

Greener Pastures or Banished to Slavery: The Case of Zimbabwean Migrant Workers in Botswana and South Africa (2000-2018) in the context of ILO Standards and Peoples' Rights

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Abstract

The socio-economic and political impositions within African states in general and Zimbabwe in particular at the start of the new millennium have forced a host of workers into sundry parts of the world to prospect for better opportunities. Southern African countries of Botswana and South Africa, owing to their relatively sturdy economies and comparatively dependable human rights records, played the major hosts to the bulk of these migrant workers. Hordes of workers (of skilled, semi-skilled and general) flocked to the borders to escape their conditions back home. However, such a drift in search of the so-called 'greener pastures' met with varied outcomes. The paper documents the state and dynamic circumstances of these migrant workers in South Africa and Botswana in the 21st Century. It analyses how this state of affairs has impacted on migrant worker's livelihoods. The paper analyses the pertaining situation of migrant workers vis-a-vis the internationally accepted labour standards. The research also focuses on the effectiveness of Workers' Unions (or lack of) meant to represent their needs.

Keywords: Migrant Labour, International Labour Organisation, slavery, greener pastures.

Introduction

In the year 2000, following violent land seizures of mostly white commercial farmers in Zimbabwe by largely radical ZANU (PF) supporters, there was a bizarre free-fall of the economy. This plummet was aggravated by consequent violent elections, political persecution of perceived opponents of the ruling ZANU (PF) party and a series of ruinous economic policies designed to keep President Mugabe in power. These factors and others led to closure of businesses, capital flight and disinvestment. Unemployment meteorically rose to incredible levels of 90% by 2008¹. (www.indexmundi.com). These factors in turn triggered an unprecedented wave of emigration not seen since independence as workers sought to find so called greener pastures elsewhere in the region and abroad. Migrant workers found ready refuge in countries such as South Africa and Botswana. These countries were ready to absorb this labour force in their critical sectors where they themselves were experiencing shortages. As the labour market became flooded by these Zimbabwean migrant workers, it became convenient for many employers to exploit the situation. Many migrant workers found themselves having to sign sham contracts, earning very low wages/salaries, enduring very long working hours and facing deportation at the end of the month before they could get their wages/salaries. All this is against international labour standards. In addition, there has been a great dearth of unionism by workers to tackle this scourge.

¹ Data include both unemployment and underemployment; true unemployment is unknown and, under current economic conditions, unknowable

Background to migrant labour in southern africa

Migration is a phenomenon existent in all human societies. In the past, groups of pastoralists moved perpetually in search for better fields and water sources for their people and periodically in relation to the rain fall. Continuous interactions, on a regional scale, of exchange and conflict linked the nomadic populations of merchant and pastoralist with more settled populations. (Guillano: 2018). Migrant labour in Southern Africa can be dated back as far back as the early colonial years when the Europeans introduced a monetary economy. (Austin: 2010). With the advent of the cash economies in Southern Africa, economic, social and political relationships were altered and the need arose for people to engage in survival modes. It was also spurred on by taxes demanded from Africans in cash and in need of money people migrated to find work. According to Guillano (2018), modern Southern African historians agree that the phase between the last three decades of the 19th century and the first decades of the 20th century represent the period of the incorporation of the region within the capitalist world economy. Arrighi (1979) noted that;

This process has different interlinked realms. It implied, on one hand, the transformation of the productive sphere and thus of its relations of production, in such a way as to create production activities integrated in the international division of the labour, and on the other hand, the alteration in the sphere of the governance so as to structure state institutions that worked as an integral part of the interstate system. This economic and politic incorporation represented the main cause of the dissolution of African polities and the disintegration of the productive autonomy of African peasantries.

At a sub-regional meeting which was organized by the UN's International Labour organisation, a warning was posed that unless governments, employers and trade unions cooperate in fixing migration policies, the labour situation in Southern Africa may get worse before it gets better. (ACTRAV Info: 2002)) That workshop further noted that acute unemployment problems coexisting with irregular labour migration, unmet social protection demands as unprotected migrant workers return home for retirement, a rise in xenophobia, a massive brain drain and a general deterioration of local working conditions were identified as potential threats should migration policy inertia prevail in the sub region in the next five year. (ACTRAV Info: 2002).

Conceptual framework

Migrant labour as a concept refers to people that move from their places of origin to other places in search of wage labor or any other kind of job. Economic Migration can be classified either as voluntary or as forced migration. Voluntary migration is the free movement of migrants looking for an improved quality of life and personal freedom. (Waugh: 2003). This can either be in search of employment, trade and economic expansion, better climate better social amenities etc. Forced migration is when the migrant has no personal choice but has to move due to economic or social imposition or due to a natural disaster.

