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The Free Movement of Persons in Southern Africa: Aligning State Agendas with the Rights of all Migrants*

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Abstract: The push for free movement of persons and inclusion policies in Southern Africa continues due to the perceived benefits to all migrants, including refugees and other forced migrants. Advocacy is commonly driven by normative frameworks derived from international legal protocols and nations' obligations to these mechanisms. However, these approaches often overlook the political, economic and social challenges that states face. In the Southern African Development Community (SADC) region, high unemployment, poor economic prospects, fragmented politics, and populism hinder regional integration. As a result, direct migration advocacy is unlikely to shift state policy in the short or medium term. Drawing on over fifty key informant interviews with policy makers and stakeholders at international, regional and national levels, we argue that the effectiveness of free movement of persons protocols and inclusion policies in Southern Africa depends on recognising—and navigating—the political economy of integration across regional, national, and local levels.

Keywords: Free Movement of Persons; Southern Africa; Rights; Migrants.

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La libre movilidad de personas en África meridional: hacia la convergencia entre las agendas estatales y los derechos de todos los migrantes

Resumen: El impulso por la libre circulación de personas y las políticas de inclusión en África del Sur continúa por los beneficios percibidos para todos los migrantes, incluidos los refugiados y otros migrantes forzados. Esta labor de defensa suele estar guiada por marcos normativos derivados de protocolos legales internacionales y de las obligaciones de los Estados frente a estos mecanismos. Sin embargo, estos enfoques a menudo pasan por alto los desafíos políticos, económicos y sociales que enfrentan los Estados. En la región de la Comunidad de Desarrollo de África Austral (SADC), el alto desempleo, las escasas perspectivas económicas, la fragmentación política y el populismo obstaculizan la integración regional. Como resultado, es poco probable que la defensa directa de la migración logre cambiar las políticas estatales a corto o medio plazo. Basándonos en más de cincuenta entrevistas a informantes clave —responsables de políticas y actores relevantes a nivel internacional, regional y nacional—, sostenemos que la efectividad de los protocolos sobre la libre circulación de personas y de las políticas de inclusión en África Austral dependen del reconocimiento y la gestión de la economía política de la integración a nivel local, regional y nacional.

Palabras clave: Libre movilidad de personas; África del Sur; Derechos; Migrantes.

1. Introduction

This paper explores free movement of persons policies in the Southern African Development Community (SADC) through a political economy lens. To date, the free movement of persons agenda in the region has been promoted mainly by direct migration advocacy, which has sought to advance regional mobility through the promotion of international and regional legal frameworks. While these normative commitments provide an important foundation for the rights of migrants (including refugees and other forcibly displaced persons), their effectiveness has been limited by the economic and political realities confronting SADC states, namely, rising inequality, high unemployment, sluggish growth, and growing xenophobia. Achieving meaningful progress on the free movement of persons requires strategies that navigate these pressures, balancing legal obligations with the political constraints faced by elected officials.

Effective free movement of persons and inclusion policies have been repeatedly called for within policy circles and migrant organisations on the Africa continent over the past few decades (IOM, 2024). There are logical reasons

for this. From a state perspective, longitudinal studies show the economic benefits of regional and continental migration, both in terms of in and out migration and trade (OECD, 2017; Muthumbi, 2018; OECD/ILO, 2018; Schmieg, 2019). For migrants, including refugees and other forced migrants, the ability to easily move across borders (and easily return) to find work, education, and forms of protection is incredibly advantageous in terms of economic and personal goals. In part, because it formalises traditional and contemporary informal border movements. For forced migrants in particular, the ability to settle long-term in a neighbouring state has the added benefit of reducing the sense of being in permanent limbo or temporariness which is felt by many in protracted displacement situations (Landau, 2018).

When pushing for improved continental and regional freedom of movement of persons, the common approach by policymakers, academics, and other advocates has been the promotion of regional normative frameworks derived from legal protocols and nations' obligations to these mechanisms (IOM, 2024; Ogalo, 2012; Teye et al 2019; Okunade and Ogunnubi, 2021). While the Economic Community of West African States (ECOWAS) and the East African Community (EAC) have enacted free movement protocols (with varying success), attempts to do the same by SADC have remained in limbo.

