APRIL 2024

FOSTERING ECONOMIC INTEGRATION AND INCLUSIVE MIGRATION IN THE SADC REGION

REPORT BY

Caroline Wanjiku Kihato
Iriann Freemantle
Nicholas Maple
Asmita Parshotam

ACMS AFRICAN CENTRE for MIGRATION & SOCIETY
FRAME
Mobility Governance Lab
REFUGEE LAW INITIATIVE
SCHOOL OF ADVANCED STUDY UNIVERSITY OF LONDON

Table of Contents

List of Abbreviations

ACMS	African Centre for Migration and Society
AEC	ASEAN Economic Community
ANC	African National Congress
ASEAN	Association of Southeast Asian Nations
AU	African Union
BLA	Bilateral Agreements
BMA	Border Management Agency
BMRC	Beitbridge Migrant Resource Centre
CEO	Chief Executive Officer
COMESA	Common Market of Eastern and Southern Africa
CORMSA	Consortium for Refugees and Migrants in South Africa
CSI	Corporate Social Investment
CSOs	Civil Society Organisations
DBE	Department of Basic Education
DHA	Department of Home Affairs
DOL	Department of Labour
DRC	Democratic Republic of Congo
EAC	East African Community
ECOWAS	Economic Community of West African States
EFF	Economic Freedom Fighter
EU	European Union
FMP	Free Movement of Persons
FTA	Free Trade Agreement
GCM	Global Compact for Safe, Orderly and Regular Migration
GCR	Global Compact of Refugees
GDP	Gross Domestic Product
GIZ	German Corporation for International Cooperation
ICBT	Informal Cross-Border and Small Scale Traders
IDP	Internally Displaced Persons
IGNOs	International Non-Government Organisation
ILO	International Labour Organization
IOM	International Organization for Migration

MERCOSUR	Mercado Común del Sur
MERS	Middle East Respiratory Syndrome
MIT	Massachusetts Institute of Technology
NEDLAC	National Economic Development and Labour Council
NGOs	Non-Governmental Organisation
OAU	Organisation for African Unity
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSF	Open Society Forum
OSF-SA	Open Society Forum South Africa
REC	Regional Economic Community
RI	Regional Integration
RMDHub	Regional Migration Data Hub
SACU	Southern African Customs Union
SADC	Southern African Development Community
SADC FTA	Southern African Development Community Free Trade Agreement
SADC-RMN	Southern African Development Community Regional Migrants Network
SAMM	Southern African Migration Management
SARS	Severe Acute Respiratory Syndrome
StatsSA	Statistics South Africa
UN	United Nations
UNECA	United National Economic Commission for Africa
UNHCR	United Nation High Commissioner for Refugees

EXECUTIVE SUMMARY

About the project

The Open Society Foundation for South Africa (OSF-SA) contracted the African Centre for Migration and Society (ACMS) to undertake a research project on *"Fostering economic integrational and inclusive migration policies and practices that safeguard human rights and advance the free movement of people, goods and services, focussing on South Africa and the SADC region."* The project's overall objective is *"to demonstrate the current state of the landscape of migration and economic integration opportunities in SADC, in order to inform and support advocacy, movement building and policy making efforts that advance socio-economic integration and migrant rights protection in the region."*

Written for OSF-SA, donors, civil society, private and public sector actors with an interest in regional advocacy, movement building, and policy making, the report provides recommendations to advance a human-rights based, integrated and inclusive Southern Africa Development Community (SADC). We used a mixed methods approach, reviewing relevant academic and grey literature and interviewing nearly fifty key informants between March 2021 and February 2022.[i] Our respondents were experts familiar with migration and economic integration in Southern Africa, and other selected regions, who helped us answer 'why' the SADC process on the free movement of people (FMP) and trade integration remains slow, and what could be done to realise greater integration.

The report explores three thematic areas:

1. **The governance of migration in South Africa and SADC**, including the content and effects of international, regional, and domestic laws and instruments that govern migration in Southern Africa; the accountability structures and effectiveness in holding states accountable;
2. **Migration, regional socio-economic prosperity and integration,** and the complex challenges pertaining to migration and trade integration, including the socio-economic value of the FMP in the region – drawing on best practices from other regions; and
3. **The role of non-state actors in regional socio-economic integration,** and the possibility of movement building to promote social cohesion.

[i] Key informants included officials from the SADC secretariat, the SADC Business Council, the SADC Private Sector Forum, UNECA, UNCHR, ILO, GIZ, IOM, OSF, Africa Union, local and national government officials, migration and trade consultants, academics, think tanks and others across SADC.

Our findings suggest that the high unemployment levels, poor economic prospects, fragmented politics, and populism in SADC make integration and the FMP elusive in the short to medium term. And while advocacy for the FMP and migrant rights has its place, such programming may lead to domestic backlash from communities and governments already grappling with persistent poverty, unemployment, and inequality. Centring a regional program on direct advocacy and campaigns for free trade or the FMP is likely to provoke domestic political backlash given the current socio-economic crisis.

Interviews with key informants indicate that policy makers perceive regional integration (RI), particularly the FMP, as misaligned with domestic realities and priorities. Policy makers are cautious in regional negotiations, believing integration will weaken domestic economies and labour markets at a time when countries are navigating an economic crisis. Indeed, SADC member states are reluctant to work towards a regional framework with free trade and the free movement of people, because the political, administrative, and economic costs of such an approach would be high domestically.[4]

Given this, any program about liberalising migration, strengthening migrant rights, and opening domestic markets to competition, will at best be ignored by policy makers. At worst, it will create anti-immigrant backlash around which populists will mobilise. Our research suggests that direct migration advocacy is highly unlikely to have a substantial impact in the short or even medium term. With member states focused on weak domestic growth and unemployment, the prospect of opening borders to free trade and human mobility is slim and politically unpalatable.

In fact, foregrounding migration and the FMP in any regional program is likely to harden restrictions and attitudes, close negotiating doors, and frustrate pragmatic discussions around skills mobility, migrant protections, trade facilitation and regional industrial policy. Until countries see human mobility and trade liberalisation as addressing their key challenges (and not exacerbating them), there will be little movement towards regional integration.

Centring a regional program on direct advocacy and campaigns for free trade or the FMP is likely to provoke domestic political backlash given the current socio-economic crisis.

Accordingly, our interviews and analysis suggest that regional programs wishing to "*inform and support advocacy, movement building and policy making that advance the socio-economic and migrant rights in the region*" should frame their programs around the six principles below.

A regional program should use language that does not antagonise key domestic actors.

Principles for framing the FMP and trade in SADC

Responding

1. **Solution-oriented**: offer member states solutions to their most pressing problems: unemployment, economic growth, and security.
2. **Domestic alignment**: align with the domestic priorities of civil society, private sector, and government actors.
3. **Demand driven**: leverage, build upon and strengthen domestic demand for regionalism in the areas where this exists.
4. **Strategic sequencing**: informed by domestic demands and solutions, identify progressive steps, starting with 'easy wins' and ending with the FMP.

Progressing

5. **Incrementalism:** identify and support existing sectoral efforts to realise regional policy harmonisation and implementation, for example, qualification frameworks, potability of social benefits, strengthen integrated water management, infrastructure integration, and so on.
6. **Stealth:** the liberalisation of trade and the FMP are politically sensitive issues, as such the language, tenor and approach of a regional program should identify approaches that do not antagonise key domestic actors in ways that undermine the protection of migrants.

SADC integration: The status quo of trade and the FMP

In both continental and global comparison, many analysts consider SADC an 'unsuccessful' case of regional integration. While SADC member states publicly support regional integration as a political and economic end-goal, there is little implementation of concrete measures towards this end.[8] It scores low on economic integration and lacks agreement on the FMP, which are central tenets of its founding treaty and hallmarks of regional integration.[6] In many SADC countries, protectionist attitudes dominate discussions on strengthening regional trade and investment.[7] As with other regions, SADC members often cherry pick the security-focused elements of global, continental, and regional policy frameworks, making their genuine interest in the broader goals of facilitating trade and migration questionable. Critically, a preoccupation with border security and national sovereignty constrains all discussions around the *migration development nexus*.

By its own admission, SADC has missed its deadlines for regional integration, including the establishment of a free trade area, customs union, monetary union, and single currency.[9] Where member countries have adopted regional frameworks on trade and migration, their implementation has been weakened by a lack of harmonisation with domestic policies.[10] Indeed, agreements on free trade and human mobility trigger a host of domestic legislative and parliamentary processes. These have wide-ranging implications for domestic policies that govern access to courts, markets (financial, labour, housing, etc.), services (banking, health, education), and documentation (professional certification, business licensing, acceptable identity documents). But the Regional Economic Community (REC) leaves it to individual states to ensure "*that regional integration becomes an intrinsic and integral part of the management of national affairs*".[11] Undertaking such extensive changes in domestic policy is itself cumbersome and complex, and further compounded by governments' lack of human and financial capacity to implement. Even where regional protocols on the FMP and trade are signed and ratified, these typically include loopholes and provisions which member states can (and frequently do) use to circumvent the implementation of the agreements.[12]

SADC scores low on economic integration, and lacks agreement on the FMP, which are central tenets of its founding treaty and hallmarks of regional integration.

At the time of writing the report, in collaboration with international, continental, regional and state actors, SADC member states – excluding South Africa – were in the process of drafting a trifecta of (a) new migration and governance policies, (b) a 'national migration policy', and (c) frameworks on labour migration and the role of the diaspora. The secretariat was also drafting its first migration governance framework, having commissioned the 'Southern Africa Migration Report'.[1] Yet, despite the progress made on developing regional frameworks, the bloc's ability to influence migration policy in the region is limited. First, the 2005 Protocol on the Facilitation of Movement of Persons remains unenforced. Second, while an important step, the new policy initiatives focus on creating new (or updating old) soft-law policy frameworks rather than strengthening the implementation and domestication of existing frameworks and accountability structures. Arguably, at least on paper, forced migrants have better legal protection regionally in a legal sense. In 2019, the regional bloc developed a framework on 'Managing Asylum Seekers and Refugees', but their de facto protection is often compromised by a lack of implementation on the ground.[4] Notwithstanding the relatively broad consensus on displaced populations, they too are at risk of falling through the cracks as countries impose more stringent qualification criteria for accessing asylum. Many states have added reservations to their ratification of the 1951 Refugee Convention, and, in practice, refoulement, illegal deportations, and the detention of minors remain common in the region.[5–7]

Why is Regional Integration, particularly trade and the FMP, difficult to realise in SADC?

All SADC member states face the challenge of high unemployment, lack of economic growth, and a dearth of skills development. Economically, SADC has the lowest gross domestic product (GDP) growth rate in Africa and had the lowest GDP growth rate in the world in 2018 and 2019. Like other regions, COVID-19 hit the region's economies hard. With more than a 6% contraction, it was the worst performing region in the world in 2020[8] – destabilising Southern Africa's already fragile social, economic and political landscape, and straining regional economies, and health systems. With Islamic-State sponsored violence in northern Mozambique, unrest in the eastern Democratic Republic of Congo (DRC), xenophobia in South Africa,[8] and extreme weather events which displaced many and left 41.2 million people food insecure,[9–11] the region has had its share of crises. Undoubtedly, these shape how member states approach regionalism, and the liberalisation of markets.

In South Africa, the region's unrivalled migration hub, inequality is "*high, persistent, and has increased since 1994*."[12] The country also has a staggering youth unemployment rate: almost every other person in South Africa between 15 and 34 was without a job in early 2021.[13] Unwilling to make concessions, invest in long-term regional development, or actively pursue regional solutions to domestic challenges, states are also disinclined to mobilise the resources required for the harmonisation of regional policies with domestic ones. Whether related to regional trade or migration, such harmonisation requires complex coordination, extensive consultations with stakeholders, and changes to domestic laws, all within and across sectors that impact people's everyday lives like health, financial markets, land, security, housing, education, and services. All of this requires the mobilisation of resources and capacity at all tiers of government and is currently largely absent.

Beyond the economic realities, efforts to advance a regional agenda must also confront SADC's complex socio-political dynamics. Under-funded, donor dependent, and lacking strong political and financial backing from its members, the SADC Secretariat, which is responsible for pushing the regional agenda, is weak. Additionally, SADC's members do not see themselves as a collective enterprise with shared development challenges and goals. Rather, members remain inward-looking, preferring to protect domestic markets from regional competition. This is exacerbated by the gap in economic strength between South Africa and other member states. South Africa, with its economy dominating the region, also set the tone for other regional members in discussion around integration. Understandably, other SADC members are wary of opening their domestic markets to South African competition, concerned that liberalisation will negatively impact local industries. At the same time, South Africa's economy has attracted many migrants and remains the main destination country for human mobility, creating opposition to easing restrictions on regional migration.

Our research has also highlighted how, ironically, criminalising migration and keeping migrants 'irregular' has grown a shadow economy of extraction that benefits some key formal and informal actors in the migration ecosystem. For these actors, regularisation of migrants and the FMP would threaten their profits and socio-economic standing. Control over mobile populations (especially those who are undocumented and largely divested of rights) constitutes valuable leverage to use and currency to trade.[14] 'Irregular' migrants can be punching bags during crises, scapegoats for government failings, tools for political point scoring, and a source of profit for some corporate actors. This provides powerful incentives to maintain and drive the pathologisation and securitisation of migration in ways that frustrate the FMP and migrant rights agenda.

When it comes to the regional agreements and protocols, there are no effective global, continental, or regional accountability mechanisms for their implementation in Southern Africa. This applies even to legally binding conventions.[15] Only states themselves have the power to ensure implementation and accountability. This also means that global, continental, and regional policies and institutions are only as effective as states want them to be in relation to the governance of migration.[3,16] For the

most part, migration governance, and to some extent trade, remains a carefully guarded and shielded domestic domain.

How can we change this?

Drawing on the six principles outlined earlier, we suggest that donors and other stakeholders wishing to strengthen regionalism in SADC need to consider four overarching questions when designing their programs.

Foundational questions for Regional Integration programs with the FMP and trade as objectives:

1. Is our program solution oriented, offering member governments answers to their key domestic challenges – unemployment, economic growth and security?
2. Is our program aligned with domestic priorities?
3. Does our program build local demand for integration amongst private, public and civil society actors?
4. Does our programme approach the FMP and/or free trade incrementally, strategically, and stealthily?

Following from these overarching questions are some recommendations for framing project objectives that donors and their partners can use to design SADC regional liberalisation programs.

1. Thinking regionally, acting domestically

To have some measure of success, a SADC regional program must align with members' domestic priorities, offering governments solutions to growth, unemployment, and security. Such an approach must include evidence and projections of the impact of regional integration on member countries' economies, societies, and politics. Research and experiences in other blocs show that regional integration has a net benefit for member states. Modelling by Blaise Gnimassoun shows that African integration increases income in the short and medium term as a result of inter-country migration.[17]

In migrant destination countries, migration has positive impacts on trade flows, domestic skills and labour mismatches, and tax revenue.[ii] For sending countries, remittances help to reduce poverty, foster entrepreneurship, and increase household investment in education and health.[23,24] However, highlighting the advantages of regional integration alone will not guarantee SADC member commitment to it. Advantages must be domestic and recognised by domestic actors. Advocating member adherence to regional protocols or migrant rights frameworks will fail if it is not actionable domestically – the adherence will be an outcome of domestic actors' needs for harmonisation and integration.[25–27] Effective approaches to SADC integration require a deep inquiry into the (visible and invisible) *domestic* actors that shape regional agendas, their political and economic motivations, and the possibilities of building strategic alliances at national, regional, and global level.

2. Building domestic constituencies for regionalism

Successful regional integration with the FMP and free trade is more likely to be realised where domestic, rather than external actors mobilise the agenda. This means that donors and other actors wishing to strengthen regional integration must understand migration and trade ecosystems in each country (especially in the strong economies) and identify potential domestic allies. A SADC regional program can help strengthen domestic demand for regionalism, by supporting domestic civil society, and private and public sector networks. In SADC, there is the potential to leverage the private sector which has a stake in accessing regional markets and needed skills. Working with regional and national apex business associations offers the opportunity to strengthen the private sector lobby and voice in regional negotiations. Additionally, creating spaces for engagement amongst public sector actors that align with a regional agenda could strengthen domestic demand for integration.

Strengthening inter-governmental engagement amongst departments who are likely to be open to liberalisation, such as trade and industry, treasury, economic development and so on, could lay the ground for a pro-regional coalition within countries and amongst regional members. In South Africa for example, the Presidency and the Economic Advisory Panel, Treasury's Operation Vulindlela, and platforms like the National Economic Development and Labour Council (NEDLAC) may open up space to develop common-sense migration regimes that meet the country's labour needs. As we argue in this report, identifying domestic actors with strong incentives for regional integration can provide avenues for mobilising for a stronger regional agenda.

3. Aligning migrant protection to domestic interests and priorities

Examples from around the globe show that opportunities to institute the protection and empowerment of migrants are highest where this serves domestic interests and priorities, such as

[ii] Revising administrative procedures for work permits and entry visas in 2016 have since resulted in increased intra cross-border trade amongst Uganda, Kenya and Rwanda by 50%; [18–20,20–22]

the reduction of unemployment, reaping the benefits of remittances, achieving national goals through migration agreements, easing administrative burdens and security risks, and receiving financial support for hosting migrants. Where international norms and standards can be aligned with domestic priorities, they are more likely to be implemented. Linked to 'acting domestically', ensuring that initiatives are 'domestically driven' makes them likely to convince other states in the region, as they can see results in actual practice.

4. Strategic incrementalism

International experience shows that the road to regional integration follows a sequence, typically starting with agreements around trade, business services and customs unions before negotiating migration policy. Understanding this *sequencing* approach will offer SADC-region advocates the best possibility of opening the door to the FMP – once the tangible benefits of *economic* integration are realised at national level. With no agreement on *economic* integration – a customs union, common market, monetary union and single currency – the prospects for the FMP in SADC remains distant.[28] The region also needs to agree on labour mobility – particularly the politically more palatable labour circulation – before addressing the FMP. Arguing for a sequential approach to integration, a SADC Secretariat consultant argued that:

> *In Africa, regional integration frameworks tend to be over-ambitious and unrealistic. My experience shows that starting small, and working incrementally – doing something where there is clear political will and support, advances the agenda*[iii]

Although this incremental approach does not lead to a 'quick-fix', we argue that working steadily, one policy at a time, prepares the groundwork for the realisation of a stronger, more inclusive region. A SADC regional program could incrementally facilitate the way for the negotiation of more thorny regional issues connected to migration, such as a regional qualifications framework, a social benefits portability policy, or a circular labour migration policy.

5. Paying attention to language

Governments are reluctant to support the idea of the FMP, which they generally view as 'unfettered' rights for migrants. A SADC official pointed out that, *"broad-based migration is likely to remain a*

[iii]Interview with SADC secretariat migration expert consultant, 17 August, 2021.

distant dream for the region for the foreseeable future."[iv] Similarly, an official in the SADC Business Council admitted that:

> *Even us as the SADC Business Council – we don't talk about regional integration from a migration perspective – only trade perspective. The migration aspect is not appreciated. Migration is a hot potato – no one wants to talk about it.*[v]

To address widespread negative connotations of free movement as a 'free for all', it may be more strategic for regional-minded donors or activists to negotiate mobility for specific labour categories – using a demand driven approach that addresses national economic priorities. Using the language of 'circular mobility' or 'labour mobility' instead of 'free movement' may be more agreeable, allowing discussions to focus on regulating movement to better suit needs, rather than deregulating movement. The idea of a regulated approach in which members have some control over labour mobility would help to ease states' concerns around the negative effects that labour mobility could have on domestic unemployment.

6. Investing in local development

It is at the local government level that the impact of human mobility is most acutely felt. The majority of migrants in the region live amongst host communities who face many of the same challenges that migrants have in accessing urban services, education, economic opportunities and health. Given this, migrant rights advocates may find more success protecting and supporting migrant households by designing programs that strengthen local infrastructure and service delivery. Programs aimed at ensuring host and migrant access to services like water, sanitation, housing, clinics, schools are more likely to get political buy-in and protect migrants. Focusing on investing in a place rather than specific populations would reduce competition between communities and mitigate against social unrest and economic insecurity that thwart the FMP. Building productive relationships with municipalities is essential for regional integration advocates wishing to improve their impact on migrant welfare and protection. With local governments playing a key role in providing services to local communities, their representation in regional negotiations is vital.

7. Deepening local knowledge

Some political and corporate actors derive considerable 'profits' from the existence of legally and socially pathologised populations of 'irregular' migrants that undermine efforts to empower people on the move.[29,30] Without understanding and tackling the political economy systems that incentivise

[iv] Interview with SADC official, 25 August, 2021.

[v] SADC Business Council interview 5 August 2021.

the continued exploitation and criminalisation of migrants, migrant rights will remain difficult to realise. This requires a high degree of knowledge about specific social, institutional, political, and economic contexts. Funding such time-intensive and under-resourced approaches will go a long way towards identifying strategic opportunities for strengthening regional integration. In the spirit of 'paying attention to language', some care must be taken to ensure that these processes deal with the sensitivities linked to shining a light on government corruption, bribery, and profiteering from vulnerable migrants.

8. Supporting issue-specific regional agendas

For donors and development partners looking to strengthen SADC, issue-specific agendas may be more likely to lead to regional integration than generalised calls for the FMP or open trade. To this end, supporting networks working on specific aspects of regional integration, such as the portability of social benefits, cross border trade, skills recognition, universal health, education, housing, local economic development and so on, will provide the groundwork needed for promoting integration. This strategy not only benefits those who move and their hosts, but it approaches regional integration in ways that are less obvious or confrontational in a context where member countries remain sceptical of strengthening the regional level.

9. Tailoring strategic messaging

From the global #BlackLivesMatter movement, to the South African #FeesMustFall and #AmINext campaigns, social media has become an important tool for social justice movements.[31–33] The ease with which people access, publish and share information across space and time has been a game-changer for activism and social justice movements. Yet, the characteristics that make social media a powerful social justice tool are the same that make it a source of disinformation, censorship, and sometimes violence.[31,34] Fighting back against misinformation will be an uphill road, particularly because an recent MIT study found that people were six times more likely to believe fake news on Twitter, than real news.[35] Designing appropriate messaging around regional integration and migration by using multiple social media and other platforms could strengthen a more inclusive regional identity, but there needs to be significant research and investment in smart storytelling and mobilising.

SECTION 1:
STUDY BACKGROUND AND RATIONALE

Background

The Open Society Foundation for South Africa (OSF-SA) contracted the African Centre for Migration and Society (ACMS) to undertake a research project on *"Fostering economic integrational and inclusive migration policies and practices that safeguard human rights and advance the free movement of people, goods and services, focussing on South Africa and the SADC region."* The project's overall objective is "to demonstrate the current state of the landscape of migration and economic integration opportunities in the Southern Africa Development Community (SADC), in order to inform and support advocacy, movement building and policy making efforts that advance socio-economic integration and migrant rights protection in the region."

This report is written for OSF-SA, donors, civil society, private and public sector actors with an interest in regional advocacy, movement building, and policy making.

To do this, the project explores three separate, but complementary areas of inquiry:

1. The governance of migration in South Africa and SADC, including the content and effects of international, regional, and domestic laws and instruments that govern migration in Southern Africa; the accountability structures and effectiveness in holding states accountable;
2. Migration, regional socio-economic prosperity and integration, and the complex challenges pertaining to migration and trade integration, including the socio-economic value of the free movement of people in the region – drawing best practices from other regions; and
3. The role of non-state actors in regional socio-economic integration, and the possibility of movement building to promote social cohesion.

Written for OSF-SA, donors, civil society, private and public sector actors with an interest in regional advocacy, movement building, and policy making, the report provides recommendations to advance a human-rights based, integrated and inclusive SADC.

Research method

Conceptual Approach

Using a multi-disciplinary approach, we draw insights from the fields of migration, trade, and organisational (ecosystem) mapping, to generate cross-cutting thematic insights that better inform efforts to improve regional integration. Our analysis of why SADC's integration lags behind, moves beyond generalised discourses of a region hamstrung by the unwillingness of dominant economies to open their markets and borders, anxiety around national sovereignty, or widespread xenophobia. Rather, we argue that SADC's integration process is complicated by multiple agendas characterised by tensions between political will, bureaucratic and institutional constraints and resistance, hierarchies between different government portfolios, and the political economy of resource distribution at all levels.

This report argues that regional integration, especially migration policy change, cannot be understood or realised in isolation. The free movement of persons (FMP) is not only dependent on effective migration governance, i.e., a 'good' migration policy, or better border management. For an inclusive migration policy to be effective, it must consider the political economy of regional integration *writ large*, including the disparate and oftentimes contradictory agendas that exist at extra-regional, regional, national, and local levels.

Approaches based on generalised assumptions that host, sending and regional economies will 'benefit' from the FMP are not enough to motivate policy change since they fail to recognise the underlying reasons for existing bureaucratic and political inertia and resistance. Developing an inclusive regional migration policy requires a systemic approach that understands sector power-hierarchies, mandates, regional, national, and local policy agendas, political aspirations versus bureaucratic appetite for change, and the dynamics of local politics. This includes understanding the more 'hidden' interests in keeping mobility informal and precarious, such as the fact that undocumented migrants constitute a flexible, cost-effective and right-less labour force; that corruption and rent-seeking are pervasive at borders, reception offices or the police; that politicians routinely fall back onto blaming a range of governance failings on the presence of unwanted 'foreigners'; and a general inertia to changing domestic policies to accord with regional agreements. We engage with the assumed and real disincentives that prevent deeper integration amongst member states.

For an inclusive migration policy to be effective, it must consider the political economy of regional integration writ large, including the disparate and oftentimes contradictory agendas that exist at extra-regional, regional, national, and local levels.

To understand these dynamics, we combine a political-economy approach with organisational ecosystem thinking. This approach deliberately trains our analysis on the whole system, providing a deeper understanding of some of the bottlenecks and opportunities that exist for the FMP and integration. Given the disjuncture between stated objectives and reality, agreements and implementation, our objective is to ask 'why?' Our aim is to move beyond description to interrogate the reasons, justifications and rationale for why individual human and institutional action continues to fall short of stated objectives. This focus on the dynamics also allows for recommendations that are pragmatic and feasible, even if they do not repeat the more commonly promised solutions, such as advocating for migrant rights and showing the regional benefit of integration. Our study will speak to why such an approach is unlikely to succeed.

Data collection

Our data collection utilised a two main sources of data: relevant academic and grey literature and fifty key informant interviews conducted between March 2021 and February 2022. The data collected and approach to analysis was purposefully qualitative, as we are trying to understand the complexities of challenges and opportunities, rather than seeking to quantify them.

We undertook extensive document and literature review, including (a) international, regional and national laws and instruments that govern various forms of cross-border migration and trade in Southern Africa; (b) relevant academic literature on the migration and economic integration landscape in SADC, in neighbouring Regional Economic Communities (RECs), the African continent, and global case studies of potentially 'successful' approaches to regional economic integration; and (c) official documents issued by regional blocs, member state governments, international, regional and national organisations and non-governmental organisations (NGOs) in relation to regional economic integration.

