to satisfy the demand for labour by private capital and, yet, those principles are pitted against a securitised approach (enforced by governments) that restricts migration (Bonner, Hyslop, and Van Der Walt 2007; Ilgit and Klotz 2014; Peberdy 2009; Nshimbi, Moyo, and Gumbo 2018). On the other hand, labour migration in Southern Africa is based on a parallel but formalised *unofficial* regional legislative governance framework (Nshimbi and Fioramonti 2013, 2014). The framework regulates migration because the official SADC mechanism remains unenforced due to reservations by some countries over the prospect of open borders (Oucho and Crush 2001; Oucho 2006). Consequently, a parallel non-multilateral system of regional labour migration governance is in place, and this seems to be controlled by richer countries like South Africa.

Upon juxtaposing and considering the foregoing views, an intermediary insight into the role of private capital in instituting a consistent regional supply of labour for itself comes to the fore. The persistence of this system of labour migration established by capital is also evident. The system took shape long before South Africa and other Southern African states were created. The system has also been reshaped alongside the political and socioeconomic changes through which the world has evolved since the system was established. Those changes occurred during the broad epochs that include pre- and colonial eras, political independence, the Cold War, economic liberalisation and associated changes that have seen capital-labour relation financialisation. What is intriguing is how the system has withstood the changes or demonstrated resilience and adaptation to the changes. The system has seen the South African government restrict labour recruitments from countries north of 22°S, from 1913 to the 1930s; pressure from the apartheid government not to import black labour, because that labour presented a political threat; challenges from trade unions; withdrawal of countries like Zambia and Zimbabwe from supplying labour into the system in the 1980s; ejection of Malawi from the system, because of disagreements over human immunodeficiency virus (HIV) testing; and, of course, globalisation and neoliberal economic reforms that brought massive labour retrenchments in the late 1980s and early 1990s, as well as capital-labour relation financialisation (Rogerson 1995; Crush 2000; Roberts and Thoburn 2004; Triegaardt 2008, Moyo, Yeros, and Jha 2012).

Neoclassical economics view of migration

The neoclassical economics view, developed to explain labour migration in the context of economic development (Massey et al. 1993), seems to best explain labour migration in a region like Southern Africa. A few among the 16 SADC member states are richer.² South Africa is the most affluent and preferred destination by migrants, along with Botswana and Namibia. The neoclassical economics view posits that international migration in this context occurs because of differences between the supply of labour and demand for labour. In this view, high market wages characterise a country that has limited labour endowments vis-à-vis capital while a country endowed with a larger supply of labour compared to capital has low equilibrium wages. The differential in market wages causes labour from the low-wage country to migrate to the one with high wages. The differences in wages between the countries and/or labour markets lead to labour migration and, so, make labour markets important determinants of international migration. Todaro (1969) and Harris and Todaro (1970) detail this view through economic models drawn in the context of domestic migration. As applied to the SADC region, it follows that labour will tend towards South Africa, Namibia and Botswana, because they are the richest and have relatively higher wages.

A micro perspective refines the neoclassical economics view wherein rational individual choices are important in determining migration (Todaro 1969; Harris and Todaro 1970). Individuals consider disparities in rates of employment and wage levels between home and the prospective destination country. They consider the likelihood of securing jobs and the wage levels in the country to which they consider migrating. They also consider the cost of travel, what it would take to adapt to a new labour market and new environment, the language and culture there, and the implications of leaving home. Upon weighing the options, they migrate if the expected outcomes seem better – eg higher wages and the ability to make the most productive use of their skills in the destination. Migrating makes sense to them because the destination promises the greatest expected net returns. In view of these assumptions, it again seems that South Africa, Namibia and Botswana promise greater returns for migrants in SADC. But do the assumptions capture the historical reality of migration in Southern Africa?

