



# Is it time for open borders in Southern Africa?

**The Case for Free Labour Movement in SADC**

Adrian Kitimbo



## Executive Summary

Migration experts have long established the economic benefits of free movement of persons, including labour. Free labour movement can enhance trade, spur entrepreneurship and address skills shortages. These benefits are evident in the European Union (EU), a regional body with perhaps the most advanced labour migration system in the world. African regions, including East and West Africa, have also taken bold steps to remove barriers to movement for their citizens. However, the notion of free labour movement remains controversial. This is especially the case in Southern Africa, where member countries are reluctant to open up borders. Despite the stated goal of the Treaty establishing the Southern African Development Community (SADC) to gradually remove obstacles to movement among Members, recent studies show that migration management in Southern Africa is dominated by restrictive national policies and bilateral agreements that do not adequately address the economic challenges facing the region. To this day SADC has failed to bring into force the Protocol on Facilitation of Movement of Persons, that would enable free labour movement.

Drawing from interviews with migration experts as well as examples from the EU, this Discussion Paper assesses the potential economic benefits and costs of

free labour movement in SADC. It is argued that Southern Africa will be better off (economically) if it allows for the free movement of workers, particularly those in high-skilled sectors. Among other benefits, increased labour movement has the potential to address skills shortages in countries such as South Africa and reduce the number of irregular migrants in the region. While labour migration does also present challenges including the potential for brain drain from sending countries, job losses and dampening of wages for local workers, a clear framework that manages migration at a regional level can limit these problems. The Paper also briefly engages the migration policies of the East African Community (EAC) and the Economic Community of West African States (ECOWAS), in an effort to draw lessons for SADC. The EAC and ECOWAS are both committed to removing obstacles to movement for their workers and this is reflected in the several phases of their free movement protocols that have already been implemented. A key conclusion of the Paper is that the economies of Southern Africa cannot grow in isolation. If SADC members are serious about tackling the economic imbalances in the region as a collective, free labour migration has to be taken up with more urgency.

## Introduction

Southern Africa is facing significant skills shortages. This is evident in countries such as South Africa, where the scarcity of particularly high-skilled workers in sectors including engineering, medicine and senior management has the potential to limit the country's long-term economic growth.<sup>1</sup> A recent report<sup>2</sup> by Adcorp, a labour market specialist, estimates that there are 470 000 vacancies in South Africa's private sector which are currently not filled because of unavailable skills. These shortages are attributed to brain drain from South Africa, immigration restrictions on high-skilled foreigners, and failings in the education system.<sup>3</sup> South Africa is not alone – regional neighbours such as Namibia also report that their economic growth targets are stymied by shortages of workers in industries that are critical to their economies.<sup>4</sup>

Migration experts largely agree that one way to address skills shortages is through increased labour mobility among countries.<sup>5</sup> It is argued that mismatches in the labour market occur when companies' demands for workers are not met with people that have the right skills and competencies. These gaps, as is the case in a number of Southern African countries, hurt workers who cannot find employment suited to their skills. They also decrease the productivity of companies, which in turn damages the economic growth of countries. Yet the benefits of labour mobility go beyond the provision of workers to sectors where there are shortages. The movement of labour also has the potential to enhance trade and spur entrepreneurship. Evidence<sup>6</sup> from the European Union (EU), home to the most progressive migration system in the world, attests to these benefits.

Despite clear gains that emanate from labour movement, Southern African Development Community (SADC) Members are reluctant to embrace the idea of free movement of persons, including labour. Even as other African Regional Economic Communities (RECs), including the

East African Community (EAC) and the Economic Community of West African States (ECOWAS), have made significant progress toward opening up borders for their labour migrants, SADC seems a long way off in achieving this goal.

The debate over free movement in SADC is often hijacked by populist sentiments. Inter-regional labour movement tends to evoke security concerns, as well as fear of a 'flood' of migrants to major receiving countries such as Botswana. The eruption of xenophobic attacks against Zimbabweans and other foreign African nationals in South Africa in 2008 highlight the difficulties in promoting a balanced discussion on free labour movement.