Key informant interviews supplement this literature review. Our respondents were experts familiar with migration and economic integration in Southern Africa and other selected regions. Officials from the SADC secretariat, the SADC Business Council, the SADC Private Sector Forum, United Nations Economic Commission for African (UNECA), United National High Commissioner for Refugees (UNHCR), International Labour Organization (ILO), German Corporation for International Cooperation (GIZ), International Organization for Migration (IOM), Open Society Forum (OSF), African Union (AU), local and national government officials, migration and trade consultants, academics, and think tanks helped us answer 'why' the SADC process on the FMP and trade integration remains slow, and what could be done to realise greater integration. Our hour-long conversations helped us develop a deeper understanding of how different organisations approach the FMP and economic integration; what challenges they face in advancing the FMP and economic integration agendas; how they relate to other organisations in the ecosystem working on similar issues; and their understanding of the solutions to existing challenges.

The literature review and key informant interviews also informed the stakeholder mapping and analysis. As explored in Section 5 of the report, this aspect of the report provides a broad scan of the SADC ecosystem relevant to the FMP and economic integration, with the aim of identifying strategic areas of intervention that donors and other interested actors could use to realise greater integration. Due to the COVID-19 pandemic, interviews were conducted online via Zoom or similar technology. Ethical clearance for the project was granted by the University of the Witwatersrand in 2021. All the interviews were conducted on a confidential and anonymous basis when requested by participants. The four authors of this report conducted the majority of the interviews between March 2021 and February 2022; in total, approximately 50 interviews were conducted, and included additional interviews by colleagues at the ACMS during the same period, which are utilised with permission. (See Appendix 2 for a complete list of respondents.) Given the nature of the key research questions and objectives, the project is designed to focus on the macro (top-down) level to migration and economic integration, and not migrant experiences per se. Whilst some every-day experiences of migrants have been captured, follow-up studies are required to obtain the perspective of affected migrants on the issues discussed in this report.

We conducted approximately 50 interviews with officials from the SADC secretariat, SADC Business Council, SADC Private Sector Forum, UNECA, UNCHR, ILO, GIZ, IOM, OSF, African Union, local and national government officials, migration and trade consultants, academics, researchers and others.

Geographic scope

We analyse migration policies and practices in Southern Africa. Although we examine the whole region, we focus on South Africa – the region's economic powerhouse. To offer a comparative analysis, we have also drawn on the experiences of other RECs, including the Economic Community of West African States (ECOWAS) and East African Community (EAC), Association of Southeast Asian Nations (ASEAN) and Southern Common Market (MERCOSUR), to explore key historical and contemporary 'lessons learnt' that could potentially be applied to the SADC region.

The report has five main sections. Section 1 is a short overview of the objectives, methods and structure. Section 2 presents the current dynamics of regional integration in SADC and South Africa. Section 3 outlines the content and effects of the international, regional, and domestic laws that govern migration in Southern Africa. It also explores regional accountability structures and their effectiveness in holding states accountable in protecting, promoting, and enforcing the rights of migrants at the domestic level. Section 4 explores the complex challenges pertaining to migration and trade, demonstrating the socio-economic value of the FMP. It draws on best practices from other regions to identify the critical conditions necessary to address the identified challenges and for promoting economic integration and social cohesion in SADC. Section 5 maps various actors in the regional trade and migration ecosystem, looking at the roles played by regulators, donors and civil society in SADC and South Africa in shaping these agendas. With a view to strengthening trade and human mobility within the region, it identifies strategic actors and opportunities that can support SADC's integration.

This report is premised on the assumption that strengthening regional integration is beneficial for the development in the SADC region, including national economies and domestic issues, such as unemployment. The structure follows a logic that begins with the status quo of regional integration, with emphasis on the legislative status quo of migration, to then identify challenges to progressing with regional integration. The understanding of challenges informs the mapping of actors, to develop opportunities for progress around which to conclude with recommendations that are relevant and pragmatic. In other words, we are answering four questions: (1) Where do we want to go?, (2) Where are we now?, (3) Why are we not moving?, and (4) Who can create momentum and how?

SECTION 2:
THE BIG PICTURE - SADC AND SOUTH AFRICA SOCIO-ECONOMIC TRENDS

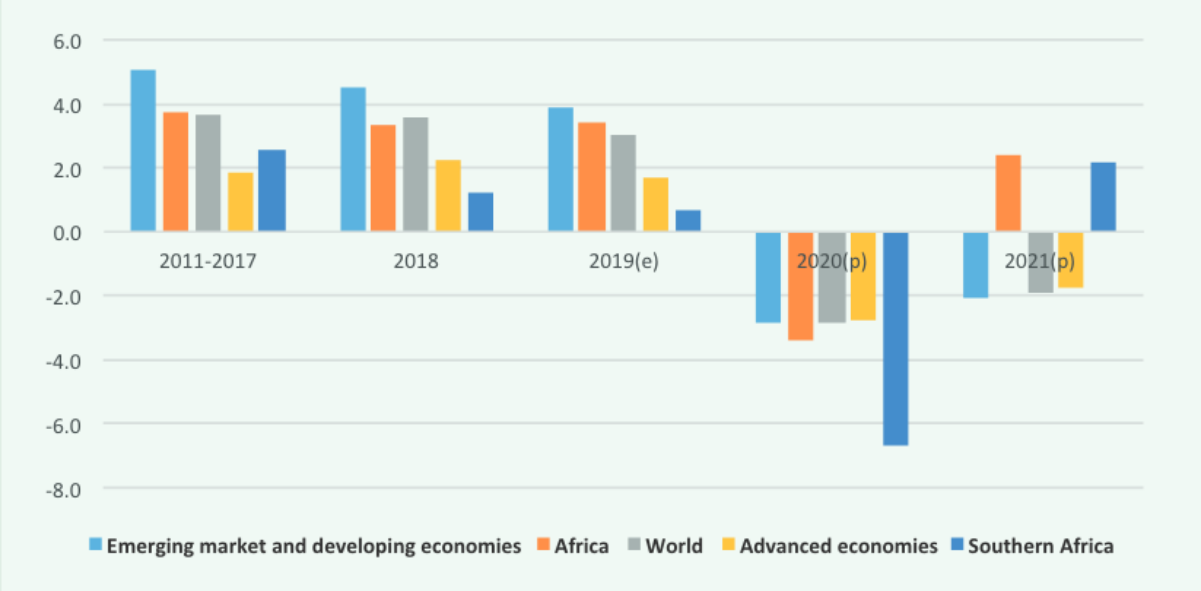
Key Insights

- Demographically, the region faces a growing population and youth bulge.
- SADC has the lowest GDP growth rates on the continent, and the lowest in the world in 2018 and 2019.
- SADC suffered the largest negative growth rates in the world in 2020 during the COVID-19 pandemic.
- High levels of unemployment, particularly amongst the youth, with the region's economic powerhouse and migrant destination – South Africa – reporting the worst unemployment figures in the region.
- SADC experiences very high levels of extreme poverty that are projected to increase in rural areas.
- The future of the region is urban with the majority of the region's population – 80% -- expected to live in cities in 2050.
- Major climate events are expected to impact food production, increase food insecurity, and erode community resilience.
- Weak regional infrastructure integration negatively impacts trade and human mobility.

Overview of SADC's economy

SADC has the lowest GDP growth rate in Africa, and had the lowest GDP rates in the world in 2018, 2019 and 2020[8,9] (See Figure 1). Like other regions, COVID-19 hit the region's economies hard. A negative economic growth of more than 6% placed it as the worst performing region in the world in 2020,[8] resulting in the destabilisation of the region's already fragile social, economic and political landscape, straining regional economies, and health systems. Adding to this is continued Islamic State sponsored violence in northern Mozambique,[10] unrest in the eastern Democratic Republic of Congo (DRC), xenophobia in South Africa,[36] and extreme weather events that have displaced many communities, leaving 41.2 million people food insecure.[8] As we will see, the state of national economies shape domestic priorities and how member states address trade and migration liberalisation.

Figure 1 - Southern Africa experienced the largest economic contraction globally in 2020 due to the Covid-19 pandemic.



Source: AfDB 2020:5

Linked to the lower growth and decline of the GDP, SADC reports showed that Botswana and South Africa, the region's largest economies, had amongst the highest levels of unemployment, 22.2% and 20.3% respectively, in 2020.[36] Youth unemployment is extremely high in South Africa. Estimates show that six out of every ten young adults are unemployed in that country, while Namibia and Mozambique have 45.5% and 42.7% unemployed youth respectively.[36] With the region's economic powerhouses also struggling with some of the highest levels of unemployment, it is politically difficult to push a regional agenda which includes the free movement of people.

An assessment of the impact of regional labour markets during COVID shows that almost one third of the working population lost their jobs. Women and youth were disproportionately affected by employment losses as were migrant workers.[36] Declining jobs have had a negative effect on social welfare and household economic outcomes.

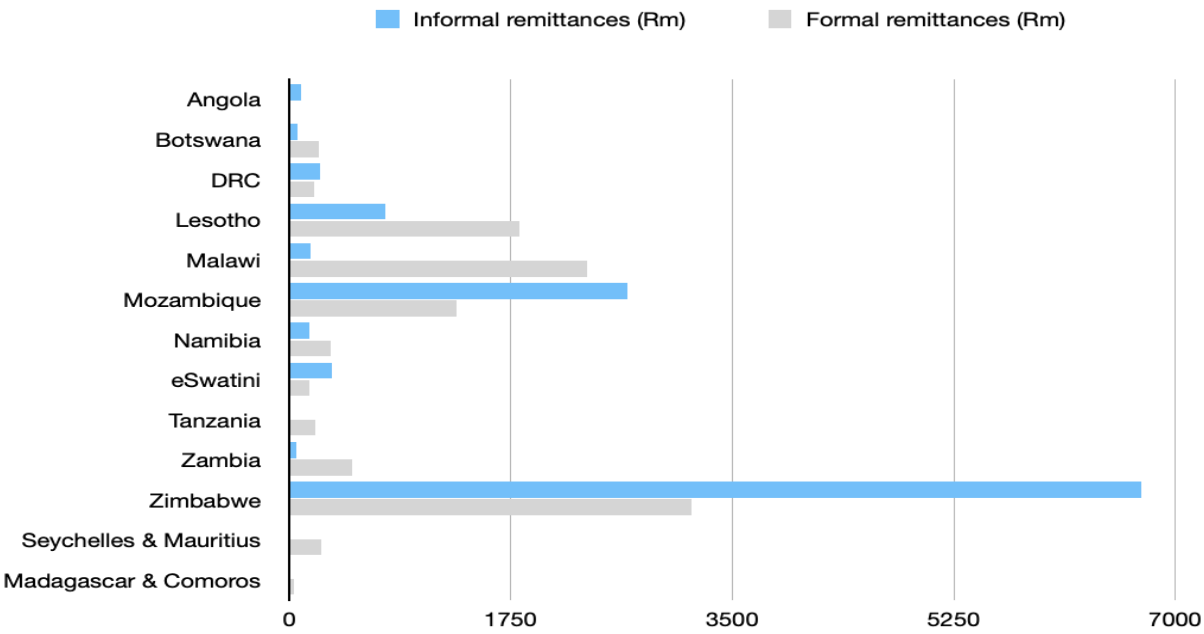
Six out of every ten young adults in South Africa are unemployed, while Namibia and Mozambique have over 40% unemployed youth.

In 2018, remittances from South Africa to SADC totaled USD1,5bn, playing a significant role in supporting households in the region, particularly in Zimbabwe, Mozambique and Lesotho.

(Finmark Trust, 2020)

Remittances are the most significant source of external financial flows to Africa, and until the pandemic, were on the rise.[8] Countries where remittances comprise a significant proportion of GDP – over 10% in Comoros, Lesotho and Zimbabwe – were hard hit by lockdowns in countries sending remittances.[36] Incurring losses between 15%-30%, SADC members Mozambique, Seychelles Lesotho, and Namibia suffered the largest pandemic-induced remittance declines on the continent.[8] Added to this, remittance charges in SADC are amongst the highest in the world, costing on average 12.64% in 2018, to send money to the region, compared to the global average of 7,3%. To top it all off, sending money from South Africa to other countries is even more expensive at 17.8%.[37] The interruption of remittance flows, which are an important lifeline, bodes poorly for communities who rely on them to survive. Along with the economic contraction and job losses, the pandemic has eroded the resilience of the region's marginalised communities.

Figure 2 - Remittances from South Africa in 2018 to the rest of the region totalled R21bn (USD 1,5bn)



Source: Adapted from Finmark Trust, 2020:5

As the region's largest economy, remittances from South Africa play a significant role in supporting households in the region, particularly in Zimbabwe, Mozambique, and Lesotho. The dependence on South Africa raises concerns around the region's resilience and ability to withstand economic shocks. If the country is no longer able to act as an economic buffer for fragile communities in the region, because of its high unemployment levels and intensifying xenophobia, we may see growing poverty.

Regionalism: An unpopular solution?

Strengthening SADC's integration hinges upon lowering trade and mobility transaction costs; normalising and mainstreaming regional migration and trade; harmonising and domesticating regional protocols; and promoting evidence-based policies. But given the region's current socio-political and economic context, relying on approaches that advocate for members' adherence to regional protocols and frameworks will not work. Critically, interview respondents across a range of institutions, like the SADC Secretariat and think tanks, argue that effective regional integration must address member country's key economic, unemployment and security concerns. Coupled with this, successful regional integration programs will need to rally domestic support for open labour and trade markets, this implies working with local actors whose interests intersect with regionalism, and building strategic coalitions at national, regional and global levels to promote integration.

Current Regional Dynamic and Regional Integration

> *The issue with SADC member states is that things move very slowly and there are a lot of nationalist protective attitudes towards integration, particularly in the area of migration where you are operating at the interface between trade, migration and labour migration*[vi]

In both continental and global comparison, many analysts consider SADC an 'unsuccessful' case of regional integration, scoring low on economic integration and lacking an agreement on free movement, a central tenet of SADC's founding treaty and hallmark of regional integration.[38] SADC remains one of the least integrated regional blocs on the African continent characterised by low levels of infrastructure, trade and productive integration (See Figure 3). Although the region's highest integration score is on the FMP, when compared to the rest of the continent, it remains one of the most restrictive on human mobility.[38] Its FMP rating is the result of the 90-day visa-free travel

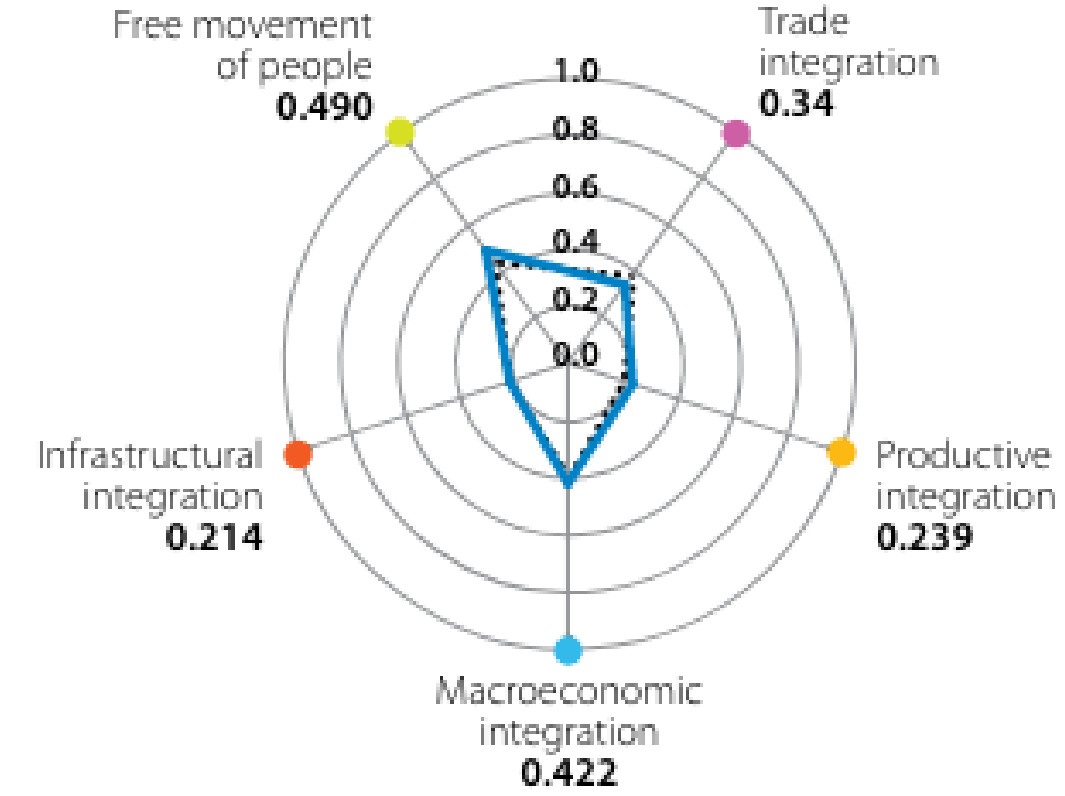
[vi] Interview with GIZ consultant working with the SADC Secretariat, 25 March, 2021.

afforded to member country nationals, but this comes without the right to work or reside outside your country of citizenship.

Technically, all SADC legal instruments must be ratified by a two-thirds majority to bring them to force.[39] This is a time consuming process and many regional instruments, remain in limbo, not yet ratified, or in force. Furthermore, many of SADC's member states are partied to more than one REC (either the EAC or Common Market for Eastern and Southern Africa (COMESA)), resulting in a 'spaghetti bowl' effect - a situation where member countries commit to so many agreements, that paradoxically lead to undermining free trade.[40]

Figure 3 SADC's strongest dimension is the free movement of persons, yet even on this score it has one of the most restrictive migration regimes on the continent

Average score	**0.337**
Strongest dimension	Free movement of people
Weakest dimension	Infrastructural integration



Dotted line represents Africa's scores.

Source: AU, AfDB, UNECA, 2019:24

SADCs 2005 Protocol on the Facilitation of Movement of Persons remains unenforced.

The free movement of people – a central tenet of SADC's founding treaty also considered the hallmark of regional integration – has not been ratified.[41] Opposition to the protocol's proposed name is emblematic of the more fundamental stumbling block to the FMP in the region. When member states failed to agree on the 'freedom' of movement, they changed the protocol to the 'facilitation' of movement. **But, despite the watered-down language and content, the 2005 Protocol on the Facilitation of Movement of Persons remains unenforced**. In a move lauded as a positive step to realising a coherent migration agenda, the secretariat recently commissioned the first Southern Africa Migration Report,[1] but members' responses to the framework remain to be seen.

Forced migrants – people fleeing persecution and physical insecurity – are better protected legally. In fact, SADC member states have ratified most key instruments relating to the protection for internally displaced persons (IDPs), asylum-seekers and refugees.[4] In 2019, the REC developed a framework on 'Managing Asylum Seekers and Refugees'. **Even then, despite this relatively broad consensus on the protection of displaced populations, forced migrants too are at risk of falling through the cracks as countries impose more stringent qualification criteria.** Many states have also added reservations to their ratification of the 1951 Refugee Convention. For example, Angola, Botswana, Madagascar, Malawi, Zambia, and Zimbabwe have placed reservations on Article 17 (the right to wage earning employment), while Botswana, Malawi, Mozambique, Namibia, Zambia, and Zimbabwe have placed reservations on Article 26 (the right to freedom of movement). In practice, refoulement, illegal deportations and the detention of minors remain common in the region.[vii]

[vii] Interview with IOM officials on 29 October, 2020.

South Africa increased the arrest and detention of migrants for petty crimes, and the deportation of undocumented migrants, during COVID-19.[42,43] During the first lockdown in 2020, South Africa deported a total of 1 376 persons to neighbouring countries.[44] There were also reports that the state conducted clandestine mass deportations of migrants in the earlier stages of the lockdown to Mozambique and Zimbabwe.[viii]

As with migration, nationalist, protectionist attitudes undermine regional negotiations on trade.[ix] SADC countries have failed to meet their deadlines on establishing a customs union by 2010, a common market by 2015, and a monetary union with a single currency by 2018.[45] This is not for lack of trying. Although there have been numerous efforts to deepen intra-regional trade, improve regional infrastructure and ease the cost of doing business, the lack of domestication of regional trade policies has slowed down, and in some cases, reversed progress. For instance, tariff reductions through the SADC FTA prompted member states to increase non-tariff barriers (NTBs)[x] to protect domestic markets.[46] These protectionist tendencies remain, despite the rhetoric that cooperation is critical for enabling regional integration to take place.[xi] Without a real commitment to addressing trade barriers, SADC is unlikely to achieve a common market or a supranational system of institutional governance.[47]

SADC countries have failed to meet their deadlines on establishing a customs union by 2010, a common market by 2015, and a monetary union with a single currency by 2018.

[viii] See Club of Mozambique, "South Africa's mass deportations in full pandemic, to Mozambique, Zimbabwe", Club of Mozambique. 13 May 2020. Available here https://clubofmozambique.com/news/south-africas-mass-deportations-in-full-pandemic-to-mozambique-zimbabwe-watch-160033/, (last visited 1 March 2022)

[ix] Interview with SADC consultant, 26 May 2021.

[x] Non-tariff barriers (NTBs) are obstacles to international trade that is not an import or export duty. They may take the form of import quotas, subsidies, customs delays, technical barriers and any other measure that delays or prevents trade from taking place (See https://www.sadc.int/themes/economic-development/trade/non-tariff-barriers/).

[xi] Interview with SADC Business Council representative, 5 August 2021.

Successful regional integration requires the domestication of regional agreements. Without the requisite resources, technical support, training, and incentives at all levels of government, regional integration in SADC is likely to remain patchy and inconsistent. Where SADC countries have adopted regional frameworks on trade and migration, their implementation is slowed down by a lack of harmonisation with domestic policies. Agreements on free trade and human mobility trigger a complex host of domestic legislative and parliamentary processes. These have wide-ranging implications for domestic policies that govern access to courts, markets (financial, labour, housing, etc.), services (banking, health, education), and documentation (professional certification, business licensing, acceptable identity documents). It is up to individual states to ensure "*that regional integration becomes an intrinsic and integral part of the management of national affairs.*"[48(p8)] **This cumbersome and complex process is further compounded by the lack of human and financial capacity at national level to undertake such extensive changes in domestic policy.**

For both trade and migration, global, continental or regional accountability mechanisms for the implementation remain weak or absent. This applies even to legally binding conventions.[15] Only states have the power to ensure implementation and accountability. This also means that global, continental and regional policies and institutions are only as effective as states want them to be in relation to regional governance.[49] Yet, despite the progress made on developing regional frameworks, the bloc's ability to influence migration and trade policy in the region is limited.[3,50] For the most part, migration and trade remain carefully guarded domestic domains.

With a region reeling from multiple crises, recovery will be long and arduous.[8,10,11,51] Compounded by the negative effect of the COVID-19 pandemic on fragile health and economic systems, the appetite for free trade and the FMP amongst member states remains low. Stakeholder interviews suggest that two concerns dominate national agendas: domestic unemployment and weak economic prospects.

Without the requisite resources, technical support, training, and incentives at all levels of government, regional integration in SADC is likely to remain patchy and inconsistent.

As such, any regional agreement on trade or migration must demonstrate that integration will benefit national labour markets and economies. Stakeholders from the IOM, ILO and the SADC Secretariat argued that deepening regional integration is dependent on resolving the unemployment and skills crisis present throughout the region. Interviewees also stated that member countries would have to buy into a *collective* approach to the region's challenges. In the absence of a collective regional identity that offers common solutions to domestic challenges, SADC will continue, as it has, with protectionism and limited gains from common markets or regional integration. A member of the secretariat pointed out that:

> *Within SADC we are still mobilising around trade in goods and services, which are your first stages for regional integration. There are concerns about heightened economic imbalances in the region, which makes it difficult for member states to fully cooperate. States have to converge economically in order to foster regional integration, and further reasons to integrate.*[xii]

For now, without a compelling argument for the largest economies (and other members) to back a stronger region, SADC's free movement of people and free trade agenda will remain sluggish and erratic. Notably, the manner in which the issue is approached will be key to reducing potential backlash, and hard-line political responses.[xiii]

[xii] Interview with SADC Secretariat representative, 8 September 2021.

[xiii] The Africa Regional Integration Index (ARII) ranks SADC highly on FMP on a very narrow and specific indicator threshold, which is the requirement of a visa for travel to another African country. SADC allows for 90-day visa-free travel within the region for its citizens.

“

For now, without a compelling argument for the largest economies (and other members) to back a stronger region, SADC’s free movement of people and free trade agenda will remain sluggish and erratic.

The possibility of regional integration from a South African perspective

This section interrogates South Africa's socio-economic and political landscape and explores the possibilities for furthering regional integration and the FMP. It provides a synopsis of the country's regional integration, migration, and trade ecosystem, analysing the challenges and opportunities that exist for supporting advocacy, movement building and policy making efforts that advance socio-economic integration and migrant rights protection in the region.

It's very hard in a situation with high unemployment and low growth to put migration on the table. The time to put it on the table is when the economy is beginning to grow and businesses are beginning to feel pressure for skills[xiv]

As the region's largest economy, South Africa's support for regional integration more generally, and the FMP and trade in particular, is essential if SADC is to become an effective bloc. South Africa's economic strength means its domestic policies have, wittingly and unwittingly, repercussions for other members in the bloc. Given its current economic and political crisis, social inequality, growing poverty and unemployment,[52–55] there exists little political space for advocating for a strong regional agenda which includes the FMP and free trade.

South Africa's governance crisis

Added to South Africa's economic challenges is an internal governance crisis that could negatively impact the regional integration agenda.[53,56,57] The South African government spent the last decade focussing inward on domestic problems – corruption, feuding factions in the ruling African National Congress (ANC) party, leadership changes, and court proceedings against former President Jacob Zuma under the notorious 'state capture' enquiry. With the focus on internal politics rather than external relations, the foreign affairs department failed to perform during the Zuma era.[58,59] And although diplomatic activities are slowly resuming, these will take time to rebuild and will undoubtedly affect regional integration.

Overall, national and provincial government is plagued with endemic challenges including corruption, poor public finance management, a weak economy, failing infrastructure, weakening state institutions, and a public service in need of professionalisation.[60–63] Along with this, trust in government is low, with a large portion of South Africans feeling unrepresented by any political party.[64]

[xiv] Interview with an economist and former South African government official at the International Growth Centre on 14 January 2022.

Over the last decade, the state of public finance has come under increasing scrutiny by the media and civil society organisations. Tax revenue collection has plummeted while debt levels have skyrocketed as institutions responsible for tax collection, debt control and state enterprises have been weakened by corruption, cronyism, and poor management. The challenges of the declining economy and increasing social inequality were only heightened by the COVID-19 pandemic. Weakened by years of poor governance, mismanagement and little accountability to citizens, the pandemic worsened the state's capacity to meet people's needs. Indeed, significant systemic change and possibly political change is required to address these longstanding issues.

