

# Migrants and the Responsibility of Sender States (Perspectives from Zimbabwean Migration to South Africa)

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## Abstract

*Literature and theory on migration generally highlights and problematizes the role of host states treatment of migrant states. However, this has silenced the development of thinking on the role of sender states- those states the migrants originate from. This paper sought to assess the evolution of Zimbabwe government's approach to its migrants in South Africa as a sender state. Zimbabwe has historically been the country of destination, transit and sender of migrants over the past decades with South Africa as the major recipient. The paper was premised on the liberal paradox theory of migration which has been accredited for the creation of the wanted and the unwanted migrant based on economic benefits of the receiving state. Qualitative research methods with interviews and documentary search as the main research tools utilized for this paper. The research concluded that Zimbabwe's policy stand-*

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*point has greatly affected both Zimbabwean migrants as well as the receiving states who are left with the burden of dealing with increasing irregular migration into their countries. It is noted that under Robert Mugabe the policy was “muchienda kunani ko?” (Going to whom?) which was a policy of indifference. The successor government placed its focus on the benefits, that is, remittances without fundamentally shifting from indifference to a desired and ethical concern about the welfare of emigrants. What exists are erratic reactionary tendencies that do not deal with the systemic causes of migrant challenges that include xenophobia, economic segregation and repatriation of deceased migrants. We develop important recommendations towards Zimbabwe’s diaspora policy and input into Zimbabwe’s present search for a new way of dealing and handling emigrants. We argue that governments should have a responsibility to be concerned and to assist their nationals in other countries. There is a need to begin to think of a normative framework of the responsibility of sender states over migrants and there is scope for the responsibility of sender states to be part of migrant theory and advocacy efforts.*

## **Introduction**

The former president of Zimbabwe Robert Gabriel Mugabe is infamously known for having told Zimbabwean immigrants: “muchienda kunani ko?” translated as “going to whom?” It is this statement and the change of government of Zimbabwe in 2017 ushering in a new international vision towards migrants and the family of nations that sparked the need to assess the

evolution of the Zimbabwean government's attitude, treatment and policies towards its citizen's migration to other states using Zimbabwean's migration into South Africa. By doing so, it highlights something new in the theorisation of migration: which is the responsibility of sender states.

### **Historical Perspective**

Migration is a global phenomenon, and it is a recourse for seeking human dignity and security otherwise threatened in the previous location. Zimbabwe has had its share of mass migration. Crush and Tevera (2010) state that approximately 200,000 Zimbabweans crossed into South Africa in the 1980s; early 1990s saw the numbers peak to 750,000; while in 1994, because of tightening restrictions on Zimbabwean movement by the post-apartheid government, the numbers declined. An increase of the influx of Zimbabweans was recorded again in South Africa after the passage of the 2002 Immigration Act. Jaji (2017:2) points out that the estimated number of Zimbabweans outside the country as from 2010 were between three and four million and the number has only increased since then.

Zimbabwe started experiencing mass exodus after the land reform policy of 2000 and the subsequent sanctions that allegedly exacerbated the economic decline which forced people to migrate. Sanctions, maladministration and Structural Adjustment Policies (ESAP) that was adopted at the advice of the World Bank and International Monetary Fund (IMF) sunk the nation into economic woes leading to an exodus of skilled labour. Migration led to a huge brain drain as skilled labour left Zimbabwe to seek greener pastures subsequently crippling both the public and private sectors. The country be-

gan to experience poor service delivery due to lack of skilled labour. Education and health care quality deteriorated and unemployment rate ballooned leading to a sustained mass exodus of both skilled and unskilled labour, using regular and irregular pathways. The Zimbabwean government since then struggled keeping any reliable statistics of departures partly because most of the departures were and are done through illegal ports of entry and exit. Migrants face a lot of challenges in the countries they seek refuge, such as applying for legal documents that include renewal of passports, obtaining birth certificates for their children, and issues of repatriation of their deceased loved ones.

South Africa is the dominant destination of choice for Zimbabwean's accounting for ninety percent of documented departing residents. Tevera and Zinyama (2002:17) state that South Africa is the most popular destination with forty to sixty thousand Zimbabweans travelling to South Africa annually. This can be attributed to historical, political, economic and socio-cultural links that have existed between the two countries. Furthermore, South Africa is one of Zimbabwe's leading trading partners in the world; as a result, there is a lot of movement for purposes of trade by the commercial and industrial sectors of the country.

