Globalisation and Migrant Labour in a 'Rainbow Nation': a fortress South

Nicos Trimikliniotis
Globalisation and Migrant Labour in a ‘Rainbow Nation’: a fortress South Africa?

NICOS TRIMIKLINIOTIS, STEVEN GORDON & BRIAN ZONDO

ABSTRACT Outside southern Africa little attention has been given to the lively debates, particularly within South Africa, about migration, economic integration, racism/xenophobia and exclusion. After the collapse of apartheid the Southern African Development Community (SADC) developed initiatives on regional co-operation on population movement in a far-reaching 1995 Draft Protocol on Free Movement. However, the post-apartheid South African state was concerned solely with free trade and, with the support of other regional players, managed to halt the Protocol. The processes of neoliberal regional integration, socioeconomic transformations, poverty and inequality, as well as the political turmoil in countries of the sub-Saharan region, have resulted in growth of migration to South Africa. The post-apartheid regime has made full use of the ancien régime’s authoritarian legal migration instruments, while migrant workers from neighbouring countries, many undocumented, are exploited by employers, repressed by the police and immigration authorities and treated with suspicion. This paper focuses on the processes of localised and globalised racialisation of migrant workers in South Africa, which have allowed it to treat the question of free movement, migration and integration more or less in the image of Europe. The ‘rainbow nation’ seems to be racialising and excluding the ‘xenos’ based on the apartheid legacy’s treatment of migrant black labour. Moreover, the myth of the ‘weak state’ serves to cover up the power of capital, which is benefiting from the drive to informalisation and the irregular/undeclared work of undocumented workers. Trade unions have failed to organise migrant workers, initially reacting defensively, but now increasingly recognising that migrant workers must be incorporated in the movement and their rights defended for the benefit of all workers. If trade unions look at the European and US experience they will find similar dilemmas but also strategies for incorporation in the unions. Finally the paper looks at future challenges beyond racialisation and xenophobia.

Nicos Trimikliniotis is at the Centre for Migration, Inter-ethnic & Labour Relations, University of Nicosia, 46, Makedonitassas Ave., P.O. Box 24005, 1700-Nicosia, Cyprus. Email: nicostrim@logos.cy.net. Steven Gordon and Brian Zondo are at the University of KwaZulu-Natal, Durban 4041, South Africa.
This paper attempts to locate the debates about the relation between global and regional processes (globalisation, regionalisation, integration) on the one hand, and the processes of migration and racialisation or xenophobia, on the other, as exemplified within the specific manifestations of these relations in the southern African context. The trends, debates and practices in the Southern African Development Community (SADC) region, particularly in South Africa, can be illuminating in informing the broader global debates on the subject, issues that are often not properly reflected upon at global level. Moreover, these issues may illustrate the relation in discourses, ideologies and state practices between postcolonial countries of the ‘Global South’ and the EU. The paper attempts to understand how and why it is possible for a post-apartheid state, committed to building a ‘non-racial society’, to ‘racialise’ a category of the population—migrant workers—particularly the undocumented ones. This is particularly important for understanding the socioeconomic and political processes that racialise migrants, as well the strategies for combating racial, ethnic, gender and class discrimination and exploitation of them at national, regional and potentially global levels. In this sense the historical antecedent of the treatment of migrant workers under apartheid and the struggles for its overthrow are crucial in shaping the current realities.

Globalisation/regionalisation and re-racialisation in southern Africa: who are the migrants in South Africa?

Migration: not new in South Africa

The historical background to migration to South Africa is indicative of how the dynamics of cross-border migration are closely interrelated with ‘internal migration’ and are very much the product of a historical relationship between the neighbouring countries to South Africa, the superpower of the region. The historical events in the 1990s, such as the ‘negotiated transition’ from apartheid, the collapse of ‘actually existing socialism’, the end of the war in Mozambique, and wars, disasters and famine elsewhere in Africa have been crucial factors in the rise of the numbers of migrants to South Africa. The ‘traditional’ migrant labour suppliers within SADC have been Mozambique, Zimbabwe, Lesotho and Malawi; however, migrants also came from the Democratic Republic of Congo (DRC), Nigeria and Kenya. The post-apartheid transition has brought about changes in internal migration: there has been massive urbanisation in search of jobs and a better life. The debate that surrounds the issue of illegal migration often present this phenomenon as a new and seemingly overwhelming problem for the post-apartheid state and its citizenry.1

Migration is no new subject for South Africa: what most persons would recall is the late 19th century migration when gold was discovered, whereby the combined effect of mining and industrialised centres attracted thousands of migrant workers from all over southern Africa. However, even before the discovery of diamonds and gold in 1860, there was an established system of labour migration: the colonists were using migrant labour from the entire
region for multiple purposes; development and wealth were the product of various types of black labour, local and migrant labour from the region or imported indentured labour. Bepedi men from Sekhunland (what is today Limpopo and Mpumalanga province) had worked in the farms and public works of the Cape colony of the 1840s. Basotho migrant workers worked in the Orange Free State, while in the 1840s the Tsonga or Shangaan travelled all the way from Delagoa Bay area to Natal for wages. Mozambicans also worked as seasonal workers in the farms of the Western Cape.