The crisis in governance, especially at local government, will only exacerbate social tensions between host and foreign communities and foster unrest at local level.

Like national and provincial governments, local government, the level of government closest to the people, and responsible for the delivery of services to businesses and households faces significant structural and organisational challenges.[65] With insufficient funding, financial mismanagement, widespread corruption, political violence and interference, weak accountability mechanisms, and a lack of capacity to deliver services, South African municipalities face a legitimacy crisis.[66–68] The crisis in governance, especially at local government, will only exacerbate social tensions between host and foreign communities and foster unrest at local level. With de-industrialisation, high unemployment, endemic poverty and increasing inequality in South Africa, the country's ruling elite will find it increasingly difficult to contain discontent and unrest at local level. If past events are anything to go by, communities will turn on migrants or 'outsiders' who they perceive as having more than they do. Overall, without improved governance, without the economy taking a turn for the better for the majority of South Africans, and without local service delivery improving, communities will remain socially fragile and prone to unrest.

Despite its domestic challenges, negotiations with South Africa should not be ruled out, as one of our respondents pointed out, "the state is not a coherent sphere", and there are spaces within it where and departments that are amenable to collaboration and partnership.[xv]

[xv] Interview with Economist, 18 January, 2021.

Regional trade: A balancing act between South African dominance and developmental regionalism?

South Africa exerts significant influence over shaping the regional integration agenda. SADC economies are characterised by a reliance on agriculture and an export basket concentrated in commodities, which is the basis for their participation in global value chains. The economic strength of South Africa means that much of the region's intra-regional trade is dependent on the country's markets for sourcing of inputs and goods. Generally, the only regional value chains that exist within SADC are those between the Southern African Customs Union (SACU).[xvi] Comprising South Africa, Namibia, Botswana, Lesotho and eSwatini, SACU dominates intra-SADC trade.[69] SACU patterns of sourcing highlight the region's dependency on South Africa. But despite its higher levels of economic integration, SACU lacks labour mobility and has no FMP.

South Africa's hegemony in the region is unrivalled, by far, as the main source of intra-regional exports and the primary destination for other SADC country exports (up to 70%).[70] Data from 2018 shows that South African exports (goods and services) accounted for 58% of total intra-regional exports; exports from the next largest exporters – Angola, Namibia and Zimbabwe – account for between 6% to 7%.[71] Within the field of trade in services,[xvii] South African firms are active participants in the telecommunications, finances, retail, and business support services throughout the region.[46]

The economic strength of South Africa means that much of the region's intra-regional trade is dependent on the country's markets for sourcing of inputs and goods.

[xvi] Interview with Labour Economist, January 2022.

[xvii] The World Trade Organisation's General Agreement on Trade in Services (GATS) governs international trade in services and investments in the service sectors: tourism; construction; business; communication; transport; health; financial; and education. It is aimed at eliminating national regulations that prevent foreign persons or firms from providing services across international borders. GATS covers four modes 1) cross-border supply, 2) consumption abroad 3) commercial presence and 4) presence of a natural person (see Article I:2 of the GATS). Of most relevance to this project is mode 4, which governs the presence of natural persons who supply services in a foreign territory. Cross-border traders, consultants, tourists, businesspeople and foreign patients, for example, fall into this category. It is easy to see how GATS impacts migration policy, particularly where foreign persons are permitted to provide services in a foreign country. However, GATS has implications beyond migration policy.

Conscious of its dominance, the South African government has made efforts to focus on deepening regional integration, economic growth, and cooperation. The country has made attempts to develop a 'developmental regionalism' approach. Seen as more beneficial to other member states, the approach aims to address the structural obstacles to trade, such as undervalued production and inadequate infrastructure, arguing that a sole focus on tariffs or regulatory barriers does not address underlying structural challenges to production and trade.[72] But South Africa's efforts towards developmental regionalism are undermined by other country's fears of South Africa's dominance in regional value chains.[73] For now, South Africa's attempts at balancing its dominance has done little to shift SADC's dynamics or strengthen trust within the region.

Unsurprisingly, its post-Covid-19 trade policy framework sharpens its focus on addressing persistent domestic challenges, by making it clear that:

> *[t]rade policy must support SA's industrial development objectives to drive sustainable growth, to generate decent well-paying jobs and to widen economic inclusion, including for women and youth.*[74(p9)]

As the framework declares its support for African economic integration and the African Continental Free Trade Agreement Area (AfCFTA), it says (surprisingly) little about SADC.[74] For now, the positive effects of South Africa's developmental regionalism on SADC remain to be seen. All indications are, in these times of recovery, the priority will be protecting domestic markets to strengthen industrial capabilities.

South Africa's capacity to collect migration data to inform evidence-based migration policies

Improving the capacity to collect and analyse migration data as well as harmonising data collection mechanisms at local, national and regional levels is a central aim of the Global Compact for Safe, Orderly and Regular Migration (GCM), Global Compact on Refugees (GCR), the AU and SADC, and the Southern Africa Migration Management (SAMM) Project.[75]

Broadly speaking, South Africa is relatively well positioned to collect and use migration data, which is available from various sources, such as labour and residence permits, registers and points of entry. Additionally, the now completed 2022 population and housing census included considerably more migration-related questions than previous iterations. Statistics South Africa (StatsSA) engages

actively with regional initiatives, such as the SAMM Project, driving the agenda for more collaborative and improved engagement between statistical departments at the regional level.[xviii]

There are questions of whether *more data per se* would necessarily improve the governance of migration in South Africa. Indeed, numerous issues impede the effective and responsible use of existing data and the harmonisation of various data streams between different government departments. This constitutes one of the key barriers to the formulation of evidence-based migration policies in South Africa. An official at StatsSA noted that the Department of Home Affairs (DHA) works exclusively with its own 'siloed' systems and its own policy development.[xix] But the DHA is not alone. According to our respondent in StatsSA, many other government departments are unable to see the bigger picture, or understand the links between national and regional migration governance.[xx] In addition, there is a concerning trend around the incorrect use of existing data. In our interview, StatSA raised concerns that the DHA, Department of Labour (DOL) and the Department of Basic Education (DBE) have used migration-related data incorrectly. However, it is unclear whether such incidents are forms of deliberate misrepresentation or the result of a genuine lack of capacity in interpreting data correctly, or both. According to the DHA's 2019 White Paper, the department did not have a statistician.

An analysis of the specific interplay between trade, regional integration and the migration agenda across the region highlights that data collection on labour migration varies amongst member states. Data are not systematically aggregated, resulting in an incomplete understanding of migration flows across the region. The lack of adequate evidence impacts policymaking on migration and labour management, resulting in the misunderstanding of on-the-ground needs and priorities. Without evidence-based understanding of migrants' contributions to different sectors, making effective policy choices is difficult. Therefore, awareness raising, information sharing, data collection and a 'whole of government' approach is critical for advancing labour mobility and, eventually, the FMP agenda in the region.

There are questions of whether more data per se would necessarily improve the governance of migration in South Africa.

[xviii] Interview with expert on migration law and governance in South America, 7 October 2021

[xix] This was echoed in another interview with IOM officials on 29 October, 2020.

[xx] Interview with StatsSA official, 13 September 2021.

SECTION 3:
MIGRATION GOVERNANCE IN SADC AND SOUTH AFRICA

Key Insights

- SADC states are not ready to hand over control of migration to a regional authority. As such, cross-border movement remains subject to a patchwork of national laws, bilateral agreements, and varying regimes of free movement.
- There are no effective global, continental, or regional accountability mechanisms for the implementation of migration policy in Southern Africa.
- Only states have the power to ensure implementation, enforcement, and accountability. As such, their commitment to implementing regional protocols is key if regional processes on free trade and the FMP are to be successful.
- Instances where international policies relating to migrant protection have resulted in genuine attempts at implementation are rare. Where they do happen, it is because they align with domestic interests and priorities.
- Internationally, there are several examples of alignments where sending and host governments have benefitted from protecting and empowering migrants. None of these models are 'perfect' but they serve as important pointers towards what is feasible.

What is the impact of international, regional, and domestic laws and instruments that govern migration in Southern Africa?

International

Compared to the number of international legal frameworks relating to displaced persons, international frameworks surrounding the treatment of international migrants are sparse.[xxi] First, there is the GCM, which is not legally binding and which the South African Minister of Home Affairs called a '*voluntary* tool to *guide* national implementation.'[76] Second, and the most significant convention, in terms of migrant worker rights and the protection of migrant workers and their families (regardless of their legal status) is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[77] It is legally binding,[78] however, except for Lesotho (in 2005) and Mozambique (in 2013), no Southern African countries have signed, or ratified, it.[79]

At the continental level, there are three main frameworks: the African Common Position on Migration and Development, the Migration Policy Framework for Africa (both adopted in 2006), and the 2018 AU Protocol on Free Movement of Persons. The former two are not legally binding and implementation has remained poor.[80] The AU Protocol has been signed by eight SADC member states, but none have ratified it.[81] In addition, the continent has well-developed and established legal regimes in relation to forms of forced displacement. This includes the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (the OAU Refugee Convention) and the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

Finally, the Special Rapporteur on Refugee, Asylum Seekers, Migrants, and Internally Displaced Persons is a special mechanism overseen by the African Commission on Human and Peoples' Rights. Yet, similar to other African Commission Rapporteurs, the role is severely hampered by a lack of resources and a lack of independence from the political pressures and bureaucracy within the African Commission.[82]

[xxi]Apart from Mauritius, all member states of SADC are signatories to the 1951 UN Convention Relating to the Status of Refugees. In terms of trafficking and smuggling, there are the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking in Persons Protocol) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling of Migrants Protocol). Fifteen of the sixteen states in Southern Africa are parties to the Trafficking in Persons Protocol, while take up of the Smuggling of Migrants Protocol has been much slower (SAMM Project, 2021a). Finally, the Universal Periodic Review (UPR) within the UN Human Rights Council (HRC) aims at improving the human rights situation in all countries and addressing human rights violations.

Regional

At the regional level, SADC is drafting its first migration governance framework.[1] SADC has not played a prominent role in responding to displacement in the region,[83] although interviews with key stakeholders indicate a new interest in displacement caused by climate change.[xxii] As of 2019, SADC has a regional framework on Managing Asylum Seekers and Refugees.[84] SADC's ability to influence migration policy in the region is limited.[85] While SADC itself claims it has made "*strides by designing and implementing tailored protocols, policies and programmes that were meant to harmonise processes and interventions in migration governance"*[xxiii]*,* the 2005 Protocol on the facilitation of movement remains unenforced.

There are also regional guidance documents at SADC level. The 2015-2018 SADC Irregular Migration and Mixed Migration Action Plan, even though poorly monitored, included priorities around the regularisation of irregular migrants, their protection, integration, reducing detention, increasing cooperation, improving reception and returns, and building capacity. The real-world outcomes of the action plan are, however, limited and it is not a binding agreement, but the outcome of a regional consultative process led by IOM. More recently, SADC also adopted a Labour Migration Action Plan (2020 – 2025) which aims to promote skills transfer and improve development through matching labour demands in the regions. It is the third renewal of this non-binding agreement.

National

Domestically, member states have begun to pay more attention to the links between migration and national development. In collaboration with IOM and other international, continental, regional, and state actors, most member states - although not South Africa – have been in the process of drafting a trifecta of new policies for the governance of migration: a general 'national migration policy', as well as frameworks relating to labour migration and the role of the diaspora. While it is too early to tell what the impact of these policies will be, UN officials working at Southern African regional offices and country offices were tentatively optimistic about the interest shown by officials in Zimbabwe, Zambia, and Mozambique.

[xxii] Interview with IOM Mozambique official, 8 October 2021; Interview with official at a UN Agency in Southern Africa, 8 October 2021; Interview with official at an ILO Southern Africa office, 6 October 2021.

[xxiii] These include the Protocol on the Facilitation of Movement of Persons (2005); Labour Migration Action Plan (2020-2025), SADC Common Regional Policy Framework on Refugees and Asylum Seekers (2019); SADC Guidelines on Coordinated Border Management (2011); the Regional Strategy to Combat Illegal Migration, Smuggling of Migrants and Trafficking in Persons (2016-2020), and the SADC-United Nations High Commissioner for Refugees Action Plan (UNHCR) (2020-2024).' https://www.sadc.int/news-events/news/sadc-develops-regional-migration-policy-framework/

There are two important observations relating to this regional policy development: first, the focus of these new initiatives remains on creating new (or updating old) soft law policy frameworks, rather than improving implementation of existing international or continental policies, converting existing policies into domestic law, or strengthening regional accountability structures. Indeed, while efforts to mainstream migration in newly proposed SADC labour and employment documents are encouraging, the real challenges around implementation will ultimately determine whether these efforts will lower the barriers to mobility in the region. Second, a persistent preoccupation with border security and national sovereignty constrains any discussions on the *migration development nexus*. Consistent with European efforts to foster stronger border security and control across the African continent, SADC member states are often most interested in 'extracting' the more security-focused elements from global, continental, and regional policy initiatives relating to the free movement of persons.[xxiv] Stakeholders should be wary of mistaking this concern for specific aspects of these policies for a genuine interest in the broader goals of enabling and protecting mobility in the region. In fact, that states engage in these processes might ultimately have the very opposite effect of what such policies intend to do, i.e., foster the freer movement of persons in SADC.

States on the whole are not ready to shift their approaches in any fundamental manner away from seeing migration as something to control, although Zimbabwe appears to be buying into the idea of harnessing migration in national development more than most.

Interviews with key informants from IOM and civil society suggest that there is unlikely to be a dramatic shift in how SADC member states conceptualise migration.[xxv] States on the whole are not ready to shift their approaches away from seeing migration as something to *control*, although Zimbabwe appears to be buying into the idea of harnessing migration in national development more than most.[xxvi] SADC Secretariat officials stated that making a distinction between 'labour mobility' and 'free movement of persons' is useful

[xxiv] Interview with South African Government Official, 13 September 2021; Interview with INGO Official, 4 November 2020.

[xxv] Interview with IOM Mozambique official, 8 October 2021; Interview with official at a UN Agency in Southern Africa, 8 October 2021; Interview with IOM Southern Africa, 29 October 2020.

[xxvi] Interview with IOM Mozambique official, 8 October 2021.

in advancing regional integration. Arguing that there is more likely to be political support for labour mobility in ways that make inroads towards the FMP in the future.[xxvii] Unwilling to relegate control to any regional authority, cross-border movement remains subject to a patchwork of national laws, bilateral agreements and varying degrees of movement of persons.[75,86,87] In this, SADC is not alone. Even under more favourable economic or political circumstances than in Southern Africa, integration is almost always a complex and protracted process.[88] Although some conditions and factors seem to be more conducive for the emergence of progressive migration regimes, cooperation on migration typically progresses slowly and inconsistently (across both time and place).

SADC member states have ratified most key instruments relating to the protection of IDPs, asylum-seekers and refugees.[85] The existence of relatively better protection frameworks for forced migrants (over the broader category of international migrants) in Southern Africa mirrors global patterns, but as elsewhere, there is a trend towards minimising access to them. For example, in 2020, the Refugees Amendment Act of 2008 came into force in South Africa, which triggered a host of amendment acts which together establish new grounds for withdrawing refugee status, limit refugee employment opportunities, reduce access to the asylum system,[89] and deny asylum seekers substantive rights.[90] In response to this ongoing barrage of incursions in a generally migrant-hostile political and popular climate, the South African courts do routinely uphold the constitutional rights of migrants. However, the DHA regularly ignores court orders for extended periods of time, and often engages in drawn-out appeal processes that drain the resources of migrant rights organisations.

In addition, many states in the region have also added reservations to their ratification of the 1951 Refugee Convention, and, in practice, refoulement, illegal deportations and the detention of minors remain common in the region.[5–7] Certainly, for a considerable number of states, national refugee law and policy extensively focuses on controlling refugee movement, with calls for various forms of territorial confinement for refugees repeatedly surfacing in South Africa too.[43,89,91]

Unwilling to relegate control to any regional authority, cross-border movement remains subject to a patchwork of national laws, bilateral agreements and varying degrees of movement of persons.

[xxvii] Interview with SADC Secretariat officials, 8 September and 25 August 2021 respectively.

How effective are regional structures in holding states accountable in protecting, promoting, and enforcing the rights of migrants at the domestic level?

There are no effective global, continental, or regional accountability mechanisms for the implementation of migration related policies in Southern Africa. Only states themselves have the power to ensure implementation and accountability. This also means that global, continental, and regional policies and institutions are and will only be as effective as states want them to be in relation to the governance of migration. SADC, the AU and UN agencies lack the ability to enforce policies and often even lack effective monitoring mechanisms.[80] Generally hesitant to hold other states accountable for violations of human rights,[92] SADC has never issued public condemnations when member states violate laws or policies relating to refugees, asylum-seekers, IDPs, and migrants.[xxviii] This applies even to legally binding conventions: in the past, SADC states have faced limited or no repercussions for breaches of international law, such as refoulement of refugees.[15]

Accountability amongst SADC member states for frameworks relating to displaced persons is slightly higher. When civil society or UN agencies publicly highlight human rights violations, such as child detention or mass deportations, member states, such as Botswana, do often respond with a remedy. This indicates that there is a basic degree of responding to pressure about maintaining minimum standards around the treatment of migrants (particularly children), rather than outrightly disregarding them. However, such pushback against breaches of law or policy are often left to civil society, rather than SADC or its members.

Nevertheless, some key stakeholders observed that SADC bodies have become more actively involved in regional migration governance during the COVID-19 pandemic.[xxix] After persistent prompts by member states, such as Zimbabwe, Botswana and Mozambique, SADC now seems to apply more pressure on improving policy implementation on certain topics, for example relating to migration and climate change. However, ultimately, SADC will only be as effective as its member states want it to be.[49] For the most part, migration governance remains a carefully guarded and shielded domestic domain.

There are no effective global, continental, or regional accountability mechanisms for the implementation of migration-related policies in Southern Africa. Only states have the power to ensure implementation and accountability.

[xxviii] Interview with IOM Southern Africa official, 21 November 2021; Interview with UNHCR official Southern Africa, 9 November 2021.

[xxix] Interview with UN official November 2021

SADC Member States case studies

This final part of Section 3 sets out brief case studies of the migration dynamics of three member states in the SADC region: i) Botswana; ii) Mozambique; and iii) Zimbabwe. The intention is to build on previous sections, by examining the responses of three member states to international and regional migration frameworks. The section concludes by analysing the impact of recent global initiatives such as the GCM and IOM's renewed interest in assisting states in SADC develop new migration-related policies.

Some key themes emerge from this review:

- First, capacity concerns remain an issue at borders in terms of government personnel and training to detect and assist migrants who need assistance and/or protection.
- Second, and linked to the first point, implementation of policy and legal frameworks often remain very weak on the ground.
- Third, top-down initiatives that connect to state priorities and thus have the chance of becoming state-driven retain a better chance of progression to written policy and implementation.

Recent engagement patterns with international initiatives by Botswana, Zimbabwe and Mozambique

The governments of Botswana, Zimbabwe and Mozambique have all engaged in numerous processes surrounding the two Global Compacts. All three governments are collaborating with the IOM on drafting different types of policies: a national migration policy, a labour migration policy, and a diaspora policy. For example, Zimbabwe published a new National Labour Migration Policy in 2021, which is the first time Zimbabwe has had a comprehensive national labour migration strategy.[93] An intention of the policy is to better support migrant workers – both Zimbabweans working abroad and those migrants from other countries working in Zimbabwe.[93] In contrast to many neighbouring states, the policy includes a specific reference to the portability of social benefits. The drafting of these documents in all three countries has been hit with long delays. In 2016, a new National Migration Policy was drafted in Botswana, but was still yet to be agreed and published at the time of writing this report.[xxx] In Mozambique, there has been an acknowledgement that a strong National Migration Policy is now needed. To this end, key departments are now working with IOM and other UN agencies to create a migration profile for the country, with the intention of gathering data on

[xxx] Interview with Migration Expert, 7 October 2021.

migration, to better analyse migration patterns. Once the profile is available, this will provide evidence to feed into a new National Migration Policy.[xxxi]

While many stakeholders interviewed were carefully optimistic that these developments indicate a move towards a holistic, less security-focused approach to migration, there are important caveats to consider. First, that researchers and human rights organisations have historically criticised the IOM – a for-profit, European and US-funded agency – for its role in perpetuating exclusionary and security-focused migration policies and practices.[94–100] In 2015, the IOM opened the Beitbridge Migrant Resource Centre (BMRC) in collaboration with the Zimbabwean government. The first of its kind within the Southern African region, the centre officially has the aim to provide *"a range of information and services to migrants and potential migrants to assist them to make informed decision about their migration plans."*[101] However, research on similar IOM migrant 'information' services across Africa shows that the main goal of this type of intervention is to deter migrants from moving, rather than providing them with actual support in doing so.[102,103] The speech given by the IOM Chief of Mission at the centre's inauguration certainly warrants caution given its echoing of European discourses on preventing 'irregular' migration (in the virtual absence of real alternatives for legal migration): *"IOM will collaborate with the government of Zimbabwe in addressing the root causes which act as push factors behind the high prevalence and incidences of irregular migration"*.[104] Many officials in Zimbabwe also see human trafficking as an increasing problem[xxxii] despite the fact that there is no reliable empirical evidence supporting these assumptions. Here again it is important to note the critical role that the IOM has played in promoting the idea that trafficking is pervasive in Southern Africa and how this narrative is used to justify and practice more restrictive approaches to immigration.[105–107]

In 2015, the IOM opened the Beitbridge Migrant Resource Centre (BMRC) in collaboration with the Zimbabwean government. The first of its kind within the Southern African region, the centre officially has the aim to provide 'a range of information and services to migrants and potential migrants to assist them to make informed decision about their migration plans.

[xxxi] Interview with official from IOM Mozambique, 8 October 2021.

[xxxii] Interview with IOM official, 14 September 2021

Secondly and related to the first concern, states may play along with international and continental initiatives that link migration to development and human rights, but only selectively (continue) to implement the security focused elements of such new policies.[xxxiii] A recent speech by a Zimbabwean government official, for example, demonstrates this when he speaks about how looking at AU frameworks will assist the government "*to address the challenges of irregular migration, border governance, human trafficking, migrant smuggling, data collection and internal displacement*".[108]

In summary, while there are some recent positive signs that the national policy level in terms of labour migration governance and broader migration governance, a major concern remains around policy implementation. Indeed, migrants have arguably observed few to no noticeable change on the ground in these countries in terms of treatment and protection since the states became engaged with these international processes connected to the GCM. Indeed, there remains a clear disconnect between the policy proposals at the ministerial level and the departments who implement them. Equally, if and when they are published, the risk remains that states will merely cherry pick security-focussed elements of these new initiatives to implement.

…there are recent positive signs at the national policy level in terms of labour migration governance and broader migration governance, but policy implementation remains a major concern.

[xxxiii] Interview with South African government official, 13 September, 2021

Case Study 1: Botswana

Botswana has received relatively little academic attention in recent years in relation to migration governance. This is slightly surprising, as it is frequently referenced as an important player at the SADC level in terms of blocking attempts at regional initiatives to advance the free movement of persons.[109] Responses to migration by the state have been dominated by security and nationalistic concerns.[xxxiv] This is seen in law, policy and practice on the ground.[xxxv] Botswana is the only SADC Member State not to sign the GCM, making no commitment to its objectives. At nation level, the nationalistic focus can be seen in, for example, section 23(7) of the Immigration Act, 2010 (No.3 of 2011), which states that "*in determining an application for a resident permit, the Board shall have primary regard to the interests of Botswana*".[47] Further, the National Constitution of 1966 makes limited mention of the rights of migrants, the protection of social security, or labour security rights.[77] Notably, Zimbabweans migrating across the borders since the early 2000s have attracted a lot of attention in the public and political spheres, with the state categorising most migrants from Zimbabwe as 'irregular' migrants.[xxxvi] As a result, framed as a national security concern, large numbers of Zimbabweans have been detained and deported from Botswana in the last 20 years, many of whom saw their asylum claims rejected.[xxxvii]

As Lefko-Everett notes, the legal status of migrants from the SADC region in Botswana is a slightly grey area, with illegality often hinging on crossing the border informally, a lack of documentation, or participation in prohibited activities, rather than a failure per se to comply with visa requirements or overstaying a visa.[110] In addition, rather than creating new policy in line with regional and continental governance frameworks, the state has focused primarily on measures that control and prevent the movement of migrants from the region and dispensed increasingly severe punishment for 'illegal' migrants.[xxxviii] For example, in the mid-2000s Botswana erected a 500-kilometer electric boundary fence along the shared border between Botswana and Zimbabwe.[111]

[xxxiv] Interview with Migration Expert, 7 October 2021.

[xxxv] Ibid.

[xxxvi] Interview with Migration Expert, 7 October 2021. Also see Betts, A. *Survival migration: Failed governance and the crisis of displacement*. 2013, Cornell University Press.

[xxxvii] Interview with Migration Expert, 7 October 2021.

[xxxviii] Ibid.

State support and access to social services is therefore extremely difficult for migrants in Botswana.[xxxix] A UN report in 2020 observed issues with access to health services for migrants, noting that migrants and refugees continue to experience discriminatory health service delivery.[112]

In addition, the National Policy on Destitute Persons has been adopted to exclude non-citizens and portability of these services in SADC.[77] As a result of this approach, the impact of continental and international law and policy on migration governance in Botswana is inconsistent. Based on discussions with key informants from UN agencies, there is an impression that the government does retain a respect for international law and an acknowledgement of core international norms around the protection of migrants. Yet, serious breaches of international and continental legal norms around migrants regularly occur, particularly in relation to detention and deportation. Of great concern is the detention of children. A 2021 newspaper article described how some children - awaiting asylum hearings - have remained detained for over two years, with no access to education and even reports of sexual abuse.[113] Stakeholders noted though that when UN agencies or civil society intervened around child detention cases, the state responded, and the children were released.

A core issue in Botswana is the lack of a coherent national refugee law and national frameworks to respond to protection and vulnerability issues for all migrants.[114]

For example, many border officers do not have a basic understanding on core migration issues, such as protection, and as a result will often push for detention and deportation of migrants without screening for protection concerns.[xl] The lack of capacity and training at all levels of the state (including immigration and police officers) feeds into this, along with xenophobic sentiments within a voting public. In addition, the limited involvement of UN agencies specialising in protection (who can often be seen as '*implementors*' or '*implementor agitators*' of international norms within national settings in the region), has not helped. Finally, the state appears to have acknowledged some of these issues, with a new draft Refugee Act being discussed at the ministerial level in recent years. Key informants noted that, if passed, it would be a vast improvement on the previous 1967 Refugees (Recognition and Control) Act, with many international and continental norms relating to protection and social and political rights now included. In addition, IOM is attempting to assist the state draft a National Referral Mechanism for Unaccompanied/separated migrant children and other vulnerable migrants.[xli]

[xxxix] Interview with Migration Expert, 7 October 2021.

[xl] Interview with Migration Expert, 7 October 2021.

[xli] Ibid.

