

EXECUTIVE SUMMARY: ROUNDTABLE ONE
Johannesburg 29 March 2006

GLOBAL BUSINESS & MIGRATION PROJECT

“What is the role of business in promoting more effective and humane migration policies and programmes?”

The Hague Process on Refugees and Migration
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The Hague Process
on Refugees and Migration



EXECUTIVE SUMMARY

The Johannesburg Roundtable was held on 29 March 2006 and was the first of three pilot meetings to investigate the relationship between business and migration across different global locations. The meeting was attended by 45 participants from business, civil society and local government in and around Johannesburg. The methodology used was one of 'appreciative inquiry' and participants were interviewed before the meeting and fully engaged in group work throughout the event. The following summary, together with the summary of the London Roundtable, is to be submitted to the meeting of the Club of The Hague at the Peace Palace in The Hague on 22 November 2006.

Chair, Mary Robinson, introduced the Johannesburg Roundtable of the Global Business & Migration Project and began with a summary of the purpose of the event. She stressed that Chatham House rules would apply; the methodology employed would be one of appreciative inquiry and interactive sessions; and that the term migration was intended to cover all types of migration.

Business and Civil Society Perspectives

The event began with two presentations designed to introduce the business and civil society perspectives of migration and to set the context for this event in Johannesburg. During the business presentation it became apparent that there were serious problems with statistics on migration into and out of South Africa and therefore difficulties in assessing the migrant community in Johannesburg.

Key points raised during the civil society presentation were the importance of recognising the historical context in South Africa whereby prior to the 1990s attitudes towards migration were determined by racial prejudices. After 1994 the response of the Government was to ensure less migration by imposing more controls - transferring the onus to the employers to report illegal migrants, with the result that civil society reacted violently towards illegal migrants.

South African society is encouraged by the Human Rights Commission and others to understand the issue of migration and to recognise that there must be a free flow of labour between neighbouring countries to allow the South African economy to grow. As the population of Johannesburg increases, the debate has moved in emphasis from "they take our jobs" to "how can we ensure proper provision for migrants in this city?"

It was felt that the Government needs to shift from 'controls' to a more management-oriented approach and that South Africa should sign up to the Migrant Convention. Attention is required to improve policy, but there is a lack of political will to deal with this problem at Government level and rights aren't extended to all people. It was felt that there needs to be greater coherence between the various Government departments dealing with migration.

It was stressed that the business community would like to see schools promoting tolerance of all cultures, teaching the history of peoples in South Africa and therefore debating the ideological hostility towards foreigners. The legitimisation of "illegals" through amnesty systems or guest worker schemes for the low-skilled was seen as desirable. Also, provision of emergency treatment to all without asking hospitals to report any illegal migrants would ensure a reduction in the spread of diseases such as AIDS and TB. Crime was highlighted as a major issue, with many people attributing criminal acts to "undocumented aliens". There was also deemed to be a significant problem with South Africa's press portrayal of migrant communities.

Following the two presentations, an overview of the first day was provided. A brief presentation of the findings of the preliminary research in the form of quotes from participants was given, followed by working group discussions of three areas relating to the topic - inter-corporate transfers; high-skilled and low-skilled migrant labour (to and from the city); and the unregulated or illegal worker population.

A plenary session was held where the findings from each group were presented to all participants, which can be broadly summarised as follows:

- In examining the Government's role, it was felt that there is reasonable legislation in place for formal refugees but that this falls down during implementation due to bad process. Also, different Government departments are not communicating effectively. It was noted that a new initiative known as JIPS launched recently by the Government which includes business in the debate to identify gaps in the present system. Legalisation would be in everyone's interest - Government, business and migrant communities.
- In experience informal networks of people migrating to the city grow up through friends and family because people lack information and documents. It is important to remember that formally internationally recognised refugees are also marginalised. The most vulnerable members of society are treated the worst and it was noted that the Police practice racial stereotyping and pick up people based on their appearance, and that migrants suffer harassment from Police if they are found without their documentation. Even individuals coming from countries recognised as sending states are grouped together with the most vulnerable in South African society. Specifically there is prejudice against black migrants; their skills are not recognised and there are local language barriers. Another dimension to this issue was that the individual migrant is likely to be planning to return home in the future and that they simply came to South Africa for economic reasons.
- On a practical front, it was noted that training and skills are useful both in the new country and as an investment when returning to the country of origin, but people need faster access to documentation when they arrive in South Africa (previously individuals would be handed a piece of paper to confirm that they had an appointment where they would have their status recognised but this process has fallen away). It was felt to be very important to start a discussion in South Africa between business and Government authorities on the whole issue of quotas since presently these are too focused on highly-skilled individuals and that it would be important to include the voice of Trade Unions in this debate.