Zimbabwe has experienced a large flow of informal cross border traders since 2000 mostly by low-income people, especially women, who travel to South Africa to purchase goods for subsequent resale. This cross-border trading culture was influenced by deteriorating economic conditions that began in 2000. Parallel to increases in informal traders into South Africa, there has been an increase in unauthorised migration into neighbouring

countries particularly South Africa, Botswana, Namibia and Mozambique. Tevera and Zinyama (2002:18) note that unauthorised migration or otherwise known as ‘illegal’ migration falls into two categories: those who enter neighbouring countries (mostly the above-mentioned SADC states) through official entry ports but then overstay after expiry of their visas and those who leave Zimbabwe without valid travel documents and do not use official exit or entry points. The increase in irregular migrants makes it difficult for both sending and receiving states to record the number of migrants in and out of a state. Zimbabwe, for instance, does not have an exact record of the number of her migrants out of the state. There are no reliable statistics on the numbers of undocumented Zimbabwean migrants staying in South Africa or Botswana as a result the magnitude of this migration stream can only be inferred indirectly from the available official sources.

## **Research Methodology**

### **Research Approach**

The study applied Qualitative Research Approach. The researchers chose this approach because it is subjective and involves probing and reflecting on the less tangible aspects of a research participant such as insights, values and experiences (Neville, 2007). Leedy (1997) points out that qualitative approach captures people’s attitudes and feelings in a specific setting from their own point of view.

## **Research Design**

The research made use of phenomenological research design. Phenomenological studies examine human experiences through the descriptions provided by the people involved (lived experiences). This study describes the meaning of experiences the respondents hold on migration. The respondents were asked to describe their experiences as they perceived them to get a personal point of view. Information was obtained through interviews and written records.

## **Methods of Data Collection**

The researchers used key informant interviews as there was a need to get information from the people who have knowledge of Zimbabwean migration to South Africa, either as migrants or officials. An official from the South African Embassy in Zimbabwe was interviewed for this paper. Unfortunately, due to limited time frame, comments from the Zimbabwe Department of Immigration could not be attained as the request for interview was not responded to within expected time frame. Documentary search was utilised as an alternative for those key informants that could not be reached or did not respond to the request for an interview. As a result, there was a need to make use of documentary review. However, online publications had their own disadvantage as the researcher could not seek clarity on unclear issues in the documents. The researcher also interviewed twenty Zimbabwean migrants ranging from return migrants, current migrants, professionals, students both in regular and irregular status using face to face interviews, emails, as well as social media platforms. Interviews with migrants were the

most crucial aspect of data collection as they helped identify the challenges migrants face and draft necessary recommendations for this paper.

### **Theoretical Approach Liberal Paradox Migration**

The paper utilised liberal paradox migration theory to explain Zimbabwean migration to South Africa. This theory explains the push and pull factors of Zimbabwean migration to South Africa and most importantly it is fundamental in explaining and understanding the South African government's attitude towards Zimbabwean migrant crisis.

Liberal paradox migration is one theory that informs global migration. The liberal paradox theory of migration was propounded by Hollifield et.al (2008) who assert that nation states have a political wish of limiting types of immigration while on the other hand they have a need for certain types of immigration labour. Hollifield et.al (2008:68) purport that to maintain a competitive advantage, states need to keep their economies and societies open to trade, investment and migration. Hollifield et.al (2008) further assert that states must maintain control of their borders or else they risk undermining the social contract and liberal state itself. The major hurdle is how to maintain openness and at the same time protect the rights of individuals. In some cases, the labour market or business circle takes a driving seat over political concerns that advocate for closed borders to protect cultural dilution and security of the state. Hollifield et al (2008:70) asserts that states are increasingly linked together through trade and investments and if they want to promote this development which is the requirement of the neo-liberalists, they must also be prepared to manage the increased flows of labour

migration.

To deal with increased flows of labour migration, states have sought policies to regularise migration as an attempt to appease the business circle as well as nationalists. Liberal paradox migration has led to the construction of wanted and unwanted, deserving and undeserving groups and has been contextual in both discursive and material retrenchment of rights and development of new forms of exclusion and inequalities. Jorgensen and Thomsen (2013:2) purport that access to the labour market has been made far more flexible for some groups than for others as specialised migrant labour meet less barriers than asylum seekers. In terms of access to residence permits, citizenship, social benefits and political rights, states have developed both liberal policies and restrictive policies.