Case Study 2: Mozambique

Mozambique is seen as a country of origin, transit and destination for migrants dealing with complex reasons for moving.[115] Migration governance in Mozambique also cannot be discussed without an acknowledgement that the state is one of the most prone in the region to natural disasters, such as flooding and cyclones.[115] For example, the country is still having to respond to the devastation caused by Cyclones Idai and Kenneth in 2019 in the central and northern areas of the country.[116] Furthermore, since 2017, the country is in the midst of ongoing unrest in the north of the country by an Islamist insurgency, with over 800,000 people displaced in the provinces of Cabo Delgado, Nampula, Niassa, Sofala and Zambezia as a direct result of the violence and insecurity.[117]

Nevertheless, Mozambique remains a key part of regional migration and trade networks, particularly as four of the six countries bordering the state are landlocked, and as such rely on Mozambique's ports to access global markets.[118] As the IOM notes, Mozambique is a country of origin for migrant workers, especially for South Africa, with tens of thousands of Mozambicans moving every year to work in sectors such as mining, agriculture, small businesses, and domestic and construction work.[118] Migration patterns in the state also show significant numbers of forced migrants, victims of trafficking and other informal migration. These predominantly come via the 'Southern Route', which is used by migrants from the East and the Horn of Africa, and goes through Mozambique (as well as Malawi, Zambia, Zimbabwe) to South Africa.[118]

Similar to other SADC member states, approaches to international and continental legal norms in Mozambique around cross-border migration cannot be fully understood without making connections between them and the contemporary history of the country.[116] Meaning, national policy and law has to be understood via recent events, such as the legacy of colonialism and post-colonialism, the consequences of civil war, frequent mass displacement due to national disasters and the transition from a Marxist regime to a liberal one.[116] Yet, the state has made significant strides to ratify international conventions relating to migration governance. For example, Mozambique is one of a few countries in the region that has signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).[119] In turn, since 2020 IOM, ILO and the Office of the United Nations High Commissioner for Human Rights (OHCHR) have been conducting training events to enhance the ability of Mozambique government officials to report on and provide technical guidance to implement the convention.[115]

Due to the increased mixed nature of migration patterns in the region, it is increasingly difficult for the state to identify persons in need of protection when they arrive and cross their borders.[120] A key issue is the lack of capacity at the border, in terms of human and material resources, with border guards and immigration services struggling at times to deal with all the movement of persons with a protection lens.[121] Indeed, an assessment conducted by IOM in 2018 noted the need to 'strengthen the capacities of the Government of Mozambique, including border and law enforcement agencies, to improve border management and promote the ratification and eventual implementation of the SADC Protocol on the Facilitated Movement of People and Goods'.[118] An additional problem has been many Mozambicans who attempted to flee across the border to Tanzania due to national disasters, insecurity and/or violence, were returned, with the Tanzanian Government unwilling to establish refugee camps.[xlii]

In terms of governance frameworks to assist and inform national and local government responses to the large numbers of IDPs, key stakeholders from IOM observed some previous sensitivity around framing these displaced persons (particularly those fleeing violence in the north of the country) as IDPs. Recently however, the state has accepted this international and continental approach and accompanying terminology. Mozambique ratified the Kampala Convention in December 2019 and as of October 2021, the government was about to release a new national IDP policy.[120] This has been a domestic process driven by government departments with strong buy-in from relevant departments. As observed by a key stakeholder, as this has had the backing of the state and is being driven by key government departments, there is an enhanced chance this policy will be implemented on the ground in 2022. Indeed, while the state is often open to other external initiatives promoted by UN agencies, translating these into any real action on the ground can be slower. As noted by interviews with UN Officials, any change in approach to migration governance in Mozambique is likely to be incremental, rather than wholesale or urgent.[xliii] This, looking at the country's track record, is not due to a lack of political will, but a lack of capacity and resources.

[xlii] Interview with IOM Official, IOM Southern Africa Office, 3 November 2020.

[xliii] Interview with IOM Official, IOM Southern Africa Office, 3 November 2020; Interview with official at UN Agency in Southern Africa, 8 October 2021.

Case Study 3: Zimbabwe

Similar to neighbours such as Botswana and Mozambique, recorded information in the form of government policy towards different forms of migration in Zimbabwe is scarce. This is particularly true from 2000 onwards, with the economic collapse witnessed in the country and large numbers of resulting cross-border movements, making it difficult to separate migration governance from the politics of the country.[122] Historically the government has understood migration (both *inwards* and *outwards* from the state) as a problem to be managed.[123] In recent years however, key stakeholders from UN agencies have observed some noteworthy developments, with connections between migration and development becoming more concrete within key government departments.

Following regional patterns, national immigration law (and its implementation) is habitually informed by security and nationalistic concerns.[47] National law, for example, states that regional citizens must secure employment before arriving in the country.[47] Furthermore, protection tools and remedies that are set out in national legal frameworks are aimed at citizens or kept extremely broad and anecdotal.[123] Based on this security approach, national migration laws are fairly well implemented via the relevant institutions, with UN officials noting training offered to border officials as "adequate".[xliv] Other reports though note that the overlap of various government institutions and departments has created duplication of tasks, with limited coordination between ministries often having an adverse effect on migrants.[108]

Broadly speaking, immigration laws within Zimbabwe at least attempt to incorporate norms from international and continental legal frameworks relating to migration.[xlv] Yet, with the shifting patterns in migration on the continent and within SADC, national frameworks have not kept pace.[108] Indeed, as IOM has observed, there has been *"a slow pace in relation to international norms cascading to domestic law".*[123] Thus, migrants face multiple challenges in Zimbabwe, from access to services and justice, to xenophobia, stigmatization, forced returns and deportations.[xlvi]

[xliv] Interview with official from IOM Zimbabwe, 14 September 2021.

[xlv] Interview with official from IOM Zimbabwe, 14 September 2021.

[xlvi] Ibid.

One area where there has been recent advancements and a modernisation of national law is the 2013 Constitution of Zimbabwe. Certainly, with a focus on protection, promotion and enforcement of fundamental rights, commentators see the constitution as a solid basis for legislative reforms and a first step in addressing implementation gaps.[108] Currently however, there remains a substantive gap between the constitution (which post-dates all national migration laws) and the state's current approach to migration governance.[123] As the IOM notes, until this disconnect is addressed, it represents a serious challenge, one that adversely impacts on the rights of all migrants.[123]

In relation to IDPs, similar to the state's response to cross-border migration, this issue is seen very much as a political 'hot button', with the government until recently very resistant to acknowledge the existence of IDPs in the country.[122] For a long time, UN agencies and other International Non-Governmental Organisations (INGOs) had to use the terminology of 'mobile and vulnerable populations' to refer to IDPs in Zimbabwe.[122] In recent years, there has been a shift in approach and an acceptance of their existence, with the state recently signing the Kampala Convention. Although, as Takaindisa notes, at the time of signing the convention, there was no officially designated authority for IDPs in Zimbabwe and the convention has not yet made it into domestic law.[122] Implementation of continental norms in relation to IDPs is also severely hampered by the state's current economic situation.[124] In turn, a significant section of IDPs in Zimbabwe have intersectional identities, which makes claiming rights particularly complex.[124]

Lessons from further afield: There are no magic bullets to integration

Our review of other regions (MERCOSUR, ASEAN, ECOWAS and the EAC) found no magic bullets to integration or easily transferrable lessons. In fact, the comparative research shows that other regional economic communities struggle with many of the same kinds of challenges as we see in SADC. The review shows that there are some structural factors that seem to provide more conducive contexts to freer and more empowered migration regimes, however, these are beyond the reach of activism. Providing examples for what is often generically referred to as 'a lack of political will' to the freer movement of people and regional integration,[5,6] the review highlights how entangled economic and political interests shape migration governance in ways that are sometimes less, sometimes more (but rarely fully) 'favourable' for migrants.

Lessons from afar: 1

Other regional economic communities struggle with challenges similar to what we see in SADC.

Although ECOWAS has had a free movement protocol in place since 1979[125] and is considered the best integrated REC in Africa, the region shares many of the same obstacles faced by SADC members: divergent interests of member states, security concerns[126,127] and protection of labour markets,[xlvii] [126] [128] [129] power imbalances between member states, small openings for skilled professionals while excluding all other migrants,[129] a lack of real commitment to regional integration,[129] instrumentalising xenophobia for political gains,[127] [xlviii] a lack of domestication and implementation of regional agreements,[126] [129] [128] and a weakness of regional institutions in holding member states accountable.[130] [131]

Beyond the long-standing policy of visa-free entry for up to 90 days for those in possession of correct travel documents – a right many countries[xlix] including Zimbabwe and Mozambique have for South Africa too – migrants face many challenges when moving across the West African region.[132] Harassment, abuse and corruption at the land borders is pervasive, affecting women and low-skilled migrants the most.[128] [127] Many people lack access to identification documents needed for travel,[126] but even having them does not necessarily mean protection from harassment either.[129] Finally, EU intervention in West Africa over the past decades has further undermined regional integration by disrupting established forms of mobility in the region, engaging with African governments at bilateral rather than regional levels,[126] as well as enlisting African governments in cooperation on migration control.[125,133–135] In this context, Zanker et al highlight that *"the lack of implementation of free movement due to lax or absent border controls seems to actually improve mobility in the region, and the increased attention on border management poses a threat to it."*[125] Altogether, the challenges to free movement in ECOWAS directly reflect in the way the ECOWAS free movement protocol has (not) been implemented: to date only phase one (visa-free entry for up to 90 days) was swiftly

[xlvii] Interview with expert on regional migration governance in West Africa, 21 October 2021.

xlviii Interview with expert on regional migration governance in West Africa, 21 October 2021

xlix Angola, Botswana, Eswatini (Swaziland), Malawi, Mozambique, Namibia, Tanzania, Zambia, Zimbabwe all have visa-free travel to South Africa too.

and completely implemented by all member states. Phase two, relating to the right to residence, was ratified in 1986, but implemented poorly. Phase three, relating to the right to establishment, has not been implemented.[127] For Zanker et al, free movement in ECOWAS *"is largely limited to an ideal."*[125(p5),133] For Teye et al, the ECOWAS free movement protocol is *"a token gesture, designed to portray the governments as committed to regional integration without making any real change in the status quo."*[129(p1563)]

In the EAC too, "*the attainment of the goals of regional integration has been hampered by a lack of political will among the Partner States, a weak legal and institutional framework and a lack of public participation".*[136] Although the EAC common market protocol has been established in 2009, free movement of workers remains restricted to *"certain categories...mainly the professionals, administrators, technicians and similar skilled workers as opposed to semi-skilled and unskilled workers... arguably meant to safeguard domestic labour markets."*[14 137 138(pp10-12)] Masabo adds, that, mirroring experiences elsewhere, 'stratified admission policies and stringent border controls' have not reduced irregular migration, but merely made it more cumbersome and dangerous.[137(p65)]

The ASEAN region also shows a number of similarities with SADC: uneven distribution of economic power across the region;[139(p367)] the promotion of skilled labour and ignorance of low and un-skilled, especially undocumented migration flows outside of the anti-trafficking agenda as a 'target for regional action';[140 141,142(p370)] as well as the dominance of bilateral rather than regional agreements and short-term, ad hoc mechanisms rather than permanent ones.[140] Similar to Southern Africa,[143–146] on anti-trafficking an expert on migration in ASEAN said "*while the intent might be for protection somehow, it's really security, more security."*[140] In ASEAN, as Lavenex and Jurje point out, the ASEAN Economic Community (AEC), established in 2015, *"does not address movement of low(er) skilled people within the region, despite the fact that the majority of migrants are low-skilled (and many irregular) and greater economic integration is likely to intensify labour flows."*[147(p10)]

Lessons from afar: 2

MERCOSUR shows how some structural factors provide conducive contexts to freer migration regimes and notions of migration as a legitimate livelihood.

In global comparison, MERCOSUR stands out with its highly progressive regional migration policies, of which the 'residence agreement' of 2002 (in force since 2009) is emblematic.[88] It "*enshrined three main principles: The recognition of the right to obtain permanent residence to Mercosur nationals; the right for all foreigners to access health and education services, regardless of migratory status; and the recognition of labour rights of all foreign born, regardless of migratory status.*"[148(p30)] As Cernadas argues, MERCOSUR's "*position not only challenges the prevailing tendencies of other regions, but also seeks to reverse its own past, that contained incredibly restrictive, exclusionary, and often-repressive immigration laws*".[149(p29)] Within Mercosur, Argentina and Uruguay have been particularly fast on implementation, with both countries explicitly recognising 'the human right to migrate.'[149] Research from Argentina, which implemented the Residence Agreement before it even came into force under its 'Patria Grande' program shows, amongst other observations, that there was no rise in crime and that unemployment decreased following implementation.[148 150]

With the MERCOSUR Residence Agreement and its domestic implementation, Argentina successfully conceptualised the regularisation of regional migrants as a method to relieve the heavy administrative burden arising from managing two different population systems: one for nationals, and one for foreigners. It also successfully positioned regularisation as an effective antidote to the potential security risks inherent to large undocumented populations within one's territory. As a researcher and expert on migration governance in Argentina and South America said, the genesis of MERCOSUR's Residence Agreement was due to "*a little bit of luck*", while another expert on migration law and governance in South America saw it as "*the result of serendipity*". As in Southern Africa, many South American countries struggle with poverty and unemployment.[88] However, the following factors, inter alia, have worked in favour of establishing such a progressive migration regime regardless: the personalities of presidents,[88] an outgoing leader who wanted to leave a legacy, condemnation of European and United States exclusionary migration polices,[151] in part due to the MERCOSUR residents' experience of being treated badly as migrants themselves, and a regional hegemon (Brazil) that does not receive many migrants.[151] Other factors include the nature of economies and their links to the region and the world; the nature of intra- and extra-regional migration flows (i.e. many countries are both sending and receiving countries), political ideologies of the

government (i.e. left, right, centre, fluctuating), and the context and timing of agreements or attempts of agreements (i.e. immediately following independence, a change of government or situations of conflict).

UN agencies for example noted that government departments in Mozambique were much more willing to drive the establishment of a new IDPs framework and better alignment with the Kampala Convention in the context of the country's recent geo-political and climate-related events.[l] Unfortunately, these factors are beyond the reach of activists, and thus there is little there in terms of 'lessons' learned from elsewhere for the Southern African context. That said, the example set by Argentina to other South American countries indicates that seeing results in actual practice has the potential to inspire other states.

> *I think it is necessary that a country should be a leader and through the implementation in their own territory they can give an example to the other countries...because they said OK, you are always complaining about migrants. Let's see how we're dealing with things, we're fine, you know, we're not having problems, we are solving some problems. So this is working.*[li]

Two experts on migration governance in South America and North Africa both highlighted the need for more South-South cooperation, mutual exchange, and dialogue on migration governance.

[l] Interview with IOM Mozambique official, 8 October 2021; Interview with official at a UN Agency in Southern Africa, 8 October 2021; Interview with official at an ILO Southern Africa office, 6 October 2021.

[li] Interview with expert on migration governance in the Philippines and ASEAN, 3 November.

Lessons from afar: 3

Economic and political interests shape the governance of migration in ways that are more, or less, (but rarely) 'fully' favourable for migrants.

Where international norms and standards have been and can be aligned with domestic priorities, they are more likely to be implemented. As an expert on migration governance in Argentina and MERCOSUR said "there are no friend countries, there are only countries with interests". It is important to note here that it is not only governments, but a whole range of actors at different levels that shape a state's 'domestic' interests and priorities. Our research found three examples of such 'alignments' that have resulted in some level of protecting migrants or enabling them to move. These examples are not 'models' and all have significant caveats, but they offer important pointers towards what is feasible nonetheless.

Seeking to protect the interests of Brazilian commercial farmers who had settled in Paraguayan borderlands, Brazil needed Paraguay to sign the MERCOSUR Residence Agreement so that the continued access for this group was secured. These so called 'Brazilguayos' were unpopular in Paraguay as they were seen as instruments of Brazilian intrusion, which only benefited a small group of Paraguayan elites. After a regime change in Paraguay, the new government refused to sign the Residence Agreement until it had successfully renegotiated more favourable terms for the proceeds of the Itaipú hydroelectric project that Paraguay runs jointly with Brazil in the border area. Once this was accomplished, Paraguay signed and ratified the agreement, as the last member state to do so.[151–155] This highlights how migration is negotiated within complex and multifaceted interstate relationships. While less powerful countries overall have limited leverage vis-à-vis more powerful countries in regional decision-making processes, they may have it in sectors particularly critical to more powerful countries (such as energy or water).

Grappling with high unemployment in the 1970s, the Philippine government began to actively support migration as a development avenue that benefited migrants, the local recruitment industry, and government all at once. The impact of remittances is enormous: at 35 billion USD, the Philippines ranked fourth in the top five countries globally for the amount of remittance inflows in 2020.[156] The Philippine government provides significant support for its 'overseas workers'. In response to rights violations of overseas workers, the government has instituted several migration 'bans' (i.e. preventing new departures or repatriations of workers already in destination countries). In their negotiations with the United Arab Emirates (2014-2021) and Kuwait, the Philippines, although technically the 'weaker' partner, succeeded in pushing

for policy changes that increased the legal protection for migrant domestic workers.[157] Oh writes, *"the Philippines stand[s] out in the developing world as one that not only aggressively 'exports' its citizens to foreign markets, but also protects them against abuse and exploitation with a reasonable degree of success... overseas Filipino workers tend to be better informed, empowered and protected than migrants from other developing countries."*[158(p198)] However, an expert on the Philippines and ASEAN cautioned about too much optimism regarding the level of protection and support the government is able to afford its overseas workers:

> *I don't want to be cynical about this, but there would be immediate relief or some adjustment, but...then things back, I mean slide back to normal again. But I would suppose that over time, things do get better. I mean just a little bit better, but still better...our only bargaining chip is that we will not send any more workers to your country, right? But the thing is, the pressure is so high, you know, to send and send anywhere, so we're still at the losing end...we're not in the place to command the terms of that negotiation.*[140]

Although able to cause significant disruption, bans do not stop migration in the long term, but quickly divert significant flows into irregular channels and recruitment processes that once again increase risks for migrants. In the absence of compensation for missed earnings, domestic pressure to lift bans as well as the country's reliance on remittances limits the leverage of the Philippine government in negotiations.[159] It is difficult to enforce the improved protection negotiated in such agreements.[140] The Covid-19 pandemic and related restrictions on mobility also exposed the vulnerability created by an overreliance on remittances.[140]

A number of countries are known - and often celebrated - for their willingness to host migrants. For doing so (or related to them doing so), they receive significant international donor funding. Almost all these cases host asylum seekers and refugees, often from specific displacement settings, and it is important to note that donors do not tend to fund the hosting of migrants, or regularising irregular migrants when they lack this particular status. Columbia hosts the largest number of Venezuelans following the ongoing crisis in its neighbouring country, and Uganda hosts large numbers of refugees in Africa. Turkey hosts Syrians, Rwanda hosts returnees from Libyan detention camps as part of an evacuation mechanism between the country, the AU, and the European Union (EU). There are, however, important caveats. Such 'commodification' of migrant populations puts them at the mercy of economic and political interests that often do not align with the needs of migrants sufficiently, or at all, and creates many possibilities and incentives for abuse, corruption, and fraud.

In 2018, it emerged that Ugandan officials inflated numbers of refugee populations to receive more donor funds while not actually enabling migrants to rebuild their lives sufficiently sustainable in the new place. Thus, while such financially supported host regimes may be promising models, their actual success in terms of improving the situation for migrants depends on effective accountability structures and, critically, on ensuring that they actually enable migrants to live and earn a livelihood in dignity. The more empowered in terms of rights, including freedom of movement and ability to self-settle, the less camp-like and restrictive, the better the chances that people become self-reliant in the destination country quickly. Whenever appealing to or exploiting a country's domestic interests to achieve improvements for migrants - and making some sort of 'deal' to achieve this - it is critical to build sustainable migrant empowerment into this from the start as one of the conditions. This avoids that migrants will be the first to be exploited when the country's interests 'change' (including the 'weaponisation' of migrants, as seen in various instances recently).

SECTION 4:
MIGRATION AND REGIONAL SOCIO-ECONOMIC PROSPERITY AND INTEGRATION

Key insights

- Even as SADC members repeat how important regional integration and trade are as political and economic end-goals, there remains a disjuncture between the political rhetoric and on-the-ground domestication of measures.
- Globally, the sequencing for regional integration has been to address trade issues such as business services, customs unions first, and then find agreement on migration. SADC still needs to agree on its trade and business protocols. Interview respondents argue that the bloc needs to first advance the trade agenda (industrialisation, financial inclusion, etc.), and facilitate labour mobility based on its economic needs before addressing the FMP.
- Protectionist tendencies, and national level technical, human, and financial constraints, mean that states do not always implement regional agreements, leading to policy incoherence between the regional and domestic levels.
- The AfCFTA has the potential to improve trade facilitation and business conditions for both formal economic operators and small-scale informal traders, helping to deepen economic integration across the African continent. But what constrains these advances in SADC is the lack of liberalisation of the labour market, and the FMP.
- There is global agreement that trade and regional integration promote socio-economic development. Although sector-specific impacts vary, more open trade can, at an aggregate level, offer countries the opportunity to enhance their competitiveness, access new technologies, participate in global value chains, and leverage foreign and domestic investment for development.

Migration and its influence on trade

Global evidence shows that countries tend to trade and invest more with countries from which they have received migrants.[160] In this way, migration has a positive effect on trade flows, increasing exports and imports, especially in destination countries.[161] The impact that migration has on trade is often described in terms of the migrant elasticity of trade, which is the percentage change in trade caused by a 1% increase in the stock of immigrants.[See 162] For example, a 2015 study on the United Kingdom's services industries found that a 1% increase in immigrants causes firms in the host area to export 6 to 10% more services to the immigrants' origin country.[163] The Organisation for Economic Cooperation and Development (OECD) has quantified this phenomenon and found that a 1% increase in migration was equivalent to lowering import tariffs by 3.7%. In the case of highly qualified labour migrants and strongly differentiated products the figure can be as high as 21.7%.[161] This is attributable to migrants' knowledge about markets in both origin and destination countries, which can make them effective in connecting firms in origin countries with buyers overseas.[23] In this case, the role of diaspora networks and communities can play an important role in facilitating the imports of goods and services from their countries of origin to third countries of residence, to the benefit of the latter. Migration and trade are complementary, and bilateral trade is positively associated with the presence of migrants. Studies from the World Bank show that global welfare gains from an increase in cross-border labour mobility could be several times larger than those from full trade liberalisation.[23] However, whether trade liberalisation policies encourage or deter migration depends largely on the specific details of trade policy and free trade agreements.

The OECD found that a 1% increase in migration was equivalent to lowering import tariffs by 3.7%.

Challenges to regional migration and trade in SADC

Although SADC member states publicly state their support of regional integration and trade as political and economic end-goals, the implementation of concrete measures towards those ends at a national level have been weak and fragmented. There is a disjuncture between political rhetoric, which tends to be positive about regional integration, and on-the-ground domestication of regional integration measures. The reasons for this are manifold, and we will explore the reasons why the building blocks for regional integration are often also stumbling blocks, in spite of the agreement on the end goal.

States are unwilling to bear initial costs of regional integration

In SADC, there is a disjuncture between political rhetoric… and on-the-ground domestication of regional integration measures.

The short-term pains associated with promoting migration and regional trade are politically unpalatable across the region. For political leaders, as Deacon, *et al*, observe[164(p39)], the short-term goals of policy-makers, linked to election cycles and limited mandates, rarely align neatly with the more long-term benefits of investing in regional integration. Moreover, SADC member states see free movement as a 'free for all' focused on negative perceptions around unskilled jobseekers. As countries face difficult economic realities, and high levels of unemployment, facilitating the FMP is seen as at odds with domestic needs. Addressing country concerns requires subtle and strategic negotiations around supporting labour mobility linked to countries' economic needs. The idea is to advance circular labour migration, and not to push for settlement. Labour unions are critical stakeholders and potential allies – or enemies – in advancing the FMP agenda.

The failure to consider regional solutions to domestic problems

All member states battle with the challenges of unemployment, lack of skills development, and poor economic growth. However, while there is a growing appreciation of the links between trade, migration and development amongst the SADC Secretariat staff and some SADC policymakers, there is a considerable disconnect between regional agreements and their domestic implementation. This directly related to the above point on the initial costs, with regional integration being considered for its potential domestic benefit. Actors across different sectors agree that the region does not identify as a collective, nor does it share a vision for collective economic growth. As a member of the SADC Private Sector Forum said:

> *Regional challenges affect everyone – businesses cannot run smoothly if there isn't trade. This appreciation is not evident in the region – the challenge of unemployment is common across SADC – there is a feeling around 'job stealing' in the region – we in our countries face unemployment crisis and we have to deal with other people coming into our countries to look for jobs. We don't look at ourselves as SADC as a region, as a whole – we tend to see domestic problems as being domestic, and cannot be solved regionally*[lii].

Not only do states not 'see like a region', but they also see regional approaches as getting in the way of domestic socio-economic interests. This is particularly true with migration. Through the national lens, migrants are detrimental to issues such as unemployment and service provision, even if a regional lens might view the impact of mobility more favourable.

> *What we have realised is that the negative talk and connotations about migration comes from rising poverty and unemployment in most of SADC member states because of competition over resources. Rising inequality, poverty, unemployment – all these issues result in a migration-negative narrative*[liii]

By and large, states are unwilling to make concessions to advance regional development, enable technical capacity building throughout the region with support from the larger economies, or to pursue regional solutions to tackle unemployment and poverty. This hampers any meaningful progress in advancing regional economic mobility and development.

[lii] Interview with representatives from the SADC Private Sector Forum, 25 August 2021.

[liii] Interview with SADC Business Council representative, 5 August 2021.

Countries act against regional interests

We have seen how similar export baskets, constrained financial resources, and high levels of semi-skilled and unskilled workers incentivise SADC member countries to protect their domestic markets, slowing down the integration process. The disjuncture between regional policy and domestic implementation against the backdrop of protectionist attitudes, causes the potential progress of ratified regional agreements to be set-back by counter-policies aimed at reversing the impact on local markets. For example, despite tariff reductions agreed on under the SADC Free Trade Area (FTA), member states fail to align their policies on trade, trade development and industrialisation with those at the regional level. They are slow in committing effort and resources to improving hard and soft regional infrastructure. In addition, although tariff barriers have reduced under the SADC FTA, the use of NTBs have increased in efforts to protect national markets.