Migration experts largely agree that one way to address skills shortages is through increased labour mobility among countries

Against this backdrop, this Discussion Paper draws from interviews with migration experts to explore some of the potential economic benefits of free labour mobility for both sending and receiving countries in SADC. Mindful of the possible drawbacks of increased labour movement such as brain drain and the dampening of wages, particularly for low-skilled workers, migration experts such as Lorenzo Fioramonti<sup>7</sup> nevertheless argue that a 'regional governance framework' that allows for a multilateral approach to development can limit some of these problems. The Paper also draws on the EU experience as well as the migration policies of two other African RECs – ECOWAS and the EAC – in an effort to highlight lessons for SADC.

## A snapshot of global and regional migration trends

According to the United Nations (UN), the number of international migrants has increased by 53 million

in the global North and 24 million in the global South since the 1990s.<sup>8</sup> As of 2013, there were

232 million international migrants.<sup>9</sup> There is also significant intra-African migration. In 2010, close to 30 million migrants were African and most of them moved within African borders.<sup>10</sup> In southern Africa, the focus of this paper, there were 1.4 million migrants in 1990 and by 2010 that number had increased to 2.2 million.<sup>11</sup>

Present national approaches to migration, combined with bilateral agreements and informality within SADC, hinder economic opportunities

Botswana and South Africa stand out as the most sought after destinations for migrants from within SADC. In 1990, for example, South Africa and Botswana hosted 510 000 and 10 000 migrants respectively, but by 2010 those numbers had risen to 1.2 million and 76 000 respectively.<sup>12</sup> Most migrants

to major host states, including South Africa, are from Zimbabwe. Largely driven by economic circumstances, many Zimbabweans cross clandestinely into South Africa and Botswana for a chance at a 'better life'. While the media in South Africa often exaggerates the number of 'undocumented' Zimbabweans living in the country, the volume has undoubtedly increased in the last ten years. The rise in numbers explains, in part, why some SADC members are hesitant to embrace free movement of labour, as they fear that they will see the number of migrants who enter their territories increase to unprecedented levels.

However, the reality that migration numbers continue to rise, even within Southern Africa, underscores the need to deal with migration at a broader level (a regional level in this case). Present national approaches to migration, combined with bilateral agreements and informality within SADC, are not just unsustainable in the face of growing numbers, but also hinder economic opportunities that are associated with free movement of persons, including labour.

## Labour movement is not new to Southern Africa

Labour mobility in Southern Africa stretches back to the pre-colonial era, when people traversed the region to work in various employment sectors. In the late 1800s, Mozambicans, for example, worked in the Western Cape as seasonal farmers.<sup>13</sup> Pedi and Sotho males also often moved across the Cape Colony to work on public works and farms as a way to earn wages to buy weapons such as guns, as well as purchase agricultural products or pay for a bride.<sup>14</sup> Like the Pedi and Sotho, the Tsonga travelled across modern day South Africa for work, mainly engaging in seasonal labour on farms in the Western Cape.<sup>15</sup>

A major form of migration that dominated Southern Africa in the twentieth century was the movement of contract labourers throughout the region.<sup>16</sup> In countries such as South Africa, contract labourers largely worked in the mining sector, an industry which attracted workers from countries including Botswana, Mozambique and Lesotho to work on the gold mines on the Witwatersrand and on diamond fields in Kimberley. Mining companies hired foreigners partly because they were

cheap, but also because many locals at the time did not want to engage in this kind of manual labour.<sup>17</sup> Other countries, including what are now Zimbabwe and Namibia, also received thousands of unskilled migrants to work on their mines. In Zimbabwe, coal and asbestos mines were a big pull for workers from Zambia and Malawi in the early 1900s. It is estimated that in 1935, up to 150 000 migrants left Malawi to work on mines in Zimbabwe, South Africa and Zambia.<sup>18</sup> Another important sector that attracted labour migrants in Southern Africa was commercial farming. Thousands of workers (mostly women) were hired to work on farms in several countries including Zimbabwe and Mozambique.<sup>19</sup> Yet mining and commercial farms were not the only sectors that attracted labour migrants; to a smaller extent, particularly in South Africa, factories and domestic services also hired foreigners.<sup>20</sup>