Liberal paradox migration in other words implies that because states need immigrants for economic development, borders are opened particularly for skilled migrants or cheap labour from unskilled migrants. However, governments are faced with the need to limit migration to protect the job market for locals and preserve the cultural set up of a country. Immigration is tied closely to the business cycle and the performance of labour markets in the sending and receiving countries. Hollifield et.al (2008:70) argue that the logic of push-pull factors in migration implies that changing economic conditions in sending and receiving countries largely dictate levels of immigration in developed countries like the United States. This implies that the sending state can send its skilled migrants to other countries to contribute to the economic development of that country, in turn benefiting from reduced unemployment as well as remittance flows from its diaspora. At the same

time states must deal with the need to enact policies to protect their states from the influx of immigrants that become an economic burden.

### **South African Perspective on Zimbabwean Migrants**

Hollifield's Liberal Paradox Migration theory states that to maintain a competitive advantage, states must keep their economies and societies open to trade, investment and migration. States must maintain control of their borders or else they risk undermining the social contract and the Liberal state itself. Liberal paradox migration has led to the construction of "wanted" and "unwanted" migrants which has led to the development of new forms of exclusion and inequalities. This means that states accept those migrants that have certain skills to contribute to their economy while rejecting those who come for either family reunification or looking for manual jobs. This has been the case of South Africa's acceptance of Zimbabwean migrants. To understand South African perspective on Zimbabwean migrants, an interview was conducted with Mr Linda Maso a political consultant at the South African embassy in Zimbabwe.

Mr Linda Maso, asserts that "the advantage of many Zimbabweans who migrate to South Africa is that they possess scarce skills, as a result they are easily employed, especially in the education sector". This implies that South Africa converted Zimbabwe's brain drain through mass exodus of professionals and made it her brain gain. Zimbabwean teachers particularly those in Maths and Science are easily integrated into the South African education system. One migrant interviewed at Road Port bus terminus in Harare, who identified herself as an Educator at one of the Primary Schools

in KwaZulu Natal pointed out that she did not face any challenges in applying for a permit, the process had been fast, and she got deployed at a school in 2007 and she was still teaching there up to now. Zimbabweans who hold legal documents have different experiences with the South African authorities and nationals. Their skills shield them from abuse and exploitation by employers or authorities. Polzer (2008) concurs with the above finding stating that, teachers for instance, have found employment easily in South Africa through the Ministry of Education as it hires Zimbabwean teachers to fill the gap especially in rural areas. However, it should be noted that not all undocumented migrants are unskilled, some skilled Zimbabweans fail to use their professional qualifications because they would have entered the country without authorisation due to the inability to afford legal travel documents. Those who hold scarce skills have an advantage as their “demand” allows them the luxury not to experience the downside of applying for a work permit as a migrant. Documented migrants are protected by both the Zimbabwean and South African government mainly because their whereabouts are recorded in both States databases. Mr Maso emphasized the importance of migrants to be registered in the migrants’ database as it ensures their safety and guarantees their protection by the South African government.

The so called “deserving” or “wanted” migrants are firmly protected by the receiving state and most often find favour with the representatives of the Zimbabwean government in South Africa and have an official backing of the host government. One migrant who identified herself as a student at one of the Universities in South Africa under the Zimbabwean Presidential Scholarship stated that:

Except for the occasional incidents of racism, student migrants under the same scholarship are protected by the South African government and the Zimbabwean government has fully taken responsibility for us in terms of financial aid and our socio-political wellbeing.

One might argue that the government takes full responsibility for these students because they acknowledge their responsibility as they are “direct senders”, but it is questionable if the government extends the same courtesy to those students who went to South Africa on their own without government assistance. Responding to the above sentiments Mr Maso was quick to point that “legal migrants are most often protected because their presence is known and recorded, as a result their rights as migrants are protected”. However, the number of undocumented migrants in South Africa exceeds the number of regular migrants hence this suggests that most Zimbabwean migrants in South Africa are left at the mercy of the legal authority and the communities they settle in.

Zimbabwe is guided by the doctrine of non-interference in the sovereignty of other states. This therefore limits her intervention to protect her citizens in distress as it can be translated into interference in the internal affairs of South Africa, hence fracturing their bilateral relations. Zimbabwe is dependent on cooperation with states to solve any challenges facing her citizens, therefore, in most instances Zimbabwe government has “reactionary” short term policies to challenges facing her citizens abroad particularly in South Africa. Zimbabwe has signed several Bilateral Labour Agreements (BLAs) meant to minimise the exploitation of her nationals and to ensure her mi-

grants are protected by the receiving state in the name of cooperation while also benefiting from the remittances.