> *The number of NTBs has increased a lot amongst SADC members – exporting products has been made substantially more difficult within the region. Lengthy customs clearance procedures, lack of government coordination, export payments, partial closure of border posts, have led to the negative impact on delivery of essential products. Harmonisation is lacking for standards – different member states doing different things.*[liv]

As the example of the EAC common market protocol shows, where governments eventually sign and ratify regional agreements on or in part relating to the free movement of persons, they typically include exceptions/exemptions for vaguely defined reasons (such as on the grounds of 'national security' or 'public health'), or a limited definition of workers as *skilled* migrants. [138,165]

Poor dissemination of information and a lack of an evidence-base for regional integration

Without a well-informed, comprehensive, and evidence-based migration governance framework, destination countries cannot tap the full potential of positive economic contributions of migration. As discussed earlier, migrants make important contributions towards economic development in their host countries and countries of origin. Evidence from across the globe shows that countries tend to trade and invest more with countries from which they have received migrants. In this way, migration has a positive effect on trade flows, increasing exports and imports especially in the receiving country.[166] Remittances help reduce poverty, foster entrepreneurship and increase households' investment in education and health.[160] In destination countries, migration can reduce labour and skills mismatches, promote business activities, and make cultural contributions to local communities.[24] Moreover, diaspora networks can play an important role in facilitating the imports of

[liv] SADC Business Council official, 5 August, 2021

goods and services from their countries of origin to third countries of residence, to the benefit of both sending and receiving countries.

Even though these benefits have been researched and documented in other regions, especially where regional integration has progressed, there is limited evidence available for the SADC region. This is partly the result of the resources required to gather evidence, which often relies on political will and support for regional integration. In the current landscape, regional research often focuses on the detriments of restrictive policies. This includes the impact of restrictive migration policies on migrant rights. This is important research, but it does not easily inform regional integration, for example, investigating the mid to long-term benefits around domestic issues that are blocking progress.

The preference for bilateral agreements

SADC countries continue to use and prefer bilateral agreements (BLAs) rather than regional labour agreements to govern migration flows. BLAs have been the norm across Southern Africa for several decades and are overwhelmingly shaped by the needs of the larger economies in the region. Critics of BLAs argue that they weaken the efforts of developing a cohesive, region-wide approach towards migration, because larger economies like South Africa wield the instruments to their benefit.[lv] With larger economies' labour needs addressed, there is less pressure to resolve deadlocks around regional labour migration. But some stakeholders see BLAs as foundational, as an incremental step towards region-wide agreement on migration. A member of the SADC Secretariat made this point:

> *BLAs are building blocks... as sub-regionally this is the only way forward. I don't think bilateral agreements are a barrier for continental progress. They have their own advantage because they address specific categories of persons – its bilateral binding nature is better than a binding regional instrument that can be more difficult to implement or enforce, as reciprocally countries are bound to respect each other bilaterally. In comparison, commitments at large might be more difficult to enforce at a regional level.*[lvi]

Whatever side of the argument one is on, BLAs are likely to remain the key instruments for structuring labour migration in the region for the foreseeable future, maybe exactly because they allow some integration without relying on a regional focus.

Consequently, donors and regional advocates need to find ways of leveraging BLAs to enable labour mobility in the region. For thorny issues, trilateral approaches can be used to build 'coalitions of the willing' that, over time, can help move the region towards less restrictive labour mobility practices. Working with countries willing to pilot labour mobility programmes and circular mobility initiatives may help build an evidence base for best practice.

[lv] Interview with migration academic, 25 May 2021.

[lvi] Interview with SADC Secretariat staff member, 8 September 2021.

Focus on migration over trade stalls progress

A focus on border control and containment increases transaction costs, criminalises movement that has long been the lifeblood of border communities, and undermines livelihoods in ways that potentially exacerbate existing socio-economic crises. Yet, securitisation also stultifies progress on facilitating trade in goods, services, and capital. One of our respondents reported that "*trade negotiations rely a lot on immigration officials understanding the risks and benefits [of open borders] to the country as a whole... Unfortunately, immigration officials aren't employed to see the bigger picture.*" Describing the impact of securitisation on trade negotiations first-hand the respondent continued:

> *When we first started to look up what [a SADC trade agreement] could include – things like market access, national treatment, categories of business people…etc. The trade people allowed the discussion to be dominated by immigration ministries. What we ended up with was immigration cooperation agreement, trade was watered down. It wasn't at all what I expected.*[lvii]

This stalling of trade negotiations affects both the movement of large-scale goods throughout the region as well as informal cross-border traders, who are exposed to difficult trading conditions and vulnerable to corruption and harassment at border posts. Advancing regional integration requires greater coordination and policy harmonization around trade facilitation (a fact brought into sharp focus during the COVID-19 pandemic and its impacts on cross-border trade during hard lockdowns); the improvement of regional infrastructure; the simplification of administrative requirements and sensitisation at all levels of government; and knowledge building for private sector, small-scale traders and border officials alike. Harmonising rules and supporting the implementation of good trade facilitation practices are low hanging fruits that can benefit the movement of goods, services and people across the region.

Vested interests in keeping migration 'irregular'

Not only is governing migration the dominant topic in regional integration discussion, but irregular movement is part of the political economy of mobility. It is not just states that have a stake in labour regulation. Labour unions, informal labour brokers, and a range of corporate and individual actors have an interest in the regulation of human mobility. For political actors at all levels, informal and formal, migrants, especially those who are undocumented, largely divested of rights and criminalised, are bargaining chips that enable governments to score points, symbolically or materially, whenever necessary and at little cost domestically. Control over mobile populations

[lvii] Interview with independent consultant, 26 May 2021

constitutes valuable leverage to use and currency to trade: migrants can be punching bags during crises, scapegoats for government failings, tools for political point scoring, and leverage to achieve domestic goals. For a range of corporate actors, they can be cash cows, so such actors are fostering, and thriving on, the pathologisation and securitisation of migration. Without understanding and tackling the function that disempowered migrants have for the actors involved – which requires a high degree of knowledge about specific social, institutional, political, and economic contexts – the current system cannot be changed. The continued existence of 'irregular' migrants, both socially and legally categorised as criminals, is associated with gains for so many actors that reforms to empower people on the move are very difficult to achieve. This is particularly evident when it comes to the need of 'flexible' or 'disposable' labour, as highlighted by an expert on migration in ASEAN countries, who spoke about major receiving countries relaxing regulations in times of need while remaining able to tighten them again at short notice:

> *So, if it's the financial crisis, foreign workers, low skilled and semi-skilled were the first one to go, the first ones who are not protected, also during the health crises, so SARS, MERS, all the different flus, the foreign workers who would be first affected, and so there is that duality, that double standard... they relapse to their regulation once their need is over.*[lviii]

[lviii] Interview with expert on migration governance in the Philipines and ASEAN, 3 November 2021.

How irregular migration benefits some actors in South Africa's ecosystem

South Africa's DHA continuously generates new (and often informal) methods to deny or devalue documentation for migrants.[167–169] It systematically seeks to disempower and exhaust civil society organisations by ignoring (even constitutional) court orders or escalating cases through the entire court system. The department has recently even announced the institution of a 'counter-litigation' unit.[lix]

It is important to understand the position of the DHA. Under-capacitated and under-resourced, it has recently effected two changes that now allow it to access more funding.[170,171] First, the department lobbied successfully to be reassigned from the 'administrative' to the 'security' cluster of government. Second, the DHA pushed through the Border Management Agency (BMA) Act. The DHA also has plans to monetise the population data it holds, including that of foreign nationals, to support its own budget.[172]

Corruption amongst government officials, including members of the police force, is widespread, with some considering migrants as "'*mobile-ATMs', a redistribution of resources...creates incentives to maintain the status quo.*"[173(p12)]

The relationship between government and Bosasa (a South African company who specialised in service provision for government and formerly operated the Lindela repatriation centre) is an almost absurdly obvious example of the 'immigration industrial complex' at work.[174,175] While payment was calculated per head, the centre was not only full to the brim, but actively filled because Bosasa's Chief Executive Officer (CEO) instructed his managers "*to get the numbers up.*"[lx] Once the per head payment was changed to a general amount for the running of the centre, the facility's occupation dropped significantly.[lxi]

The agricultural sector, such as wine or fruit farms, including corrupt government officials and labour brokers who organise the supply of workers, benefit significantly from the flexibility and exploitability of cheap migrant labour. The head of advocacy at a South African migrant rights organisation recounted the example of a wine farm owner who made a considerable effort to do the 'right thing', attempting to insource their labour and

[lix] Interview with head of advocacy and legal services at South African Migrant Rights NGO, 1 October, 2021.

[lx] Commission of Inquiry into State Capture 2019,126.

[lxi] Interview with head of advocacy and legal services at South African Migrants Rights NGO, 1 October, 2021.

enable workers to be documented, and found this to be absolutely impossible because of labour brokers with links to corrupt officials who have too much *"skin in the game."*[lxii] An ILO official and labour migration researcher highlighted the importance of understanding the complexity of the 'underground economy' within the agricultural sector:

"That's clearly an area where it's very difficult to intervene as government, as trade unions... in order to be able to do anything, firstly you need excellent mapping of this whole system as an ecosystem. You know who's doing what, how does it work? Very difficult to conduct such mapping, especially when you want to get to figures...unless you do this, any government intervention or even trade union intervention...is bound to fail because you can't go at it naively, it's like wanting to dismantle, you know, drug trafficking and things like that...it takes extremely strong political will."[lxiii]

Both informal and formal leaders and actors strategically employ xenophobia. Making migrants into scapegoats for crime and unemployment to deflect from governance failings and gain votes or other types of support is a true and tested technique of populism.[29,177,178]

South Africa's national Department of Health *"has a worrying track record of scapegoating foreign nationals for the poor performance of the South African national healthcare system."*[179] In his study of xenophobic violence in informal settlements across South Africa, Misago found that instigators of violence *"sold houses/shacks and property, evicted foreigners left behind, and charged them R20-R30 for family visits [...] orchestrated the removal of foreign nationals but later organized their return for a fee."*[180(pp47-48)] In many informal settlements, xenophobic violence is simply 'politics by other means' where *"instigators organize the attacks as an attempt to claim or consolidate the authority and power needed to further their political and economic interests."*[180(pp47-48)] In the run up to the 2021 municipal elections in South Africa, various opposition politicians 'promised' to come down hard on 'illegal immigrants' if they were in power. A local leader of the 'Patriotic Alliance' party is quoted as saying *"the first illegal foreigners that the Patriotic Alliance will arrest are the ones in hospitals. Illegal foreigners are overburdening our healthcare facilities. The poor have to share scarce hospital beds, social grants, and job opportunities with them."*[181] Since 2021, there has been a marked escalation with emergence of operation Dubula, a popular anti-foreigner movement; a considerable win for the ActionSA party in South Africa's powerhouse province of Gauteng,[182] led by notoriously xenophobic former Johannesburg mayor Herman Mashaba;[183–185] as well as the anti-foreigner turn of another party, the Economic Freedom Fighters (EFF).[186] As Misago and Landau write, *"once relegated to the margins of South African politics, anti-immigrant activism has gone mainstream."*[187]

[lxii] Interview with head of advocacy and legal services at Migrant Rights NGO, 1 October, 2021.

[lxiii] Interview with ILO official and labour migration researcher, 6 October, 2021

Putting the cart before the horse

Our research shows that the traditional sequencing for regional integration (i.e. trade, business services, customs union, etc.) is yet to be fulfilled and the FMP, as part of this progressive approach, is not yet 'ripe' for implementation in the SADC region. Governments do not support what they see as 'unfettered' rights they associate with the FMP. The advice from those we interviewed is to employ a strategic sequencing of activities. "It is very hard", argued a labour economist, "In a situation of high unemployment and low growth to put migration on the table. The time to put it on the table is when the economy is beginning to grow and businesses are beginning to feel the pressure for skills."[lxiv]

In Africa, regional integration frameworks tend to be over-ambitious and unrealistic. My experience shows that starting small and working incrementally – doing something where there is clear political will and support, advances the agenda.[lxv]

To address these concerns and as a stepping-stone towards building migration-positive narratives, regional advocates should consider focusing on promoting circular labour mobility that demonstrably aligns with domestic economic needs. The first hurdle for the region is to advance the trade agenda in and of itself and to facilitate labour mobility based on the economic needs and preferences of member states. For this, there must be mechanisms in place that accurately assess surpluses and deficits of artisanal, vocational, and professional skills across the region to help member states identify which sectors are ready for liberalisation. Southern African countries must first reap the benefits that a deepened regional integration can make to their economic growth before member states can advance an FMP agenda that goes beyond economic labour mobility needs. In other regions more hesitant towards freedom of movement, limited provisions on labour mobility have been introduced in conjunction with the liberalisation of service trade.[188] For example, the proliferation of trade deals and Free Trade Agreements (FTAs) has enabled developing countries, most notably China and India, to actively pursue labour export policies, expanding labour mobility beyond the interests of developed countries.[188] Similarly, some countries have used the liberalisation of trade in services to advance labour mobility for specific classes of persons - notably those with critical skills in short supply, or white-collar workers, in general. Once it can be demonstrated that labour mobility is essential in advancing a country's economic needs, it will become easier to promote the idea of the FMP and the human rights agenda associated with it.

[lxiv] Interview with labour economist, 18 January, 2022.

[lxv] SADC secretariat migration expert consultant, 17 August 2021.

Taken together with our observations on migration dominating discussions due to its prominence in national politics as an urgent problem to be solved, any regional integration efforts appear to be caught in a bind: the focus on domestic issues, and the perceived role of migrants in them, shifts the discussion to securitisation, blocking the regional discussion that might lead to economic growth and be more palatable than migration. It is important that advocates for regional integration do not simply react to the migration focus, advocating for the FMP as the response to the xenophobia.

A lack of harmonised skills recognition

The ease of labour mobility depends strongly on harmonised requirements around skills and qualifications, as well as the quick issuance of work permits. While states are generally more open to facilitating the movement of white-collar workers and supporting private sector business across the region, even these processes are nowhere near their full potential in SADC. A SADC consultant explained some of the frustration:

> *The [SADC] mutual recognition of skills was an unsatisfying meeting... You'd think you would have seen a positive attitude towards the ambitious program of work. But a member country said 'there is no need to discuss this now', and that's all it takes to get a process stalled.*[lxvi]

An ILO representative working with the SADC Private Sector Forum pointed out:

> *We should be fast-tracking issues around harmonisation of migration laws, skills recognition, and visa protocols. Until we sort this out at a regional level, what the AfCFTA seeks to achieve won't be possible at a continental level.*[lxvii]

For now, professional services markets remain fragmented as a result of restrictive immigration policies.[166] Discussions to finalise sectoral liberalisation under trade in services has taken a very long time, and the Protocol on Trade in Services has yet to come into effect. The SADC Qualifications Framework needs to be finalised for the regional recognition of skills and qualifications across member states, a prerequisite if SADC countries want to move up the services value chain into higher-paying services sectors such as IT. Both the lack of harmonisation of SADC's skills frameworks on the one hand, and the knowledge-intense nature of trade in services on the other implies that behind-the-border barriers will continue to impede the growth of the professional service sector in

[lxvi] Interview with independent consultant, 26 May 2021.

[lxvii] Interview with ILO representative, 17 August 2021.

Southern Africa.[166] What remains is trade in services in traditional sectors such as logistics, and economic operators frustrated by policy and regulatory constraints.

Migration and trade policies cannot be standalone frameworks

Migration and trade policies should be drafted hand in hand with other sectoral policies. While policies relating to regional trade and the FMP are important steps towards integration, a greater impact is seen when policy making moves beyond border issues to include those policies essential to traders/investors/migrants once they have crossed the border. These include policies that impact people's everyday lives like health, financial markets, land, security, legal, housing, services, etc. But harmonising regional frameworks remains a challenge. First, as one of our respondents stated, the state is not a coherent sphere. Even where some national departments are amenable to regionalism, others may be more reluctant to liberalisation.[lxviii] Migration and trade are intersectoral issues and regional integration needs to be supported by different sectors in government and its benefits and challenges understood by those who will be affected by it. Echoing the same sentiment, another respondent said:

> *many member states at a political level are strong supporters of creating a stronger region, but experience resistance at a technical level where bureaucrats are reluctant to anything being liberalised because it means a change in law, which requires a national process and domestic coordination and national departments to take responsibility.*[lxix]

Argentina's experience of a successful regional regularisation mechanism highlights the importance of coherent harmonisation at the domestic level. Along with the implementation of Patria Grande, a local version of the MERCOSUR Residence Agreement, which was not yet in force at the time, Argentina changed its labour laws: *"the new regulations extended collective negotiation of wages and working conditions, eliminated short-term contracts void of social security contributions, and increased the cost of layoffs."*[148] In Argentina, all of these steps *"had a remarkable impact on the migrant population."*[149] An IOM study found that "*between 2003 and 2006, Argentina regularized more than 400,000 foreigners ... in 2003 the unemployment rate was 16.3%, while by 2006 it had decreased to 6%.*"[189] While other factors unrelated to migration may have been at play here, it at least shows that Patria Grande did not increase unemployment as is often feared. This is confirmed by an expert on migration governance in South America:

lxviii Interview with Labour economist, 18 January, 2022.

lxix Interview with SADC secretariat consultant, 25 March, 2021.

> *what happened was that unemployment went down....and of course, access to basic services improved for those who were regularised as a result of this. You know, opening up for regional migrants...all the things that you think would have happened didn't happen*[lxx].

Without a level of commitment to the domestication of regional frameworks, and coordination between sectors and levels of government, the implementation of regional frameworks remains weak.

The potential of the African Continental Free Trade Area (AfCFTA) Agreement to promote economic integration and social cohesion in the region

African continental trade is characterised by low levels that have failed to grow over the decades. Intra-African trade averages between 15% to 20%, with some of the larger economies such as (South Africa, Egypt and Nigeria) more dependent on commodity exports or on trading partners outside of the continent.[190] Because of its potential to change this, the AfCFTA has received broad-based support across the continent. If implemented successfully, it has the potential to improve trade facilitation and business conditions by harmonising administrative requirements, reducing fees and simplifying customs procedures. Critically, these measures will improve cross-border trade for both formal economic operators and small-scale informal traders. Over the long term, simplified trade regimes, one stop border posts, and systems for regional payments can help deepen economic integration across the African continent.

The AfCFTA Agreement also provides an ideal continental forum to build on regional efforts and to adopt a continent-wide preferential trade regime for informal cross-border/small-scale traders (ICBT). Increased trade revenues from ICBT activity can work towards normalising movement of people across borders, thereby helping to dispel negative attitudes towards circular migration and the FMP issues, while also offering economic growth opportunities for border towns and increasing revenue collection for local governments. Enabling their mobility can assist small-scale traders to take advantage of scale and opportunities beyond their national borders within the context of a transparent, coherent, and simplified business ecosystem. Moreover, their participation and gradual integration into formal trading activities will allow governments to leverage their participation as key drivers of economic development and integration, especially in border regions, which are often peripheral and deprioritised when it comes to economic investment.

However, the role of human mobility in advancing the AfCFTA's ambitions has not been sufficiently addressed. Interviews with stakeholders in the AU and UN highlighted that resolving challenges around the movement of businesspersons, and facilitating private sector commercial and

[lxx] Interview with expert on migration law in South America on 7 October, 2021.

investment opportunities, should be the first step before comprehensive FMP can be realised for all SADC residents. But for this to become a reality, SADC members need to afford greater flexibility in labour markets, ease restrictions on labour reallocation across sectors, firms, and regions, and remove existing barriers to workers' mobility. Enabling the successful domestication of the AfCFTA requires AU members to fast-track the harmonisation of migration laws, skills recognition, and visa protocols, a goal that is yet to be realised in SADC.[lxxi] Similarly, member states need to incorporate migration elements into the development of their AfCFTA national implementation strategies and how border management and immigration processes can be made more ICBT-friendly.[lxxii] A member of the SADC Business Council was sceptical:

> *AfCFTA is a long-term initiative but while the objectives have broad based support, efforts have to start at a regional level. If we can't unite ourselves at a regional level, then how can we possibly work towards continental efforts? Lots of work needs to be done at a regional level.*[lxxiii]

Countries that have taken steps towards removing barriers to labour mobility in other regions, have seen tangible gains. For example, the revision of administrative procedures for work permits and entry visas in 2016 resulted in a 50% increase in cross-border trade amongst Uganda, Kenya and Rwanda.[191]

[lxxi] Interview with ILO representative, 1 17 August 2021.

[lxxii] Interview with UNECA, 17 August 2021.

[lxxiii] Interview with SADC Business Council representative, 5 August 2021

SECTION 5:
ROLE OF STATE AND NON-STATE ACTORS IN REGIONAL SOCIO-ECONOMIC INTEGRATION

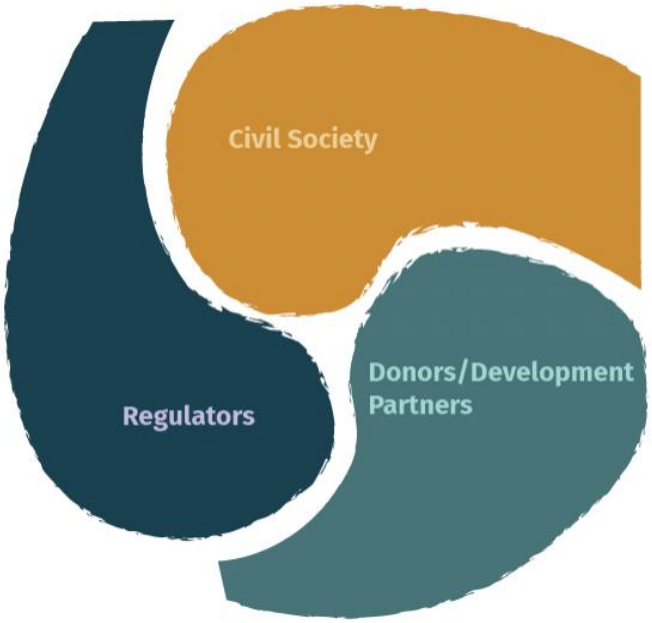
Key Insights

- Member states hold the key to regional integration and the free trade and movement of people, and national buy-in to the regional agenda should be a focus of other actors seeking to drive the agenda forward. In South Africa, we argue that spaces of opportunity exist within the Presidency, platforms like NEDLAC, and strengthening collaboration with the private sector.
- Donor approaches should think regionally and act domestically, recognising the influence of national governments and the relatively weak regional civil society space. With national governments emerging as the main actor 'to be influenced' and civil society (esp. in South Africa) being key 'influencers', regional integration will happen at national level.
- No single initiative can drive SADC's progress towards integration. Rather, success will be found in supporting issue-specific networks for social cohesion (e.g. the SADC Migrant Network and SADC Miners Group), or organisations facilitating cross border traders (e.g. WIEGO), skills recognition, and so on.
- South Africa's private sector is an important strategic partner in the push for regional integration. Because of their business interests on the continent, some of South Africa's most successful companies have a significant stake in labour mobility and free trade.
- Strengthening civil society's research and democracy capabilities remains key to regional integration. Arguably the largest civil society organisation (CSO) sector in the region, South Africa's funding for research and democracy has dwindled, weakening the sector's strategic work around monitoring the implementation of rights-enabling frameworks and court orders; forming alliances with partners from other sectors, and strengthening democratic institutions.
- Effective diversity management requires strengthening local governance, particularly where diverse communities reside at city's edges and in informal settlements. Working with local authorities to invest in local economies and spaces would reduce competition between communities and mitigate against social unrest and economic insecurity.
- The impact - both positive and negative - of human mobility is experienced at local government level. With local authorities playing a key role in providing services to local communities, their representation at regional discussions/negotiations is essential. Driven by a desire to address the impact of human mobility on planning and service delivery, cities like Johannesburg have joined global and local platforms on migration to find practical solutions.

Key actors in the FMP and regional trade ecosystem

In discussing the status quo of regional integration and identifying challenges to its progress, we have made reference to three broad groups of actors who are engaged in blocking or driving the regional integration agenda: regulators, civil society, and donors/development partners.

Figure 4 Sectors shaping FMP and regional trade in SADC



Building on the previous pages, this section answers two questions which lay the foundation for the recommendations we make in the report:

- ***What have we learnt about the FMP and regional trade actors and the roles they play?***
- ***How can OSF-SA and other regional advocates engage or support these actors in strengthening their impact?***

Figure 6: Regulatory Actors

What have we learnt about regulators and their roles in regional integration?

These actors are mandated to regulate various aspects of the FMP and trade. Some examples include an immigration department regulating who is allowed access to a country, the Global Compact for Migration, even though non-binding, is a commitment to promote safe, orderly and regular migration, the Constitutional Court interprets and passes judgement on legislation pertaining to migrant rights, the World Trade Organisation regulates global trade. Regulators do not only author legislation, policy, and procedures, but they also play a vital role in the norm setting and in the overall implementation of regulations. This means that regulators play a role in framing discussions around regional integration and are critical to creating, endorsing, and implementing regional frameworks.

South African government

Our analysis has highlighted the importance of national governments in shaping regional agendas. When we focus in on the South African government, we see how different parts of government have different regional objectives, which are sometimes contradictory. We have shown that national government has the greatest level of influence in shaping regional integration, trade and the FMP. Our report illustrates that even within this sphere, there exists tensions on the regional approach. For example, between departments like Treasury and Home Affairs, or Home Affairs and the Judiciary. Illustrating some of these tensions is the South African Treasury's Operation Vulindlela presentation to parliament which raised concern about Home Affairs' slow visa process:

> *Investors and industries [in South Africa] find the process of obtaining a scarce or critical skills work permit to be lengthy and onerous and sometimes ineffective at solving their short-term skills shortages.*[192]

Similarly, we have shown how provincial and local government play a role in implementing and enforcing regulations. Apart from the obvious sectoral regulators like immigration, home affairs, health, and education, we have also identified courts, local government associations, the police, the mayor's mechanism, and forums like the National Economic Development and Labour Council (NEDLAC), all of which impact or are impacted by decisions around the FMP and regional trade, even if they might not influence these decisions as directly. While the report highlights government's protectionism in light of the current political and economic climate, there are less controversial areas of regional integration than migration and trade where government has, and can be, more engaged.

As one of our respondents pointed out:

> *the state is not a coherent sphere. Quite good decisions have been made in the energy sphere and major changes in the*

energy regulatory framework [for example]. But Home Affairs is an impenetrable beast…why are they able to resist even when court judgements are made?[lxxiv]

In short, we argue that there are priorities that might, if addressed and considered, bring more regulators on board the regional integration agenda. As such, the trick is finding the right sectors where a pro-regional approach might be viable.

The SADC secretariat

SADC, as regional regulator, is a key actor in regional integration, but as the report has shown its influence over member states is limited. For example, member states do a lot of the norm setting, framing migration discussions within SADC around security in the region, with the *Organ for Politics, Defence and Security* dominating policy processes.

The emphasis on the security aspects of human mobility tends to downplay the economic and trade perspectives. Examples of state responses to COVID-19 illustrate how security tends to take precedence over concerns for migrant rights. South Africa's handling of COVID-19 was indicative of how security concerns take precedence over migrant rights. An illustrative example, which highlights the unilateral focus on migration through a security lens during a global pandemic, is the deportation of Malawian migrants from South Africa. A failure to bilaterally plan and prepare led to irregular migrants, dozens of whom were COVID-19 positive, arriving in poorly prepared facilities, absconding and leading to a significant increase in the positive cases in Malawi[193,194].