The history of labour migration in Southern Africa illustrates that migration for work not only has a long past in the region, but also, notwithstanding the serious social issues that attended it, formed

an economic backbone especially for host countries, such as South Africa, that have relied on low-skilled foreign workers for many decades. Furthermore, this history shows that systems of migration in Southern Africa are deeply rooted even though governments have tried to do away with them in recent years. The unintended consequence of restrictions on free movement of labour between countries has been

an increase in problems such as irregular migration, a phenomenon which has created enormous social, political and economic problems for SADC Members. The regional SADC economy would be better served by a coherent and well-implemented regional policy on labour migration than it is with the current practice of continually trying to limit it.

## Management of labour movement within SADC

Only recently did SADC members adopt a Regional Labour Migration Policy Framework that 'seeks to promote sound management of intra-regional labour migration for the benefit of both the sending and receiving countries as well as the migrant workers'.<sup>21</sup> But it is yet to be seen if the objectives in the Framework, including the 'harmonisation and standardisation of national labour migration policies' will be implemented by member countries. According to Joe Rispoli of the International Organization for Migration (IOM), labour mobility is currently dominated by policies at the national level and by bilateral agreements between countries.<sup>22</sup> This is despite the stated goal of the Declaration and Treaty that established SADC to 'gradually eliminate obstacles to movement throughout the region'.<sup>23</sup> National interests, as opposed to those of the region, seem to be at the forefront of migration management within SADC. In regions such as the EU, integration has moved forward to such an extent that member states have given up some of their sovereignty to supranational institutions. Indeed, EU law is superimposed on, and sometimes replaces, national laws. As a result, EU members find it easier to domesticate EU law. In addition, there is more pressure and urgency in domesticating EU laws because enforceable penalties can kick in for those countries that do not implement them. In SADC, however, domestic laws determine the migration policies of respective states.

In order to work within SADC most foreigners, including those from within the region, are required to obtain work permits or visas before they can engage in employment. In South Africa, for example, there are various permits that have to be obtained before foreigners can commence work. These include general work permits, intra-company visas, critical skills

visas and business permits.<sup>24</sup> These permits and visas are obtained through the Ministry of Home Affairs. But in South Africa and other SADC countries, acquiring authorisation to work is not always easy. In fact, South Africa's recently adopted immigration law has been sharply criticised by business leaders, non-profit organisations and migration experts within the country and the region. It is argued that the stringent new rules that affect labour migrants threaten South Africa's long-term economic growth, as they could turn away tourists, potential investors and skilled workers.

The unintended consequence of restrictions on free movement of labour between countries has been an increase in problems such as irregular migration

Bilateral agreements are also a centrepiece of current labour migration governance in Southern Africa. Of all SADC states, South Africa is perhaps the country with the most bilateral agreements with countries in the region.<sup>25</sup> South Africa's dominance when it comes to these agreements is frequently attributed to its old labour migrant system, which recruited foreign workers from neighbouring countries to work on mines, farms and factories.<sup>26</sup> Some of the countries with which South Africa has previously signed bilateral agreements include Malawi, Swaziland, Lesotho and Mozambique.<sup>27</sup>

SADC needs to re-think its management of labour mobility. Current national and bilateral policies, which largely favour restriction on movement, have had debatable outcomes. For example, Zaheera Jinnah, a migration expert at University of Witwatersrand<sup>28</sup> points out that these agreements, which are meant to help tackle skills shortages, have

not been able to achieve their goal, as a number of high-skilled sectors in SADC member states continue to struggle to fill positions. More importantly, the present lack of free labour movement, particularly for high-skilled workers, is a massive hindrance to potential economic benefits that could result from such mobility.