It was nevertheless the discovery of diamonds at Kimberley that created huge demand for unskilled labour: by 1874 there were 10 000 African mineworkers working for three to six months in the mines. The changes in mining methods from opencast to underground extraction in the 1880s, and the need for stable skilled labour, brought about changes: migrant labour was utilised as it was cheap and ‘controllable’; housing was provided in closed compounds. Moreover, statutes and regulations prevented the establishment of an organised black working class: these anti-labour laws were to become a major instrument for the apartheid regime to divide the working class. When gold was discovered on Witwatersrand in 1886 more cheap labour was required as gold reefs were deep and ore quite low, a situation which required strong capital reserves. As a result there was a very expensive recruitment from neighbouring countries. By 1896 the South African Chamber of Mines Rand Labour Association (later known as WNLA) was recruiting heavily, both locally and from the protectorates such as Botswana, Lesotho and Swaziland and from today’s Mozambique, Malawi and Zambia. Between 1880 and 1899 there was a massive rise from 1400 to 97 000 migrant workers, 60% of whom were Mozambicans. It is noteworthy that ‘during the period 1920–1990, virtually every country in the SADC region at one time or another sent migrants to the South African mines’.4

‘New’ migration in ‘new South Africa’

The ideology of Pan-Africanism could have served as the basis for a different regional migration regime after the collapse of apartheid in South Africa. However, the initiative to push for a free movement protocol in the development of a regionally harmonised approach to migration management in the SADC region was killed off by the new South Africa: the fear of being ‘flooded’ by migrants prevailed.5 ‘Free movement’ has been replaced by tough migration control, which does little to deter migrants from entering the country in a desperate search for work and a better life; post-apartheid South Africa receives thousands of migrants, mostly undocumented, from neighbouring countries, as we analyse further down. However, the obsession with the numbers is itself ‘racialising’ migrant workers: ‘race’ is dreaded in South Africa.

The so-called ‘numbers game’ is being played, whereby the number of migrants is constructed and stigmatised as a ‘problem’ in the classical manner used by Moore, who was writing about Britain in the 1970s.6 It seems that countries of new migration regenerate the same sort of game, even if these societies had traditionally been for years postcolonial net exporters of
migrants: the pernicious ‘numbers game’ is being reproduced over and over. Migrants thus become in the minds of the media and in the eyes of readers, the problem. The ‘numbers game’, though presented in the guise of ensuring ‘good race relations’, in fact accentuates racism and xenophobia. Having recognised this problem, we present some of the figures available so that we can get some picture of the kinds of issues debated. Figures are inaccurate, often out of date, while sometimes they are blown out of proportion.

A scholar working on citizenship and xenophobia in contemporary southern Africa, while recognising the large numbers of migrants from sub-Saharan countries, refers to the elusiveness of the migration statistics in these countries and their ‘inflation for reasons of political expediency’, as contributing to governments being worried about the numbers of migrants from neighbouring countries. The end of apartheid saw the rise of migration to South Africa, ‘especially by Africans north of Limpopo, long excluded or confined to migration to serve as labour zombies in the mines’; one estimation is that ‘between 1994 and December 1996 at least 5 million illegal immigrants entered south Africa from African countries far and near’. However, this is thought to be a gross exaggeration for reasons of political expediency. In reality, the numbers of illegal immigrants are near impossible to calculate so we would hesitate to guess at figures. A recent article claimed that the illegal immigrant population was between three and 6.5 million. There are reports that there are two million illegal Zimbabwean immigrants in South Africa alone. Migration has certainly risen, particularly in the mines in what was during apartheid called ‘labour reserves’—some talk about a tenfold growth in this sector.

A central issue in the debates refers to the scale of undocumented and irregular migrant workers or ‘illegal migrants’; the main difficulty is the impossibility of accurately quantifying a clandestine population. In South Africa the numbers and the way undocumented migrant workers are categorised has divided academics and policy makers. As Gordon notes:

The Human Sciences Research Council (HSRC) claims that South Africa’s illegal immigrant population is somewhere between 2.5 and 4.5 million, and these estimated statistics have been often quoted by the Former Minister of Home Affairs, Dr Mangosuthu Buthelezi. However, the validity of these statistics were called into question, and in 2002 the HSRC figures were officially withdrawn. Notwithstanding, however, Dr Buthelezi himself has been known to quote a variety of estimates, some as high as 7 million.

The official estimates vary from two to 3.5 million and those from the South African Police Service (SAPS) and South African National Defence Force are relatively more conservative than those of the HSRC. Carl Werth of the Freedom Front places the illegal immigrant population at almost eight million, or more than 19% of the current South African population, while others have stated that the illegal immigrant population stands at almost 12 million, or one in four South Africans. The media seem to quote a range of figures when discussing the issue, all of which go above the two million mark, as noted above. Scholars have strongly criticised these figures as being
inflated, claiming them as largely imaginary and suggesting that the illegal migrant population in South Africa could be as low as 500 000. These population estimates are in truth little more than guesses that are often labelled as guesstimates by the popular media. There is a dearth of reliable and accurate information available about illegal migrant workers in South Africa.