This does not bode well for the fulfilment of rights and freedoms of migrants in the long-term, and it highlights how migration governance, when viewed through a security lens, is a particular challenge for regional integration. Indeed, historical approaches and the responses to COVID-19 question the underlying motives for the recent push by member states to get SADC more engaged in the issue of migration governance.

How can regulators move regional integration forward?

The pressure of xenophobic violence at local government level, has been heightened by increasing pressure for security, services and economic opportunity. Over the last few years there has been an interest amongst large municipalities to address human mobility in their planning and budgeting. In cities like Johannesburg, this is led by pragmatic bureaucrats who understand the impact of human mobility on urban systems and politics.[lxxv] For example, the Department of International Relations in Johannesburg is part of the Global Forum on Migration and Development in Cities, and these platforms

[lxxiv] Interview with Economist, 18 January, 2021.

[lxxv] Interview with City of Joburg official, 29 September, 2021; Interview with Local Government Consultant, 27 August, 2021.

offer possibilities of shifting bureaucratic attitudes towards human mobility. These actors are of particular importance, as these large municipalities also struggle with violence and hostility towards migrants.

At national level, opportunities exist in economic processes, rather than in addressing migration directly. President Ramaphosa's Economic Recovery Plan[195], for example, has the potential to push for a stronger regional agenda. The President's panel of advisers include the private sector which would benefit from easing labour mobility and regional trade. Finding a champion in this panel for regional integration will be useful as it has been pushing for less visa restrictions for skilled labour.[195] The Treasury's Operation Vulindlela, whose mandate is to reduce the structural impediments to economic growth, has also been pushing for easing visa and residency restrictions for skilled migrants and investors. Finding and supporting regional integration champions within the Treasury could see the agenda advance within government circles.[196–198]

A less obvious and longer-term opportunity is to strengthen government accountability and capacity through the Draft National Implementation Framework towards the Professionalisation of the Public Sector. In the long-term, a well-functioning government will be good for both host and migrant communities, and it would specifically address both a lack of capacity and abuses of power in the implementation of regulations, which is important in attempts to strengthen regional integration.

What the above approaches share is that they highlight national or local priorities that might help bridge the gap between regional integration and domestic issues. This need to align regional integration with government priorities has been highlighted above, and the examples given here show more clearly what this might look like from an actor-focused ecological approach. It also highlights how issue specific agendas are likely to be more successful in achieving this alignment than more general and broad integration initiatives.

A recurring challenge mentioned by regional actors, is the tendency for migration discussions to gravitate towards security. De-securitising migration discussions will require strengthening the SADC secretariat, in particular arms of the organisation that are centred around trade and integration such as The Deputy Executive Secretary: Regional Integration and the Directorate of Industry Development and Trade. Balancing the voices within the secretariat is essential for creating a pathway towards the FMP and regional trade. Supporting SADC to develop regional trade and migration frameworks, is essential, by leveraging Global and Africa-wide processes such as the Global Compacts for Migration and Refugees, and the AfCFTA.

Our findings suggest that it is important to have messaging that moves away from security, but avoids alienating governments concerned with the FMP as an 'open door' policy.

Figure 7: Civil Society Actors in South Africa

What have we learnt about civil society and their roles in regional integration?

This is a broad group, encompassing actors in the socio-economic landscape. This includes: (a) the private sector, who has some interest in the free movement of people, capital and goods; (b) service providers, who are civil society groups providing services, in this specific case to migrants who are navigating a political economy that is often hostile towards them; (c) knowledge and research focused actors, who buy-in large try to inform both regulators and advocates in their decision-making; (d) advocates influencing regulators, often with a focus on human rights; (e) organised labour, such as unions, which aim to protect the interests of their members in relation to the private sector, appealing to regulators in their efforts; and (f) media and influencers, who often provide a space for other actors to reach audiences and play a role in opinions and attitudes.

Civil society's role is mostly in influencing, or trying to influence regulators and holding them accountable. The category is diverse, composed of an extensive number of actors, across a variety of sectors. Civil society is fragmented, and because it consists of so many smaller actors, their role is linked to specific areas of opportunity, most of which will require better coordination across the actors in this group. Our research suggests that the pathway to building a Pan African movement is to support regional advocacy Civil Society Organisations (CSOs). These could include the strengthening of CSO networks, especially where these are regional, bringing together smaller, national actors in an effort to coordinate efforts. For example, SADC Regional Migrants Network (SADC-RMN), under the auspices of the Consortium for Refugees and Migrants in South Africa (CORMSA), has made some progress in putting the transfer of social benefits on the SADC agenda, working with the ILO and SADC secretariat. What initiatives like these need is member state backing, and in particular the support of South Africa.

An examination of the CSOs in South Africa, reveals a strong sector, but with fragmented voices, that operate in silos defined by their areas of activity and populations of concern, even if regional integration is relevant to the overall objectives. Civil society organisations often function on the ground, addressing specific issues, often helping with the service provision in underserved communities alongside or in the absence of local government.

This local focus of CSOs means that their work replicates the division between migrant and host communities in South Africa. CSOs supporting migrants work in relative isolation to those working with South Africans around similar issues of access to basic services and markets.

The migrant ecosystem is fragmented, in part because declining funds incentivise competition within the sector. Overall, movement and coalition building within the sector is weak as organisations respond to

growing demands, with fewer resources and an increasingly hostile state[lxxvi].

Where voices do come together – collaboration between organisation is strong around litigation – issues that are shared with South African communities, are often overshadowed by issues around discrimination and wilful exclusion.

Nevertheless, because CSOs play an important welfare role, providing services to marginalised South African communities where the state has failed, and play a critical in providing emergency services to displaced migrants and refugees, especially after xenophobic violence, they offer an opportunity to work on shared issues faced by migrants and South Africans. They are in touch with key domestic constituencies and can facilitate local development investments in ways that could mitigate against xenophobia. Working closely on the ground, CSOs are also essential in deepening local knowledge, understanding barriers to regional integration and being able to observe and document the benefits of it where progress is made.

Our research touched on migrant advocates such as the Lawyers for Human Rights, SERI Musina legal advice centre, and religious organisations that have used litigation to compel the government to adhere to their constitutional responsibility towards refugee and asylum seeker rights. A similar example in Botswana was mentioned too, where litigation targeted the government's detention of migrant children. While litigation has been effective in bringing about change in government policies, monitoring the implementation of court rulings has been weak.[199] As such, while CSOs have been successful in the courts, impact on the ground has been weak.[lxxvii] A well-resourced civil society sector could strengthen its watchdog function, call the government to account, and strengthen the implementation of court rulings.

In addition to non-profit and civil society organisations, the private sector presents another influential group of actors. Like other sectors, the private sector is not homogenous, with varied sectors having varied regional agendas. The report has discussed how domestic lobbies in the sugar industry favour economic protectionism, and their influence in lobbying government for favourable legislation.

But there are also segments of the South African corporate sector, particularly mobile telephony, the financial, food retail and insurance sectors, which have made significant profits in African markets – that might benefit from stronger regionalism.[201] This makes them potential allies in opening regional labour and trade markets. Some key actors include MTN, Sanlam, Shoprite, Standard Bank, ABSA, and FirstRand.

As the largest funder of civil society in South Africa, the country's private sector also could potentially shape civil society agendas towards a more regional, migrant friendly

[lxxvi] Interview with LHR, 25 May 2022.

[lxxvii] Interview with head of advocacy and legal services at South African Migrant Rights NGO, 1 October 2021;

outlook. But much corporate social investment (CSI) goes into research or supporting civil society's watchdog function. Rather, the private sector corporate social investment spend goes to delivery of developmental services. Influencing CSI priorities and agendas will require in depth engagement and collaboration with the private sector.

Overall, the big business is powerful, but politically non-confrontational. Recent analyses point to its tenuous relationship with the current administration,[202] and its approach to 'go it alone' and not make demands on government.

There are downsides to business interests, however. Evidence shows that there are vested interests among some corporate actors in the defence/security industry, mining and agricultural sectors, in maintaining undocumented (and as such criminalised and exploitable) populations. This vested interest has been discussed above and was one of the main areas where the findings so far have explicitly spoken about the private sector.

Last but not least is the media – both traditional and social media platforms. Recent analysis of social media shows how a disproportionately small group of political actors have galvanised around anti-immigrant narratives that may have sometimes lead to violence.[203] Users such as @zungulaVuyo (a member of parliament), @hermanMashaba, former mayor of Johannesburg and now leader of ActionSA, @visithembekwayo a prominent businessman and motivational speaker and @blessingsRamoba at the Mining Forum of South Africa, have amplified nationalist views that promote disinformation, xenophobia and sometimes violence.

The use of hashtags like #putsouthafricafirst, and online platforms to organise around xenophobia is a growing phenomenon, and movements such as Operation Dudula have been able to utilise social media effectively.[203]

But social media is itself mostly a tool, and used strategically it could be an effective tool for strengthening regional integration. South Africa has witnessed the successful mobilisation of social movements in social media, galvanising support around gender-based violence and government corruption through the hashtags #AmINext, #I'mSTaying, #TotalShutDown, #NotInMyNameSA #FeesMustFall and #ZumaMustFall.[199] Such efforts in relation to social cohesion and regional integration would need to resonate with the sentiments of key platform users and be actively pursued.

Figure 4: With xenophobia and xenophobic violence intensifying in South Africa, communities that rely on remittances from that country risk falling into poverty

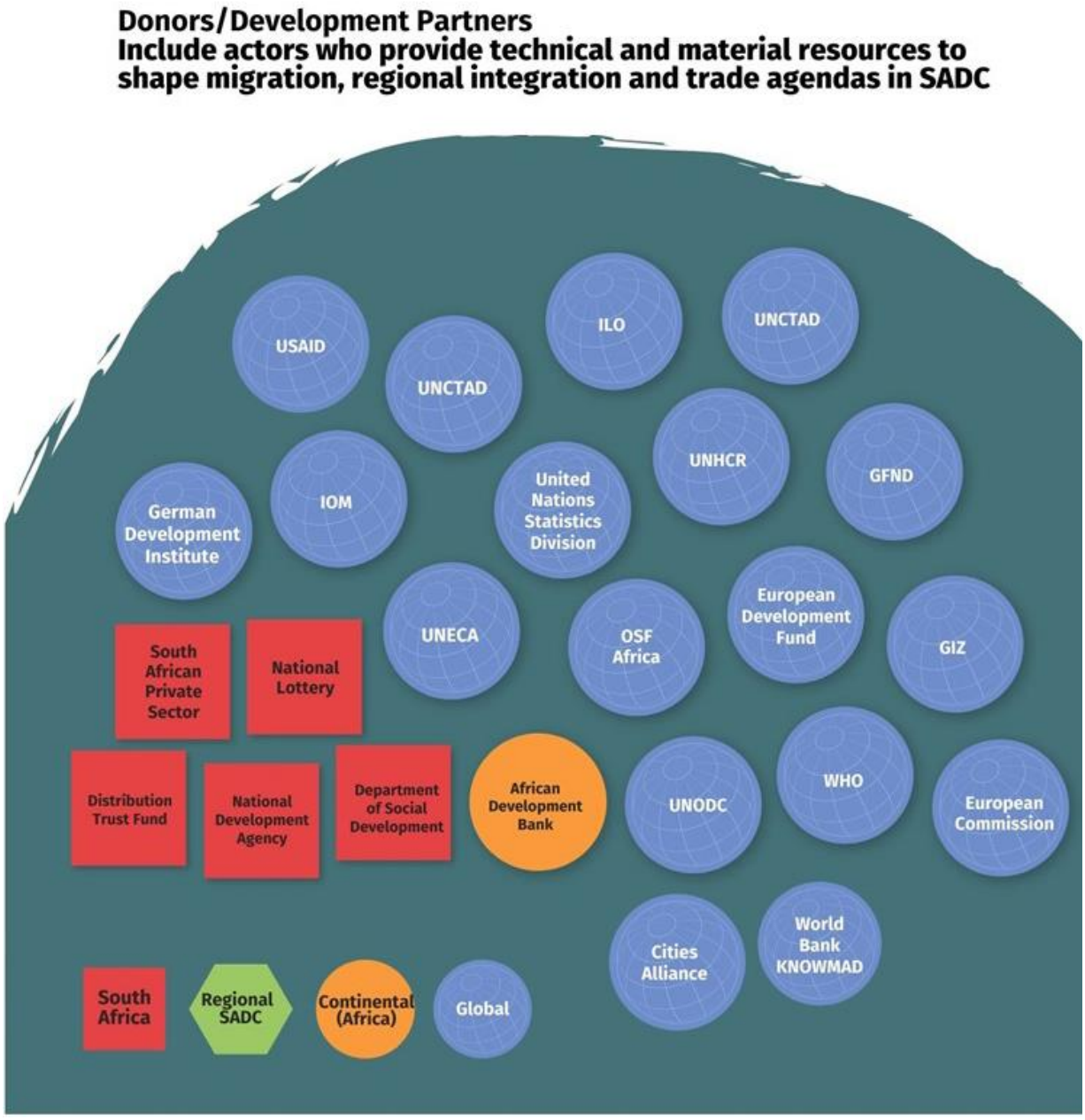
Source: Received on WhatsApp on 8 February, 2021

How can civil society move regional integration forward?

Because civil society is fragmented, there is no single answer to this question. The relative lack of a regional civil society, whether CSOs, private sector groups, or media, CSOs role is as a domestic driver for regional integration. With regulators we have argued that alignment with domestic issues is key in driving regional integration. Civil society are the domestic constituencies that, when supported properly, can: (a) lessen the impact of domestic issues on the ground that are the key barriers to regional integration, for example, xenophobia; (b) articulate the benefits of regional integration to their work in local and domestic contexts addressing key issues, for example, benefits to employment through trade integration; and (c) hold government accountable in areas where regional commitments have been made.

When looking at the work of civil society on migration, in particular, we show how framing regional integration around migrant rights and the FMP can be counterproductive. Even though it is vital to ensure that migrant rights are respected, and not curtailed, migrant rights advocacy relies heavily on government's acquiescence and willingness to implement, a phenomenon that is not always been the case.

Figure 8: Donors and Development Partners



What have we learnt about donors and development partners and their roles in regional integration?

Donors play a critical role and have a degree of influence over regulators and civil society actors, because of the resources and technical assistance they provide. As we discuss below, some development partners' programming aims to strengthen regional integration, motivated by its positive impact of development, stability, and security, but their agendas are generally fragmented in ways that disperse regional integration efforts.[lxxviii199]

The EU and various member states are key funders in the region, and in SADC, there is less focus on migration (and in reducing mobility) than in other African Regions. Instead, EU funding aims to improve governance, reduce violence, and some continued work on HIV/AIDS. It is worth noting that the EU funds a significant proportion of IOM's programming in SADC, and the EU's role in the ecosystem, even though less problematic than in other regions in Africa, still includes migration management as a component of regional integration.

The UN, and the various UN bodies, especially IOM and UNHCR, are key actors in protecting migrants, refugees, and asylum seekers, and driving regional integration. But it is difficult for UN agencies to enforce the implementation of global or regional agreements. And as we have discussed before, accountability mechanisms for such enforcement remain weak.

As such, UN agencies are engaged at the national and regional level in terms of attempting to draw new connections between regional migration and development. This connection has been bolstered by global and continental frameworks like the GCM/GCR and AU Agenda 2063. Some progress has been made in terms of developing new regional and domestic policy documents, and efforts to strengthen data available on migrants have seen some progress, with the creation of the Regional Migration Data Hub (RMDHub) and rollout of Displacement Tracking Matrix activities in Southern Africa by IOM.

Continental and global development banks, such as the World Bank and African Development Bank, could also be important strategic partners in strengthening trade and regional integration. The World Bank for instance is involved in regional integration programs in the Democratic Republic of the Congo and in strengthening the connectivity between Malawi and Zambia. It's South Africa program focuses on youth unemployment. Partnering, collaborating, or synchronising with these actors could significantly strengthen strategic incrementalism as an approach, building momentum with actors

[lxxviii] Donors and local officials interviewed for this research identified the lack of coordination as a problem..

who are active in the various stages of regional integration.

How can donors and development partners move regional integration forward?

Much like SADC itself, development partners need to link national priorities to international initiatives in order to make progress. Their focus on regional bodies and national governments needs to be supplemented with work on the ground working with civil society partners to develop localised approaches that promote host and migrant protection and wellbeing. Through their funding strategies and specific projects, donors can potentially strengthen coalitions between CSOs that work with host and migrant communities, building on solutions to common challenges.

Our report highlights the need to work towards the FMP and regional trade incrementally, using sector priorities and agendas, as starting points. Donors and development partners could play a key role here, strategically supporting clearly defined sectoral programs. IOM, for example, recognises labour mobility and circular migration as a politically more palatable option for SADC members and has been mobilising SADC member states to liberalise their migration policies along these lines, most notably through their Skill Mobility Partnerships Programme.

Lastly, donor strategies, and government engagement needs to develop messaging that engages, rather than alienates governments. This approach relies on strong strategic understanding of local contexts, the domestic needs of governments, and the broader political and economic climate. Currently, in SADC, the FMP has been repeatedly identified in our findings as a 'no go' area. With trade too, there is a tendency to protect domestic markets. As such the use and choice of language is essential.

SECTION 6: CONCLUSION PRINCIPLES AND APPROACHES TOWARDS EFFECTIVE AND EFFICIENT REGIONAL PROGRAMMING

This report explores the possibility of strengthening regional integration in SADC, particularly the FMP and intra-regional trade. It aims to highlight strategies that donors, civil society and other regional advocates can utilise in developing their regional programs. Drawing on existing literature and key stakeholder interviews, we explore the possibility of strengthening regional advocacy, movement building, migrant rights and advancing trade in the region. We argue that the high unemployment levels – especially in the region's largest receiving migrant country South Africa -- together with weak economic growth, rising populism and growing xenophobia, make the possibility of economic integration and the FMP remote in the short term. With the current domestic protectionist politics, we show that for now, there is little appetite for liberalising migration and trade markets.

Our analysis highlights that direct appeals/campaigns to opening regional markets, promoting the FMP, and bolstering migrant rights, will be limited at best, and counterproductive at worst. In addition to the political economy constraints, there are structural hurdles that impede regional transformation. For one, there are no effective global, continental, or regional accountability mechanisms for the implementation of migration policy. This, coupled with the fact that SADC member states are unwilling to cede control of trade and migration to the secretariat, leaves the enforcement of regional agreements and protocols to member states. As such, efforts to strengthen existing legal obligations, regional agreements and protocols will only succeed if member states commit to their enforcement, which, as we have argued, remains a remote possibility in the short term.

A more effective approach might be to design programs that build migrant rights incrementally and strengthen coalitions amongst domestic interests and sectors that could enable the FMP.

No region is a panacea, but lessons from other regions are telling. SADC lacks the necessary domestic support and political will that made other more integrated regions -- like ECOWAS, the EAC, and MERCOSUR – possible. Instances where migrant protection has been effective, have resulted from aligning with domestic interests and solving domestic challenges. Indeed, one of the critical lessons from other RECs is the importance of sequencing regional integration – finding agreement on economic approaches and labour mobility before broaching the

idea of the FMP. With SADC still navigating economic, trade, and labour integration, the FMP is only likely once these agreements are settled, and their benefits on domestic economies realised.

So, what are pathways to a stronger region? Where do current opportunities lie in SADC to strengthen regional trade and migration?

Our research suggests that a stronger SADC lies in building domestic demand for regionalism, aligning regional integration with government's domestic priorities and adopting strategic approaches that build on stealth and sequencing. Even if the end goal of a regional program were to strengthen migrant rights and the FMP, centring this objective would draw attention that is likely to provoke a political backlash that results in negative consequences for vulnerable migrants and local populations. A more effective approach might be to design programs that build migrant rights incrementally and strengthen coalitions amongst domestic interests and sectors that could enable free movement.

To this end, regional programs should be developed around six broadly separate yet connected principles:

Principles for framing the FMP and trade in SADC

Responding

1. **Solution-oriented**: offer member states solutions to their most pressing problems: unemployment, economic growth, and security.
2. **Domestic alignment**: align with the domestic priorities of civil society, private sector, and government actors.
3. **Demand driven**: leverage, build upon and strengthen domestic demand for regionalism in the areas where this exists.

Progressing

4. **Strategic sequencing**: informed by domestic demands and solutions, identify progressive steps, starting with 'easy wins' and ending with the FMP.
5. **Incrementalism:** identify and support existing sectoral efforts to realise regional policy harmonisation and implementation, e.g. qualification frameworks, potability of social benefits, strengthen integrated water management, infrastructure integration and so on.

6. **Stealth:** the liberalisation of trade and FMP are politically sensitive issues, as such the language, tenor and approach of a regional program should identify approaches that do not antagonise key domestic actors in ways that undermine the protection of migrants.

Principle 1: One of the central observations from the findings, across literature and expert interviews, has been the importance of member states in supporting and even leading a regional agenda. Advocates need to show how liberalising trade, labour and migrant markets will benefit domestic economies. As such, any FMP and regional trade program must offer member states solutions to their most pressing domestic problems – economic growth and unemployment.

Principle 2: Strengthening the FMP and regional trade is most effective, when there is clear alignment with the domestic priorities across the different actors at civil society and government level. Regionalism must therefore not only offer solutions, but ensure that solutions are workable, address the local priorities, and support local actors in ways that offer development, protection, and security to all.

Principle 3: Building on the previous principles, is the importance of designing programs that leverage local demand. The research identified interests in regional approaches, where closer coordination, a reduction in barriers, and better harmonisation have been identified as solutions by actors on the ground. By supporting these specific areas, an FMP or regional trade program, can be more efficient if it supports existing needs on the ground.

Principle 4: There is a shared perception amongst the consulted experts, that regional integration in SADC will likely occur if it follows a particular sequence of milestones. It is not possible to put the proverbial cart before the horse. The exact sequence of events requires strategic consideration, built around regional and domestic contexts. This strategic sequencing should focus on key building blocks and 'easy wins' to ensure that resources and efforts are not wasted.

Principle 5: In line with sequencing, it is important to recognise that processes like the FMP and free trade are realised incrementally. What this implies is that to be effective, programming must take cognisance of time, building approaches along the short, medium or long term. The FMP and free trade are not sudden processes, they are realised incrementally.

Principle 6: The FMP and free trade, are politically sensitive and are perceived as detrimental to domestic development. Even where these remain the end goal in programming, it is important to use the first five principles as guidance to work towards them stealthily. Being strategic about language and messaging that focuses on solutions, addresses national pain points, and seeks local buy in.

Following from the principles above, are some guidelines for framing project objectives that donors and their partners can use to design SADC regional liberalisation programs.

1. Thinking regionally, acting domestically

To have some measure of success, a SADC regional program must align with members' domestic priorities, offering governments solutions to growth, unemployment, and security. Such an approach must include evidence and projections of the impact of regional integration on member countries' economies, societies, and politics. Research and experiences in other blocs show that regional integration has a net benefit for member states. Modelling by Blaise Gnimassoun shows that African integration increases income in the short and medium term as a result of inter-country migration.[17] In migrant destination countries, migration has positive impacts on trade flows, domestic skills and labour mismatches, and tax revenue.[lxxix] For sending countries, remittances help to reduce poverty, foster entrepreneurship, and increase household investment in education and health.[23,24] However, highlighting the advantages of regional integration alone will not guarantee SADC member commitment to it. Advantages must be domestic and recognised by domestic actors. Advocating member adherence to regional protocols or migrant-rights frameworks will fail if it is not actionable domestically – the adherence will be an outcome of domestic actor needs for harmonisation and integration.[25–27] Effective approaches to SADC integration require a deep inquiry into the (visible and invisible) *domestic* actors that shape regional agendas, their political and economic motivations, and the possibilities of building strategic alliances at national, regional and global level.

2. Building domestic constituencies for regionalism

Successful regional integration with the FMP and free trade is more likely to be realised where domestic, rather than external actors mobilise the agenda. This means that donors and other actors wishing to strengthen regional integration must understand migration and trade ecosystems in each country (especially in the strong economies) and identify potential domestic allies. A SADC regional program can help strengthen domestic demand for regionalism, by supporting domestic civil society, and private and public sector networks. In SADC, there is the potential to leverage the private sector which has a stake in accessing regional markets and needed skills. Working with regional and national apex business associations offers the opportunity to strengthen the private sector lobby and voice in regional negotiations. Additionally, creating spaces of engagement amongst public sector actors that align with a regional agenda could strengthen domestic demand for integration. Strengthening inter-governmental engagement amongst departments who are likely to be open to liberalisation, such as trade and industry, treasury, economic development, and so on, could lay the ground for a pro-regional coalition within countries and amongst regional members. In South Africa

[lxxix] Revising administrative procedures for work permits and entry visas in 2016 have since resulted in increased intra cross-border trade amongst Uganda, Kenya and Rwanda by 50%; [18–20,20–22]

for example, the Presidency and the Economic Advisory Panel, Treasury's Operation Vulindlela, and platforms like the NEDLAC may open up space to develop common-sense migration regimes that meet the country's labour needs. As we argue in this report, identifying domestic actors with strong incentives for regional integration can provide avenues for mobilising for a stronger regional agenda.

3. Aligning migrant protection to domestic interests and priorities

Examples from around the globe show that opportunities to institute the protection and empowerment of migrants are highest where this serves domestic interests and priorities, such as the reduction of unemployment, reaping the benefits of remittances, achieving national goals through migration agreements, easing administrative burdens and security risks, and receiving financial support for hosting migrants. Where international norms and standards can be aligned with domestic priorities, they are more likely to be implemented. Linked to 'acting domestically', ensuring that initiatives are 'domestically driven' makes them likely to convince other states in the region, as they can see results in actual practice.

4. Strategic incrementalism

International experience shows that the road to regional integration follows a sequence, typically starting with agreements around trade, business services, and customs unions before negotiating migration policy. Understanding this *sequencing* approach will offer SADC-region advocates the best possibility of opening the door to the FMP – once the tangible benefits of *economic* integration are realised at national level. With no agreement on *economic* integration – a customs union, common market, monetary union and single currency – the prospects for the FMP in SADC remains distant dream[36]. The region also needs to agree on labour mobility – particularly the politically more palatable labour circulation – before addressing the FMP. Arguing for a sequential approach to integration, a SADC Secretariat consultant argued that:

> *In Africa, regional integration frameworks tend to be over-ambitious and unrealistic. My experience shows that starting small, and working incrementally – doing something where there is clear political will and support, advances the agenda*[lxxx]

Although this incremental approach does not lead to a 'quick-fix', we argue that working steadily, one policy at a time, prepares the groundwork for the realisation of a stronger, more inclusive region. A SADC regional program could incrementally facilitate the way for the negotiation of more thorny regional issues connected to migration, such as a regional qualifications framework, a social benefits portability policy, or a circular labour migration policy.

[lxxx]Interview with SADC secretariat migration expert consultant, 17 August, 2021.