## Evaluating potential economic benefits and costs

Economic arguments alone do not influence migration policies. Other considerations, including social and political ones, also play a role. However, the cost-benefit analysis of increased mobility can have an even stronger influence in shaping policies that impact labour migrants. There is an array of literature and migration models on the economic impact of free labour movement. Classical and neo-classical theories of migration have long emphasised its benefits.<sup>29</sup>

Economic arguments alone do not influence migration policies

The EU, which has the most progressive policies on free movement in the world, provides the best 'experiment' on open borders. Even as the recent economic crises in some member states have aroused fierce inward-looking migration debates, labour mobility remains integral to the EU project. European labour migration dates back to post-World War II Europe, a period that was characterised by colonial immigration regimes and temporary guest worker policies.<sup>30</sup> During the former period, European countries took advantage of the large supply of unskilled workers in their colonies to meet their labour needs. The guest worker system was largely used during the economic recovery of countries such as Germany who looked South to Turkey and North Africa to meet their demand for workers.<sup>31</sup> The signing of the Treaty of Rome in 1957 made the free movement of labour one of its central goals. The Maastricht Treaty of 1991, establishing a single market, reinforced the free movement of persons among EU member states.<sup>32</sup> The idea of European

citizenship also emanated from the Maastricht Treaty and further strengthened the notion that EU citizens should have the right to work, move freely and live in other member countries.

Inter-regional labour mobility in the EU has enabled economic gains to both receiving and sending countries. One such positive effect has been to help fix mismatches in the labour market. This is most evident in countries with high-skilled workers but which lack labour in the low-skilled sectors. Furthermore, societies with an ageing workforce have been able to expand their shrinking labour force by drawing from a larger labour market. A recent study of intra-regional migrants in EU cities shows how cities such as Turin, Italy have capitalised on Romanian immigrants to fill gaps in sectors that some locals consider undesirable. These include agriculture, construction and domestic work.<sup>33</sup> Similar trends have been documented in Hamburg, Germany where foreigners are increasingly taking up jobs in sectors such as the port industry.<sup>34</sup> Yet the supply of labour across the EU also extends to skilled sectors such as engineering and medicine. Germany, for example, has in recent years hired thousands of Spaniards and Portuguese to make up its shortfall of engineers and other professionals.<sup>35</sup> As the above examples illustrate, because of free labour movement in the EU, countries suffer less from economically-painful skills shortages. Increased intra-regional mobility in SADC, specifically for high-skilled workers, can have similar resultant effects. Companies in countries such as South Africa would struggle less to fill available vacancies as there would be a larger pool of candidates with the right skills to select from.

Beyond tackling skills shortages, free labour movement has the potential to boost trade. In regions such as SADC, where intra-regional trade

as a percentage of the community's total trade has stagnated around 15 per cent over the past decade<sup>36</sup>, an increase in mobile labour could enhance trade. Migration studies suggest two ways by which the movement of persons can improve trade. It is argued that migrants can reduce bilateral business costs between the host and sending countries. This is achieved through personal business connections with people from home countries.<sup>37</sup> Secondly, the specific knowledge that migrants bring about foreign markets can also lessen the cost of trade between countries. In cases where the political and social institutions of a foreign state are very different from that of the host state, the knowledge that migrants bring can prove especially useful.<sup>38</sup> Indeed, if a country possesses a significant number of ethnicities, the information on markets provided by these communities can spur trade between countries.