As Table 1 indicates, the majority of the illegal migrants deported since 1994 are citizens of countries within SADC. It is apparent the number of deportations from South Africa has grown significantly since the apartheid period as Department of Home Affairs (DHA) statistics indicate. From only 181 286 in 1988, deportation rates had reached the astonishingly high number of 151 653 by 2002. Since the advent of the economic crisis in Zimbabwe, the deportation rates have increasing dramatically, with roughly 155 000 deported in 2003 and more than 167 000 deported in 2004. Although no official data have made available, there is a wide consensus that these figures have risen substantially in recent years. According to unofficial sources the South African government deported nearly a quarter of a million people in 2006.

Zimbabwean migrants make up an increasing high percentage of those deported, increasing from some 47 697 (2001) to 74 765 (2004) and nearly 100 000 (2005). Although the Department of Home Affairs has not made the figures available, according to unofficial reports South Africa deports between 600 and 6000 Zimbabweans every week from a repatriation centre called Lindela. As the crisis in Zimbabwe deepens, the deportation rates continue to rise. In the first seven months of 2007 the Reception and Support Centre of the International Organisation for Migration (IOM) processed 117 737 people repatriated from South Africa at its Beitbridge centre on the Zimbabwean border.

### Table 1. Number of deportations per year and top three countries of origin

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mozambique</td>
<td>71 279</td>
<td>131 689</td>
<td>157 425</td>
<td>146 285</td>
<td>141 506</td>
<td>123 961</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>12 931</td>
<td>17 549</td>
<td>14 651</td>
<td>21 673</td>
<td>28 548</td>
<td>42 769</td>
</tr>
<tr>
<td>Lesotho</td>
<td>40 723</td>
<td>4087</td>
<td>3344</td>
<td>4077</td>
<td>4900</td>
<td>6003</td>
</tr>
<tr>
<td>Other</td>
<td>2409</td>
<td>3759</td>
<td>5293</td>
<td>4 316</td>
<td>6 332</td>
<td>11 128</td>
</tr>
<tr>
<td>Total</td>
<td>90 692</td>
<td>157 084</td>
<td>180 713</td>
<td>176 351</td>
<td>181 286</td>
<td>183 861</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mozambique</td>
<td>84 738</td>
<td>94 404</td>
<td>83 695</td>
<td>82 067</td>
<td>81 619</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>45 922</td>
<td>47 697</td>
<td>38 118</td>
<td>55 753</td>
<td>72 112</td>
</tr>
<tr>
<td>Lesotho</td>
<td>5871</td>
<td>5977</td>
<td>5278</td>
<td>7447</td>
<td>7468</td>
</tr>
<tr>
<td>Other</td>
<td>9044</td>
<td>8045</td>
<td>8799</td>
<td>9541</td>
<td>5938</td>
</tr>
<tr>
<td>Total</td>
<td>145 575</td>
<td>156 123</td>
<td>135 870</td>
<td>154 808</td>
<td>167 137</td>
</tr>
</tbody>
</table>

South Africa is currently in the midst of what has been described by the contemporary news media as the ‘Mugabe Tsunami’—a ‘wave’ of more than 1000 illegal Zimbabwean migrants every day who are fleeing across the Limpopo to escape into South Africa. Regional human rights groups have reported a surge in ‘illegal’ Zimbabwean migration into South Africa since the country’s recent disputed election and the violent political crackdown that has followed. Media reports claim that as many as 49 000 illegal Zimbabwean immigrants now enter South Africa every month. The United Nations High Commissioner for Refugees (UNHCR) estimates that there are more than three million displaced Zimbabweans in the SADCR region. A study by the state-sponsored Scientific and Industrial Research Centre (SIRDC), which came out in September 2005, showed that about half a million Zimbabweans, mainly professionals in the health and education sector, have emigrated.

Another mechanism for gauging the Zimbabwean influx into South Africa is through refugee and asylum seeker registrations and applications. A temporary asylum permit is the only legal way for migrants to stay and work in South Africa, creating an incentive for persons to submit asylum applications despite their low probability of receiving accreditation or their substantial lack of documentation. In 2006 there were nearly 30 000 applications for asylum, Zimbabweans made up by far the largest percentage of this figure, accounting for some 24% of those requesting asylum in 2006. The Department of Home Affairs claims, however, to have processed fewer than 2000 requests and granted asylum to little more than 100 applicants in 2006. According to the World Refugee Survey, of the 171 400 registered refugees and asylum seekers in 2007 only 18 000 were Zimbabweans.