5. Paying attention to language

Governments are reluctant to support the idea of the FMP, which they generally view as 'unfettered' rights for migrants. A SADC official pointed out that, *"broad-based migration is likely to remain a distant dream for the region for the foreseeable future."*[lxxxi] Similarly, an official in the SADC Business Council admitted that:

> *Even us as the SADC Business Council – we don't talk about regional integration from a migration perspective – only trade perspective. The migration aspect is not appreciated. Migration is a hot potato – no one wants to talk about it.*[lxxxii]

To address widespread negative connotations of free movement as a 'free for all', it may be more strategic for regional-minded donors or activists to negotiate mobility for specific labour categories – using a demand driven approach that addresses national economic priorities. Using the language of 'circular mobility' or 'labour mobility' instead of 'free movement' may be more agreeable, allowing discussions to focus on regulating movement to better suit needs, rather than deregulating movement. The idea of a regulated approach in which members have some control over labour mobility would help to ease states' concerns around the negative effects that labour mobility could have on domestic unemployment.

6. Investing in local development

It is at the local government level that the impact of human mobility is most acutely felt. The majority of migrants in the region live amongst host communities who face many of the same challenges that migrants have in accessing urban services, education, economic opportunities, and health. Given this, migrant rights advocates may find more success protecting and supporting migrant households by designing programs that strengthen local infrastructure and service delivery. Programs aimed at ensuring host and migrant access to services like water, sanitation, housing, clinics, schools are more likely to get political buy-in and protect migrants. Focusing on investing in a place rather than specific populations would reduce competition between communities and mitigate against social unrest and economic insecurity that thwart the FMP. Building productive relationships with municipalities is essential for regional integration advocates wishing to improve their impact on migrant welfare and protection. With local governments playing a key role in providing services to local communities, their representation in regional negotiations is vital.

[lxxxi] Interview with SADC official, 25 August, 2021.

[lxxxii] SADC Business Council interview 5 August 2021.

7. Deepening local knowledge

Some political and corporate actors derive considerable 'profits' from the existence of legally and socially pathologised populations of 'irregular' migrants that undermine efforts to empower people on the move[29,30]. Without understanding and tackling the political economy systems that incentivise the continued exploitation and criminalisation of migrants, migrant rights will remain difficult to realise. This requires a high degree of knowledge about specific social, institutional, political, and economic contexts. Funding such time-intensive and under-resourced approaches will go a long way towards identifying strategic opportunities for strengthening regional integration. In the spirit of 'paying attention to language', some care must be taken to ensure that these processes deal with the sensitivities linked to shining a light on government corruption, bribery, and profiteering from vulnerable migrants.

8. Supporting issue-specific regional agendas

For donors and development partners looking to strengthen SADC, issue-specific agendas may be more likely to lead to regional integration than generalised calls for the FMP or open trade. To this end, supporting networks working on specific aspects of regional integration, such as the portability of social benefits, cross border trade, skills recognition, universal health, education, housing, local economic development, and so on, will provide the groundwork needed for promoting integration. This strategy not only benefits those who move and their hosts, but it approaches regional integration in ways that are less obvious or confrontational in a context where member countries remain sceptical of strengthening the regional level.

9. Tailoring strategic messaging

From the global #BlackLivesMatter movement, to the South African #FeesMustFall and #AmINext campaigns, social media has become an important tool for social justice movements.[31–33] The ease with which people access, publish, and share information across space and time has been a game-changer for activism and social justice movements. Yet, the characteristics that make social media a powerful social justice tool are the same that make it a source of disinformation, censorship, and sometimes violence.[31,34] Fighting back against misinformation will be an uphill road, particularly because an recent MIT study found that people were six times more likely to believe fake news on Twitter, than real news.[35] Designing appropriate messaging around regional integration and migration by using multiple social media and other platforms could strengthen a more inclusive regional identity, but there needs to be significant research and investment in storytelling technologies.

Our analysis of the status quo, the challenges and opportunities, and the roles different actors play, have allowed us to identify principles and approaches to more effective FMP and regional trade programming. These should be read as guidance, not specific recommendations. They are a checklist

for donors, regional actors, and development partners to consider when designing their programmes in order to ensure that regional integration is a practicable goal, and any efforts are effective, efficient and evidence-based.

Indeed, realising the FMP or free trade is not an easy achievement and leading examples, such as the EU, have taken decades of advocacy and contextual pressures to progress, and continue to exhibit signs of fragility during crisis. In Southern Africa, we need smarter ways of messaging and showing the evidence that regional integration will help address the shared challenges member states face: employment, economic growth, and security. Until the region's governments see regionalism as part of the solution to domestic challenges, we hope that this report provides some guidance towards designing more effective regional programming.

ENDNOTES

1. SADC. Southern African Development Community :: SADC Member States applauded for development of policies and strategies for protecting refugees and migrants. SADC: Towards a common future. Published December 23, 2021. Accessed January 4, 2022. https://www.sadc.int/news-events/news/sadc-member-states-applauded-development-policies-and-strategies-protecting-refugees-and-migrants/

2. Landau LB, Segatti AWK. *Human Development Impacts of Migration: South Africa Case Study*. UNDP; 2009.

3. Landau LB, Kihato CW, Postel H. *The Future of Mobility and Migration within and from Sub-Saharan Africa*. Paper commissioned by the European Commission's European Political Strategy Centre; 2018.

4. Dodson B, Crush J. *Migration Governance and Migrant Rights in the Southern African Development Community (SADC): Attemps at Harmonisation in a Disharmonious Region*. This United Nations Research Institute for Social Development; 2015. Accessed August 29, 2017. https://books.google.com/books?hl=en&lr=&id=IOR9PyvJvowC&oi=fnd&pg=PA1&dq=%22Geneva+workshop+on+%E2%80%9CRegional+Governance+of+Migration+and%22+%22Migration+in+this+region+is+substantial+in+scale+and+diverse+in%22+%22have+made+limited+progress+and+continue+to+face+formidable%22+&ots=sDF5yC_KT2&sig=CeRH1j1yMLg0YoKMO5rnLUaPwUI

5. Crush J, Chikanda A. Forced Migration in Southern Africa. In: Fiddian-Qasmiyeh E, Loescher G, Long K, Sigona N, eds. *The Oxford Handbook of Refugee and Forced Migration Studies*. OUP Oxford; 2014.

6. Vearey J, de Gruchy T, Maple N. Global health (security), immigration governance and Covid-19 in South (ern) Africa: An evolving research agenda. *J Migr Health*. 2021;3:100040.

7. Galvin TM. 'We Deport Them but They Keep Coming Back': The Normalcy of Deportation in the Daily Life of 'Undocumented'Zimbabwean Migrant Workers in Botswana. *J Ethn Migr Stud*. 2015;41(4):617-634.

8. African Development Bank. *Southern Africa Economic Outlook 2020: Coping with the COVID-19 Pandemic*. African Development Bank Group; 2020.

9. African Development Bank Group. *African Economic Outlook 2021: From Debt Resolution to Growth: The Road Ahead for Africa*. African Development Bank Group; 2021.

10. Estelle E. The Islamic State Resurges in Mozambique. Foreign Policy. Published 2021. Accessed July 26, 2021. https://foreignpolicy.com/2021/06/16/mozambique-islamic-state-terrorism-france-total/

11. Landau LB, Misago JP. The link between public violence and xenophobia. *The Conversation*. http://theconversation.com/the-link-between-public-violence-and-xenophobia-in-south-africa-61686. Published June 30, 2016. Accessed August 28, 2017.

12. World Bank. *Poverty and Equity Brief: South Africa*. World Bank; 2020.

13. Statistics South Africa. *Quarterly Labour Force Survey (QLSF) 1st Quarter 2021*. StatsSA; 2021. Accessed May 10, 2022. https://www.statssa.gov.za/?p=14415

14. Neilson B. The Currency of Migration. *South Atl Q*. 2018;117(2):375-396. doi:10.1215/00382876-4374889

15. Maple N. Rights at Risk: A thematic investigation into how states restrict the freedom of movement of refugees on the African Continent. *New Issues Refug Res Res Pap*. 2016;(281).

16. Crush J, Peberdy S, Williams V. International migration and good governance in the Southern African region. Published online 2006.

17. Gnimassoun B. Regional Integration: Do intra-African trade and migration improve income in Africa? *Int Reg Sci Rev*. 2020;43(6):587-631.

18. Colas M, Sachs D. *The Indirect Fiscal Benefits of Low-Skilled Immigration*. Institute Working Paper; 2020. doi:10.21034/iwp.38

19. Monras J, Vázquez-Grenno J, Elias F. Understanding the effects of legalising undocumented immigrants. VoxEU.org. Published May 15, 2018. Accessed August 11, 2021. https://voxeu.org/article/effects-legalising-undocumented-immigrants

20. OECD, International Labour Organization. *How Immigrants Contribute to Developing Countries' Economies*. OECD; 2018. doi:10.1787/9789264288737-en

21. OECD, International Labour Organization. *How Immigrants Contribute to Rwanda's Economy*. OECD; 2018. doi:10.1787/9789264291829-en

22. Pastor M, Scoggins J, Tran J, Ortiz R. Immigrant Authorization in California. Published online 2010:18.

23. Ratha D, De S, Kim EJ, et al. Leveraging Economic Migration for Development: A Briefing for the World Bank Board. *World Bank Group*. Published online 2019.

24. OECD. *Interrelations between Public Policies, Migration and Development*. Organisation for Economic Co-operation and Development; 2017. Accessed January 7, 2022. https://www.oecd-ilibrary.org/development/interrelations-between-public-policies-migration-and-development_9789264265615-en;jsessionid=Z-xWTWamSMvmgZMpET9MZt9v.ip-10-240-5-52

25. Vigneswaran D, Duponchel M. One Burden too Many? A Cost-Benefit Analysis of Immigration Policing in Gauteng. Published 2009. Accessed April 2, 2021. https://dare.uva.nl/personal/search?metis.record.id=376732

26. Amit R, Zelada-Aprili R. Breaking the Law, Breaking the Bank the Cost of Home Affairs' Illegal Detention Practices. Published 2012. Accessed October 14, 2021. http://www.migration.org.za/wp-content/uploads/2017/08/Breaking-the-Law-Breaking-the-Bank-The-Cost-of-Home-Affairs%E2%80%99-Illegal-Detention-Practices.pdf

27. Interview with head of advocacy and legal services at Migrant Rights NGO, 1 October.; 2021.

28. SADC. Southern African Development Community :: Integration Milestones. SADC. Published n.d. Accessed April 4, 2021. https://www.sadc.int/about-sadc/integration-milestones/

29. Golash-Boza T. A Confluence of Interests in Immigration Enforcement: How Politicians, the Media, and Corporations Profit from Immigration Policies Destined to Fail: Who profits from failed immigration policy? *Sociol Compass*. 2009;3(2):283-294. doi:10.1111/j.1751-9020.2008.00192.x

30. Bornmann J. How Lindela became Bosasa's meal ticket. The Mail & Guardian. Published December 11, 2019. Accessed July 20, 2021. https://mg.co.za/article/2019-12-11-00-how-lindela-became-bosasas-meal-ticket/

31. Fuchs C. *Social Media: A Critical Introduction*. Sage; 2021.

32. Fuchs C. Social media and the public sphere. *TripleC Commun Capital Crit Open Access J Glob Sustain Inf Soc*. 2014;12(1):57-101.

33. Centre for Analytics and Behavioural Change. *Interim Report on Xenophobia on South African Social Media: Investigating the Content, Users and Tracking the Intentional Promotion of Xenophobic Conversation from 1April to 31 May 2020*.; 2020.

34. von der Weth C, Vachery J, Kankanhalli M. Nudging Users to Slow down the Spread of Fake News in Social Media. In: *2020 IEEE International Conference on Multimedia & Expo Workshops (ICMEW)*. IEEE; 2020:1-6.

35. Vosoughi S, Roy D, Aral S. The spread of true and false news online. *Science*. 2018;359(6380):1146-1151. doi:10.1126/science.aap9559

36. SADC Secretariat. *Annual Report 2020-2021*. SADC; 2021.

37. World Bank Group. *The African Continental Free Trade Area*. International Bank for Reconstruction and Development/ The World Bank; 2020.

38. African Union, African Development Bank Group, United Nations Economic Commission for Africa. *Africa Regional Integration Index*. AU, AfDB, UNECA; 2019.

39. Hartzenberg T. The new SADC Agreement : implications for regional integration in Southern Africa. In: Dirk Hansohm. et al., ed. Gamsberg Macmillan; 2003:173-186. Accessed March 26, 2021. http://0-search.ebscohost.com.innopac.wits.ac.za/

40. Vanheukelom J, Byiers B, Bilal S, Woolfrey S. Political economy of regional integration in Africa. Published online 2020.

41. Oucho JO, Crush JS. Contra Free Movement: South Africa and SADC Migration Protocols. *Afr Today*. 2001;48(3):139-158. doi:10.1353/at.2001.0059

42. MiCoSA. Migration and Covid-19: Emerging concerns with South Africa's response to the pandemic. Published n.d. Accessed April 28, 2022. https://www.mahpsa.org/migration-and-covid-19-emerging-concerns-with-south-africas-response-to-the-pandemic/

43. Moyo K, Zanker F. Political contestations within south African migration governance. Published online 2020.

44. Club of Mozambique. South Africa:'s mass deportations in full pandemic, to Mozambique, Zimbabwe - Watch. Club of Mozambique. Published May 13, 2020. Accessed April 28, 2022.

https://clubofmozambique.com/news/south-africas-mass-deportations-in-full-pandemic-to-mozambique-zimbabwe-watch-160033/

45. SADC. *Status of Integration in the Southern African Development Community*. SADC; 2019. Accessed April 1, 2021. https://www.sadc.int/files/9915/9154/2991/Status_of_Integration_in_the_SADC_Region_Report.pdf

46. Arndt C, Roberts SJ. Key issues in regional growth and integration in Southern Africa. *Dev South Afr*. 2018;35(3):297-314.

47. Fioramonti L, Nshimbi CC. Regional Migration Governance in the African Continent. Current state of affairs and the way forward. *Stift Entwickl Frieden SefDevelopment Peace Found Sef Study Bonn*. Published online 2016.

48. SADC. *SADC Declaration and Treaty*.; 1998. Accessed April 3, 2021. https://www.sadc.int/files/8613/5292/8378/Declaration__Treaty_of_SADC.pdf

49. Landau LB, Misago JP, Majidi N, et al. *Free & Safe Movement in Southern Africa:* Report commissioned by the Open Society Foundation South Africa; 2018.

50. Landau LB, Segatti AWK. *Human Development Impacts of Migration: South Africa Case Study*. UNDP; 2009.

51. Cotterill J. South Africa counts the cost of its worst unrest since apartheid. *Financial Times*. https://www.ft.com/content/1b0badcd-2f81-42c8-ae09-796475540ccc. Published 2021. Accessed July 26, 2021.

52. Muller SM. South Africa's economy, rising debt, no jobs and political crisis — Quartz Africa. *Quartz Afr*. Published online August 7, 2019. Accessed January 5, 2022. https://qz.com/africa/1683190/south-africas-economy-rising-debt-no-jobs-and-political-crisis/

53. Gumede W. *25 Years Later, South African Civil Society Still Battling Government in People's Interests*. CIVICUS; 2018. Accessed January 5, 2022. https://www.civicus.org/index.php/media-resources/news/civicus-at-25/3531-25-years-later-south-african-civil-society-still-battling-government-in-people-s-interests

54. Bhorat H, Lilenstein K, Oosthuizen M, Thornton A. *Structural Transformation, Inequality, and Inclusive Growth in South Africa*. WIDER Working Paper; 2020.

55. Mukumbang FC, Ambe AN, Adebiyi BO. Unspoken inequality: how COVID-19 has exacerbated existing vulnerabilities of asylum-seekers, refugees, and undocumented migrants in South Africa. *Int J Equity Health*. 2020;19(1):1-7.

56. Swilling M. Can economic policy escape state capture? *New Agenda South Afr J Soc Econ Policy*. 2019;2019(72):24-27.

57. Gumede W. ANC corruption is a major cause of South Africa's failure – and the polls will show it. *The Guardian*. https://www.theguardian.com/commentisfree/2019/may/08/anc-corruption-south-africa-failure-polls. Published May 8, 2019. Accessed January 5, 2022.

58. Qobo M. A new era for South Africa's foreign policy. Daily Maverick. Published March 13, 2018. Accessed January 5, 2022. https://www.dailymaverick.co.za/opinionista/2018-03-13-a-new-era-for-south-africas-foreign-policy/

59. Soko M, Qobo M. Economic, trade and development relations between South Africa and the European Union: The end of a strategic partnership? A South African perspective. *South Afr J Int Aff*. 2017;24(2):137-157. doi:10.1080/10220461.2017.1338162

60. Friedman S. How corruption in South Africa is deeply rooted in the country's past and why that matters. *The Conversation*. Published online August 28, 2020. Accessed January 5, 2022. http://theconversation.com/how-corruption-in-south-africa-is-deeply-rooted-in-the-countrys-past-and-why-that-matters-144973

61. Corruption Watch. In South Africa, COVID-19 has exposed greed and spurred long-needed…. Published September 4, 2020. Accessed January 5, 2022. https://www.transparency.org/en/blog/in-south-africa-covid-19-has-exposed-greed-and-spurred-long-needed-action-against-corruption

62. Buthelezi M. Listen | We need a conversation about professionalising the public service » PARI | Public Affairs Research Institute. PARI | Public Affairs Research Institute. Published May 29, 2018. Accessed January 5, 2022. https://pari.org.za/political-influence-hampered-south-african-public-service-says-dr-mbongiseni-buthelezi/

63. Buthelezi M. OP-ED: Open letter to Cyril Ramaphosa: Major reforms in the public service are critical to the future of South Africa. Daily Maverick. Published March 4, 2021. Accessed January 5, 2022. https://www.dailymaverick.co.za/article/2021-03-04-open-letter-to-cyril-ramaphosa-major-reforms-in-the-public-service-are-critical-to-the-future-of-south-africa/

64. Harris M. Cyril Ramaphosa popular amongst South Africans, but political parties questionable. *Ipsos*. Published online February 11, 2020. Accessed January 5, 2022. https://www.ipsos.com/en-za/cyril-ramaphosa-popular-amongst-south-africans-political-parties-questionable

65. Ledger T, Rampedi M. *The End of the Road: A Critical Review of the Local Government Fiscal Framework*. PARI; 2020.

66. Nzo T. ANALYSIS | Local government vs communities: Reclaiming the people's power through the courts. *News24*. https://www.news24.com/news24/Opinions/FridayBriefing/analysis-local-government-vs-communities-reclaiming-the-peoples-power-through-the-courts-20210218. Published February 18, 2021. Accessed January 5, 2022.

67. Covary T. Same old funding model can't keep South African cities going or serve residents. The Conversation. Published August 12, 2021. Accessed January 5, 2022. http://theconversation.com/same-old-funding-model-cant-keep-south-african-cities-going-or-serve-residents-165182

68. Pieterse M. Anatomy of a Crisis: Structural Factors Contributing to the Collapse of Urban Municipal Governance in Emfuleni, South Africa. *Urban Forum*. 2021;32(1):1-15.

69. Parshotam A. SADC. In: Jaidi L, ed. *Annual Report on African Economies 2019*. Policy Center for the New South; 2020:115-133. Accessed January 7, 2022. https://www.policycenter.ma/publications/annual-report-african-economies-2019

70. Black AH, Edwards L, Ismail F, Makundi B, Morris ML. *Spreading the Gains? Prospects and Policies for the Development of Regional Value Chains in Southern Africa*. WIDER Working Paper; 2019.

71. Habiyaremye A. *Fast Tracking the SADC Integration Agenda to Unlock Regional Collaboration Gains along Growth Corridors in Southern Africa*.; 2020. doi:10.35188/UNU-WIDER/2020/852-8

72. Vickers B. Towards a trade policy for development: the political economy of South Africa's external trade, 1994-2014. *Strateg Rev South Afr*. 2014;36(2).

73. Scholvin S. Developmental Regionalism and Regional Value Chains: Pitfalls to South Africa's Vision for the Tripartite Free Trade Area. *Afr Spectr*. 2018;53(3):115-129. doi:10.1177/000203971805300305

74. Department of Trade, Industry and Competition. *A Trade Policy for Industrial Development and Employment Growth*. DTIC

75. Southern Africa Migration Management. *Revised Standard Joint Programme Document*. SAMM; 2021a. Accessed November 12, 2021. https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/---ilo-pretoria/documents/projectdocumentation/wcms_758893.pdf

76. United Nations meetings coverage and press. *World Leaders Adopt First-Ever Global Compact on Migration, Outlining Framework to Protect Millions of Migrants, Support Countries Accommodating Them | Meetings Coverage and Press Releases*. UN; 2018. Accessed April 28, 2022. https://www.un.org/press/en/2018/dev3375.doc.htm

77. van Eck BPS, Snyman F. Social protection afforded to irregular migrant workers: thoughts on the Southern Africa Development Community (with emphasis on Botswana and South Africa). *J Afr Law*. 2015;59(2):294-316.

78. UN. *United Nations Treaty Collection*. UN; 2022. Accessed April 28, 2022. https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4

79. Nshimbi C, Fioramonti L. *A Region without Borders? Policy Frameworks for Regional Labour Migration towards South Africa*. African Center for Migration & Society, University of the Witwatersrand; 2013.

80. Achiume TE, Landau LB. The African Union migration and regional integration framework. Published online 2015.

81. Abebe TT. *Migration Policy Frameworks in Africa*.; 2017.

82. Harrington J. Special Rapporteurs of the African Commission on Human and Peoples' Rights. *Afr Hum Rts LJ*. 2001;1:247.

83. Segatti A. The Southern African Development Community: a walk away from the free movement of persons? In: Nita S, Pécoud A, De Lombaerde P, Neyts K, Gartland J, eds. *Migration, Free Movement and Regional Integration*. UNESCO – UNU-CRIS; 2017:47.

84. SADC. Southern African Development Community :: SADC develops Regional Migration Policy Framework. Published 2020. Accessed January 11, 2022. https://www.sadc.int/news-events/news/sadc-develops-regional-migration-policy-framework/

85. Crush J, Dodson B. Migration Governance and Migrant Rights in the Southern African Development Community (SADC) Attempts at Harmonization in a Disharmonious Region. Published online 2015. http://reliefweb.int/sites/reliefweb.int/files/resources/Dodson%20and%20Crush.pdf

86. Nshimbi CC, Fioramonti L. The Will to Integrate: South Africa's Responses to Regional Migration from the SADC Region: The Will to Integrate. *Afr Dev Rev*. 2014;26(S1):52-63. doi:10.1111/1467-8268.12092

87. Okunade S. *Africa Moves Towards Intracontinental Free Movement for Its Booming Population*. Migration Policy Institute; 2021. Accessed January 4, 2022. https://www.migrationpolicy.org/article/africa-intracontinental-free-movement

88. Margheritis A. Piecemeal Regional Integration in the Post-neoliberal Era: Negotiating Migration Policies within Mercosur. *Rev Int Polit Econ*. 2013;20(3):541-575.

89. DHA. *International Migration White Paper*. Government of South Africa; 2017. Accessed April 9, 2021. https://www.gov.za/documents/international-migration-white-paper#Background

90. de Wet P. Foreign refugees in South Africa have just been banned from political activity – as SA builds "a paper wall" against immigration. Published 2020. Accessed January 12, 2022. https://www.businessinsider.co.za/rules-update-bans-refugees-in-south-africa-from-politics-2020-1

91. ANC. Discussion Document National Policy Conference 2017 Peace and Stability. Published 2017. Accessed January 12, 2022. https://www.anc1912.org.za/wp-content/uploads/2021/01/National-Policy-Conference-2017-Peace-and-Stability.pdf

92. Etone D. *The Human Rights Council: The Impact of the Universal Periodic Review in Africa*. Routledge; 2020.

93. Mahove C. Zimbabwe launches National Labour Migration Policy to help protect migrant workers. *Equal Times*. https://www.equaltimes.org/zimbabwe-launches-national-labour. Published September 10, 2021. Accessed April 28, 2022.

94. Ashutosh I, Mountz A. Migration management for the benefit of whom? Interrogating the work of the International Organization for Migration. *Citizsh Stud*. 2011;15(01):21-38.

95. Bradley M. The International Organization for Migration (IOM): Gaining power in the forced migration regime. *Refuge Can Period Refug*. 2017;33(1):98-106.

96. Andrijasevic R, Walters W. The International Organization for Migration and the international government of borders. *Environ Plan Soc Space*. 2010;28(6):977-999.

97. Dini S. Migration management, capacity building and the sovereignty of an African State: International Organization for Migration in Djibouti. *J Ethn Migr Stud*. 2018;44(10):1691-1705.

98. Frowd PM. Developmental borderwork and the International Organization for Migration. *J Ethn Migr Stud*. 2018;44(10):1656-1672.

99. Georgi F, Schatral S. Towards a critical theory of migration control: The case of the International Organization for Migration (IOM). *Geiger Martin Pécoud Antoine New Polit Int Mobil Migr Manag Its Discontents*. Published online 2012:193-221.

100. Geiger M, Pécoud A. International organisations and the politics of migration. *J Ethn Migr Stud*. 2014;40(6):865-887.

101. IOM. Inauguration of the Beitbridge Migrant Resource Centre- 22 May 2015. IOM. Published March 11, 2015. Accessed April 29, 2022. https://zimbabwe.iom.int/news/inauguration-beitbridge-migrant-resource-centre-22-may-2015

102. Rodriguez AL. European attempts to govern African youths by raising awareness of the risks of migration: Ethnography of an encounter. *J Ethn Migr Stud*. 2019;45(5):735-751.

103. Van Dessel J. Externalization through 'awareness-raising': the border spectacle of EU migration information campaigns in Niger. *Territ Polit Gov*. Published online 2021:1-21.

104. Chronicle T. Migrant Resource Centre opens in Beitbridge. The Chronicle. Published June 11, 2015. Accessed April 29, 2022. https://www.chronicle.co.zw/migrant-resource-centre-opens-in-beitbridge/

105. Gould C. Sex trafficking and prostitution in South Africa. *Ann Am Acad Pol Soc Sci*. 2014;653(1):183-201.

106. Gould C, Fick N. *Selling Sex in Cape Town: Sex Work and Human Trafficking in a South African City*. Institute for Security Studies; 2008.

107. Walker R, Galvin T. Labels, victims, and insecurity: an exploration of the lived realities of migrant women who sell sex in South Africa. *Third World Themat TWQ J*. 2018;3(2):277-292.

108. IOM. Government of Zimbabwe Develops National Migration Policy. International Organization for Migration. Published March 29, 2019. Accessed April 28, 2022. https://www.iom.int/news/government-zimbabwe-develops-national-migration-policy

109. Urso G, Hakami A. Regional Migration Governance in Africa: AU and RECs. Published online 2018.

110. Lefko-Everett K. Botswana's changing migration patterns southern African migration project. Published online 2004. https://www.migrationpolicy.org/article/botswanas-changing-migration-patterns.

