

# Immigration and the labour movement

debate

A previous contributor to the *Labour Bulletin*\* argued for the free movement of workers into South Africa. HILTON TGOLO and LAEL BETHLEHEM\*\* argue that the movement of immigrants needs to be regulated\*\*\*.

There are three broad possibilities when approaching the issue of migration. These are:

- eviction
- free movement
- regulation.

Like Roger Southall, we

agree that eviction is an inhumane approach which in any case is not likely to succeed.

Free movement, as Southall points out, is linked to regional co-operation and integration.

Clearly labour should support the long-term goal of a Southern African economic union. Related to this is the need to strengthen union organisation in the region so as to ensure that workers of one country are not pushed into conflict with one another.

However, economic union (and the free movement of capital and labour throughout the region) is clearly not achievable in the short term.

Regulation assumes that free movement is not yet possible, and that entry to the country needs to be controlled. Migration to South Africa is not seen as being negative in principle; indeed certain types of movement are desirable. This approach to migration differentiates between different categories of migrant, different types of movement and different countries of origin.

Regulation stresses that migration is a structural

problem reflecting underlying problems in the region. This option also emphasises the importance of respecting the human rights of all migrants and of abiding by international norms. Since the regulation option seems most feasible and realistic in the short term, we have explored specific recommendations which flesh out an approach.

## First preference to South Africans

South African citizens should have first preference when it comes to filling jobs. This is standard practice internationally and there are no conventions which prevent governments from acting in this way. A government's first duty is to its own citizens.

In South Africa, however, the concept of citizenship is highly contested. Over the years, white immigrants with no ties to the country were granted citizenship with ease, while a Lesotho-based family, for example, might provide generations of mineworkers without gaining any rights. In short, the citizens of many neighbouring states (to differing degrees) helped build the economy of South Africa. And South Africa helped underdevelop their economies and destabilise their societies.

\* SA Labour Bulletin (Vol 18 No 6)

\*\* The writers were both researchers at the National Labour and Economic Development Institute (NALEDI) at the time of writing. Hilton Tgolo now works at the Farmworkers Research and Resource Project.

\*\*\* This is a summary of the original article.

**Limited access**

A short-term solution would be to negotiate multi-lateral agreements allowing some access to the South African labour market for specified numbers of citizens of neighbouring countries. The affected countries would be Mozambique, Lesotho, Swaziland, Botswana, Zimbabwe, Zambia, Malawi and Angola, although not all could expect the same levels of access. Arrangements in relation to remittances of pay and the provision of development aid to supplier countries might form part of such a package.

**Recognition of refugee status**

A significant number of illegal immigrants are refugees fleeing from war and famine. These people should not be treated as illegal immigrants. Refugees should be registered on arrival. Recent arrivals and those who were not registered on arrival should be accorded their rights in line with international standards established by bodies such as the United Nations High Commission for Refugees.

Because of the policies of the previous government, many people who are in fact refugees are not registered as such, and are simply treated as "illegals". These "unofficial refugees" should be invited to register. They should be given the option of being housed in refugee centres before a process of repatriation. Some training could also be offered in these centres.

Political intervention to secure peace in neighbouring countries is the obvious

answer to enable eventual repatriation.

**Equal treatment for all workers**

An essential component of any policy must be the equal treatment of all workers whether legal or illegal, and whether South African or not. The best way of preventing undercutting and exploitation is to ensure that all workers earn the appropriate minimum wage for that sector, work the same hours, and receive the same fringe benefits. This requires effective policing by unions, workers and the state.

**Penalties for employers**

The penalties for breaching agreed labour standards must be increased dramatically and should fall on the employer breaking the law rather than on the illegal employees.

**Review immigration policies**

Any set of proposals must include the need to review the country's immigration policy. In general, immigration should not be actively encouraged.

The government should undertake a thorough review of all legislation pertaining to citizenship and immigration, including the Aliens Control Act and the South African Citizenship Act.

Unless corruption is rooted out of the system, no controls are possible. This may entail the need for a new ID system. It certainly requires extremely harsh penalties for Department of Home Affairs officials, police and those at border posts who are involved in bribery and corruption. There is, for example, a strong case

for giving amnesty to many of those currently inside the country, and to others (such as the many Malawians) who have been working here for decades. But it is hard to do so until a properly regulated system is in place.

It is in labour's interests to oppose all efforts to whip up anti-immigrant hysteria. Conservative forces are attempting to fan anti-immigrant feelings. This can lead to racism and xenophobia, and helps create a climate for human rights abuses by security forces or private citizens. The labour movement can play a useful role in opposing xenophobia and building a human rights culture.

**Build the South African economy**

If we are serious about the need for long-term economic integration, then we need to find ways to start building the economies of other countries in the region. Part of this process will be the re-negotiation of the South African Customs Union agreement. Another is to start building a regional industrial strategy so that we encourage the growth of industries in other countries in the region. Although this may have some short-term costs for South Africa, it will bring long-term benefits. The problem of migration will not be resolved until there is a more equal distribution of resources between the different countries in the region.

(COSATU's recent International Policy Conference took this debate further. See the article following this for a report on the conference.) ☆