Skilled migrants, who are the most ‘preferred’ category, were associated originally with the apartheid era (e.g. those from Zimbabwe between 1982 and 1988). In 2001 the number of documented immigrants to South Africa was 4832; about 11% were from neighbouring countries. Legal migration into South Africa is low. Indeed, we can say that: ‘This growing restrictionism has even penetrated the area of temporary migration for the purpose of work, and since 1990 there has been a decline in the issue and re-issue of temporary work permits’. As a consequence, employers have found it increasingly problematic to hire personnel from abroad, even provisionally; those foreign workers who are recruited find themselves entangled in DHA red tape. For all intents and purposes, it seems that South Africa is closing all legal roots of entry for foreigners who wish to work within her borders.

From the various figures alone it is difficult to draw any safe conclusions about the question of ‘management’ of migration, the migration regime and the situation on the ground:

Although a tentative scrutiny of these deportation figures contributes to clarifying aspects concerning illegal migration in South Africa, it is immediately apparent that various extraneous variables tend to confound the drawing of conclusions. Apart from obvious factors such as priorities of policing strategy and prosecution procedures in a country in which crime rates are high, there are other less conspicuous factors that confound attempts to use the
deportation statistics as a basis for conclusions. The so-called ‘revolving door syndrome’ whereby illegal immigrants have learnt to work the system by manipulating the deportation procedures so that deportation is no longer a deterrent to illegal migrants.  

Racialisation and xenophobia against migrants in South Africa: structural conditions

Anyone examining the position of migrant workers in South Africa as regards their exclusion and racialisation ought to examine the wider context of the transition of the country. Post-apartheid South Africa has enjoyed about a decade and a half of majority rule on the basis of a constitution which declares, as one of its fundamental principles and goals, the ‘achievement of a non-racial society’. However, in spite of the efforts to create what Archbishop Desmond Tutu has called ‘the rainbow nation’, neither the question of ‘race’ nor the questions of class and gender oppression and exploitation have ceased to be central in contemporary South Africa. The defeat of apartheid, the bastion of state-organised racism, a regime based explicitly on racist institutionalisation, and its replacement by ‘the new South Africa’ is indicative of how ‘race’ and racism remain operational forces even after they have officially been declared dead. There is no consensus as to the current ‘transitional’ state of affairs: 14 years after the ANC took over from white nationalist/racist minority rule there is still considerable debate as to the direction, pace and nature of the post-apartheid regime.

South Africans avoid using the term ‘race’ and its derivatives, such as ‘racism’ and ‘racialisation’, for anything other than the specific nature of the apartheid ideological and institutional frames; hence the use of the term to describe the position of migrant workers in South Africa is strongly objected to. This may be understandable at one level: ‘the powerful are racist’; ‘the subalterns are prejudiced, possibly xenophobic’. However, this may result in a licence to be racist, particularly when we are dealing with state-related processes.

It seems that ‘race’ remains a taboo subject in South Africa; yet there is considerable research that shows that ‘race still matters in the new South Africa’. Yasmin Sooka suggests that ‘race remains an intrinsic factor in the debate on reconciliation in post-apartheid South Africa’, 29 while Jeff Guy points out that, given the nature of South Africa’s ‘negotiated compromise’ sacrifices were made ‘of essential elements’, which meant that ‘elements of the old racial system were retained resulting in awkward continuities between the old racial system and the new unitary democratic one’. 30

Recently, in an effort to rally support, African National Congress leaders have begun to make ‘further racial emphasis’, which is a dangerous practice. Moreover, new forms of racism and xenophobia are increasingly evident in ‘non-racial’ South Africa:

The foregrounding of race can be extremely dangerous when it interacts with the predicament and the fears of the poor, the insecure, as well as ruthlessly ambitious. As an increasing number of Africans seek opportunities in South
Africa so xenophobia becomes more violent and intense, challenging what many see as the defining achievements of the transition from apartheid—the creation of a multi-racial nation out of racial tyranny.31

Alexander argues that the project of the ANC is essentially one of enlarging the black upper and middle class, and that the particular form of affirmative action taken, ‘Black Economic Empowerment’, has not led to the perpetuation of racial identities.32 Similarly, MacDonald concludes not only that ‘race still matters in South Africa’ but argues that the transition to a liberal democracy is essentially a policy for ‘stable democratic capitalism’ whereby ‘racial nationalism legitimizes a so-called non-racial democracy by building an African bourgeoisie along with black middle classes’.33 His overall conclusion is that the acquisition of power by the ANC in the name of the black majority under the banner of achieving a ‘non-racial society’ has meant that ‘the political economy was not de-racialised; it was multi-racialised’.34 Another scholar referred to ‘a national schizophrenia about race’, where race-based policies are assumed to be the means to achieve a ‘non-racial society’.35