Marxist view of migration

A Marxist view holds migration in Southern Africa to be a symptom of unequal development. According to this view, most countries in the region are underdeveloped because of the system of labour migration established there. Arrighi, Aschoff, and Scully (2010) couch the view in a historical discussion of the dispossession of agricultural producers from the land. The dispossession produced significant developmental handicaps because it did not condition successful capitalist development. Instead, it undermined the conditions for that development. It is worth pointing out, however, that notable disagreements exist even within the Marxist theoretical perspective of labour migration in Southern Africa. Some of the disagreements concern the view that the Marxist discourse on the modes of production is theoretically underdeveloped and flawed. Cross and Cliffe (2017) engage in these debates through a discussion of the comparative political economy of regional migration and the mobility of labour in Southern Africa and West Africa. They survey the disagreements by laying out the history and contentions that range from Amin's (1972, 1995) notion of 'Africa of the labour reserves' to Wolpe's (1972, 1980) cheap migrant labour thesis, and Mafeje's (1981) critique of Wolpe. These scholars present views that examine forms of cheap labour in Africa through basic processes of accumulation and the relations by which labour was reproduced within the system of labour as well as the reproduction of the entire labour system.

Classical Marxist theory assumes that ‘free’ wage labourers, who were forced or separated from living off the land (ie proletarianised), are indispensable in capitalist development. However, some Marxist scholars find weaknesses in full proletarianisation when applied to Southern Africa. They observe ‘semi-proletarianised peasants’ in this region, who lived on both non-wage and wage income by practicing circular migration between labour reserves in rural areas and the capitalist sector in urban areas (Zhan and Scully 2018). Amin (1972) therefore identified Southern Africa as ‘Africa of the labour reserves’ based on the impact of colonialism. In Amin’s analysis, labour mobility was central to the regional patterns of colonialism. According to him, colonisers forced rural Africans into so-called ‘traditional’ societies by driving them into poor areas, away from where the colonisers settled, practised settler agriculture and created wealth from mining. This forced the Africans into supplying capitalists with cheap migrant labour on a large scale.

Amin (and scholars like Arrighi 1970) also identified broad and diverse continuities in regional migration patterns. This demonstrated that capitalism was neither universal nor linear in the process towards industrialisation. Migration too was concomitantly neither linear nor short-term, and it did not solely involve men and the redistribution of populations that led to industrialisation (Cross and Cliffe 2017). It consisted rather in rural–urban continuities and circular movements which colonialism/apartheid shaped into a system that, according to Wolpe (1972), served to reproduce cheap labour. Wolpe explained this through the semi-proletarian thesis: capital benefitted from semi-proletarian conditions wherein households in rural areas earned income from both labour migration and non-wage agriculture. Income from the latter subsidised the cost of reproducing labour for capitalist employers. That income also enabled capitalist employers to pay lower wages. Although its empirical basis was contested (Cross and Cliffe 2017, 385; Zhan and Scully 2018), Wolpe’s articulation challenged the view that society and the economy were dualistic. Instead, systematic interconnections existed between the capitalist sector in South[ern] Africa and the African reserves that supplied migrant labour to it. Cheap migrant labour flowed because the partially destroyed pre-capitalist mode of production facilitated the flows. Cross and Cliffe add the importance of incorporating connections (contrary to dualism) to this in explaining economic interdependence between migrant-sending regions and sites that hosted migrant labour vis-à-vis socioeconomic and cultural transfers that concern migrants and migrant-sending communities. While Mafeje (1981) seemed to side with Wolpe in rejecting dualism, he critiqued the articulation thesis and questioned how Wolpe conceptualised the model. Mafeje also questioned the assumption that capital solely determined the shifts between and within stages in South[ern] African history – because other social agents had impacts too. Furthermore, Mafeje questioned Wolpe’s ‘logic’ that capital would continue to need supplies of cheap migrant labour.