Almost paradoxically for a region that witnesses large numbers of inter-regional movement (Migration Data Portal, 2025), SADC can be considered an 'unsuccessful' case of regional integration in both continental and global comparisons. A regional free movement of people protocol – a symbol of regional integration and a central tenet of SADC's founding treaty - has never been operationalised in the region (Oucha and Crush, 2001). The region does offer a 90-day visa-free travel to member country nationals, but this comes without the right to work or reside outside your country of citizenship. The combination of these two elements mean SADC remains one of the least integrated regional blocs on the continent. This is characterised by low levels of infrastructure, trade and productive integration (African Union, 2009).

The region has also witnessed increasing numbers of forced displacement in recent years (both internal and cross border). This is due to multiple drivers, including conflict and violence and the growing effects of climate change. Indeed, these drivers can often occur in the same country, at the same time – often overlapping – causing multicausal movements, new phases of displacement and/or repeat or circular forms of displacement. For example, the continued Islamic State sponsored violence in northern Mozambique saw nearly a million persons displaced between 2017 and 2022, while extreme weather events, including Cyclone Kenneth in 2019, added to the insecurity, displac-

ing thousands more. By the end of 2023, UNHCR reported over 10 million persons of concern in the region (including refugees, other forced migrants, and internally displaced persons) (UNHCR, 2024).

Increased forms of inter-regional movement (including forced migration) have seen most forms of cross border movement in the region framed solely as a security issue. An accompanying rise of nationalism, and SADC member states struggling with poverty and inequality, means migration in the region is a complicated subject. Nevertheless, against this complex backdrop - given the perceived benefits – the push for free movement of persons at the SADC level continues. These pushes from academia, policy-makers, and international organisations remain focussed on the implementation of regional and continental normative migration frameworks derived from international legal protocols and nations' obligations to these mechanisms. Yet, it remains politically difficult to push a regional agenda which includes discussions on migration. Thus, current advocacy approaches, while well meaning, at best fail to work, at worst, result in a backlash against migrants from states and communities.

As examined in this paper, a direct migration advocacy approach in Southern Africa regularly overlooks the political, economic, and social challenges that nations face, making it difficult to navigate free movement of persons policies. To better understand these challenges, the paper explores the political economy of migrant integration in the region. This involves investigating how economic, political and social factors interact to shape migrant integration policies at the regional, state and local levels.¹ As such, the political economy of individual states, including the relationship between trade and migration, becomes essential to these discussions. Equally, 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 and national levels. Thus, differential and shifting power relations between individual states and between states and regional bodies are critical to understanding the push for free movement of persons and inclusion policies in Southern Africa. Ultimately, these political and economic processes are influencing how free movement of persons within the region is ultimately understood.²

To start exploring these issues, the next section first examines the existing literature on pushes for improved migratory governance frameworks, including free movement of persons protocol, in the SADC region. The section

1 See the work of Carvalho and Dryden-Peterson (2024).

2 See the work of Collinson (2009).

then moves to discuss broader literature on the links between economic development, trade and migration. Certainly, in other regions of Africa, research shows the value of open markets and intra-regional migration. Section 3 then sets out the methodology used for the paper, which involved over fifty key informant interviews with policy makers and stakeholders at international, regional and national levels. Section 4 examines the empirical data to draw out the three key political and economic factors that are interacting with each other to influence how free movement of persons within the region is understood and ultimately creating barriers to its implementation. Utilising these findings, Section 5 sets out an alternative way forward in terms of advocating for free movement in the region, based on domestic alignment, incrementalism, and stealth.

Despite decades of regional ambition, the free movement of persons remains politically elusive in Southern Africa. We argue that direct migration advocacy—whether in the form of calls to liberalise borders, protect migrant rights, or open markets with a focus on the links between migrants and economic development—are unlikely to shift state policy in the short or medium term. We call for a major shift in strategy. The effectiveness of a regional free movement protocol depends on recognising—and navigating—the political economy of integration across regional, national, and local levels. For donors and development partners seeking to support SADC, issue-specific agendas offer more viable entry points than generalised advocacy for free movement or open trade. For example, investing in networks working on cross-border trade, skills recognition, or local economic development. From these foundations, broader discussions on freedom of movement can then occur – which must include refugees and other forced migrants. Moving away from long-term temporariness requires connecting forced migrant inclusion to broader development agendas and embedding it within regional frameworks. In the current climate though, marked by caution and constraint, these quieter pathways may be our best route forward.