Since 1919, the International Labour Organization has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and dignity. (www.ilo.org). In today's globalized economy, international labour standards are, at least theoretically an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all.

Standards are adopted by a two-thirds majority vote of the ILO's constituents and are therefore an expression of universally acknowledged principles. At the same time, they reflect the fact that countries have diverse cultural and historical backgrounds, legal systems, and levels of economic development. (www.ilo.org).

This paper characterizes migrant labour in Southern Africa, at least theoretically, not only as a consequence of the capitalist mode of production but also as a result of the social relations of production that developed in Southern Africa, underpinned by various political, foreign and local pressures. Practically, though, migrant labour is largely a consequence of bad governance by the petty

bourgeoisie class that took over power from the colonialists and sequestered power for personal gain and not the development of their countries.

Migrant labour witnessed in Southern Africa at the turn of the 21st century exposes similarities with that propagated by colonial administrations. This migration has been carefully planned, implemented and sustained by developing predator states within southern Africa. (Ochola: 2010). As this research will show this process is located within the picture of the primitive accumulation of capital starting from Marx's characterization of free labour. In addition, it will show how other forms of subsumption of labour to capital (unfree) were set up, through the *manus longa* of the state, to sustain the process of reproduction of capital. (RC Bush & G Martiniello - inventati.org). It is the contention of this research that the non-enforceability of International Labour standards because of the obvious and historical non-binding of international statutes, as a result of the supremacy of concepts of sovereignty, territorial integrity and self-determination, has resulted in the worsening of conditions under which international migrants work.

21st Century migrant labour in southern africa

As a consequence of the warped economic policies in many Southern African countries, human rights violations, political persecution and destructive policies of primitive accumulation as seen in Zimbabwe, massive migration has been unavoidable. Such actions and policies resulted in skewed economic conditions which only helped force workers out of their work places for presumably better conditions.

As an international rule, peoples of the world are free to traverse the world in search of opportunities outside their own borders. It is however notable that "The rules of the global economy should be aimed at improving the rights, livelihoods, security, and opportunities of people, families and communities around the world." (ILO: 2004). There are various forms of labour pertaining in Southern Africa ranging from professional white-collar work, to skilled technical work through to general work both outdoors and domestic work.

Much of South African and Botswana economy is not owned by the indigenous people. To a larger extent, people of Indian descent, Chinese, European and American entrepreneurs dominate the Botswana economy. In particular, Chinese employers have been noted as exploitative. Indian entrepreneurs' own businesses that range from educational institutions (High Schools, Technical Colleges, Universities and other businesses as Motor Vehicle garages, surgeries, food outlets etc.). The Chinese dominate the clothing industry, owning clothing warehouses and retail outlets. They are also contracted in the areas of the construction industry that include roads and house construction. Botswana people employ foreigners largely to work on their cattle posts and farms. This is because they are not prepared to take up these menial and general jobs as they regard them as primitive, but also there is a national perception that Botswana people are lazy – this has not been tested though. This stereotype however has thus far influenced the job configurations in the country with menial work almost exclusively set aside for foreigners, particularly Zimbabweans.

Of very important note is that much of their manpower is derived from neighbouring countries particularly, Zimbabweans, Malawians, Zambians, Nigerians, and Kenyans. Zimbabwean laborers have been very popular for their hard work, professionalism and the wide-ranging skills they have.

A review of the migrants' working conditions

The pitiable circumstances of migrant workers anywhere in the world and particularly in Southern Africa are widely documented. In South Africa alone, their conditions are dire. Zimbabwean migrants in Botswana and South Africa, whether documented or undocumented, are vulnerable. The situation of Zimbabweans in Limpopo province shows two aspects of the problem:

Salaries are not commensurate with qualifications. According to Marx, the only asset that a worker has is his/her labour. That is all they can sell for their living. It is therefore practically informative that as migrant workers navigate the borders; they seek increased salaries commensurate with their abilities. This is in conflict with capital needs. Historically the capital mindset is to maximize profit with the lowest wage bill possible.

Migrants have no bargaining strength. Particularly at the turn of the 21st century when migrants crossed borders in flight from worse conditions back home, it has not been easy to bargain for higher wages/salaries but Employers have offered a ‘take-it-or-leave-it’ arrangement, aware of the glut of migrant labour on the market to choose from. In the process workers have suffered the humiliation of taking up jobs they are over-qualified to do, and being paid a small amount.

In the case of Botswana, research shows that many employers use a ‘divide and rule’ strategy to nip any industrial action in the bud. Salaries are surreptitiously imposed and, in many cases, for the same job, workers are offered varying salaries. For instance, in the teaching field, where teachers’ salaries are not based on experience, qualification or aptitude but on need for control, manipulation and exploitation. A case in point is the information gleaned from one of institute of information technology: John Mukumbe pointed that the Information Technology department had their salaries increased while workers in the Business department were unceremoniously dismissed for asking for the same. Many examples exist.