An earlier debate in these labour supply contestations relates to Lewis (1954), who postulated a two-sector model where labour from a ‘subsistence sector’ with low productivity was reallocated to a high-productivity ‘capitalist sector’. Lewis’ subsistence sector had surplus labour that could be withdrawn and supplied to the capitalist sector without any negative impacts on the former sector’s total output. Individuals were, therefore, ready to leave for higher wage employment in the capitalist sector, where Lewis assumed productivity was considerably high for profit. And the sector enjoyed an unlimited supply because all subsistence-sector workers were ready to take up wage employment. Arrighi (1970) critiqued Lewis through an examination of ‘primary accumulation’ prior to the materialisation of capitalist modes of production in Zimbabwe (then Rhodesia). He argued that Lewis had failed to consider historical processes that produced a wage economy through the accumulation of capital.

This discourse on modes of production is relevant to this article because, as Cross and Cliffe (2017) argue, it shows that capitalism co-exists with non-capitalist relationships of production and reproduction. In relation to the argument in the article, capitalism systematically uses the power of the state to hegemonically reconstitute the domination of capital in each facet of social life (Filho 2010). This seems to underpin the organisation of labour migration in Southern Africa, as the historical, textual and primary evidence in support of the argument shows in the next section.

Regional realities and labour migration governance

Crush (2000) confirms Marxist postulations that Southern African males were pushed into migrating to work in South African mines and plantations. According to him, this is because they were dispossessed of land, and colonisers destroyed the peasant agriculture from which the males had made their living, and demanded that they pay colonial tax. Because peasant agriculture did not produce the currency required for taxes, the peasants had to migrate for paid employment (Caldwell 2003). From the 1840s, Sotho, Malawian, Mozambican and Zimbabwean migrants worked in diamond mines in Kimberley and sugar plantations in Natal (Crush 2000, 14). Oucho (2006, 47) ties this regional migrancy directly to colonial rule in saying ‘That much of the [Southern African] region was governed from Great Britain, with Mozambique under Portugal, meant that a conspiracy existed between these two metropolitan powers to manage international migration that benefited their exploitation of resources in the colonies’. Oucho argues too that citizens of non-mining Southern Africa countries were compelled to migrate to mineral-rich countries like South Africa, Zambia and Zimbabwe then, in search of employment.

Wentzel and Tlabela (2006) add to this and argue that employers in South Africa recruited migrants as a source of cheap labour. Wentzel and Tlabela reveal that owners of diamond mines in Kimberley provided migrant workers with housing in closed compounds in the 1880s to ensure a steady supply of cheap skilled labour. The law then prohibited black people from residing in white areas. Therefore, compounds and pass laws confined migrants to residences and regulated their movement. This grew into a large controlled system of cheap labour supply that Wentzel and Tlabela (2006, 73) argue would come to dominate migrant labour for over a century. It grew larger after gold was discovered in the Witwatersrand, Johannesburg, in 1886. The ‘very extensive [migrant worker] recruitment campaign, especially in neighbouring countries’, that mine owners established was predicated on strong capital and the need for cheap labour, which were both imperative given the very deep gold reefs and low-grade ore that raised production costs (Wentzel and Tlabela 2006, 73). Thus, Johannesburg grew into a sprawling city, accommodating migrant workers from as far as Central Africa (Crush 2000).

Rogerson (1995, 110) confirms the foregoing in two ways. Firstly, state legislative fiat of the South African government reinforced and refined the labour migration system instituted by dispossessing land from powerless black migrants. Secondly, aggressive labour recruiters in the region shaped migration flows into South Africa’s mining sector by incorporating that labour into Southern Africa’s expanding capitalist economy.

While Burawoy (1981, 296–297) also confirms this, by interconnecting the capitalist system and South Africa’s apartheid state, he notably attributes the formulation and reproduction of the system of cheap black labour supply to the state’s efforts to protect capitalist interests. The state, he argues, used the two distinct policies of segregation and apartheid to guarantee the supply of that labour for capitalists. Further, the South African government entrenched

segregation through legislation that made African economies subsidise the capitalists' wage economy, on one hand, and established apartheid as a mechanism of capitalist exploitation that reproduced and redistributed cheap and controlled labour through the African economy, in 'tribal' reserves, on the other hand. Burawoy, therefore, primarily argues that the state ensured capital was supplied with cheap black migrant labour.