2. Advocating for the Free Movement of Persons and Inclusion Policies

Pushes for the free movement of persons and inclusion policies in Africa are commonly driven by normative frameworks derived from international legal protocols and nations' obligations to these mechanisms. This section starts by drawing out key observations from the literature around the implementation of international, continental, and regional migration and forced migration related frameworks. It asks, after decades of poor sign up and a real lack of implementation on the ground in the region, whether a central focus on

top-down governance frameworks is sensible in Southern Africa – either in isolation, or in combination with other migration advocacy strategies such as demanding migrant rights. The second half of the section turns to start exploring the political economy of migrant integration by investigating the links between economic development, trade and migration in the literature. While these links are well established through empirical studies on the broader continent and set out a compelling case for regional free movement, the section highlights how they have been underexplored within SADC. Equally, the broader literature also shows how member states in neighbouring regional blocs still witness similar barriers to SADC in terms of the implementation of free movement of persons and inclusion policies.

2.1. The Impact of Top-Down Governance Frameworks in Southern Africa

International frameworks surrounding the treatment of international migrants are scant, with Southern Africa's engagement with them sparse. The most significant international 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 (van Eck and Snyman, 2015). It is legally binding, however, except for Lesotho (in 2005) and Mozambique (in 2013), no Southern African countries have signed, or ratified, it. 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 (Achiume and Landau, 2015). The AU Protocol has been signed by eight SADC member states, but none have ratified it (Abebe and Mudungwe 2023).

Through the African Union Agenda 2063, there has also been a push for an African passport to facilitate the free movement of all Africans (Hakami, 2018). Continental sign up has been very slow though with to date only four countries ratifying the 2018 Protocol to the Treaty Establishing the African Economic Community Relating to the Free Movement of Persons, Right of Residence and Right of Establishment (the African Union Free Movement Protocol)³ – namely Mali, the Niger, Rwanda and São Tomé and Príncipe. As Okunade (2021) notes, even though South Africa's Nkosazana Dlamini-Zuma

3 30th Ordinary Session of the AU Assembly, on the 29 January 2018, the Assembly adopted the Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Rights of Residence and Right of Establishment and its Draft Implementation Roadmap (AU 2018c).

was chair of the AU Commission when the organ started the push for continental freedom of movement, over 15 years later, neither South Africa or any other state from SADC has ratified the Protocol. While some states from the region have signed it, the largest economies including South Africa, Botswana, Namibia and Zambia have not (Hirsch, 2021). With implementation and enforcement of continental agreements and policies left to individual states, and political leaders unable to find the political will to engage with them, continental initiatives of this type are likely to remain challenging (Okunade, 2021).

At the regional level, SADC has recently been drafting its first migration governance framework (SADC, 2022). Yet, SADC's ability to influence migration policy in Southern Africa remains extremely limited (Crush and Dodson, 2015). Unlike in other regions, including West Africa, where regional initiatives aimed at freer movement of people are quite advanced, SADC remains under-developed. Indeed, the free movement of people – a central tenet of SADC's founding treaty and considered the hallmark of regional integration – has not been agreed (Oucho and Crush, 2001). The history of attempts to achieve this have been well documented (Solomon, 1997; Nshimbi and Fioramonti, 2014). Opposition to the Protocol's proposed name is emblematic of the more fundamental stumbling block to the Free Movement Protocol 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.

There are also regional guidance documents, including the 2015-2018 SADC Irregular Migration and Mixed Migration Action Plan, which included priorities around the regularisation of irregular migrants, their protection, integration, reducing detention, increasing cooperation, improving reception and returns, and building capacity. Nevertheless, it was not a binding agreement, but rather the outcome of a regional consultative process led by IOM, with limited monitoring capabilities. 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 agreement, which is also non-binding. Finally, the secretariat recently commissioned the first Southern Africa Migration Report (SADC, 2022) but members' responses to the framework remain to be seen.