Makina (2012) points out that Zimbabwe has signed Bilateral Labour Agreements (BLAs) with South Africa for the facilitation of recruitment of labour force for commercial farms in the Limpopo province, this was aimed at protecting Zimbabwean migrants looking for jobs from persecution or abuse by employers as it rendered employers liable to the agreement with the government of Zimbabwe. BLAs are considered as a major policy objective to reduce irregular migration and irregular cross-border movements in neighbouring countries. BLAs help protect the rights and interests of Zimbabwean migrants and cross border traders.

Tevera and Zinyama (2002:23) state that the government of Zimbabwe has bilateral agreements with neighbouring countries to facilitate the movement of people who are resident in border regions. These bilateral agreements exist with Botswana, South Africa, Zambia and Namibia. Residents in the border regions are registered and issued temporary passes that enable them to cross to visit or seek employment on the other side. This is done through the cooperation of Zimbabwe and her neighbouring countries to ensure cooperation and protection of the economic endeavours of migrants from either of the above-mentioned states resident near the border.

The rights of Zimbabweans are protected under the constitution of Zimbabwe which is the Supreme Law of the land. However, the Zimbabwean government has not extended the protection of diaspora in the Constitution. Dr Mike Mavura, a Zimbabwean lecturer at Stellenbosch University in South

Africa (henceforth to be referred to as Dr Mavura) stated that “Zimbabwe does not have a body of solid policies or strategies in relation to migrants”. This statement also reinforces the fact that Zimbabwe has reactionary policies. Xenophobic attacks have been recurring in South Africa since 2008 but the Zimbabwean government always has been caught off guard which constantly leaves her migrants at a state of self-help and at the mercy of the South African government.

One underlying factor in the Zimbabwean government’s attitude towards her migrants is the issue of sovereignty. Dr Mavura expounds the above sentiments by asserting that:

The Zimbabwean State being a post-colonial state is sensitive to the issue of sovereignty as espoused through the Mugabe regime. Sovereignty was then meant to also include citizens being given rights if they stayed within borders.

This suggests that the government is fully committed to protecting her citizens if they stay in the country. The moment Zimbabweans exit the border the government relinquishes her responsibilities to both the migrants themselves and the host government. While respect of sovereignty is meant to ensure non-interference in the affairs of other States, an exception should be made through Memorandums of Understandings to temporarily waiver that at the discretion of the sending State when her nationals are in distress. Dr Mavura elaborated the Zimbabwean policy standpoint stating that:

...with the country going through a crisis, migrants were seen as “sell-outs” to some extent but crucially as now belonging to someone else’s sovereignty. In this case, sovereignty shifts to South Africa hence Zimbabwe will not interfere with Zimbabwe migrant matters in South Africa.

This assertion reiterates that the Zimbabwe government has no legal responsibility for its migrants abroad. Migrants are at the mercy of the receiving state the moment they make a conscious decision to leave the country. Mr Linda Maso also held similar sentiments with Mavura emphasizing that “the responsibility does not lay solely with the receiving state, but it has the most responsibility as migrants is in their custody”. This assertion suggests that South Africa recognizes her responsibility, and she has taken up that responsibility partly due to continued reluctance from the government of Zimbabwe. However, it is important for Zimbabwe to meet South Africa halfway in its efforts to ensure that the policies they promulgate are beneficial to citizens of both states.

Some migrants interviewed for this paper believed the government of Mugabe deliberately used the principle of state sovereignty as an excuse to abandon their responsibility to their migrants. This argument may be valid when considering Fathers (2017) assertion that the right of a State to intervene in matters concerning its nationals is a customary right in International Law codified in the 1963 Vienna Convention on Consular Relations. Article 5 of the Convention lays out the responsibility of the diplomat of the sending state which includes but not limited to helping and assisting nationals of the sending state. This implies that under customary law Zimbabwe has a right

to intervene and protect her citizens in need or in a crisis like xenophobia, but the government chooses not to, maybe as a way of preserving bi-lateral relations with South Africa or to ensure that other states will reciprocate and not interfere in Zimbabwean politics.