Peberdy (2009, 145) seems to support Burawoy in arguing that migrants in Southern Africa are part of the migration history of South Africa that dates back to the late 1800s and that South Africa's 'first Immigrants Regulation Act of 1913 ensured that access to black contract labour from the region by the mines and commercial agriculture would be secured'. She further argues that subsequent amendments of the immigration legislation have preserved the 'privileged access' of the mines and agricultural sectors to contract workers from Southern Africa. The pool of labour from which these sectors drew became a regulated and highly formalised regional contract labour migration system. That system was established between the mid-1800s and 1920 (Rogerson 1995; Crush 2000; Wentzel and Tlabela 2006; Peberdy 2009).

Capital and regional contract labour migration

Crush (2000, 4) periodises the establishment of regional contract migration to South Africa in three phases: the formative phase, 1850–1920; expansionary phase, 1920–1970; and restructuring phase, 1970–present. In the formative phase, South African mines created a centralised labour recruiting agency that monopolised recruitment into the mining sector by 1920 (Crush 2000). This was driven and achieved by the Rand Native Labour Association (RNLA). The RNLA was created in 1896 and it was restructured into the Witwatersrand Native Labour Association (WNLA) in 1900 and, later, it transformed into the Native Recruiting Corporation (NRC) in 1912 (Crush 2000; Wentzel and Tlabela 2006, 73). It coordinated and monopolised the recruitment of labour for South Africa's mines.

In the expansionary phase, WNLA went on to monopolise regional labour recruitment through stations in Botswana, Lesotho, Swaziland (now Eswatini), Malawi, Mozambique and Zambia (Wentzel and Tlabela 2006). It concluded bilateral agreements through which migrants in these countries obtained fixed-term work contracts in South African mines and farms. The Memorandum of Understanding (MOU) on Cooperation in the Field of Labour between South Africa and Lesotho wherein the practice was formalised, for example, dates back to 1973. The MOU is open to review and covers labour dispute resolution, social dialogue, compensation for occupational diseases and injuries, and social security (Nshimbi and Fioramonti 2013). Similar arrangements with Botswana, Eswatini and Mozambique, respectively, date back to 1963. Two noteworthy points from this include, firstly, that the South African Chamber of Mines was key in organising and orchestrating the institutionalisation of the system of regional labour migration in Southern Africa (Wentzel and Tlabela 2006). However, the South African state and its counterparts would eventually be the ones to sign the bilateral agreements that stipulated labour regulations. Hence, capital apparently systematically used state power to reconstitute the domination of capital in the economic 'lives' of the countries concerned. Those agreements hold for a specified period, after which they are renewed and extended. The MOU between South Africa and Zimbabwe on Cooperation in the Fields of Employment and Labour, for instance, is renewed every four years. So, essentially and secondly, the fundamental arrangements that govern labour migration established from the mid-nineteenth century to circa the mid-twentieth, when the MOUs were first concluded, provide the basis for and influence renewed agreements. This is evident in the preambles of twenty-first-century agreements, which acknowledge past arrangements. For instance, the preamble to the South Africa–

Zimbabwe MOU recalls the previous MOU and wishes to continue cooperation initiated under that MOU. This is why this article argues that the regional system of labour migration established in the mid 1800s persists and influences how labour migration is governed in Southern Africa in the early twenty-first century. This is despite the restructuring of mine labour in the 1970s and 1980s, and South Africa's 'internalisation' policy to downscale and eventually squeeze out and replace foreign with local labour (Crush 1986; Oucho 2006). The regional system formed by capital for capital's labour needs in the 1800s, therefore, seems to persist into the twenty-first century. The regional labour migration which this system regulates historically emerged from the demand for cheap labour, in tandem with the establishment of the region's extractive and agricultural industries.

