

**SECOND MIDSA FORUM**  
**Workshop on Regional Labour Migration**  
**3 - 7 March 2002**  
**Gaborone, Botswana**

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**Summary of proceedings**

Opening Session

The Workshop was opened with introductory statements by the Permanent Secretary from the Ministry of Labour and Home Affairs of the Government of Botswana, Mr. B. K. Selebe, Mr. A. Chitambo, Coordinator SADC Employment and Labour Sector, Mr. H. Abdel Moneim Mostafa, Regional Advisor for Africa, Middle East and Southwest Asia, IOM Geneva, Prof. J. Crush, Director of SAMP and Dr. C. Thouez, Senior Programme Officer of IMP.

**Mr. Sebele** welcomed all participants to Gaborone and commended the idea of the Migration Dialogue for Southern Africa (MIDSA). Mr. Sebele stated that his understanding of the MIDSA process was that it intends to facilitate co-operation among governments and to contribute to regional immigration management by fostering the understanding of migration phenomena and strengthening regional institutional capacities. To effectively address regional migration there is a need for closer collaboration not only among states but also between affected Ministries and Departments within each country. Mr. Sebele also referred to the recent SADC Employment and Labour Sector meeting of Ministers and Social Partners in which one of the issues discussed was the efforts to have a common approach to labour matters of the region, including data collection, standardising and harmonisation of laws.

**Mr. Chitambo** spoke of SADC Employment and Labour Sector's (ELS) effort to have a common approach to labour matters in the region, including the standardisation of certain processes as well as discussions on the possibility of harmonising labour laws. Mr. Chitambo further encouraged the international partners involved in this meeting (the International Organisation for Migration - IOM, the Southern African Migration Project - SAMP, the International Migration Policy Programme - IMP and other partners) to continue working closely with SADC on these important issues. He informed participants that the project on regional information and policy analysis, developed by SADC ELS, IOM and other partners, was endorsed by the SADC Ministers of Labour at the SADC ELS Ministerial Meeting in Victoria Falls, Zimbabwe, held in February 2002.

**Mr. Abdel Moneim Mostafa** noted with appreciation, based on his earlier participation in these kind of gatherings, SADC efforts to have a common approach to labour migration, including the standardising of certain processes as well the discussion of harmonising of labour laws. He emphasised that IOM is working closely together with international partners, towards a global understanding and approach to migration and the importance of recognising the interplay between migration and social, economic and political forces, wishing to promote a comprehensive policy framework to integrate and address the issues involved.

**Prof. Crush** emphasised that for SAMP, as one of the implementing partners, MIDSA is an important initiative that can address the significant challenges that the region faces in

terms of migration. He emphasised the need for international input into the process, given the challenges of migration as a global phenomenon.

**Dr. Thouez** noted that as part of IMP'S activities to strengthen regional dialogue on migration, IMP continues to support the MIDSA process.

#### *Labour Migration and the Regional Labour Market*

**Dr. Rutinwa and Prof Klaaren** reported on the progress made with the Policy and Legislative Harmonisation Project being undertaken by SAMP that was agreed to in the First MIDSA Forum in Mbabane, Swaziland in November 2000. The purpose of presenting the outline of the study was to receive inputs from the participating governments. Prof. Klaaren explained that the purpose of the study was to come up with recommendations on harmonisation that could be presented to governments at the next MIDSA Forum and to facilitate further research. The study will research issues such as immigration laws, identification processes and trafficking in persons.

**Prof. Crush** provided a thorough presentation of SADC labour statistics and how this data can be used for research purposes, he further pointed to the lack of sufficient data on regional labour migration. He highlighted four main areas where he would like to see further discussions, namely; overview of major forms of labour migration based on available data; data sources; historical perspectives and trends; and policy. He further divided what he referred to as "migration data sources" into six categories; census data, official statistics, private sector sources, transactional data, sample surveys and national household surveys. Prof. Crush also talked about clandestine migration and described the trends within the region.