However, the South African embassy representative, Mr Maso, held a different view regarding the reason why the government of Zimbabwe was not engaged in the affairs of her citizens in South Africa. He pointed out that the economic crisis that Zimbabwe has been experiencing for slightly over a decade is the reason why Zimbabwe is not engaged. Jaji (2017) concurs with the above view stating that Zimbabwe has had economic meltdown since 2008. It can be noted therefore that, for a sender state to effectively assist her citizens abroad the State needs to have a stable economy and be ready to incur costs that also include the risk of a diplomatic standoff with the country in question

Mr Maso expounded on the above by pointing out that the state of the Zimbabwean economy is a factor in Zimbabwe's failure to take responsibility for her migrants. While economic meltdown was or is a contributing factor in explaining Zimbabwe government policy towards migrants, but one can also wonder if the government's attitude has anything to do with the economic crisis or its more of an ideological standpoint. When the late President R.G Mugabe uttered the words "Muchienda kunani ko?" ("Going to whom?") directed to migrants, the question reflected a policy statement especially when according to Patel in Patel and Chan (2006:175-176) the president was the chief articulator of Zimbabwe's foreign policy. The question may imply that the Mugabe regime felt as if the migrants were not

patriotic when they made the decision to leave the country in a time of both political and economic depression. This betrayal by citizens led to the Mugabe regime cautioning them that if they leave, they will no longer benefit from the rights afforded to Zimbabwean citizens.

Although migrants are perceived as unpatriotic for abandoning the country during a crisis, the country benefits extremely from diaspora remittances. According to Tevera (2008:21) Zimbabwe received considerable flow of remittances, estimated at between US\$ 260 million and US\$490 million a year. Zinamwe and Devillard (2010:60) state that in 2004, the Reserve Bank of Zimbabwe (RBZ) developed Homelink, a remittance mechanism designed to encourage migrants to remit through normal channels. Homelink provided two types of products which are the money transfer service and the Housing Development Scheme Project. The country benefited through getting much needed foreign currency from fees charged and financial transfers and taxes. While Homelink was a positive initiative as it afforded the home country to directly benefit from its migrants which is important for the development of the state, it however faced a challenge as the charges were too high, coupled by shortage of cash in banks which led to the alternative of sending money through a friend travelling back home, thus, denying the country any revenues that were to be gained by using the formal channel. It should be noted that although the Zimbabwe government has not assumed any responsibility for her migrants, the government however intends to benefit from the diaspora. Homelink was introduced so the government can get revenue from the remittance system which they could not get through the informal methods that Zimbabweans were using for

remitting. This shows how the government of the Republic of Zimbabwe is not people oriented as they want to benefit from the remittances without taking responsibility for socio-political needs of her migrants abroad.

However, with the fall of Robert Mugabe in 2017, the new Zimbabwean government has been slowly showing signs of shifting its policy direction and assuming some sort of responsibility for migrants. The difference between the government of Mugabe and that of Mnangagwa is that the latter is willing to engage the migrants to rebuild the economy.) According to Gopaldas (2018:9) the “return of a fraction of the Zimbabwean living abroad, which ranges between 500,000 and 4 million could inject the much-needed liquidity and consumption activity into the country’s economy”. This may be the reason the new government is eager to engage her diaspora as they have an ability to help in the recovery of the economy through the remittance system and investments.

Gopaldas (2018:9) pointed out that: skilled Zimbabweans in the diaspora have shown interest in returning home as they are tired of being treated as second class citizens in foreign lands. However, they do not want to return home and settle for mediocrity. The uncertainty of the consequence of returning home has led to a standoff between the President of Zimbabwe and migrants with the former expecting the return of migrants to save the economy, while the latter expects a change of policy and attitude to be the pull factor in their return.

Furthermore, government of Mnangagwa in its infant term in office has addressed the discrimination of children born in Zimbabwe and those born

abroad in the issuance of birth certificates to re-engage with the diaspora. Under the Mugabe government, children below the age of six born in Zimbabwe were entitled to a free birth certificate while those born abroad were required to not only pay US\$50 but were required to return to Zimbabwe for issuance. According to *The Herald* (20 December 2018) the Registrar General, Mr Clemence Masango relaxed that requirement to travelling back to Zimbabwe for issuance) stating that Zimbabweans living abroad can now apply for birth certificates for their children born on foreign soil through the country's embassies.

This back tracked a policy that had denied most Zimbabwean children the right to be registered as a Zimbabwean which ultimately rendered them undocumented migrants which consequently made registration in schools difficult. The announcement by the Registrar General of Zimbabwe did not only give Zimbabwean children born abroad their right to be registered as Zimbabweans but it was a step towards ensuring equal treatment of Zimbabwean children born in or out of the country. Furthermore, the reduction of the cost of application from US\$50 to US\$2 has come as an accepted step towards the right direction. However, there is still a need to eventually scrap the fee as being issued with a Zimbabwean birth certificate should be their birth right, hence they should not be discriminated against based on their country of birth. This declaration also ensured that the government of Zimbabwe aligns with Chapter 3 section 35 (2) of the Constitution of the Republic of Zimbabwe that states that “all Zimbabwean citizens are equally entitled to the rights, privileges and benefits of citizenship”. Citizenship that is attained by birth, descent or registration and as a result should not be

treated discriminately based on where they reside.