In the restructuring phase, Southern African countries introduced neoliberalism and corresponding structural adjustment programmes (SAPs), in the late 1980s and early 1990s. Neoliberalism postulates that cross-border migration is beneficial (Wise 2015). Neoliberalism is pro migration and is actually politically and economically committed to it (Goodman and Schimmelfennig 2020). Free movement of persons is a basic right in liberal thought and is akin to any other freedom for which liberalism advocates – eg freedom of assembly or economic freedoms that promote the movement of goods, services and capital. This, read together with the neoclassical economics view – that labour migrates to higher market wage countries – marks the intersection at which this article argues that an apparent contradiction exists in the policies and practices of SADC countries on migration. Despite the neoliberal support for migration to higher wage labour markets and the assumed benefits that migrants and their families bring to sending and host countries, and despite the fact that SADC states embrace neoliberalism, this article demonstrates that the countries hold a securitised view of migration that prioritises national and sovereign interests. This contradicts the regional neoliberal order to which they have committed. It also contradicts the notion of the migration–development nexus, on which studies show that migrant remittances have developmental impacts (see eg Maimbo and Ratha 2005; Pendleton et al. 2006; World Bank 2019).

Distributional consequences of labour migration governance

An important issue that neoclassical economists also highlight, and which should be explicitly recognised, is the existence of important distributional consequences of migration. That is, immigration has 'winners' and 'losers'. Winners, such as capital owners, might pursue a political agenda to allow more migrants into the destination country. They may lobby government to increase the number of visas or relax the enforcement of immigration policies (Facchini and Willmann 2005; Facchini, Mayda, and Mishra 2011). Losers might lobby against such policies or express their views directly by supporting political parties that push an anti-immigration agenda (Rheault 2013). Epstein and Nitzan (2006, 705–706) present a political framework based on empirical evidence and built on Amegashie (2004) and Epstein and Nitzan's (2002, 2003, 2004) work, which accounts for these political economy considerations. They argue that a country's proposed migration policy is approved through the efforts of lobbying groups that compete for approval or rejection. In relation to the argument of this article, Epstein and Nitzan (2006) demonstrate that workers who fear the adverse effects of migration and anti-migration groups on one hand and owners of capital who prefer higher immigration quotas on the other hand hold divergent views on immigration. Their differentiated positions clearly demonstrate the existence of important distributional consequences associated with migration.

Moreover, abundant evidence from opinion surveys exists which suggests that the public in most destination countries does not favour hosting immigrant labour. For example, in the 2020 Afrobarometer Dispatch, 50% of the South African population said it would prohibit foreigners from working in the country (Dryding 2020). This is consistent with public views that African migrants steal jobs from locals (Nyamnjoh 2006; Matsinhe 2011; Gordon 2015; Mutanda 2017) and partly shapes South Africa's response to immigration from other African countries. For its part, capital still depends on migrant labour. This is despite the massive unemployment pool in the country, because that labour is exploitable given its 'submissiveness vis-à-vis their "troublesome" South African counterparts' (Griffin 2011, 83).

Institutional context of formalised labour migration governance

Regional free movement of people is contentious in the SADC. This raises questions about the applicability of the neoliberal approach insofar as labour migration is concerned. Further, a security approach to migration in the region explains the challenges encountered in fully liberalising the regional labour market and achieving associated benefits. This securitised view of migration seems to guide South Africa's responses to immigration from other African countries in the early twenty-first century. South Africa experiences serious brain drain. But it resists recruiting skilled labour from Southern Africa. This is because it views migration from other African countries as a threat. This attitude arises from the security arguments in the country's immigration policy (Segatti, 2008, 75–76). Post-apartheid South African immigration laws depict African migrants as a threat to national socioeconomic goals (Gordon, 2011). For Landau (2012, 14), the idea that South Africa is under threat from immigrants drives its immigration system and policy towards thwarting 'threats to national security and stability'. This attitude is not unique to South Africa. Other SADC countries approach migration in similar ways. This explains Oucho and Crush's (2001) observation that when South Africa opposed the 1995 Draft Protocol on Free Movement of People in the SADC, the South African delegates to the SADC summit where the protocol was discussed were surprised to see that other countries opposed prospects of open borders too. The South African delegates had expected other SADC states to oppose South Africa's proposal to restrict migration.