**Mr. Williams** of SAMP outlined the overview of labour migration in SADC to date and stated that labour migration is a phenomenon that clearly affects all SADC countries. It was further stated that little attention to develop special policies within the SADC region had been undertaken. The main reason behind this was the lack of political will among member governments of SADC. It became clear that assessments on current impact on labour migration, projections on what will happen if we introduce free movements and the fact that a focal point for migration is needed within one of the SADC Directorate on Social and Human Development and Special Programmes.

Statistics and data depicting both historical and current trends in labour migration were presented, showing the dynamic and variable nature of labour migration in SADC. The challenges of managing migration are significant, not least because of the absence of clear and well-defined policies and regulations, but also because it is often not clear which government authorities are responsible for labour migration and the nature and extent of their responsibility. The argument was made for a regional focal point within SADC that provides a central point of reference for migration-related matters.

#### *Current Migrant Labour Policy and Management in SADC*

The lack of definitive and harmonised policies between SADC member states was again identified as a serious obstacle to the development of an integrated regional labour migration regime. Prof. Oucho of SAMP identified various orientations of migration

regimes that may be applied by various countries at various times, depending on their own needs - restrictive, promotional, selective etc.

**Mr. Chitambo** of the SADC Secretariat spoke about the policy objectives of SADC Employment and Labour Sector (ELS) that underpin the Sector's efforts towards increased regional co-operation, namely:-

- the facilitation of mobility;
- the protection of migrant workers, and
- the collection, processing and compilation of migration-related data.

The challenges of developing effective policies and management systems were identified as the lack of reliable statistics and the absence of competent authorities in individual member states. Mr. Chitambo also reminded the participants that there is a draft Social Charter on the Fundamental Rights of Workers and recommendations from previous seminars and forums that provide important opportunities for follow-up.

**Presentations** were given by Botswana, Malawi and the Democratic Republic of Congo (DRC). During these presentations various governments explained specific policies, mechanisms and systems that they had developed to manage labour migration. Participants agreed that sharing of information and data was important. This process was initiated at this MIDSA Forum through the submission of documents pertaining to policies and legislative mechanisms.

#### *The Future of Labour Migration in Southern Africa*

Based on the experience of the mining industry and The Employment Bureau of Africa (TEBA) in particular. **Dr. Herbert**, Chief Operating Officer of TEBA, emphasised that research is able to show a shift in the relationship between migrant employees and their employers. Migrants are no longer just subjects or labour units who are at the mercy of their employers, but they are beginning to impose certain obligations, and a new dynamic in terms of the relationship between employers and employees is emerging. In as much as migrants are the subjects of social change, they are also becoming the agents of social change. The shifts towards rural development initiatives in the areas of origin of migrants, were welcomed by participants.

**Mr. Abdel Moneim Mostafa** made a presentation on the IOM's Migration for Development in Africa (MIDA). This project intends to find new and innovative ways in which migrants in the diaspora can make a contribution to their countries of origin. He emphasised that MIDA is a demand-driven capacity building program that has been developed in close collaboration with African countries. Its overall objective is to assist in strengthening the institutional capacities of African governments to manage and realise their development goals through the transfer of relevant skills, financial and other resources of Africans in the diaspora for development programs in Africa.

#### *Labour Migration and HIV/AIDS*

**Prof. Crush and Ms. Rijks** explored the questions and issues related to migration and HIV/AIDS in the region. The different causes of vulnerability of mobile populations were discussed and some initiatives within this area, particularly undertaken or to be undertaken by IOM and SAMP, were presented. Participants agreed that HIV/AIDS was an important issue to be addressed by MIDSA in future activities.

### Consultative Mechanisms for Fostering Inter-State Co-operation on Migration

**Ms. Klein Solomon and Dr. Thouez** led the discussions and following working groups on broad migration issues that are of special concern to the participating governments and possibilities for enhanced inter-state co-operation. Many of these issues have been raised consistently since the process of dialogue was launched through MIDSA. While a number of different viewpoints were expressed, there was consensus that many migration issues - - such as facilitating travel, fostering regular migration programmes, combating irregular migration and especially migrant trafficking, protection of migrants, and return and reintegration - - need to be addressed through a process of inter-state co-operation. In parallel to other regional consultative processes on migration in other parts of the world, MIDSA is an important tool, has developed significantly in addressing these issues, and holds good promise for further developments. Further, it was stressed that inter-state co-operation should not be limited to specific geographical locations or regions, but as consistent with international migration patterns could usefully be explored at the global level through efforts such as the Berne Initiative. Interest was expressed in a stock-taking exercise on existing international law norms and practices on migration and in consultations on inter-state co-operation in other regions.