### **Implications for Failure to take Responsibility by Sender States**

The responsibility of sender states to her migrants should be a decision of the sending state to make a policy to that effect. According to Serumange-Zake (2017:9) lack of support from the government of Zimbabwe has been identified by many undocumented migrants as the contributing factor to irregular migration. While noting current efforts in 2021 to come up with a diaspora policy it is correct to say the Zimbabwean government has failed to come up with a policy to show their intention and desire to cater for the needs of her migrants regardless of the economic crisis. The above data reflects numerous challenges that Zimbabweans face in South Africa and some challenges can be swiftly solved by cooperation of the two governments to regulate migration through joint efforts. The lack of political will from the Zimbabwean government has led to Zimbabweans to organise themselves and assist each other in crisis without any active engagement of the government.

The Zimbabwean government has failed drastically to ensure that travel documents are attainable to an average Zimbabwean in the context of economic challenges facing the country. Instead of easing the burden for her migrants and would be migrants the government has made it harder for people to travel by ensuring that only those who are financially stable have the privilege to access necessary travel documentation. According to a report by Vanessa Guzha of NewsDay (April 8, 2021) The Department of Registrar General earlier in 2021 released the new passport fees, which

placed the general passport at US\$53 which unfortunately requires one to wait a year or more to receive it due to backlogs that are still getting cleared from 2018. Those who are financially stable resort to paying US\$253 for a three- day passport or US\$318 for a 24-hour passport. This has contributed to an increase in irregular migration, and it has led to some migrants who had regular status opting to be irregular as they could not afford the cost of renewing their documents. While it is fundamentally correct to point out that increasing the cost of passport helps the country generate the necessary funds or forex to continue printing passports, it however hinders the citizens from ensuring that their migration process is ‘regular, orderly and safe’ . To add to the plight of migrants, the promise of greener pastures is met with resistance and hostility from South Africans both authorities and citizens. Some migrants interviewed noted that they are always in fear of being stopped and randomly questioned by the South African police in the street. This view was qualified by Serumange-Zake (2017:6) who points out that the irregular status of many migrants pushes them into criminal activities and are exposed to exploitation and smuggling. Furthermore, the Human Rights Watch (2006) also concurred with the above assessment stating that immigrants are subjected to working conditions that are inhuman and they are paid at rates that are below the domestic labour standards. This has led to most Zimbabweans resorting to bribing officials to get South African legal documents that carry a different identity and make them South African citizens. This leads to many Zimbabweans losing their identity to fit into a society that is hostile to them. However, it should be noted that Zimbabweans who resort to changing their identity are those in irregular situations but those with legal status and are skilled professionals move to affluent neigh-

bourhoods where they don't face hostility.

The irregular status of many Zimbabweans subjects them to criminal elements, and they cannot report as some of the perpetrators are the authorities. One interviewee stated that authorities expect them to pay bribes when they are caught without legal documents and even if they have them but not in their possession at that given moment. This has normalised the culture of corruption amongst South African authorities. Neocosmos (2006) is of the opinion that this was a culture adopted during the colonial era and has been continued by the post-apartheid police force. The normalising of criminal activities by authorities has deprived migrants of recourse to police protection.

Zimbabweans who hold legal documents have different experiences with the South African authorities and nationals. Their skills shield them from abuse and exploitation by employers or authorities. Polzer (2008) concurs with the above finding stating that, teachers for instance, have found employment easily in South Africa through the Ministry of Education as it hires Zimbabwean teachers to fill the gap especially in rural areas. Jaji (2017) points out that most Zimbabweans emigrated around 2008 when the country was facing the worst economic crisis. There has however been a steady increase in migrants from Zimbabwe as the economy has failed to recover by 2021 and was described by interviewees as returning to the 2008 economic crisis levels. This explains why most Zimbabweans both skilled and unskilled have irregular migrant status.