SADC originated in the Frontline States (FLS) movement in the 1960s.³ It sought to end apartheid/colonialism in Southern Africa and evolved into the Southern African Development Co-ordinating Conference (SADCC) in 1980, to reduce economic dependence on apartheid South Africa.⁴ In 1992 it transformed into SADC and reoriented towards regional economic integration based on market liberalisation. An objective of the transformed SADC that is relevant to this article concerns the elimination of obstacles to the international movement of labour and the region's people (SADC, 1992, Article 5). The legislative custodian of migration in SADC is the 2005 Draft Protocol on the Facilitation of Movement of Persons (hereafter, Facilitation Protocol). The protocol seeks to implement the provisions on regional migration stipulated in the SADC Treaty. SADC initiatives on migration, however, precede the Facilitation Protocol.

The process of drafting the Facilitation Protocol and its contents underscore the contradictions between the neoclassical economics view, neoliberal policy approach and associated unquestioned 'benefits of migration' on one hand, and the prominence of the securitisation paradigm of migration in Southern Africa on the other hand. In 1993, an SADC workshop drew legislation that was later presented in the 1995 Draft Protocol on Free Movement of Persons in SADC. That draft protocol (SADC 1995, 6) sought free regional movement for citizens of SADC member states, to give them visa-free entry for short visits, residence, establishment

and work in other member states. Oucho and Crush (2001) show that South Africa, Botswana and Namibia were especially apprehensive about the prospect of opening up regional borders to free movement. This was because of economic disparities between SADC members, the threat of compromising domestic immigration policies, the strain immigrants might put on socio-economic infrastructure, and possible negative impacts on the politics of migrant-receiving countries. Therefore, South Africa, Botswana and Namibia rejected that 1995 draft protocol, and the SADC subsequently dropped it (Oucho and Crush 2001; Oucho 2006). Oucho and Crush (2001, 140) provide further details on South Africa's role in frustrating SADC's efforts to establish free intra-SADC migration. The country produced a cautious alternative to the 1995 Draft Protocol on Free Movement that asserted the sovereignty of national interests and emphasised policing and control of state borders. However, the SADC Secretariat refused South Africa's version and instead produced one that accommodated the concerns of all member states (Oucho and Crush 2001) – hence the 2005 Draft Protocol on the Facilitation of Movement of Persons in the SADC.

The Facilitation Protocol seeks to gradually eliminate obstacles to migration and allow citizens of SADC member states visa-free entry for lawful purposes and visits of up to three months in other member states (SADC, 2005, 3). Only six SADC states – Botswana, Eswatini, Lesotho, Mozambique, South Africa and Zambia – had ratified the Facilitation Protocol by March 2022. Effectively, the process on the protocol has stalled for about three decades, since 2005. The only exception was when Zambia ratified it in March 2013, and brought the total number of ratifications to six (Nshimbi and Fioramonti 2014, 56). The protocol remains unenforced because the required minimum threshold of two-thirds of the 16 SADC member states have not ratified it.

To their credit, the 34th Summit of the SADC Heads of State and Government (17–18 August 2014) saw the signing of the Draft SADC Labour Migration Policy Framework, which promotes sound management of intra-regional labour migration (2014: Article 3.1), and the SADC Protocol on Employment and Labour crafted to strategically guide employment, labour and social security policies and promote policies that facilitate regional labour mobility. Though significant to regional migration, these instruments have yet to be ratified. Experience with the Facilitation Protocol suggests that the process of ratifying them will be protracted.