Working hours and ill-treatment of workers, just like in colonial times is rife in Botswana and South Africa. Most of the employers are very aware that the migrant workers are likely to abscond or just ‘walk-away’ from their premises if they find other jobs. To guard against such eventualities, employers increase the working hours for workers so they can be restricted to those work places. Furthermore, from interviews carried out, Tichaona Mashindi a pre-school teacher in Mochudi, reported that they were ill-treated and made to believe that they were unemployable elsewhere. Muungani Sarudzai, a computer technician at a college in Gaborone pointed out that “simple mistakes at work are magnified to impress on the worker that they are not worth what they think they are”.

The negotiation of contracts in most workplaces is an illegal and exploitative practice. The contracts are knit in such a way that it leaves the worker more vulnerable to exploitation and indiscriminate dismissal. According to one Diva Gono, a University lecturer in Gaborone, in his contract his employer, had the power to “dismiss you any time the employer thinks you no longer serve the purpose for which you are employed and they may not give you any notice”. However, “you must give 3 months’ notice if you intend to leave, or forfeit one month’s salary in case of an abrupt decision to leave”.

Labour legal issues

The legalities of working in both Botswana and South Africa just as in all other countries require that one obtains proper work documentation before one can start work in any sector. A miscellany of factors resulted in many people being employed without having proper documentation. These factors include but are not limited to a colossal migrant labour movement into Botswana (both legal and illegal); critical shortage of manpower especially in private sectors; need by employers to furtively slash wage bills; the scramble and demand for the hardworking but undemanding and docile Zimbabwean migrant worker and also the bureaucracy by the concerned government departments which could not expedite the documentation processes.

The above factors have put an overbearing burden on to the migrant worker whose major objective is to immediately find work and make ends meet. It is within this context that many migrant workers hurriedly and grudgingly signed otherwise ‘quasi legal’ contracts which always impinged on their labour rights and their rights as residents (legal and illegal) in the duration of their contracts.

Once in this situation the migrant worker found themselves without any bargaining power with the employer. In one account an employee feared to be reported and handed over to authorities for lack of proper documentation while on the other hand they feared to lose their job. It therefore meant the employer could dictate the salary/wage and the working conditions especially the working hours. In some instances, information was collected from Zimbabwean migrant workers who mentioned that they would be forced to undergo 10-hour working day without a wage/salary increment within the life of a contract. This is against international labour laws.

On the farms and cattle posts, pervasive ill-treatment of migrant workers was reported. There were cases of ill-treatment at the end of the month so that many people ran away before they could get their wages. In most cases such workers are illegal migrants. Farai Shuro, one farm worker in a remote area

in Botswana, reported that he was beaten up by the employer and tortured until he decided to run away before he could get his salary. Other methods of ill-treatment are food poisoning, reporting migrant workers without immigration permission at the end of the month and false criminal accusations.

This is worsened by the labour laws and bureaucracy of the governments which makes it difficult for most of the qualified and unqualified people to work. An example is Botswana where the Ministry of Education gives private schools very short-term teaching permissions but takes a long time to renew them. In the end the labour commissioners come to harass them at the work place.

Children and migrant labour

Children have been other major victims of the economic, political and social problems in their countries and therefore have been forced to migrate to find refuge and earn an income. This explains the upsurge of, as yet undocumented child labour that continues to plague the countries of Southern Africa. Although children are clearly affected by labour migration, they have tended to be ignored in the migration discourse. A focus on children provides an unusual lens for considering migration dynamics...” (Hall: 2017).

Children are considered the weakest members of society and studying the impact that migrant labour has on them will help one to understand the deeper impact of migrant labour and ILO rights. Children are affected in various ways. Firstly, when one of their parents migrates to work abroad and secondly when both parents have to migrate abroad in search of greener pastures, thirdly when the child has to travel with either of the parents or both when they migrate and lastly when the child because of the difficult circumstances has to migrate to seek employment abroad.

When families migrate across borders without legal documents, they are referred to as migrants in an irregular situation. Upon arrival at destination, their children are often excluded from basic social services, such as education, and health care, thus increasing the risk of child labour. (Glind: 2010) Also, some children experience the right to housing, education and health care during the asylum process, but become illegal and lose these rights if their family’s case is rejected. The then-undocumented children are pulled out of school and forced into hiding, thus risking involvement in child labour. (Glind: 2010)

The South African case raises a lot of issues about children who independently migrated and found themselves working in mines and farms under very appalling conditions. Although the majority of child migrants move with their families, significant numbers also move independently. A 2008 World Bank Report. (McKenzie: 2008). Based on censuses from 12 destination countries showed that a considerable number of migrant children were living without their parents. Also, girls are slightly more likely to migrate independently compared to boys and the likelihood that a child will migrate independently increases substantially with age. (Yaqub: 2009).