Notwithstanding, the fact that attainment of legal documents is the respon-

sibility of the individual wishing to travel, it is however a human right and governments have the mandate of ensuring that their citizens can afford and have access to travel documents. In February of 2020, the Registrar-General, Clemence Masango, stated that Zimbabwe was struggling to clear a backlog of more than 400,000 passports dating as far back as 2018 due to shortage of foreign currency needed to import required consumables. This has contributed to the increase in corruption in the attainment of travel documents as those with money can use it to fast-track processing of their documents, while most people resort to irregular migration. Inaccessibility and the cost of travel documents are two major reasons that have contributed to an increase in irregular migration. While this opinion may seem like an attempt to shift individual responsibility to the government, it is important to note that the cost of travel documents is the number one regulator of migration in any country.

Some Zimbabwean students under governmental scholarships complained about how the Zimbabwean government has abandoned her responsibility for them as late payment of fees has subjected them to abuse by some University authorities. There is a need for the government to assess the implications of sending their students to study in foreign countries without adequate funds to cover their expenses and to process their fees on time. Students interviewed pointed out that the failure of the Zimbabwean government to send them money on time has led to some of their colleagues to venture into prostitution and other vices to be able to sustain their livelihoods. These allegations taint the reputation of the Zimbabwean government and most importantly puts the lives of young Zimbabwean students

in danger of exploitation, for example, in both prostitution and in the drug smuggling business.

Students are not the only group of Zimbabweans that are facing challenges in South Africa. Professional Zimbabweans have also had a difficult time adjusting to the South African professional market as the fact that they are foreigners has made it difficult to have economic freedom. This was stated in line with the fact that most Zimbabweans cannot access lines of credit from the South African banks because they do not hold collateral in that country. This has made it difficult for most Zimbabweans to establish their own business to help them supplement their salaries and be self-employed. There is a need for the Zimbabwean government to help Zimbabweans seeking to establish themselves in South Africa to be able to access lines of credit through using properties back home as collateral if it is proven beyond doubt that the property in question belongs to the individual seeking a business loan. This will be economically beneficial to both States as South Africa will gain from taxes through the establishment of new businesses and Zimbabwe will gain from increased remittances sent home.

The responsibility of sender states to her migrants should be a decision of the sending state to make a policy to that effect. The above data reflects numerous challenges that Zimbabweans face in South Africa and some challenges can be swiftly solved by cooperation of the two governments to regulate migration through joint efforts. The lack of political will from the Zimbabwean government has led Zimbabweans to organise themselves and assist each other in crisis without any active engagement of the government. However, it is worth noting that the government of Munangagwa has been

showing interest in engaging the diaspora to develop the country.

## **Conclusions and Recommendation**

Zimbabwe churns more migrants into South Africa because of the historical links, proximity and economic reasons as South Africa has the best economy in Southern Africa. On the other hand, South Africa has taken advantage of the Zimbabwean brain drain due to migration of skilled labour as its brain gain, as evidenced with the Ministry of Education's programme to recruit Zimbabwean teachers to teach in their schools especially in the field of Mathematics and Science.

Liberal Paradox migration helped in the understanding of South Africa's migration dilemma. Historically, South Africa depended on Zimbabwean labour in the mines and after apartheid the country outsourced teachers from Zimbabwe to fill in the shortages in the Ministry of education. However, with the increase in economic and political migrants into South Africa, the nation-state is faced with the dilemma of accepting a certain amount of Zimbabwean migrant labour while limiting entry of unskilled migrants that can be a socio-economic burden. Some interviewees have argued that there is no paradox in migration but the failure to regulate migration by states is the reason they face immigration crisis. Regulation of migration has always been a challenge for South African migrants as many of the immigrants use illegal routes into the country and the failure to trace those who would have used legal ports of entry and overstay on purpose can be viewed as South Africa's failure at regulation of migration. The business sector has always benefited from cheap labour from Zimbabwe particularly from unskilled

migrants working in construction and mines. This was identified as one of the reasons leading to xenophobic attacks as foreigners accept jobs with less salary compared to locals, thus the rhetoric ‘foreigners take our jobs’.

The Zimbabwean government subscribes to the doctrine of non-interference in the sovereignty of other states. The moment a person exits the Zimbabwean border, the attitude of the authorities shifts as the legal obligation is transferred to the foreign employer and the receiving state. This has left a lot of Zimbabwean immigrants at the mercy of the receiving state and the Zimbabwean government free from any liabilities that can be incurred by a migrant. It can be noted that one of the reasons why the Zimbabwean government has religiously adhered to the doctrine of non-interference is the economic cost of interfering and the fear of a possible diplomatic standoff with the country in question. Moreover, the fear of other states interfering in Zimbabwean politics is one of the major motivations not to be involved in the domestic affairs of other sovereign States.