If the Facilitation Protocol were enforced and domesticated by member states, it would have various impacts on migration governance in Southern Africa. The securitised approach to migration is notable. The Facilitation Protocol delegates the responsibility for migration to a Committee of Ministers who represent public security in their respective countries and any other committee that the SADC Ministerial Committee of the Organ on Politics, Defence and Security will appoint (Williams and Carr 2006). Reading this together with Article 11 of the Facilitation Protocol, which asks member states to exchange information on security, crime and intelligence, suggests that SADC members are more concerned with security threats associated with migration. Moreover, Williams and Carr (2006) find it counterintuitive that despite aiming to facilitate migration, the Facilitation Protocol demands the management of migration by increasing border infrastructure and personnel based on the emphasis placed on controlling people's movement rather than facilitating it. The national discourses in and actions of SADC member states further attest to these assertions.

National preference for restricted regional labour migration

SADC states use immigration laws to regulate labour migration with neighbours, in the absence of an enforced regional mechanism. The domestic legislations of most states suggest a preoccupation with national security and not regional interests. The countries claim that the laws help expel unwanted people and keep them out of their respective territories. This is what a Namibian government spokesperson once said, in defence of Namibia's Immigration Act (Hough 1996, 53). The Namibian Immigration Control Act, 1993 itself, in Section 26.3(e), only provides for immigrants to work in Namibia in occupations, businesses or professions which are insufficiently occupied by Namibians. Similarly, Section 19.4 of Botswana's Immigration Act, 2011 [No. 3 of 2011] states the board that processes residence permit applications will determine them in primary regard to Botswana's interests. Botswana and Namibia insist that nationals of fellow SADC member states should obtain work permits, which are determined only in the national interest, before they migrate to these countries. Likewise, Southern Africans who wish to migrate to Zimbabwe should have secured actual employment before arriving in Zimbabwe, as stipulated by the Immigration Act [Chapter 4:02], Section 41.3(a)(ii).

The alternative de facto labour migration governance regime

In the absence of a formalised regional framework for migration governance, bilateral agreements between SADC countries regulate labour migration. South Africa seems to dominate this system. The agreements with its neighbours date back to the labour contract system of the mid-1800s to mid-1900s and have been periodically updated, up until the early twenty-first century. This article has shown that the agreements were formed by labour recruiters for private capital and cemented through national legislation. This being the case, the argument that the system of regional labour migration established in Southern Africa in the nineteenth to twentieth centuries might have collapsed (Crush 1986; Oucho 2006) is questionable. The number of migrant workers in South African mines, for example, might have dwindled. But the original MOUs that regulate the movement of these migrant mineworkers and were concluded in the 1800s are continuously updated. Therefore, they still hold and provide evidence that the age-long alternative framework for governing labour migration predicated on private capital in Southern Africa remains intact. This has benefitted South Africa's mining and agriculture sectors the most. Moreover, despite the gains by the state to domesticate mine labour and prevent dependence on foreign mineworkers by squeezing out foreign labour, sub-contracting since the 1990s has seen private companies increase the number of foreign hired workers (Cross and Cliffe, 2017). This shows how far early twenty-first century regional labour migration flows may still be largely organised around South Africa. It has also occurred despite 'the new scramble for Africa' organised around extractives and agriculture (Moyo, Jha, and Yeros 2013). Moyo, Jha, and Yeros (2013) argue that the new scramble seeks to create large-scale enclaves for commodity, biofuel and energy resource exports through monopoly-linked production chains. Further, Moyo, Yeros, and Jha (2012, 197–198) attribute the causes of the new scramble, its modus operandi and developmental consequences to the 'longer, almost uninterrupted, history ... [of land alienation whose] ... first major wave of land grabs accompanied colonial expansion, mainly in the Africa of the "reserves"'. A focus group of ex- and migrant mineworkers in Pretoria, South Africa, disclosed that South African mining firms use existing bilateral MOUs to recruit immigrants, who they then redeploy to operations in neighbouring countries. This is how bilateral agreements between South Africa and neighbours provide what seems to be a desirable alternative to the Facilitation Protocol. South Africa even uses domestic policy to regularise undocumented immigrant labour from SADC – for example, the 2015 Lesotho Special Permit (LSP), 2010