At the level of rhetoric Mandela’s successors have always attempted to legitimise his politics by invoking his Africanness: this was the ideological starting point, the rallying point for his policies. One can see the attempt to give an ideological gloss on the policies he presided over and the direction of the ANC under Mbeki. He presided over the abandonment of the ‘social’ elements of the ANC programme with the abandonment of Reconstruction and Development Program (RDP) in favour of a neoliberal self-imposed structural adjustment programme known as ‘GEAR’.36 This, together with the liberalisation of trade, has resulted in the informalisation and irregularisation of labour, rising unemployment and an increase in inequality and poverty.37 Seeking and Natrass illustrate how the current social structure and distributional regime in South Africa has led to an increase in inequality.38 Despite the policies of deracialisation, which were apparently put in place so that ‘African workers secured benefits previously held by white workers’, these failed to address mass inequality and poverty. In other words, deracialisation ‘did not mean that the opportunities facing the unemployed and rural poor improved’.39 However, there is a second dimension here that is often missed by cogent analyses such as that of Seeking and Natrass and others: migrant workers and the way in which restrictive migration has led to their marginalisation and exclusion. Mbeki has been a key figure in the international negotiations with neighbouring countries, including SADC and, more importantly, he has presided over both the continual use of the apartheid migration regime and the evolution to the ‘new’ regime. It remains to be seen whether Jacob Zuma, the new leader of the ANC, who will succeed Thabo Mbeki, will continue with the same migration regime.

Two of the most economically successful SADC countries, South Africa and Botswana, both of which colluded to kill off the Free Movement Protocol in SADC, exhibit serious xenophobic attitudes at a popular level. Yet popular xenophobia must not divert attention from the fundamental point of the ‘global issue’, where ‘the tendency is for migrants, skilled and unskilled to be...
exploited. This is the structural dimension that compels us to appreciate these socioeconomic relations as constituting processes of racialisation. The presence of migrants has already begun to change society; we can speak of social transformations of aspects of social life.

In certain cases, whole parts of cities (eg Hillbrow in Johannesburg) have been appropriated by black African migrants—derogatorily referred to as Makwerekwere ... The new migrants largely come in as long-distance traders, asylum-seekers, students, professionals, entrepreneurs, traditional healers and pastors of mostly Pentecostal churches.

Migrant workers are often preferred as cheap labour with limited, if any security and meagre pay. In other words, profits and other benefits for capital are the fruits of the exploitation of migrant workers.

At a state level the celebratory open citizenship for all South Africans is masking the second parallel process that is occurring: the ‘rainbow nation’ is being built on the exclusion of the black African ‘other’, the Makwerekwere. The fiction of the late Phaswane Mpe, Welcome to Our Hillbrow, records this duality: the Makwerekwere is depicted in unsubstantiated inflammatory statements by politicians as responsible for ‘the current crime wave, rising unemployment, or even the spread of diseases. Social surveys and studies indicate that the state apparatus often targets migrants for abuse: the police, the army, the DHA and the media alike.

What is most astonishing is that the old racist ideas are now targeting migrants, as skin-colour is once more an indication of the ‘propensity’ to commit crime as well as being used as a stereotypical profiling to capture the ‘intruders’: ‘Dark skinned refugees and asylum-seekers with distinctive features are especially targeted for abuse’. This has resulted in situations where South African citizens are mistakenly thought of as foreigners and are picked up, arrested and targeted by the police. Individuals are often assumed to be Makwerekwere on the basis that they ‘look foreign’ or are ‘too dark’ to be entitled to South Africa. ‘Black South African citizens are sometimes mistaken for the dark, invading barbarians or stutterers who must be confined to the fringes’.

In this sense we cannot but refer to the acts of the post-apartheid state against black migrants as ‘racist’; there is no reason why one should refer to this policy, practice, and exclusionary ideology merely as ‘xenophobic’; otherwise we may be making light of what is essentially a continuation of the policies of the apartheid regime and what appear to be state practices across many countries of the globe.

The contradictory responses of the South African trade union movement: pro-migrant but anti-immigration?

In line with the post-apartheid philosophy of democratic involvement, the creation of the current immigration legislation, the Immigration Act (No 13) of 2002 (hereafter the Immigration Act) was the product of a public participation process in which groups representing labour, civil society and
This paper will now examine the role played by the trade union movement. During the apartheid period, immigration law was a product of the white minority’s obsession with the construction of racial domination. For the black nationalistic discourse immigration was constructed as a form of labour control and an instrument of racial oppression. Immigration policy, and especially the migrant labour system, was a historically constructed mechanism for providing cheap, docile labour for white capital and expanding industrialisation. The main component was conceived as the impoverishment of the rural periphery (categorised as ‘labour reserves’) to privilege the urban centre. Such a system was perceived as a conspiracy by white employers and by the apartheid ‘regime’ more broadly, to divide and control the oppressed in general and the working class in particular. The migrant labour system was deemed a pure form of exploitation and social humiliation that perpetuated appalling conditions in single sex hostels, divided families and social dislocation. Thus systems of labour migration were seen as ‘invented’ from ‘outside’ and therefore ‘artificial’ and a means of ‘foreign’ control. This vision of the migrant labour system as an integral part of the apartheid apparatus and a causal factor in regional poverty creates such a negative historical view of the migration system that, in the new post-apartheid period, logic dictates that it must be discontinued. In the post-apartheid period, labour immigration has been reconstructed as a mechanism for capital (referred to as employers within the documentation of organised labour) to undermine labour standards.