Another issue that is worth mentioning as part of the potential economic gains is the ability of increased labour mobility to reduce irregular migrants. Irregular migrants are people who enter host countries through illegal channels and without proper documentation. Presently, host countries spend enormous amounts of money on tightening border controls and the deportation of undocumented migrants. South Africa and Botswana are perhaps two countries with the highest influx of these migrants. Other regional countries such as Namibia and Mozambique have experienced a rise in undocumented workers too. It is also important to highlight that the majority of irregular migrants in SADC are from within the region. In both Botswana and South Africa, most undocumented migrants who enter their territories hail from Zimbabwe, a country where harsh economic realities have forced millions to look for work in other countries within the region and beyond.<sup>39</sup> It is estimated that since 1990, South Africa has deported over one and half million people, most of them back to Zimbabwe and Mozambique.<sup>40</sup> Yet deportations and border controls do not seem to have the desired effect of preventing and deterring irregular migrants, as many desperate people often find clandestine channels to re-enter destination countries. According to Lorenzo Fioramonti<sup>41</sup>, the lack of free labour movement has facilitated the growth of irregular entry channels to host states, which are often managed by traffickers.<sup>42</sup>

Recent reports reveal that traffickers financially exploit those who use their services, as well as physically abuse them.<sup>43</sup> In addition, because irregular labour migrants cannot work in formal sectors, they often take up employment in conditions where labour standards are not observed and they are paid very low wages. Additionally, skilled labour migrants who could be of benefit in high-skilled sectors within host countries end up in jobs far below their skill levels. A managed regional labour migration regime that allows for the free movement in particular of high-skilled workers can help reduce the number of irregular migrants in the region and the problems that come with it. Furthermore, tackling irregular migration through an increase in the mobility of workers could also reduce 'brain waste' by enabling un-regularised skilled migrants to move into industries where they can best employ their skills.

Yet deportations and border controls do not seem to have the desired effect of preventing and deterring irregular migrants

But the benefits of free labour movement are not just limited to host states. An outflow of workers can reduce unemployment rates in sending countries and remittances sent back home can be a source of foreign exchange as well as improve the economic circumstances of those left behind. In Zimbabwe, for example, remittances from abroad are credited with staving off a complete economic collapse in recent years. In addition, in case of return, the skills migrants gain abroad can prove useful in the sender's labour market.

From the above, it may seem like free labour movement is a win-win situation for all parties involved. Overall, its benefits do clearly outweigh the costs. However, it is also important to highlight some of the drawbacks from an increase in inter-regional labour mobility, as it helps us understand why some countries are reluctant to embrace it. The threat of immigrants competing for jobs with locals is a real fear in host states. Joe Rispoli<sup>44</sup> stresses that in regions such as Southern Africa, where unemployment rates



are high, especially among low-skilled workers, an increase in labour movement arouses serious concerns over jobs. Moreover, if foreigners work for lower pay this may dampen the wages for local workers, creating tensions between the two groups as a result. While remittances are of significant benefit to countries of origin, brain drain, and the possibility of losing people of working age could have negative economic repercussions for source countries. It is also possible that large outflows of labour from the least developed to the more developed countries in SADC may create labour shortages in countries of origin, stunting their economic growth as result. Some of these problems are well evidenced in the Zimbabwe case. The millions of Zimbabweans escaping their country's economic turmoil for 'greener pastures' elsewhere has robbed the country of both its skilled

and unskilled workers who could play a role in rebuilding the country. This brain drain is sure to further hinder Zimbabwe's path toward economic recovery. Furthermore, the mass exodus has also raised serious concerns over security and job losses for locals in countries such as Botswana. As a consequence, hundreds of thousands of Zimbabweans have been deported from Botswana.

However, an increase in labour movement does not necessarily have to trigger these drawbacks. A clear, well-developed and well-managed regional labour migration regime can limit these problems. Experts<sup>45</sup> argue that a multilateral framework like the recently developed 'SADC Labour Migration Policy Framework' can ensure that SADC benefits from free labour movement without many of the potential negative consequences.