The statement “Muchiendakunani ko?” (Going to whom?) by the late President Robert Mugabe of the Republic of Zimbabwe to migrants’ sheds light on the Mugabe government’s approach towards migrants. The statement shifts blame for migration from the state to the migrants themselves. Moreover, it asserts that the responsibility for Zimbabwean migrants lies with the receiving state thus relinquishing any responsibility they might have had for their citizens. One can assume that the President was cautioning those migrating that life will be more difficult where they are going than it is at home and declaring that the state will abandon any responsibility over their fate. This is a reality for many Zimbabwean migrants as they find them-

selves isolated in unfamiliar territory without any understanding of the laws of that country and worsened by the ignorance of the policies of their home country regarding migrants.

The ignorance of the responsibilities of the sender state to its migrants is one thing that has led to the abuse and exploitation of migrants. Furthermore, those with knowledge of the channels to follow to get assistance from their states while in a foreign land might be faced by the dilemma of having to unveil themselves to their government in cases where they are viewed as enemies of the state due to political reasons or the fear of handing themselves in as they might be undocumented immigrants. The Universal Declaration of Human Rights (1948) and the Convention Relating to the Status of Refugees (1951) has a fundamental principle of “non-refoulement” stipulating that no person should be sent back into a territory where they may face persecution. However, Zimbabwe and South Africa have an extradition treaty which both States must abide to despite the expectation that the principle of non-refoulement will take precedence, it is not guaranteed it would. This dilemma has contributed to some Zimbabweans not to take the risk by unveiling themselves to either Zimbabwean authorities or South African authorities when they need any assistance.

This research noted that it is felt by respondents that the government of Zimbabwe has assumed extremely little to no responsibility for her migrants as a sender state. Notwithstanding the fact that they have intervened to help Zimbabweans during xenophobic attacks of 2008 and 2013, this was but a reactionary policy with short term goal, to repatriate. If the Zimbabwean government was actively engaged with her migrants, they would have

identified the challenges affecting them and engaged the South African government to ensure that the rights of their citizens are protected. The Zimbabwean government needs a long-term policy regarding her citizens abroad as protecting her migrants will translate to good working conditions and in turn improved remittance that has been very fundamental in improving the lives of Zimbabweans left back home. However, the infant government of Mnangagwa has shown interest in engaging Zimbabwean migrants abroad, although his efforts have been met with scepticism as some interviewees argue that the government only wants to benefit from migrants without taking an active role in assisting them.

### **Recommendations**

Below are the recommendations for policy considerations to deal with Zimbabwean migration crisis.

#### **Establish information dissemination centres**

These centres should be accessible to every Zimbabwean. The mandate will be to offer information on their rights as a Zimbabwean migrant and where they should go to get help when they are abroad. Every Zimbabwean has a right to adequate information about the scope of the Zimbabwean government's engagement with them when they are abroad.

#### **Create Medical and Funeral Schemes**

There is a need for the government of Zimbabwe and the private sector to establish medical aid and funeral schemes for those who decide to migrate temporarily or permanently. Subscriptions could be paid in the currency of

the host state and should be able to cover Zimbabweans when they have health problems away from home or assist in the repatriation of deceased Zimbabweans rather than using informal services.

### **Establish Centres to Apply for Zimbabwean Legal Documents**

The Zimbabwe government needs to create centres where Zimbabweans can apply for legal Zimbabwean documents without the cost of having to travel back home for that process. This could be achieved through a Memorandum of Understanding with the South African government. The agreement could reduce the number of Zimbabweans that have irregular status in South Africa.

### **Negotiate Memorandum of Understanding with South Africa on Labour Export**

The Zimbabwean government should engage in talks with South Africa to export its labour force. This will help reduce unemployment and improve the standard of living for Zimbabweans. Through labour export Zimbabwe will gain much needed foreign currency injection through the remittance system, which in turn will help in the development of the country.

### **Establish Coordination between Zimbabwe and South African Ministries of Home Affairs**

Due to the continued influx of Zimbabwean migrants with a social and economic impact on South Africa there is a need for coordinated migration policies between the two ministries. This will help the two countries work on an migration policies beneficiary to both governments, subsequently

protecting Zimbabwean immigrants in South Africa regardless of their legal status

### **Implications for Further Research**

This research focused on the responsibility of Zimbabwe as a sender state to South Africa within the President R.G Mugabe time frame. There is however need for further research on the President Emmerson D. Mnangagwa's policy on Zimbabwean migrants as this research only focused on his proclamations that have not been turned into policies yet due to the infant nature of his government when this research was conducted.

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