Turning to forced migration, SADC member states have ratified most key instruments relating to the protection of IDPs, asylum-seekers and refugees. All member states have ratified the 1951 Refugee Convention, yet most states

in the region have also added reservations, and, in practice, refoulement, illegal deportations and the detention of minors remain common (Crush and Chikanda, 2014; Vearey, de Gruchy and Maple, 2021; Galvin, 2015). The continent also 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). While both conventions have been widely praised for moving away from Western approaches to protection and understandings of displacement and protection, nonetheless, both traditionally have suffered from huge discrepancies in how they are understood and implemented within the continent and Southern Africa (Adeola, 2019; Maple, 2016).

At the regional level, SADC has not played a prominent role in responding to displacement in the region (Segatti, 2017). In the past six years, engagement has increased. In 2019, UNHCR signed a memorandum of understanding with SADC and the Pan-African Parliament to strengthen the protection of refugees and stateless persons in the region, in line with the Global Compact on Refugees (GCR) (SADC, 2020). In the same year, SADC adopted a regional framework on 'Managing Asylum Seekers and Refugees' (SADC 2022b), its impact though has yet to be felt in any meaningful way, with the document itself still seemingly not available for public viewing. In addition, SADC has never issued public condemnations when member states violate laws or policies relating to refugees, asylum-seekers and IDPs (Landau et al. 2018).

In terms of recent initiatives, SADC member states (although not South Africa) have begun to pay more attention to the links between migration and national development, through 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 (IOM, 2019). This IOM-led process has focussed 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. 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.

Finally, there are no effective regional accountability mechanisms for the implementation of migration related policies in Southern Africa (Maple,

2016). SADC (as well as the AU and UN agencies at the continental and global level) lacks the ability to enforce policies and often even lack effective monitoring mechanisms (Achiume and Landau 2015). Thus, with states themselves having the power to ensure implementation and accountability, regional policies and institutions are only as effective as states want them to be in relation to the governance of migration (Landau, Kihato and Postel, 2018; Crush, Penderdy and Willaims, 2006). 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 pushbacks against breaches of law or policy are often left to civil society, rather than SADC or its members.

In sum, the literature shows that top-down normative frameworks related to all forms of migration struggle to be i) incorporated into national law and policy and ii) implemented in SADC. This includes broad migration frameworks; specific ones related to forced migrants; and pushes for the free movement of persons in the region. When these issues have been identified by international organisations (including IOM) or SADC, the emphasis has been on creating *newer* or 'stronger' policies and frameworks with a focus on effective migration governance, i.e., a 'good' migration policy, or better border management. This appears at the expense of investigations of underlying barriers that continue to arise, including member states' political, social and economic concerns around intra-regional migration. Thus, the impact of normative frameworks derived from international legal protocols and nations' obligations towards migrants in SADC remains patchy at best. Which, ultimately means migrants, including refugees and other forced migrants, are regularly not experiencing any benefit from the international, continental or regional laws and policies on the ground (Maple et al. 2023).

2.2. The Role of Economic and Political Factors in the Free Movement of Persons in Southern Africa

This sub-section shifts focus from investigating the impact of top-down governance frameworks using 'migration management' and normative legal language within Southern Africa, to examining the links between migration, economic development, and trade in the region. While states in SADC appear unwilling or unable to fully implement migration governance frameworks on

the ground, the suggestion here is that through these economic and political linkages, a deeper alignment between the push for freedom of movement of persons and domestic realities can occur.

Evidence consistently shows that migrants make important contributions towards economic development in their host countries and countries of origin (OECD, 2017). Remittances help reduce poverty, foster entrepreneurship and increase households' investment in education and health (Muthumbi, 2018). These flows are also an important source of foreign exchange and financing (Vargas-Silva, 2012), and regularly less volatile than other capital flows such as foreign aid and foreign direct investment (Ratha 2003, Vargas-Silva 2008). In destination countries, migration can reduce labour and skills mismatches, promote business activities, and make cultural contributions to local communities (OECD, 2017).

Evidence from across the globe also shows that countries tend to trade and invest more with countries from which they have received migrants (Muthumbi, 2018). In this way, migration has a positive effect on trade flows, increasing exports and imports especially in the receiving country (Schmieg, 2019). 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 (Migrant Data Portal, 2021). 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 (Ottaviano et al., 2015). 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% (Schmieg, 2019). 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 (Ratha et al. 2019).