Participants concluded that they would like to see:

- Legislation dealing with migrants to be properly implemented and recognition of the role migrants can play.
- Integration and formalisation of informal networks and greater access to data for migrants.
- Stakeholder engagement and therefore greater access to training and schooling.
- Implementation of managed migration at Government level.
- Allocation of more funding for research and data collection on migration and migrant communities and better co-ordination of existing research processes. Business could assist government with funding in this area. In the future ideally there would be more transparency and easy access to information on migrants for all.
- Improvement of the Government's capacity to implement and monitor the existing laws. It was noted that South Africa has forward-thinking laws but they are not always implemented in practice.
- Strengthening of the consultation process with all types of business and opening up the sites of consultation and policy-making.
- The introduction of temporary guest worker schemes on two levels (to introduce quotas for low-skilled individuals and to offer an amnesty process for migrants already here). Guest workers could be allowed to send remittances home for a period of 2 years. Any migration quotas need to be clear and fair and involve a greater level of consultation.
- There is a need to address the unstable economic environments outside South Africa and look at what role there is for business in this in terms of trade and investment. Business environments outside South Africa should be strengthened to be able to make long-term investments. Business in South Africa needs to be more ethical in its operations with difficult economies outside South Africa. Bilateral agreements between

countries need to be more ethical so that one country pays for the costs of training in another. All countries in the region should document all migrants.

- There needs to be effective regional consultation between Governments on the needs for particular skills (a discussion between the Governments of the DRC, Zimbabwe and South Africa looking at what skills are needed and what skills could be offered).
- There need to be efforts against the vulnerabilities of migrants in the informal sector.
- A big political effort is necessary in this area together with a budget for effective legislation.

In conclusion, business engagement would ideally involve employers being engaged as part of the Immigration Advisory Board and other Parliamentary portfolio committees; the introduction of points of access for lobbying to ensure discussion between employers and Government; ratification of ILO conventions which protect labourers; involvement of business in policy discussions through the IAB and at the local level; and existing platforms should be used to include all parties, business, government, civil society and local government.

Economic Development, Integration and Work-Place Diversity Issues

The groups were asked to consider issues of diversity in the work-place and employment of non-South Africans; discrimination and defending the rights of migrant workers; and economic opportunity brought by migrants and integration of migrant workers into Johannesburg. Some of the thematic points raised were that discrimination predominantly affects people in low-skilled sectors; xenophobia is a function of existing inequalities; discrimination is nuanced and depends on where an individual is in the society; foreign workers bring in entrepreneurial skills; the role of the media in this area; and whether integration affects groups other than refugees and asylum seekers.

The groups broadly concluded that they would like to see a follow through on the constitutional right to choose a profession (which does not apply to migrants). Each worker should have the right to protection under labour laws in practice. Existing diversity training should be extended to cover migrant workers. Business could also create sustainable jobs and reduce competition between South Africans and migrant communities as migrants often have a higher level of education and/or skills. Business should be in dialogue with NEPAD for instance to facilitate trade between South Africa and Mozambique by investing in better infrastructure between the countries.

- More research is required into the different types of migration policies and more input from Trade Unions is needed to see how to reduce exploitation. There is also a need for better data on skills provided by migrants and to consider the transfer of skills of temporary migrants to local workers. There should be no trade off between national integration and migrant integration since this results in exclusion. A more flexible labour market is required as migrants bring all types of labour skills and there should be easier facilitation and verification of degrees since it is difficult to employ migrants whose qualifications cannot be accredited.
- Business should support funding to philanthropic programmes for migrant groups to access rather than just simply funding research and take responsibility on programmes to promote equality in the workplace and decent working conditions to be of the same standard as for South African workers.
- There needs to be more clarity regarding the services available to migrants. Banks need to see migrants as consumers. At present it is not possible to open a bank account in South Africa without identification documents which many migrants lack. There needs to be a celebration or tolerance of diversity - businesses are used to selling to a diverse range of customers so they can reach all people in the society by marketing their image in the best way. The migration agenda should be aligned with activities already in place (e.g. JIPSA, ASSISA, NBI, NEDLAC) and a holistic approach should be taken so as to involve all stakeholders.
- There is a need to include more people already based in the country in anti-discrimination programmes run by business. Business should partner with NGOs to ensure all voices are heard. Businesses should open up to this

debate and continue the discussion with business people (NBI was suggested as a possible forum). Business should also recognise the vulnerability of migrants particularly as a result of HIV/AIDS. Business needs to engage with the media.