## Efforts to establish free movement in SADC

The first Draft Protocol on free movement in SADC was proposed in 1995. It was an ambitious document that sought to gradually eliminate obstacles to free movement among member states within a period of ten years.<sup>46</sup> It was crafted in alignment with the African Union's objective of eventually building an 'African Regional Economic Community' where there would be free movement throughout the continent.<sup>47</sup> More specifically, the 1995 Protocol set out to 'confer, promote, and protect onto SADC citizens (i) the right to freely enter another member state for a short visit without needing a visa (ii) the right to reside in the territory of another member state (iii) the right to establish oneself and work in the territory of a member state.'<sup>48</sup>

However, this rather ambitious Protocol was never adopted, as some SADC countries, including South Africa, Namibia and Botswana, rejected it. The idea that there would be free movement of persons in a region that was then seen as having enormous economic disparities did not sit well with some members.<sup>49</sup> Also, concerns over the potential for free movement to usurp national policies, as well as placing a social and economic burden on receiving countries, were a big influence on the decision by a number of members to reject the Draft Protocol.<sup>50</sup> After successfully thwarting the 1995

Draft Protocol, South Africa crafted a new version and titled it the 'Facilitation of Movement Protocol'. The new Protocol, among other things, sought to assert national interests over those of the region, prevent countries from committing to an implementation timetable, as well as delay harmonisation of policies.<sup>51</sup> However, this version was seen as a significant step backwards by some SADC members and was hence not adopted. Following the rejection of the Facilitation Protocol presented by South Africa, the secretariat redrafted the original Protocol, taking into account the concerns of member states, but kept the name proposed by South Africa – 'Facilitation of Movement'.

The Facilitation of Movement Protocol seeks to progressively eliminate obstacles to movement

A well-developed and well-managed regional labour migration regime can limit brain drain and job competition

among and within SADC member states and facilitate entry of citizens into a second country visa-free for a maximum period of three months.<sup>52</sup> The SADC Charter of Fundamental Social Rights supports

the Protocol with regard to the free movement of labour. Article 2 of the Charter seeks to ‘promote policies, practices and measures, which facilitate labour mobility, remove distortions in labour markets and enhance industrial harmony and increase productivity, in SADC member states’.<sup>53</sup> After being shelved for many years, the Facilitation of Movement Protocol was finally tabled in 2005 at the SADC Summit. Presently, 13 SADC member states have signed and adopted it. But only six members (South Africa, Zambia, Lesotho, Mozambique, Botswana and Swaziland) have ratified it. For the Protocol to come into force, it has to be signed and ratified by at least two-thirds of SADC members.

Factors limiting the ratification of the Protocol include a lack of funding and technical expertise required to put it into force.<sup>54</sup> Implementation requires funding administrative practices and making policy changes. For some SADC Members, the Protocol is seen as both an extra burden and a low

policy priority. This is especially the case in countries such as the DRC who are struggling with internal conflicts among other social and economic challenges. Furthermore, harmonisation of laws, which requires modifications in domestic laws as well as subordinating national political interests to long-term regional goals, is also not regarded as a significant priority by some SADC states. In addition, present bilateral agreements also contribute to a reluctance to ratify the Protocol.<sup>55</sup> Because some countries already have strong bilateral ties which allow their citizens to move freely, the Protocol is seen as largely superfluous. The failure of SADC to implement the ‘Protocol on Facilitation of Movement’ is also attributed to a lack of commitment and political will to embrace policies on labour movement.<sup>56</sup> Other African RECs, as the charts below demonstrate, have taken much faster steps toward opening up borders for Member citizens.

## ECOWAS’ Protocol on Free Movement of Persons

Founded in 1975, ECOWAS is a regional body comprising 15 countries. These include Sierra Leone, Côte d’Ivoire, Togo, Niger, Mali, Nigeria, Ghana, Guinea-Bissau, Guinea, Cape Verde, Liberia, Benin, Burkina Faso, Gambia and Senegal. The ECOWAS

Protocol on Free Movement of Persons is perhaps the most ambitious and advanced on the African continent.<sup>57</sup>

### Intent of the Protocol on Free Movement

- Enacted out of a need to achieve the ECOWAS Treaty objective to eliminate obstacles to ‘free movement of persons, goods, service and capital, and to the right of residence and establishment.’
- The Protocol lays out the legal and administrative framework for the implementation of free movement and residence.
- The Protocol envisioned a West Africa where citizens could traverse the region without being limited by either natural, socio-economic, or political boundaries.
- The rationale for adopting the Protocol was based on the understanding that in order to improve the welfare of Member States, the sub-region needed to face the economic, political and social challenges as a collective.