This logic allows the trade union movement to be anti-immigration while at the same moment pro-immigrant, declaring that the ‘working people of Southern Africa are not the enemy of South African workers. The interests of South African workers are inextricably linked to the interests of our brother and sister workers in the surrounding region’. Immigration policy is therefore conceived of as a potential threat not only to South African workers but to all the workers of Southern Africa. The enemy of the migrant labour system is, under this logic, the employers of ‘illegal’ migrants who become the causal factor behind the erosion of workers’ rights. Rather than target the ‘illegal’ migrants themselves, the trade unions advocate heavy penalties and more extensive enforcement mechanisms to prevent the practice of employing ‘illegals’. In this manner the trade union movement demonstrates its commitment to greater worker solidarity throughout the region, while at the same time expressing support for a system in which foreigners are prevented from legally obtaining work in South Africa.

The pro-immigrant stance of the trade union movement can be revealed through its strong criticism of the government’s position on illegal migrants during the drafting process of the Immigration Act. In a separate submission on the Draft White Paper on International Migration to the DHA, COSATU accused the former and its policy proposals of a xenophobic ‘preoccupation with illegal migration [which] results in a failure to provide a coherent immigration policy and in certain respects the avoidance of issues’. It argued that such a preoccupation would ‘further engender paranoia, which will then make it difficult to have a rational and humane approach to illegal
migration’. This view is shared by the Department of Labour (DOL), which stated in a NEDLAC Report on the International Migration White Paper that the ‘the notion of illegal immigrants posing a negative impact on provisions of service and society was replete with inappropriate assumptions’.49

However, despite these criticisms and statements, the contradiction between a pro-migrant and an anti-immigration stance become clear when the movement challenged many proposals in the drafting process that would create legalised means of entry into the labour market for foreign workers. Although the trade union movement shares its sympathies with migrants, it seems to believe that large-scale entry of foreigners into the labour market would disadvantage citizen workers,50 and these citizen workers must have priority.51 For example, the immigration legislation in South Africa is heavily focused on removing restrictions and obstacles in previous legislation that prevent skilled labour from working in South Africa. Organised labour criticise this openness, claiming that this focus is detrimental to local workers and local skill development.52 The joint submission called on the government to strictly monitor and regulate skills permits;53 according to the joint submission the goal is ‘to ensure that national priorities are not undermined in respect of the development of the local skills base’.54 However, it is the movement’s opposition to temporary workers programmes (programmes that would allow South African employers to recruit workers from the SADC region) that is the most striking example of this contradiction. The White Paper (para. 4.4.7) and the Green Paper advanced the notion that the ‘provision must be made to meet . . . labour supply requirements when there is agreement to proceed’. This White Paper suggestion is basically that the labour demands of workers whose conditions of employment do not comply with the prevailing conditions should be satisfied through a legal and regulated system rather than ignored and fulfilled through illegal means. COSATU criticised the government for opening itself up to the possibility of a two-tier or multi-tier labour market. It also criticised the criteria of this logic, as ‘it fails to take into cognisance one of the objectives of government policy, which is geared towards transforming the market through re-regulation’.55

Although a duality in the labour market could weaken the position of labour within South Africa from the perspectives of both citizens and non-citizens, it can be argued that these temporary migrant workers could be unionised and receive rights within the South African labour system. But the movement envisions foreign recruitment as a possible threat rather than an opportunity to expand its membership base. COSATU perceives xenophobia as an ‘irrational’ and ‘artificial’ phobia created and spread by employers to divide workers; this logic feeds into the anti-immigration logic of the movement.

This conception of xenophobia serves to disguise the implicit contradiction that exists between the trade unions’ pro-migrant character and their anti-immigration discourse. This ‘artificial phobia’ makes it possible for the trade union movement to promote and defend the interests of migrants while at the same moment offering support to policies that would restrict their access to forms of more open and regular migration. Therefore xenophobia, rather than this implicit contradiction, becomes the obstacle that blocks the
realisation of trade union ideals of just and fair treatment for all those working in South Africa.

The public participation process was not a smooth one and a joint submission of the nation’s major trade unions accused the DHA of blocking their influence and NEDLAC involvement. Ultimately this demonstrates an inability on the part of the trade union movement to effectively contribute to policy creation. It also illustrates the divisive role played by the DHA in eroding the objective of replacing the Act with a more progressive legislative framework. An examination of the numerous communications of the South African trade union movement to the DHA reveals that, while sympathetically acknowledging the economic imperatives driving migrants, both legal and illegal, to seek a better life in South Africa, the unions gave tacit and sometimes overt support to stringent influx regulation. In other words, while the trade union movement has criticised government migration policy, its criticisms have been empty and have failed to challenge government migration policy on a tangible note. In this regard the trade union response to this issue has resembled a hypocritical approach, acknowledging the seriousness of the situation in institutionalised forums (such as NEDLAC), while ensuring the advancement of ‘legal’ worker rights in the context of illegal migration and rising xenophobia through protective labour legislation.