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 (Ratha et al. 2019).

There has been considerable evidence from longitudinal studies on the connection between trade, economics growth, and free movement in West

and East Africa (OECD/ILO, 2018; Yaro, 2008), with the linkages overall remaining positive (OECD/ILO, 2018). In West Africa, ECOWAS has had a free movement protocol in place since 1979 and is considered the best integrated regional economic bloc in Africa. Girsberger et al. (2019) show that migration in the region increases average wages by 1.8%, while in Ghana, research shows the positive contribution of immigrant workers to the state, through three dimensions, labour markets, economic growth and public finance (OECD/ILO, 2018). In East Africa, the EAC Common Market Protocol has been established since 2009, and has enabled the region to make 'significant progress in the sphere of social integration' (IOM, 2023, p.8). A recent IOM report in 2023 demonstrated how trade and labour mobility are significant contributors to national and regional socioeconomic development (IOM, 2023). In turn, Adow (2024) shows that while high inflation and rapid population growth impact the developmental influence of remittances in the region, overall, there remains a significant positive association between remittances and economic growth in the region.

There is, though, less research and evidence of the links specifically in the SADC region. Indeed, a World Bank report on mixed migration, forced displacement and job outcomes in South Africa in 2018 remains a slight outlier. Importantly this report shows that 'immigration has a positive impact on local employment, labor earnings, and wages' (World Bank, 2018 p.5). In addition, the effect of immigrant growth on local employment was positive, with a one percent increase in the number of immigrants raising local employment by 0.2 percent. Meaning, one immigrant worker generated approximately two jobs for locals in South Africa. The effect of immigration on labour earnings, wages, and self-employment earnings were also insignificant (World Bank, 2018). While the report contained notes of caution about the results (for example, the availability of data and generalisability to current context), the broad findings remain positive for South Africa and the region. Thus, further research on this topic in the region is vital. Nevertheless, as explored in Section 4 below, there remains a disjuncture between political rhetoric in SADC, which tends to be positive about regional integration and trade as political and economic end-goals, and on-the-ground domestication of regional integration measures.

This is mirrored in neighbouring regions on the continent. Even with compelling evidence of the economic and political advantages of free movement protocols for trade and economic development in East and West Africa, both regions share many of the same obstacles faced by SADC in successfully promoting and implementing them. In ECOWAS, divergent interests of member states, security concerns and protection of labour markets, instrumentalising

xenophobia for political gains, a lack of real commitment to regional integration, a lack of domestication and implementation of regional agreements, and a weakness of regional institutions in holding member states accountable - are all factors that are impeding successful implementation (Schöffberger, 2022; Okunade and Ogunnubi, 2021; Garba and Teye, 2021; Teye et al. 2019). In 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' (Ouma, 2021, p.20). 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 (Masabo, 2015, p65).

Ultimately, pushing for free movement of persons in Southern Africa through normative migration frameworks appears in the current climate to be flawed and may backfire. Equally, even though research continues to show positive links between regional migration and national economies, the evidence from the wider continent suggests that foregrounding migration in talks of economic development would not be sufficient to 'shift the 'dial'. This also questions whether further evidence and research on the benefits of free movement in SADC is the right strategy going forward (or at least, the dominant strategy). As an alternative proposal, we argue there is a need to first, identify and then examine the economic, political, and social factors that are interacting to shape policies that relate to the free movement of persons at the state and regional levels. In this way, we will be in a better position to recognise nations' (real) pain points and then offer more nuanced and effective strategy for incentivizing nations towards more inclusive migrant (including forced migrants) policies.

3. Methodology

Data collection for the study utilised two main sources: relevant academic and grey literature and key informant interviews conducted between March 2021 and February 2022. The data collected and approach to analysis was purposefully qualitative, as we were trying to understand the complexities of challenges and opportunities, rather than seeking to quantify them. Key informants were experts familiar with migration and economic integration in Southern Africa and other selected regions. These included officials from the SADC secretariat, United Nations Economic Commission for Africa (UNECA), United Nations 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.