- A tripartite multi-stakeholder dialogue could be organised on this subject at a regional level and inform Governments of the work; undertake a skills audit - identify gaps for economic growth in the country, count people required and utilise them. Since Johannesburg is such a vibrant diverse city it could develop a programme of integration for the city which could be replicated elsewhere. Migration could be included in the school curriculum to encourage students to consider their environment and their history. Further, the HRC could do work to develop a charter of rights accessible to all in several languages. Rather than a campaign based on the negative aspects of this debate such as Rollback Xenophobia, a campaign is needed which concentrates on the positive aspects. Finally, it was suggested that the IOM's initiative in Geneva with a business advisory board could be localised in South Africa.
- There is a need to examine this problem by learning from others close by. It affects Trade Unions, businesses and employees; the Government should develop a migrant integration support centre and international organisations could support Governments by implementing existing laws and assisting with capacity building. The Office of the Mayor could coordinate for the media and the Government to work together so the media can promote awareness.

Business Leadership and Advocacy Issues

The groups were asked to consider business associations voicing the benefits of managed migration; fighting HIV/AIDS in the migrant workforce; and developing national and regional migration policy - common interests between business and civil society.

Next Steps for Business

It was concluded that business should fund information points at strategic places in partnership with the IOM and others and training and research programmes on the rights of migrants, in partnership with other actors particularly civil society with the aim of producing data for use by other businesses.

Business should support existing programmes on HIV/AIDS, particularly on intervention issues and offer more support to local communities through CSR programmes. Businesses should also support small businesses established by migrants themselves.

Finally, businesses should take their leadership forward into the legislation debate to make legislation more appropriate.

Next Steps for Other Actors

- There is room for work with the Police in terms of their reception role and the important first step they represent.
- There is a need to look at the network of South African cities and relate it to business.
- This meeting should be promoted within each organisation - IOM, all attendees, etc.
- The Minister of Home Affairs should be made aware of the existence and outcomes of this meeting.

Participants:

1.	Livington Moyo	Empirical Training Agency
2.	Karin Ireton	Anglo American South Africa Ltd
3.	Theogene Nshimiyimana	CBRC (Coordinating Body of Refugee Communities -from the Rwandan Refugee Community).
4.	Ann Bernstein	Centre for Development and Enterprise
5.	Vic Esselaa	Chamber of Mines
6.	Donna Oosthuysen	Citigroup
7.	Ian Macun	Community Agency for Social Enquiry
8.	Dosso Ndessomin	Co-ordinating Body for Refugee Communities
9.	Magugu Nyachi	Cross Border Association of Journalists
10.	Caroline Kihato	Development Bank Southern Africa
11.	Lyndith Waller	Immigration Advisory Board
12.	Antony Altbeker	Institute for Security Studies
13.	Judica Amri-Makhetha	International Labour Organisation
14.	Hans-Petter Boe	International Organization for Migration
15.	Phyllis Coven	International Organization for Migration
16.	Reiko Matsuyama	International Organization for Migration
17.	Thabile Maphosa	Jesuit Refugees Services (JRS)
18.	Jacob Van Gerderen	Lawyers for Human Rights
19.	Justin Chinyanta	Loita Capital Partners
20.	Phineas Mohlala	National African Federated Chamber of Commerce
21.	Mary Robinson	Realizing Rights: The Ethical Globalization Initiative
22.	Stefanie Grant	Realizing Rights: The Ethical Globalization Initiative
23.	Pancho Ndebele	SAB Miller
24.	Kate Lefko-Everett	SAMP
25.	Ntombi Msibi	SAMP
26.	Vincent Williams	SAMP
27.	Phil Molefe	South Africa Broadcasting Corporation
28.	Dr. Zonke Majodina	South African Human Rights Commission
29.	Chris Parkin	The Hague Process
30.	Frans Bouwen	The Hague Process
31.	John Morrison	The Hague Process

32.	Kathryn Dovey	The Hague Process
33.	Jacques K. Kamanda	Umoja Wa Kivu
34.	Ebrima Camara	UN High Commission for Refugees
35.	Akua Dua-Agyeman	UNDP
36.	Almaz Gebru	UNDP
37.	Mary O'Shea	United Nations
38.	Gayatri Singh	University of the Witwatersrand: Forced Migration Studies
39.	Abeda Bhamjee	Wits University Law Clinic
40.	Pamela Masiko	CSV