### Implementation

- Phase one, right of entry and abolition of visas for citizens of Member countries, was ratified in 1980; the second phase, which gives citizens the right to reside and take up employment in another ECOWAS Member State came into force in 1986; and the third phase of the Protocol, the right of establishment, is still in the process of being ratified.
- The adoption of a common Passport and National Identity Cards, both of which are said to have increased mobility in the region, illustrates the ECOWAS resolve to eventually remove all obstacles to movement and right of establishment among Members.
- Implementation of the Protocol has also been met with problems such as harassment and extortion at border checks.

**Sources:** Treaty of ECOWAS; A Region Without Borders? Policy Frameworks for Regional Labour Migrations towards South Africa, MiWORC Report, 2013

## The EAC Common Market Protocol

The EAC is a Regional Economic Community comprising Uganda, Kenya, Tanzania, Burundi and Rwanda. The Treaty establishing the EAC was signed in 1999 by the original three founders (Kenya,

Uganda and Tanzania) and came into force in 2000. Rwanda and Burundi joined the Community after acceding to the EAC Treaty in 2007.

### Intent of the Common Market Protocol

- The EAC aims at deepening political, economic and social cooperation among Member States for their mutual benefit.
- EAC integration has four stages which include forming a Customs Union, a Common Market, a Monetary Union and eventually a Political Federation. A Customs Union and Common Market were ratified in 2005 and 2010 respectively.
- The Common Market Protocol objectives, among other things, aims to accelerate economic growth and development of partner states through the attainment of free movement of goods, persons and labour, the rights of establishment and residence and the free movement of services and capital.

### Implementation

- Presently, EAC citizens can freely visit Member States as long as they possess valid travel documents. These may include temporary permits, passports, emergency travel documents, etc.
- A common East Africa passport for travel is currently in use by Uganda, Kenya and Tanzania. Along with a common EAC passport, the region also boasts a common flag and free exchangeable currencies.
- EAC has also harmonised procedures for issuing work permits.
- Rwanda and Kenya have even gone a step further by eliminating requirements for work permits for citizens of Member States.

**Sources:** Treaty Establishing the East African Community; A Region Without Borders? Policy Frameworks for Regional Labour Migrations towards South Africa, MiWORC Report, 2013

## How can SADC catch up to the EAC and ECOWAS?

SADC can begin by harmonising labour movement policies among member states. The EAC, for example, already has relatively uniform labour movement policies, while current policies in SADC vary from one country to another. One example of this is the different procedures for granting work permits in each country. This lack of uniformity makes the process of applying for work permits confusing and extremely cumbersome for those who wish to work in another member state. The recently adopted Regional Labour Migration Policy Framework is a step in the right direction. If all Member countries do indeed implement its objectives, the Framework will ensure that national labour migration policies are harmonised throughout the entire region.

SADC should also strive to gain the full support of its Members to finally bring the 'Facilitation of Movement Protocol' into force. One way of enabling this is to pool technical expertise and resources to help those countries that have not ratified the Protocol

because they lack the know-how and resources to domesticate its provisions.

More communication between the Ministries of Labour and Home Affairs is also needed if the Protocol is to garner full support. Joni Musabayana, the Deputy Director of the International Labour Organization (ILO) in South Africa, spoke about the tension that often exists between the security concerns of Home Affairs and the labour needs of Labour Ministries.<sup>58</sup> These competing interests have played a role in stifling progress toward free labour movement in the region. Dialogue between these Ministries is vital to ensure that the security concerns of SADC countries are addressed, while at the same time allowing for the free movement of labour that is economically beneficial to member states.