111. Betts A. *Survival Migration: Failed Governance and the Crisis of Displacement*. Cornell University Press; 2013.

112. United Nations-Botswana. Common country analysis (CCA) 2020. UN-Botswana. Published 2020. Accessed April 28, 2022. https://botswana.un.org/index.php/en/142731-botswana-common-country-analysis-cca-2020, https://botswana.un.org/index.php/en/142731-botswana-common-country-analysis-cca-2020

113. Ntibinyane N. Prisoners of injustice. *The Mail & Guardian*. https://mg.co.za/article/2018-01-05-prisoners-of-injustice/. Published January 5, 2018. Accessed April 28, 2022.

114. Macharia-Mokobi E, Pfumorodze J. Advancing refugee protection in Botswana through improved refugee status determination. *Afr Hum Rights Law J*. 2013;13(1):152-177.

115. IOM. UN Partners Collaborate with Mozambican Authorities to Enhance Migrant Workers' Protection. International Organization for Migration. Published July 10, 2018. Accessed April

28, 2022. https://www.iom.int/news/iom-un-partners-collaborate-mozambican-authorities-enhance-migrant-workers-protection

116. Jacobs CIM, Ribeiro de Almeida B. *Land and Climate Change: Rights and Environmental Displacement in Mozambique*. Universiteit Leiden; 2020.

117. Plan International. Conflict in Northern Mozambique – Realities of Children and Adolescent Girls. Plan International UN Liaison Offices. Published June 2021. Accessed April 28, 2022. https://plan-international.org/un/publications/conflict-in-northern-mozambique-realities-of-children-and-adolescent-girls/

118. IOM. *Country Strategy for Mozambique 2021 – 2023*. IOM; 2021. Accessed April 28, 2022. https://publications.iom.int/books/iom-country-strategy-mozambique-2021-2023

119. Segatti A. The Southern African Development Community: a walk away from the free movement of persons? In: *Migration, Free Movement and Regional Integration*. ; 2017:47.

120. UNHCR. *UNHCR Submission for the Universal Periodic Review - Mozambique - UPR 38th Session 2021*. UNHCR; 2020. Accessed April 28, 2022. https://www.refworld.org/docid/6076027c4.html

121. UNHCR. *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Mozambique*. UNHCR; 2010. Accessed April 28, 2022. https://www.refworld.org/docid/4c3abd512.html

122. Takaindisa J. *The Political Stakes of Displacement and Migration in / from Zimbabwe*. Deutsche Stiftung Friedensforschung; 2021.

123. IOM, Government of Zimbabwe. *Migration Law Review: Promoting Migration Governance in Zimbabwe*. IOM; 2020. Accessed April 28, 2022. https://publications.iom.int/books/migration-law-review-promoting-migration-governance-zimbabwe

124. Madziva R, Thondhlana J, Chiyevo Garwe E, et al. Internally displaced persons and COVID-19: a wake-up call for and African solutions to African problems–the case of Zimbabwe. *J Br Acad*. 2021;9(s1):285-302.

125. Zanker F, Arhin-Sam K, Bisong A, Jegen L. Free movement in West Africa: Juxtapositions and Divergent Interests. Published online 2020:20.

126. Schöfberger I. Free movement policies and border controls: regional migration governance systems in West and North Africa and Europe, and their interactions. Published online 2022:11.

127. Okunade SK. A "Schengen" Agreement in Africa? African Agency and the ECOWAS Protocol on Free Movement. Published online 2018:21.

128. Yeboah T, Kandilige L, Bisong A, Garba F, Kofi Teye J. The ECOWAS Free Movement Protocol and Diversity of Experiences of Different Categories of Migrants: A Qualitative Study. *Int Migr*. 2021;59(3):228-244. doi:10.1111/imig.12766

129. Teye JK, Awumbila M, Nikoi E. Ambiguity and Symbolism in the Implementation of the ECOWAS Free Movement Protocol: Evidence from Ghana and Sierra Leone. 2019;5(2):27.

130. Okunade SK, Ogunnubi O. A "Schengen" Agreement in Africa? African Agency and the ECOWAS Protocol on Free Movement. *J Borderl Stud*. 2021;36(1):119-137. doi:10.1080/08865655.2018.1530128

131. Interview with expert on migration governance in West Africa, 21 October.; 2021.

132. Karkare P, Byiers B, Apiko P, Kane M. A system, not an error: informal cross-border trade in west africa. Published 2021. Accessed August 10, 2021. https://ecdpm.org/wp-content/uploads/System-Not-Error-Informal-Cross-Border-Trade-West-Africa-ECDPM-Discussion-Paper-300-2021.pdf

133. Boulton A. Local integration in West Africa. *Forced Migr Rev*. 2009;33. http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/protracted/boulton.pdf

134. Bergmann J, Lehmann J, Munsch T, Powell W. *Protection Fallout. How Increasing Capacity for Border Management Affects Migrants' Vulnerabilities in Niger and Mali*. GPPI; 2017.

135. Van Dessel J. Externalization through 'awareness-raising': the border spectacle of EU migration information campaigns in Niger. *Territ Polit Gov*. 2021;0(0):1-21. doi:10.1080/21622671.2021.1974535

136. Ouma P. Stereotyping and regional integration in the East African community: Challenges and opportunities. In: *Intra-Africa Migrations*. Routledge; 2021.

137. Masabo J. Unblocking the Barriers: Making the EAC Regime Beneficial to Female Migrant Workers. Published online 2015:41.

138. Wandera M. *The East African Common Market Protocol and Free Movement of Labour: Achievements and Challenges of Implementation in Uganda*.; 2012. http://www.fes-uganda.org/media/documents/East_African_Common_Market_Protocol_and_Free_Movement_of_Labour_in_Uganda__Martin_Wandera.pdf

139. Chavez JJ. Social Policy in ASEAN. *Glob Soc Policy*. 2007;7(3):358-378. doi:10.1177/1468018107082239

140. Interview with expert on migration governance in the Phillipines and ASEAN, 3 November.; 2021.

141. Berrón G, Chavez JJ, Olivet C, Rodríguez G, eds. *Rethinking Regionalisms in Times of Crises A Collection of Activists' Perspectives from Latin America, Asia, Africa and EuropeGonzalo , Jenina Joy Chavez, Cecilia Olivet and Graciela*.; 2013. Accessed October 22, 2021. https://www.tni.org/files/download/rethinking-regionalism.pdf

142. Chavez JJ. Social Policy in ASEAN. *Glob Soc Policy*. 2007;7(3):358-378. doi:10.1177/1468018107082239

143. Walker R, Galvin T. Labels, victims, and insecurity: an exploration of the lived realities of migrant women who sell sex in South Africa. *Third World Themat TWQ J*. 2018;3(2):277-292. doi:10.1080/23802014.2018.1477526

144. Galvin T, Walker R, Behrens C. Editorial: Special Issue on Trafficking, Migration & Mobility in Southern Africa. *J Traffick Organ Crime Secur*. 2016;2(2).

145. Gould C. Moral panic, human trafficking and the 2010 Soccer World Cup. *Agenda*. 2010;24(85):31-44. doi:10.1080/10130950.2010.9676321

146. Palmary I, de Gruchy T. The globalisation of trafficking and its impact on the South African counter-trafficking legislation. *Crit Soc Policy*. Published online March 2019:026101831982964. doi:10.1177/0261018319829640

147. Jurje F, Lavenex S. ASEAN Economic Community: what model for labour mobility? Published online 2015:26.

148. Cortes R. Human Rights of Migrants and Their Families in Argentina as Evidence for Development of Human Rights Indicators A Case Study. Published online 2017:23.

149. Cernadas PC. Migration, Citizenship And Free Movement In South America: A Rights-Based Analysis Of Regional Initiatives. Published online 2013:20.

150. Perera M, Velázquez C. Impacto del programa de regularización migratoria “patria grande” en Argentina. *Estud Econ*. 2013;030 (Nueva Serie)(61):43-69.

151. Interview with expert on migration governance in Argentina and Mercosur, 13 October.; 2021.

152. Braz AM. Migration governance in south america: the bottom-up diffusion of the residence agreement of mercosur. *Rev Adm Pública*. 2018;52(2):303-320. doi:10.1590/0034-761220170069

153. Lambert P. The Myth of the Good Neighbour: Paraguay’s Uneasy Relationship with Brazil. *Bull Lat Am Res*. 2016;35(1):34-48. doi:10.1111/blar.12410

154. Nickson A. Brazil and paraguay: a protectorate in the making? *Mural Int*. Published online 2019:14.

155. Interview with expert on migration law and governance in South America, 7 October.; 2021.

156. World Bank. Remittances. Migration data portal. Published 2021. Accessed January 11, 2022. https://www.migrationdataportal.org/themes/remittances

157. Malit FT, Tsourapas G. Weapons of the Weak? South–South Migration and Power Politics in the Philippines–GCC Corridor. *Glob Stud Q*. 2021;1(3):ksab010. doi:10.1093/isagsq/ksab010

158. Oh YA. Oligarchic rule and best practice migration management: the political economy origins of labour migration regime of the Philippines. *Contemp Polit*. 2016;22(2):197-214. doi:10.1080/13569775.2016.1153286

159. Bal CS, Gerard K. ASEAN’s governance of migrant worker rights. *Third World Q*. 2018;39(4):799-819. doi:10.1080/01436597.2017.1387478

160. Muthumbi J, Davis J. *Promoting Structural Transformation through Intra-African Trade and Migration | International Centre for Trade and Sustainable Development*. International Centre for Trade and Sustainable Development; 2018. Accessed January 4, 2022.

https://ictsd.iisd.org/opinion/promoting-structural-transformation-through-intra-african-trade-and-migration

161. Schmieg E. Connections between trade policy and migration: a sphere of action for the EU. Published online 2019.

162. Migrant Data Portal. Migration and trade. Migration data portal. Published October 5, 2021. Accessed January 5, 2022. https://www.migrationdataportal.org/themes/migration-and-trade

163. Ottaviano G, Peri G, Wright G. Immigration, trade and productivity in services. VoxEU.org. Published June 17, 2015. Accessed January 4, 2022. https://voxeu.org/article/immigration-trade-and-productivity-services

164. Deacon B, Ortiz I, Zelenev S. Regional social policy. Published online 2007:29.

165. Ogalo V. Achievements and Challenges of Implementation of the EAC Common Market Protocol in Kenya: Case of Free Movement of Labour. Published online 2012. https://www.academia.edu/31485456/Achievements_and_Challenges_of_Implementation_of_the_EAC_Common_Market_Protocol_in_Kenya?auto=download

166. Hartzenberg T, Kalenga P. *National Policies and Regional Integration in the South African Development Community*. UNU WIDER; 2015. doi:10.35188/UNU-WIDER/2015/945-9

167. Pampalone T. *I Want to Go Home Forever: Stories of Becoming and Belonging in South Africa's Great Metropolis*. (Ladau L, ed.). New York Press; 2018.

168. Fassin D, Wilhelm-Solomon M, Segatti A. Asylum as a Form of Life: The Politics and Experience of Indeterminacy in South Africa. *Curr Anthropol*. 2017;58(2):160-187. doi:10.1086/691162

169. Makandwa T, Vearey J. Giving Birth in a Foreign Land: Exploring the Maternal Healthcare Experiences of Zimbabwean Migrant Women Living in Johannesburg, South Africa. *Urban Forum*. 2017;28:75-90.

170. Duncan J. OP-ED: South Africa's emerging Department of Homeland Security. Daily Maverick. Published January 19, 2020. Accessed April 26, 2022. https://www.dailymaverick.co.za/article/2020-01-20-south-africas-emerging-department-of-homeland-security/

171. Staff Reporter. Porous borders biggest threat to domestic security in SA: new spy boss. SowetanLIVE. Published 14 August 2019d. Accessed April 26, 2022. https://www.sowetanlive.co.za/news/south-africa/2019-08-14-porous-borders-biggest-threat-to-domestic-security-in-sa-new-spy-boss/

172. DHA. *White Paper on Home Affairs*. Department of Home Affairs; 2019. http://www.dha.gov.za/files/dhawhitepaper.pdf

173. Landau LB. *Democracy and Discrimination: Black African Migrants in South Africa*. Global Commission on International Migration; 2004. https://www.iom.int/sites/g/files/tmzbdl486/files/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/gmp/gmp5.pdf

174. Golash-Boza T. The immigration industrial complex: Why we enforce immigration policies destined to fail. *Sociol Compass*. 2009;3(2):295-309.

175. Trujillo-Pagán N. Emphasizing the 'complex'in the 'immigration industrial complex.' *Crit Sociol*. 2014;40(1):29-46.

176. Commission of Inquiry into State Capture. *Commission of Inquiry into State Capture Held at Parktown, Johannesburg 10 30 January 2019 Day 43*.; 2019. Accessed October 29, 2021. https://www.statecapture.org.za/site/files/transcript/46/30_January_2019_Sessions.pdf

177. Chigumadzi P. Afrophobia is growing in South Africa. Why? Its leaders are feeding it. | African Arguments. Published 2019. Accessed October 29, 2021. https://africanarguments.org/2019/10/afrophobia-is-growing-in-south-africa-why-its-leaders-are-feeding-it/

178. Hairsine K. South Africa's politicians feed anti-foreigner violence | DW | 02.04.2019. DW.COM. Published 2019. Accessed October 28, 2021. https://www.dw.com/en/south-africas-politicians-feed-anti-foreigner-violence/a-48157900

179. Green A. Health department accused of xenophobia. Health-e News. Published 2019. Accessed October 29, 2021. https://health-e.org.za/2019/03/09/health-department-accused-of-xenophobia/

180. Misago JP. Politics by Other Means? The Political Economy of Xenophobic Violence in Post-Apartheid South Africa. *Black Sch*. 2017;47(2):40-53. doi:10.1080/00064246.2017.1295352

181. Isilow H. South African politicians play up anti-foreigner sentiments to win votes. Published 2021. Accessed October 28, 2021. https://www.aa.com.tr/en/africa/south-african-politicians-play-up-anti-foreigner-sentiments-to-win-votes/2403115

182. Haffajee F. 2021 ELECTIONS: JOHANNESBURG AND GAUTENG : Herman Mashaba's Action SA is a breakout story of election – the count continues. Daily Maverick. Published November 2, 2021. Accessed April 11, 2022. https://www.dailymaverick.co.za/article/2021-11-02-anc-and-da-voters-flock-to-herman-mashabas-actionsa-the-count-continues/

183. Bornman J. Mashaba's xenophobic legacy. The Mail & Guardian. Published 2019. Accessed October 20, 2021. https://mg.co.za/article/2019-11-07-00-mashabas-xenophobic-legacy/

184. eNCA. Mashaba denies CBD raids targeted African migrants. eNCA. Published 2019. Accessed August 29, 2019. /news/mashaba-denies-jhb-targeted-african-migrants

185. Mashaba H. Herman Mashaba: A country without borders is not a country at all. News24. Accessed October 29, 2021. https://www.news24.com/news24/columnists/herman_mashaba/herman-mashaba-a-country-without-borders-is-not-a-country-at-all-20200126

186. Guerandi GR. Destructive game: analysis: EFF's apparent U-turn on pan-Africanism raises questions about its stance on immigrants. Daily Maverick. Published January 23, 2022. Accessed April 11, 2022. https://www.dailymaverick.co.za/article/2022-01-23-effs-apparent-u-turn-on-pan-africanism-raises-questions-about-its-stance-on-immigrants/

187. Misago JP, Landau L. ANALYSIS | Loren B Landau, Jean Pierre Misago: Rising vigilantism - SA is reaping fruits of misrule. News24. Published 2022. Accessed April 11, 2022.

https://www.news24.com/news24/analysis/analysis-loren-b-landau-jean-pierre-misago-rising-vigilantism-sa-is-reaping-fruits-of-misrule-20220405

188. Lavenex S. *The Trade-Migration Nexus: Multilateral Stalemate versus Regional and Bilateral Dynamics | International Centre for Trade and Sustainable Development*. International Centre for Trade and Sustainable Development; 2018. Accessed August 10, 2021. https://ictsd.iisd.org/opinion/the-trade-migration-nexus-multilateral-stalemate-versus-regional-and-bilateral

189. IOM. How Argentina Used a MERCOSUR Decision to Regularize Over a Million Migrants: Migration Notebook | International Organization for Migration. Published 2012. Accessed November 5, 2021. https://www.iom.int/news/how-argentina-used-mercosur-decision-regularize-over-million-migrants-migration-notebook

190. Chowdhury AM and S. Why the extent of intra-African trade is much higher than commonly believed—and what this means for the AfCFTA. Brookings. Published May 19, 2021. Accessed January 4, 2022. https://www.brookings.edu/blog/africa-in-focus/2021/05/19/why-the-extent-of-intra-african-trade-is-much-higher-than-commonly-believed-and-what-this-means-for-the-afcfta/

191. African Development Bank. *Africa Visa Openness Report 2016*. African Development Bank; 2016. Accessed February 17, 2021. https://www.visaopenness.org/fileadmin/uploads/afdb/Documents/Africa_Visa_Openness_Report_2016.pdf

192. Merten M. Residency in Limbo: Home Affairs, where permanent residency applications go to gather dust in Covid-19 State of Disaster. Daily Maverick. Published August 26, 2021. Accessed August 27, 2021. https://www.dailymaverick.co.za/article/2021-08-26-home-affairs-where-permanent-residency-applications-go-to-gather-dust-in-covid-19-state-of-disaster/

193. Masina L. Malawi COVID-19 Cases Rise as Citizens Return from South Africa. *Voice of America*. https://www.voanews.com/a/africa_malawi-covid-19-cases-rise-citizens-return-south-africa/6190392.html. Published June 2, 2020. Accessed April 25, 2022.

194. APA-Lilongwe. Covid-19: More deported Malawians arrive from S/Africa. *Agence de Presse Africaine News*. http://www.apanews.net/en/news/safrica-deports-140-malawians. Published May 30, 2020. Accessed April 25, 2022.

195. President Cyril Ramaphosa: South Africa's Economic Reconstruction and Recovery Plan | South African Government. Address by President Cyril Ramaphosa to the joint sitting of parliament on South Africa's Economic Reconstruction and Recovery presented at: October 15, 2020; Cape Town. Accessed January 5, 2022. https://www.gov.za/speeches/president-cyril-ramaphosa-south-africa%E2%80%99s-economic-reconstruction-and-recovery-plan-15-oct

196. President Cyril Ramaphosa: State of the Nation Address 2021. SONA presented at: 2021; Cape Town. Accessed January 5, 2022. https://www.stateofthenation.gov.za/operation-vulindlela/summary-of-operation-vulindlela

197. Staff Writer. Government's plan to save South Africa – including changes for visas, businesses, and reducing load shedding. *Business Day*. https://businesstech.co.za/news/business/476386/governments-plan-to-save-south-africa-

including-changes-for-visas-businesses-and-reducing-load-shedding/. Published March 17, 2021. Accessed January 5, 2022.

198. Paton C. Unblocking skilled immigration is a priority for Operation Vulindlela. *BusinessLIVE*. https://www.businesslive.co.za/bd/national/2021-08-25-unblocking-skilled-immigration-is-a-priority-for-operation-vulindlela/. Published August 25, 2021. Accessed January 5, 2022.

199. RAITH Foundation. *Social Justice Sector Review Report: Critical Reflections on the Social Justice Sector in the Post-Apartheid Era*. RAITH Foundation; 2020.

200. Freemantle I, Walker R. *Hollow Victories and Little Pockets of Hope. The Challenges Facing Organisations Working with People on the Move in South Africa*.; 2020. Accessed February 18, 2021. https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analyse94_Migration_to_South_Africa.pdf

201. Sasol, Woolworths, Old Mutual: Why South African firms fail when they leave Africa. The Africa Report.com. Published October 22, 2020. Accessed November 16, 2021. https://www.theafricareport.com/46016/south-african-businesses-key-to-success-may-be-close-to-home/

202. Hirsch A. Fatal embrace: How relations between business and government help to explain South Africa's low-growth equilibrium. *South Afr J Int Aff*. 2020;27(4):473-492. doi:10.1080/10220461.2020.1856180

203. AmaBhungane Reporters. Analysis: Who is behind South Africa's xenophobic nationalism? amaBhungane. Published April 28, 2022. Accessed May 10, 2022. https://amabhungane.org/stories/220428-who-is-behind-south-africas-xenophobic-nationalism/

APPENDICES

Appendix 1: Terms of Reference

Fostering economic integration and inclusive migration policies and practices that safeguard human rights and advance the free movement of people, goods and services, focusing on South Africa and the SADC region.

Project Work packages

The Open Society Foundation for South Africa (OSF-SA) has contracted the African Centre for Migration & Society (ACMS) to undertake a research project on the topic outlined above. The project's overall objective is to demonstrate the current state of the landscape of migration and economic integration opportunities in SADC in order to inform and support advocacy, movement building and policy making efforts that advance socio-economic integration and migrant rights protection in the region (details in OSF concept and ACMS inception notes).

The project consists of three complementary work packages (WP):

WP1: Governance of migration in South Africa and SADC

1. Explores the content and effects of the international, regional and domestic laws and instruments that govern migration in southern Africa. This includes an analysis as to the extent to which member states comply with the adopted regulatory policy frameworks/instruments;
2. Investigates regional accountability structures and their effectiveness in holding states accountable in protecting, promoting and enforcing the rights of migrants at the domestic level;
3. Examine the extent to which the South African government is capacitated to collect and analyse national migration data in the formulation of evidence-based migration policies.

WP2: Migration, regional socio-economic prosperity and integration

1. Explores the complex challenges pertaining to migration and trade and demonstrate the socioeconomic value of the free movement of people in the region. Drawing best practice from ECOWAS and other internationally comparative examples, show the potential of the African Continental Free Trade Agreement Area, the Protocol on the Free Movement of Persons, and the SADC Migration Policy Framework, in promoting economic integration and social cohesion in the region.

WP3: Role of non-state actors in regional socio-economic integration

1. Assesses the role communities, social movements and civil society can play in social cohesion and integration in South Africa and SADC. As part of this analysis, demonstrate the opportunities for the creation of a Pan African people's movement to promote social cohesion and facilitate diversity management on the continent.
2. Creates a dissemination strategy outlining how the research output would be accessed by civil society and can be used as an advocacy tool. This will have to include diverse platforms and creative use of the digital possibilities.

Appendix 2: Interviewee Schedule

	Interviewee	Position/Organisation	Date of Interview	Method of Interview
1.	Ottilia Maunganidze	Head of Special Projects, Institute for Security Studies	19 May 2021	Remote
2.	Jason Theede	The International Organization for Migration (IOM)	25 May 2021	Remote
3.	Deepali Ann Fernandes	IOM	25 May 2021	Remote
4.	Kei Fukagama	IOM	25 May 2021	Remote
5.	Nomagugu Ncube	IOM	25 May 2021	Remote
6.	Malcolm McKinnon	Long-Term Consultant at Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)	25 May 2021	Remote
7.	Chris Nshimbi	Centre for the Study of Violence & Reconciliation	25 May 2021	Remote
8.	Lorenzo Fioramonti	Centre for the Study of Violence & Reconciliation	25 May 2021	Remote

9.	Prudence Sebahizi.	Chief Technical Advisor, African Union, Trade Department	27 May 2021	Remote
10.	Tulo Makwati	SADC Business Council	5 August 2021	Remote
11.	Lily Sommer	United Nations Economic Commission for Africa / The African Trade Policy Centre	17 August 2021	Remote
12.	Emmerentia Erasmu	Independent Consultant	17 August 2021	Remote
13.	Jay Grunder	Imani Development	17 August 2021	Remote
14.	Maria Machailo-Molebatsi	International Labour Organisation (ILO)	17 August 2021	Remote
15.	Theodoor Sparreboom	ILO	24 August 2021	Remote
16.	Florencia Belverdere	Formerly at the Immigration Services, Department of Home Affairs South Africa	25 August 2021	Remote
17.	Tanya Zack	Independent Urban and Migration Consultant	27 August 2021	Remote
18.	South African Government Official (anonymous interview)	Mayor's Office, City in South Africa	6 September 2021	Remote
19.	Dr. Maxwell Parakokwa	Directorate of Social and Human Development, The Southern African	8 September 2021	Remote

		Development Community (SADC) Secretariat		
20.	Alfred Ndabeni	Trade Officer, SADC Secretariat	8 September 2021	Remote
21.	Mouzaoui Amroine	Directeur Exécutif, SADC Private Sector Forum	8 September 2021	Remote
22.	South African Government Official (anonymous interview)	Statistics South Africa, Government Department, South Africa	13 September 2021	Remote
23.	UN Official (anonymous interview)	IOM Zimbabwe	14 September 2021	Remote
24.	Jan Erasmus	Strategy and International Relations: City of Johannesburg	29 September 2021	Remote
25.	Ibrahima Kane	Senior Lawyer, Open Society Initiative for Eastern Africa	1 October 2021	Remote
26.	NGO Official (anonymous interview)	Head of Advocacy and Legal Services at South African Migrant Rights NGO,	1 October 2021	Remote
27.	ILO Official (anonymous interview)	ILO Southern Africa	5 October 2021	Remote
28.	ILO Official (anonymous interview)	ILO Southern Africa	5 October 2021	Remote
29.	ILO official (anonymous interview)	ILO Southern Africa	6 October 2021	Remote

30.	Migration Expert (anonymous interview)	Expert on Migration Law and Governance in South America	7 October 2021	Remote
31.	Previous UN Official (anonymous interview)	UN Agency in Southern Africa	7 October 2021	Remote
32.	UN Official (anonymous interview)	IOM Mozambique	8 October 2021	Remote
33.	Migrant Leader (anonymous interview)	Miners Organisation in SADC	8 October 2021	Remote
34.	UN Official (anonymous interview)	UN Agency in Southern Africa	8 October 2021	Remote
35.	Migration Expert (anonymous interview)	Expert on Migration Governance in Argentina and Mercosur	13 October 2021	Remote
36.	UN Official (anonymous interview)	IOM Zambia	14 October 2021	Remote
37.	Migration Expert (anonymous interview)	Expert on Migration Governance in West Africa	21 October 2021	Remote
38.	Migration Expert (anonymous interview)	Expert on Migration Governance in the Philippines and ASEAN	3 November 2021	Remote

Interview Transcriptions utilised from a Previous ACMS and OSF Project in 2020-2021 (with permission)

	Interviewee	Position/Organisation	Date of Interview	Method of Interview
1.	UN Official (anonymous interview)	IOM southern Africa	22 October 2020	Remote
2.	UN Official (anonymous interview)	IOM southern Africa	29 October 2020	Remote
3.	UN Official (anonymous interview)	IOM southern Africa	29 October 2020	Remote
4.	INGO Official (anonymous interview)	INGO South Africa working on health at the border with Zimbabwe	29th October 2020	Remote
5.	UN Official (anonymous interview)	UNHCR southern Africa	3 November 2020	Remote
6.	UN Official (anonymous interview)	UNHCR southern Africa	3 November 2020	Remote
7.	UN Official (anonymous interview)	UNHCR southern Africa	3 November 2020	Remote
8.	UN Official (anonymous interview)	IOM Mozambique	4 November 2020	Remote
9.	INGO Official (anonymous interview)	INGO in southern Africa working on health and migrant inclusion	4 November 2020	Remote