A South African trade unionism of tomorrow:
back to a future when we were all migrant workers?

Social sciences have approached migration from different angles given the complexity of the subject, which inevitably calls for an interdisciplinary approach requiring a more unifying research sphere. Hence the development of migration studies as a discipline in its own right. Of course, there are different approaches to the various aspects of migration, which often create alternative or antagonistic perspectives, while in other contexts these perspectives are complementary. In any case it is apparent that only interdisciplinary approaches can capture the very complex nature of the plethora of migration-related phenomena. In this light comparisons are essential tools of the trade, if we are to understand these complex processes and the contradictions in migration regimes. Regional integration processes such as the EU and SADC lend themselves as useful, if not essential comparisons. Whether one is seeking to understand the issues that derive from ‘managing the divide’ in terms of the nature and types of ‘soft or hard borders’ for Europe, or in order to locate the dynamics for cross-border migration in Southern Africa, or to ‘locate the leading issue’, the explanatory frames, the patterns, the practices and transformations illustrate the importance of adopting a comparative perspective.

The question of migration needs to be addressed in its regional context and therefore requires a regional approach based on the notion that in the modern world state and non-state actors must strive for free movement across borders. However, this needs to be done in a manner that does not reproduce inequality, discrimination, racism and xenophobia. This is the
experience of ‘the neoliberal management of mobility of migration at a regional level’: drawing from the experience of the EU/eastern Europe and the relationship between North American countries with Central and Latin America, Pellerin and Overbeek illustrate the inherent ‘connection between migration control frameworks and measures for labour restructuring, economic relocation and capital expansion’. This creates conditions for new ‘tensions between migrants and non-migrants, new kinds of contestations between labour and capital in the reconfiguration of the mobility–fixity nexus of neoliberal restructuring’. It is apparent that similar kinds of issues and tensions emerge in the case of the relationship between South Africa and SADC. In this sense the search for an alternative model that enhances the position of workers across the borders and builds on existing trans-border trade union co-operation is a major challenge for the forces of labour.

We have traced the labour movement responses to the migration question and have pin-pointed changes in perceptions with regard to migration. It can be argued that the proverbial synergy between political struggles, class consciousness and trade unionism have always been the lifeblood and tradition of the South African labour movement. It is no coincidence that Kim Moody includes South African trade unionism as an archetype of a new unionism that goes beyond ‘labourism’. Moody refers to ‘an international social-movement unionism’, which is defined as ‘an active strategic orientation that uses the strongest of society’s oppressed and exploited generally organised workers, to mobilize those who are less able to sustain self- mobilization: the poor; the unemployed, the casualized workers, the neighbourhood organizations.’

In fact, this specific ‘recipe’ has already been used with success to organise Mexican workers in the agricultural sector in Texas and New Mexico: the Union de Trabajadores Agrícolas Fraterno or Union of Border Agricultural Workers (UTAF) consists of a majority of undocumented immigrant workers. Such practices have also been implemented with success among urban migrant workers. Other examples of successful organisation include unemployed and precarious workers in Europe (eg France), Asia and Africa (eg COSATU in South Africa). However, in South Africa matters are now far more complicated than 10 years ago, when Moody was writing. Moreover, South African trade unions have failed to organise migrant workers, who are amongst the most vulnerable in society, illustrating the limits of trade unionism per se, even the more actistic type of trade unionism referred to by Moody.

It can be argued that the political ethos of South African trade unions has always differed from the norms and confines of what has produced trade unionism in other national contexts: the notion of ‘internationalism’, which is supposed to be the cornerstone of workers’ solidarity in the tradition of ‘workers of the world unite’. The tradition and identity of the labour movement in South Africa was defined by concrete factors, political and ideological, which cemented an alignment that articulated together ‘race and class’ in resistance. As Sitas shows, there is strong ‘solidarity of “comrade-ship” since the 1980s’, whereby the factors that have formatted ‘the “elastic
The ideology of free movement and a ‘borderless continent’ remains wishful thinking: the postcolonial states perceived ‘economic emancipation’ as a national cause premised on ideas of ‘developmentalism’, and not as a whole continent-wide project. Thus we have created a multi-regionalisation of Africa, while catastrophic nationalisms, ethnic conflicts and tensions between regions and nation-states are tearing the continent apart. Moreover, as a result of uneven [and combined] development, we have massive inequalities within and among African states, which inevitably cause mass migrations towards the richer regions in search of jobs. Economic development and relative political stability of some regions or countries have become a ‘pull factor’ for migrant labourers as free movement became a natural, viable and noble motive of Pan-Africanism. One must not lose sight of the historical fact that we are essentially dealing with artificial boundaries, colonial/postcolonial products and class-related processes. In the South African context the creation of the ‘Bantustans’ or ‘native homelands’ was precisely premised on the rigid racial separation and super-exploitation of migrant workers: even today workers from the ‘independent’ statelets of Lesotho and Swaziland are treated as ‘external migrants’, thousands of whom are ‘deported’ as illegal migrants, only to return in search for jobs, as they have always done. However, the traditions of struggle based on worker solidarity, together with the dream of African unity, are a powerful force within the trade union movement that can be a source of reflexivity and strategising for the future.