Interviews were conducted online via Zoom or similar technology. Ethical clearance for the project was granted by the University of the Witwatersrand in 2021. In total, approximately 50 interviews were conducted, and included additional interviews by colleagues at the African Centre for Migration and Society during the same period, which are utilised with permission. Given the focus of the project was macro (top-down) level approaches to migration and economic integration, some every-day experiences of migrants have been captured, but follow-up studies are required to obtain the perspective of affected migrants on the issues discussed in this paper.

4. Free Movement of Persons in Southern Africa

Through the empirical data and subsequent analysis, several key economic, political, and social factors emerge that appear to be blocking any substantive progress on the free movement of persons in Southern Africa, including the advancement of the Free Movement Protocol. These can be broken down into material (capacity concerns) and ideational (self-interest and securitisation) factors. These factors interact with each other to shape policy relating to migration and trace and influence how the free movement of persons within regions is ultimately understood. Viewed collectively, they suggest (almost counter-intuitively) that a focus on migration when building a strategy for advocating for the free movement of persons in SADC is flawed.

4.1 Capacity Issues

Interviewees noted the material issue of capacity in terms of implementing regional migration and trade policies. Certainly, 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. Linked to this, SADC reports show 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 (SADC, 2021). In turn, youth unemployment is extremely high in South Africa (SADC, 2021).

In South Africa, the region's unrivalled migration hub, inequality is 'high, persistent, and has increased since 1994' (World Bank, 2020). At the same time, South Africa's economy has attracted many migrants and remains the main destination country for human mobility, (Misago and Landau, 2018). Thus, remittances from South Africa also play a significant role in supporting house-

holds in the region, particularly in Zimbabwe, Mozambique, and Lesotho. Yet, the dependence on South Africa raises concerns around the region's resilience and ability to withstand economic shocks. Indeed, 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 (African Development Bank, 2020) – destabilising Southern Africa's already fragile social, economic and political landscape, and straining regional economies, and health systems.

In addition, conflict and violence and the on-going impact of climate change have all left their mark on SADC. With Islamic-State sponsored violence in northern Mozambique, unrest in the eastern Democratic Republic of Congo (DRC), xenophobia in South Africa and recent extreme weather events which displaced many and left 41.2 million people food insecure, the region has certainly had its share of crises (African Development Bank, 2021; Estelle, 2021; Landau and Misago, 2017). Undoubtedly, these issues only worsen political and economic instability within member states, and ultimately shape how they approach regionalism, and the liberalisation of markets.

Thus, in interviews, policymakers expressed scepticism toward regional integration, particularly the Free Movement Protocol, viewing it as a threat to fragile labour markets and overstretched public services. With national economies under strain, states are disinclined to mobilise scarce 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. A further complication is that many of SADC's member states are parties to more than one regional economic community (either 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 and free movement (Vanheukelom et al. 2020).

In sum, successfully implementing regional migration and trade policies requires the mobilisation of resources and capacity at all tiers of government. Given the scarcity of resources and capacity in the region, this mobilisation would require a fundamental shift in state priorities, which, as explored next, remain very much inward looking.

4.2. The Singular Pursuit of National Interests

A second factor that emerged from the interviews and interacts with capacity concerns, was national interest. SADC member states appear to resemble the epitome of realism and real politics. By and large, states are unwilling to make concessions to advance regional development, or to pursue regional solutions to tackle unemployment and poverty. For the most part, migration governance, and to some extent trade, remains a carefully guarded and shielded domestic domain. Indeed, interviews with key informants indicated that policy makers perceive regional integration, particularly the Free Movement Protocol, 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. As such, 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 (Dobson and Crush, 2015).

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.

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. 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 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.⁴

This self-interest can be seen in the disjuncture between regional policy and domestic implementation. For example, despite tariff reductions agreed on under the SADC Free Trade Area (FTA), member states have failed to align their policies on trade, trade development and industrialisation with those at the regional level. This suggests that any meaningful progress of ratified regional agreements relating to free movement will likely be set-back by counter-policies aimed at reversing the impact on local markets. 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 limited definition of workers as ‘skilled’ migrants (Wandera, 2012; Ogalo, 2012).

As a result of this insular focus, SADC countries continue to use and prefer bilateral labour agreements (BLAs) rather than regional labour agreements to govern migration flows (Nshimbi and Fioramonti, 2014). 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. With larger economies’ labour needs addressed, there is less pressure to resolve deadlocks around regional labour migration. However, other stakeholders see BLAs as foundational, as an incremental step towards region-wide agreement on migration. As noted by a member of the SADC Secretariat:

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.