Furthermore, unlike the EAC and ECOWAS, SADC seems to lack the same sense of urgency and political will to enable free labour movement in the region. Commitment to free movement in ECOWAS

is, for example, reflected in the Common Approach, a Policy Paper meant to speed up the implementation of the free movement protocol. The Paper also re-emphasises the significance of free movement to regional integration and the link between migration and development. Realising the benefits of free movement, Rwanda and Kenya have also moved faster than other EAC countries by abolishing work permit requirements for citizens of Member countries. If SADC is to fulfil its Treaty objective of free movement among members, leaders in the region have to take free movement of labour more seriously.

Another important way forward is for major host states (South Africa and Botswana) to do a better job of highlighting the benefits of labour migration to their citizens. Since migration in the region often invokes negative sentiments, it is imperative that governments spell out to their citizens the potential economic gains of this kind of movement.

SADC seems to lack the same sense of urgency and political will to enable free labour movement in the region

The private sector, which has a large stake in migration and particularly labour mobility, can help push the region toward a larger labour market. Labour mobility is significant for the private sector,

## Conclusion

This Paper illustrates that there are several potential economic benefits from increased labour mobility within SADC. Free labour movement has the potential to address skills shortages, reduce the number of undocumented migrants and also enhance trade within the region. While the drawbacks from such labour mobility including brain drain and the dampening of local wages cannot be overlooked, these problems can be addressed through a managed regional labour migration system that, for example, initially allows for the free movement of workers with particular skills (e.g. high-skilled workers).

Conditions do currently exist to finally establish free labour movement in SADC. A Regional Labour

especially since companies and businesses are not accountable to the public but to their shareholders, and because they understand that migrants and increased mobility generate profit. Also, private sector companies are among the most affected when the labour market lacks workers with the right competencies to fill vacancies. Intra-company transfers, which are critical to human resource strategies, also depend on the ease of workers to move from one country to another. Unfortunately, however, there is very little interaction between governments and private sector on migration policies. Loane Sharp, the Labour Market Specialist for Adcorp, pointed out that the South African government, for example, rarely consults the private sector when drafting migration laws.<sup>59</sup> Migration laws are often passed in response to political and social concerns but with little economic considerations. However, it is also fair to say that the private sector throughout Southern Africa could take a more active role in lobbying governments to act more quickly in enabling free labour mobility for the much needed high-skilled workers. This lack of engagement or limited communication between the public and private sectors is a problem.

Private sector companies and businesses are major drivers of economies in Southern Africa. A united voice from them can provide the impetus to quickly implement the Labour Migration Framework as well as the ratification of the free movement protocol by those countries that are still on the fence.

Migration Framework that would allow for the harmonisation of labour migration policies across the Region is already in place. It is incumbent on member states to implement what is set out in the Framework. A Protocol to facilitate free movement, including labour, also already exists. More political will as well as the pooling of technical expertise and resources are required to finally bring the Facilitation of Movement Protocol into force. And, as stated earlier, successful implementation of the Protocol (when it finally comes into force) requires a closer working relationship between the Ministries of Labour and Ministries of Home Affairs in individual SADC countries to ensure that the concerns and needs of

both Ministries are met. Furthermore, a united voice from the private sector and a stronger working relationship with the public sector could also go a long way in enabling free labour movement in the region.

If SADC wishes to strengthen its integration, as well as collectively address the economic imbalances in the region, the migration-development nexus cannot be avoided. Other African RECs, including ECOWAS and EAC, show that even in regions

where there are significant economic disparities among neighbours, free labour movement is possible and can be beneficial. While SADC does have a few strong economies such as South Africa and Botswana, most of its members have weak economies and markets. These economies cannot grow in isolation. More regional integration, through increased labour mobility, can generate the impetus needed to solve the socio-economic problems this region faces.

## Endnotes

- 1 *Adcorp Holdings*, 'SA's economy desperately needs high-skilled workers,' <http://www.adcorp.co.za/NEws/Pages/SA%E2%80%99seconomydesperatelyneedhigh-skilledworkers.aspx>.
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