The answer to the migration question for South Africa requires regional responses. Trade unions, social movements and human rights organisations can be at the forefront of regularising and organising undocumented and
irregular migrant workers. Moreover, the trade union movement can work towards a regional alternative for opening up the borders of SADC so as to improve labour standards, enhance inter-border co-operation over workers’ rights and counter the neoliberal regionalisation taking place at the moment.

Notes
3 Witwatersrand Native Labour Association.
4 Wentzel & Tibela, ‘Historical background to South African migration’, p 73.
9 Ibid.
14 Ibid., p 128.
19 Quoted in Gordon, ‘The trade union response to alien workers within post-apartheid South Africa’.
21 The rise in the number of asylum seekers comes as the South African government is stepping up efforts to tackle a backlog of earlier applications from over 100 000 people—some years old. About 30 000 individuals have received official recognition in South Africa as refugees.
23 Wentzel & Tibela, ‘Historical background to South African migration’.
26 Gordon, ‘The trade union response to alien workers within post-apartheid South Africa’.
31 Ibid, p 85.
34 Ibid, p 177.
37 Mandela’s shift of policy from RDP to GEAR is attributed to a large extent to Mbeki, according to his biographer. See M Gevisser, *Thabo Mbeki: The Dream Deferred*, Jeppestown: Jonathan Ball, 2007, p 674.
39 Ibid, p 375.
41 Ibid, p 31.
43 Various studies are referred to in *ibid*. See p 48.
44 Ibid, p 49.
45 For more details on the subject of trade unions and migration in South Africa, see Gordon 2005.
46 For example, the National Union of Mineworkers (NUM) called for the dismantling of the migrant labour system in 1991, in favour of policies that focus on regional economic development.
48 According to *ibid*, ‘increased penalties should be imposed on employers who employ illegal migrants and effective enforcement mechanisms must be put into place’ (Section 3.2). According to the COSATU Statement on Xenophobia, ‘Concrete steps should be taken by the authorities to halt this super-exploitation of migrants. The bosses who are employing illegal immigrants, clearly with the view of sidestepping fair labour market laws, must be severely punished’. Appendix B in Crush, ‘Immigration, xenophobia and human rights in South Africa’.
50 According to COSATU, *Submission on the Draft Green Paper*, ‘we agree with the general principle that “unregulated access” would lead to “unacceptable competition for jobs”’ (Section 3.2).
51 According to the Joint Submission of COSATU, NACTU & FEDUSA, 2002, ‘it is important to prioritise jobs for unskilled South Africans’ (p 9). According to NEDLAC, *Report on the International Migration White Paper*, 2001, ‘labour supported the licensing fee as a mechanism to prioritise South Africans’ (Section 3.5).
52 According to COSATU, *Submission on the Draft Green Paper*, ‘Immigration policies aimed at attracting skilled workers must not jeopardise the priority of developing skills in the South African workforce and we should not compromise the Department of Labour’s programme for improved skills training on the basis that attempts are being made to attract skilled labour from other countries’ (Section 2.3.6); and ‘COSATU has consistently argued that the implementation of legislation and policies to promote domestic skills development must be viewed as a primary economic priority. This priority should not be jeopardised or displaced by policies aimed at attracting foreign skills’ (Section 3.2.1). According to NEDLAC, *Report on the International Migration White Paper*, ‘Labour wanted … to devise a Human Resource Strategy regarding a long-term skills development strategy, in order to reduce dependence on skills of migrants’ (Section 3.9).
56 Described in the joint submission as a ‘source of considerable frustration for the labour constituency’. Joint Submission of COSATU, NACTU & FEDUSA, p. 3.
57 NEDLCA, in its own submission to the DHA on the Draft Immigration Regulations, claimed that the enactment of the Bill took place through a process that has undermined the principle of public participation, the role of NEDLAC as an institution and even parliament itself. This submission called the process of public consultation a ‘sham’. Labour Submission on the Draft Immigration Amendment Bill, submitted to the NEDLAC Labour Market Chamber, 6 July 2004, p. 1.
59 Ibid, p. VII.
61 For such a comparison, see N Trimikliniotis, SL Gordon & B Zondo, ‘Migration, globalization, regionalization and re-racialization: challenges for the Labour Movement’, forthcoming 2008.
63 N Neuwah, ‘What borders for which Europe?’, in ibid, pp. 23–43.
64 See P Kok, D Gelderbloom, T Ocho and J van Zyl, ‘Introduction’, in Kok et al, Migration to South and Southern Africa.
68 We expand on these ideas in another paper. See Trimikliniotis et al, ‘Migration, globalization, regionalization and re-racialization’.
70 See ibid, pp. 175–178.
72 Free movement campaigns were driven by regional organisations and only concentrated on cross-border migration.