4 Interview with SADC Business Council representative.

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.

Equally, given how its economy dominates the region, South Africa also sets the tone for other regional members in discussion around integration. As an example, the watering down of the 1995 Draft Protocol on the *Free Movement of Persons* to the Draft Protocol on the *Facilitation of Movement of Persons* in 2005 was at the behest of South Africa (and other powerful states like Namibia and Botswana) (Misago and Landau, 2018). Understandably, other SADC members are wary of opening their domestic markets to South African competition, concerned that liberalisation will negatively impact local industries.

Finally, *realpolitik* also plays a role at the level of political leadership. As highlighted in interviews, another reason for a lack of enthusiasm for regional integration is the short-term pains associated with promoting migration and regional trade are politically unpalatable across the region. For political leaders, as Deacon et al. (2007), observe, the short-term goals of policymakers, 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 Free Movement Protocol is seen as at odds with domestic needs. This combination of economic and political factors inevitably hampers any meaningful progress in advancing regional economic mobility and development.

4.3. The Securitisation of Migration

A second ideational factor that emerged was the dominate role of security in states' approaches to regional migration and free movement of persons in Southern Africa. Specifically, SADC member states' securitised approaches to border control and containment of migrants, that follow broader global trends. As explored below, these security approaches interact with the previous two material and ideational factors – in particular, member states focus on national interests. Furthermore, with this focus comes the criminalisation of cross-border movement (including forced migration) that has long been the lifeblood of border communities and undermines livelihoods in ways that potentially exacerbate existing socio-economic crises.

An official in the SADC Business Council noted:

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.

This persistent preoccupation with border security and national sovereignty constrains any discussions on the migration development nexus. As observed by a consultant at GIZ in Southern Africa:

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

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 migrants (including refugees and other forced migrants). For example, since signing the Global Compact for Safe, Orderly, and Regular Migration, there remains an impression of SADC states merely 'cherry picking' the security-focused elements of the Compact to implement (Vanyoro, Maple and Vearey, 2024; Chetail, 2023). As such, there is a danger of mistaking interest in aspects of these policies for a genuine interest in the broader goals of enabling and protecting mobility in the region. Indeed, states engagement 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.

Securitisation also stultifies progress on facilitating trade in goods, services, and capital. An independent consultant 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 interviewee 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.

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.

A prominent example of how the securitisation of intra-regional migration is influencing broader regional economic integration discussions in SADC is the African Continental Free Trade Area (AfCFTA) Agreement. If implemented successfully, this agreement has the potential to improve trade facilitation and business conditions by harmonising administrative requirements, reduce fees and simplify customs procedures across Africa (Bisong, 2022). Critically, these measures will improve cross-border trade for both formal economic operators and small-scale informal traders. Yet, the role of human mobility, including its current framing by states, 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 investment opportunities, should be the first step before comprehensive free movement of persons can be realised for all SADC residents. But for this to become a reality, it 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. 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.

Thus while the relationship between free movement of persons and the free movement of goods and services across the continent through the AfCFTA is 'essential in order to harness the benefits of regional integration and trade' (Bisong 2022), without an approach to tackle the securitisation of almost all forms of migration in SADC and the wider continent, it is hard to see how the agreement will be successful.

Finally, the criminalisation of migration and the framing of migrants as 'irregular' has seen a shadow economy of extraction emerge. One that benefits key political actors at different levels (formal and informal) in the SADC migration ecosystem. For governments, migrants, especially those who are undocumented, become bargaining chips that enable governments to score points, symbolically or materially, whenever necessary and at little cost domestically. Thus, for some there is a vested interest keeping migration 'ir-

regular'. Control over mobile populations constitutes real political currency: migrants can be punching bags during crises, scapegoats for government failings, tools for political point scoring, and leverage to achieve domestic goals (Golash-Boza, 2009; Bornmann, 2019). These actors are fostering, and thriving on, the pathologisation and securitisation of migration. As such, regularisation of migrants and the Free Movement Protocol would threaten their profits and socio-economic standing.