### Gender and Migration

**Dr. Miles and Dr. Dodson** of SAMP were invited to participate in the MIDSA Forum to advise and comment on gender-related issues and make recommendations in terms of how gender can be integrated in MIDSA activities. Throughout the deliberations, a recurring of crosscutting theme was the need to acknowledge, analyse and integrate the gender dimensions and dynamics of labour migration. This is not just about counting numbers of men and women involved in labour migration, but understanding the interrelationship and impact of the increasing feminisation of migration. The participants recognised in particular, that regional and national policies and implementation strategies and mechanisms need to be gender-sensitive and gender-oriented in ways that not only discriminate against women, but also recognises the potential for integrated development that female migrants represent.

### MIDSA - The Way Forward

#### **Recommendations**

Agreeing that the MIDSA process can contribute to SADC policy shaping on migration, participants noted that the MIDSA process could provide an apt framework for future discussion and problem solving and emphasised the importance of MIDSA to continue to exist as a forum where migration-related issues can be discussed among the SADC countries. Special attention should be given to projects related to data collection and processing and border management and inter-regional exchanges, further this MIDSA Forum should include technical working groups in a number of areas identified in the working groups that discussed consultative mechanisms for fostering inter-state co-operation on migration. The deliberations and conclusions of the working groups will be distributed separately.

Participants felt that the following issues should be considered for inclusion in the current and/or future MIDSA Work Plans, and requests the MIDSA Steering Committee to draw up a Work Programme for 2002 -2004 containing the following objectives/themes:

- Labour and Migration Regimes - MIDSA together with ILO, SADC ELS and other relevant partners should arrange a symposium on Regional Labour Migration in SADC, as a direct follow-up to the issues discussed in this meeting. This meeting would be a tripartite forum.
- Trafficking in Persons - MIDSA should organise a technical workshop/working level group on the issues related to trafficking in persons to, from and within the SADC region. This technical workshop should especially focus on trafficking in women and children and be closely coordinated with UNDCCP and UNICEF and involve participation from the respective Ministries of Justice.
- Forced Migration and Internally Displaced Persons (IDP's) - MIDSA should include a pint Workshop on forced migration and IDP's in its third phase (2002-2004). This Workshop could involve Ministries of Home Affairs, Ministries of Foreign Affairs, UNHCR, UNOCHA, ICRC and other relevant agencies.
- Technical Co-operation on Migration (TCM) - There is an expressed need for individual training and to exchange collaboration on technical co-operation among SADC countries and other regions. Migration in NEPAD - For IOM to organise a High Level Workshop on common issues on good governance and development/MIDA to foster a common SADC approach, with SAMP partnership on research.
- Co-operation on irregular/ clandestine migration - To propose regional/bilateral/trilateral commissions of common understanding on practices on visa regimes, legislation, readmission agreements etc.
- Political Support and Guidance - MIDSA should be elevated to the Ministerial level once a year, in order to ensure the necessary higher level co-ordination, political support, diplomacy and guidance. The meeting could be called "Regional Consultations on Migration".
- Migration and HIV/AIDS - MIDSA should continue to address the important issue of HIV/AIDS within the MIDSA framework. It is recommendable that a specific follow-up Workshop on migration and HIV/AIDS takes place.

Based on the ongoing restructuring of SADC, the Second MIDSA Forum encouraged IOM and its partners to work closely with SADC Employment and Labour Sector to facilitate a migration focal point within the new SADC Directorate on Social and Human Development and Special Programmes. Finally, it was recommended that future MIDSA Forums should provide a mechanism to review previous MIDSA recommendations and to take stock of progress made in implementing such recommendations.