Documentation of Zimbabweans Project (DZP), 2014 Zimbabwean Special Dispensation Permits and Zimbabwean Exemption Permits of 2017.⁵ Such permits provide amnesties to undocumented immigrant workers to regularise their residence.

Migration governance in Southern Africa: some concluding remarks

This article has attempted to show that migration governance frameworks in Southern Africa do not really fit the neoclassical economics view and neoliberal approach to the ‘benefits of migration’. Instead, an age-long system created and governed by capital vested in the extractives and agricultural sectors forms the actual system that governs migration. In between, a contradictory securitisation approach to migration is practised. It is clear that the pattern of labour migration in Southern Africa is asymmetrical, with most countries being net labour exporters. The asymmetry owes to disparate levels of development. According to the neoclassical economics view, this should translate into labour surplus countries balancing out their deficient domestic labour markets as workers ‘follow the money’ to satisfy labour needs in the capital-rich net migrant-recipient countries. This would stabilise macroeconomic conditions and enhance welfare at the micro level in the net labour-exporting countries as migrants remit monies back home. The regional policy environment is conducive for this, because SADC and members approach economic management through neoliberalism.

Empirically, however, the responses to this reality differ. Migrant-receiving countries seem fixated on protecting national and sovereign interests from threats supposedly posed by migrants. Moreover, the bilateral agreements that seem to be controlled by South Africa indicate that a parallel non-multilateral labour migration governance system exists. That system was formed by/for capital in the mid-1800s.

SADC countries could benefit from research and messaging that underscore the favourability of governing migration at a regional rather than a national level. This is because most migration occurs within regions. The decision to form a regional economic bloc has implications for free movement of capital, goods, services and labour. The freedoms are essential to integrating markets. The superiority of policy coordination among countries requires the presence of cross-border externalities. Substantive arguments for why migration policy should be developed at the regional level and why coordination should help better address externalities can be spelled out. Although some economics literature highlights intrinsic difficulties in coordinating migration policies across countries (Hatton 2007), four substantive arguments why this should be the case in Southern Africa include the fact that it would be consistent with the African Union’s preferred approach to integrating Africa – through regional economic communities. Secondly, the regional level is better for this purpose because there would be fewer countries involved in negotiations. Moreover, regionalism enables countries to coordinate policies such that they can sanction or bar errant members from membership (Asiedu 2006). This motivates members to implement regional policies/initiatives to avoid the sanctions or losing the benefits of membership. Thirdly, people in Southern Africa tend to migrate within the region, to neighbouring countries, rather than farther afield. Therefore, and, fourth, sociocultural traits tend to be shared and to be similar within the region. Moreover, borderland communities of neighbouring countries tend to traverse state borders and, with this, kinship ties. SADC states should consider these realities in their efforts to coordinate migration policies at the regional level.

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Notes

1 Emphasis added.

2 The 16 SADC member states are: Angola, Botswana, Comoros, Democratic Republic of the Congo (DRC), Eswatini, Lesotho, Malawi, Madagascar, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe.

3 FLS members included Angola, Botswana, Mozambique, Tanzania and Zambia.

4 The founding members included Angola, Botswana, Mozambique, Tanzania, Zambia, Lesotho, Malawi and Swaziland (now Eswatini).

5 Nshimbi and Fioramonti (2013) outline other amnesties and special bilateral migrant-recognising arrangements that some member states have concluded in the SADC.

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