5. A Way Forward for the Free Movement of Persons in Southern Africa: Domestic Alignment, Incrementalism and Stealth

Despite decades of regional ambition, the Free Movement Protocol remains politically elusive in Southern Africa. Governments are reluctant to support the idea, which they generally view as 'unfettered' rights for migrants. As a SADC official pointed out, 'broad-based migration is likely to remain a distant dream for the region for the foreseeable future.' Thus, any regional integration effort appears to be caught in a bind: the focus on domestic issues, and the perceived role of migrants in them, shifts the discussion to the core issues of securitisation and national interests, blocking the regional discussion that might lead to economic growth and be more palatable than migration.

As set out above, the emergence of core barriers to free movement of persons in SADC, namely (i) capacity issues; (ii) national interests; and (iii) the securitisation of migration (and how these factors interact with each other) suggests that direct migration advocacy is unlikely to shift state policy in the short or medium term. Whether that is in the form of calls to liberalise borders through normative governance frameworks, protect migrant rights, or open up markets with a focus on the links between migrants and economic development. In fact, such programming risks triggering backlash from governments and publics already grappling with high unemployment, persistent poverty, and deepening inequality. They may only serve to harden restrictions, close negotiating doors, and stall conversations on mobility, trade, and development. Under these conditions, migration reform is not only politically unpalatable—it is widely seen as misaligned with domestic realities and priorities. Until states perceive human mobility and trade liberalisation as solutions to their most pressing challenges—not as risks to be managed—progress on regional integration will remain slow.

This calls for a shift in strategy, which responds to these barriers or finds ways to work around them. Based on the above, we suggest an approach that utilises domestic alignment, incrementalism, and stealth. International experience shows that the road to regional integration frequently follows a

sequence, typically starting with agreements around trade, business services and customs unions before negotiating migration policy (Bergstrand et al., 2008). This has not happened in the SADC region yet. As such, we suggest the free movement of persons, as part of a progressive approach, is not yet 'ripe' for implementation in the SADC region. The advice from those we interviewed is to employ a strategic *sequencing of activities*. A labour economist noted,

It is very hard - 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.

Adopting an incremental approach will offer SADC-region advocates the best possibility of opening the door again to the Free Movement Protocol – once the tangible benefits of *economic* integration are realised at the national level. With no agreement on *economic* integration – a customs union, common market, monetary union and single currency – the prospects for the free movement of persons in SADC remains distant. As supported by SADC Secretariat consultant:

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.

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 complex regional issues connected to migration, such as a regional qualifications framework, a social benefits portability policy, or a circular labour migration policy. In turn, given that the liberalisation of trade and the free movement of people are politically sensitive issues, there is a need to work towards them stealthily (Kihato and Landau, 2016). Meaning, 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. For example, 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 la-

bour mobility would help to ease states' concerns around the negative effects that labour mobility could have on domestic unemployment.

In this landscape, BLAs and trilateral cooperation can also serve as pragmatic tools—building coalitions of the willing and unlocking movement where consensus is otherwise elusive. Harmonising rules and supporting trade facilitation are low-hanging fruits that can quietly advance the mobility of goods, services, and people across the region. In a moment marked by caution and constraint, these quieter pathways may be our best route forward.

Thus, for donors and development partners seeking to support SADC, issue-specific agendas offer more viable entry points than generalised advocacy for free movement or open trade. Investing in networks working on the portability of social benefits, cross-border trade, skills recognition, universal health and education, housing, and local economic development can lay the institutional groundwork for regional integration. These sectoral interventions speak to immediate needs, deliver tangible benefits to both migrants and host communities, and avoid the political sensitivities that often derail more overt regionalism.

To conclude, inclusive migration governance cannot be reduced to better border management or stronger legal frameworks. While regional and global frameworks provide important foundations for the rights of migrants (including refugees and other forcibly displaced persons), the effectiveness of free movement of persons policies and inclusive policies depends on recognising—and navigating—the political economy of integration across regional, national, and local levels. To combat this, we suggest starting small, finding issue-specific agendas as entry points. From this groundwork, broader discussions on mobility and eventually freedom of movement can then occur. Within this sequence approach, the migrants themselves, including refugees and other forced migrants must not be forgotten, even if the current climate dictates we cannot be publicly advocating for their rights.

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