There is more research that can be done about Zimbabwean child labour in South Africa after Apartheid.

Ways of adapting to the conditions

I contend that the Zimbabwean migrant workers in Southern Africa, particularly in Botswana and South Africa failed to organize themselves under the system which so clearly violated their international rights as workers. I should emphasize here that not all Zimbabwean migrant workers in these countries were ill-treated by their employers. On the contrary examples exist of migrant workers who, because of their qualifications and experience found themselves living luxuriously. However, organization along trade unionism lines is, in this paper, viewed as a way of improving and ensuring that work conditions continued to improve for the Zimbabwean migrant worker regardless of what privileges one might have.

In the face of difficult and controlled working environments this paper emphasizes that forms of resistance are concealed from view, as Phimister and van Onselen (1978) point out ‘in the nooks and crannies of the day-to-day work situation’ rather than overtly displayed. This paper focuses on

desertion, absorption of pressure or what can aptly be called ‘developing a thick skin at the work place, and loafing’ as the methods of resistance or rather of showing disenchantment at the workplace.

In southern Africa, not all migrant labourers are black. White, Indian and Chinese labourers receive comparatively better working conditions as opposed to their black counterparts. For them salaries are always higher in comparative terms, and they generally are respected in the workplace as compared to their Black Zimbabwean counterparts. Preference is given to them, and better services such as office space, housing, salaries and other smaller workplace incentives.

Because of fear of losing their jobs, Zimbabwean migrant labourers have developed a system where they pretend all is okay at the work place. The idea was to try hard and find another job which offers better conditions as compared to their current job while they hold on to their current job. The only way therefore to fix the employer was to desert for another job and never come back to the first job. Desertion became a common expression of dissatisfaction by those employed in the education system, particularly in private institutions, between 2000 and 2010. This, however, was not without its consequences. For those who were fortunate to have proper work permits this meant they could not get a release letter to allow them to move on to another job. If such a scenario occurred one had to endure working with a disgruntled employer.

Desertion is a system whereby a worker simply abandons, or just walks away from the work premises and never comes back. This method had its results. It had a destabilizing factor on the affected institution and presented uncertainty especially in areas where many Zimbabweans were employed. Employers were left guessing who else would desert. This panic mode had a positive effect on those left behind on the job. In the hope of retaining some professionals, employers would then improve the working conditions of those remaining though this was done clandestinely in most cases and only areas viewed as critical were got incentives. On the downside of it, employers would stop employing Zimbabweans as they’d think they couldn’t rely on them.

For most professionals, moonlighting became a very viable option in face of workplace hardships. Those in the education system resorted to private lessons and in other trades such as engineering, mechanics, etc. they resorted to doing extra jobs (piece works) after work or during their spare time.

Trade unionism

ILO standards promote collective bargaining and help to ensure that good labour relations benefit everyone. Freedom of association ensures that workers and employers can associate to efficiently negotiate work relations. Combined with strong freedom of association, sound collective bargaining practices ensure that employers and workers have an equal voice in negotiations and that the outcome will be fair and equitable. Collective bargaining allows both sides to negotiate a fair employment relationship and prevents costly labour disputes. (ILO: 2004).

It is rather shocking that since attaining its independence from the British in 1966, Botswana has had one of the weakest trade union movements in Africa. This has been as a result of an assortment of factors: firstly is because Botswana has a very narrow economy that is mostly dependent on extraction of diamond and beef production; secondly Botswana has relied heavily on expatriate labour which is unwilling to create a movement that will provoke a generally good employer; thirdly there is a very small local population, about only 2,3 million people most of whom are supported by the government.

This is not to suggest that moves at initiating worker solidarity have not been identified. Tea-talks, workers’ sporting outings, social welfare groupings Money-rounds and money-lending committees have been moves towards worker solidarity. However, in most cases such associations perceived to be bringing solidarity among workers have been ruthlessly dealt with. Such groups have been infiltrated by employer’s spies, and the organizers fired to send a clear message to would-be organizers. Within the migrant workers community, trade unionism has therefore been shunned in order to protect their jobs.

Conclusion

It is clear that the working conditions of the Zimbabwean migrant worker in Botswana have not been easy but have been a struggle for survival. In the process his/her labour rights and human rights have been abused with impunity. The situation has been worsened by a politically wobbly environment back home. Personal development by the worker has been difficult under these circumstances but some have managed to acquire assets and construct houses back home. However, with the prospect of a permanent political settlement, many migrant workers have expressed the hope of better working conditions - or better still - taking up better jobs back home; though others have remained skeptical.

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