

Regional Cooperation in Border Management, Migration and Mobility during COVID-19

***Lethu Kapueja, DSI-NRF Centre of Excellence in Human Development,
University of the Witwatersrand***

1. Introduction

The COVID-19 pandemic has affected movement of persons globally. South Africa, like many African countries has seen border closures occur as a key response to the pandemic¹. The free movement of people has always played an integral role in efforts to integrate the regional because it facilitates easier access to economic activities and opportunities, and allocates human capital where it is most useful.² There are numerous regional agreements on the free movement of persons in Africa and since most migration activities of Africans is limited to their region, organizing regional actors to control cross border migration has been key to each regions response to curtailing the spread of the virus across borders.

The World Health Organization (WHO) conducted a thorough risk assessment of novel coronavirus situation in South Africa and because in the Southern African Development Community (SADC) South Africa is a commercial hub linking China with the rest of the continent its risk of spreading COVID-19 was very high (DOH 2020). The WHO regional office for Africa (AFRO) subsequently classified South Africa as priority one country based on the traffic between China and the country and taking into consideration International Health Regulation (IHR) capacities (DoH 2020).

In particular, Durban and Cape Town airports were viewed as key points of entry for international flights and therefore very risky (DoH 2020). Land crossings with neighboring countries were also assessed for the and our five neighbouring countries to South Africa; Botswana, Eswatini, Mozambique, Namibia and Zimbabwe and Lesotho were important to watch for threats of cross-border transmission but more importantly explore opportunities for cross-border collaboration to tackle COVID-19 (DoH 2020). The provinces of Mpumalanga, Limpopo, and Free State were classified as priority for preparedness due to exposure to international traffic (DoH 2020).

SADC, understanding that domestic, interstate and international travel is confirmed as one of the main ways the COVID-19 virus has spread amongst southern African communities, issued guidelines for all member states to align their domestic policy on limiting travelling and freight. The objectives of the guidelines include:

¹ <https://www.mahpsa.org/wp-content/uploads/2020/07/MiCoSA-brief-1-Migration-and-Covid19.pdf>

² <https://www.tralac.org/publications/article/14128-movement-of-persons-and-migration-in-africa-considerations-for-african-integration-and-the-afcfcta.html>

1. Limit the spread of COVID-19 through transport across borders;
2. Facilitate the implementation of transport related national COVID-19 measures in cross border transportation;
3. Facilitate interstate flow of essential goods such as fuel, food, medicines and agricultural inputs;
4. Limit unnecessary and mass movement of passengers across borders; and
5. Balance, align, harmonise and coordinate COVID-19 response measures with the requirements for trade and transport facilitation

This section will focus on the impact the national lockdown has had on international migration, the efforts of SADC as a region to reduce risks associated with cross border migration as well as efforts to reinstate regionalism despite the threat posed by the virus, the treatment of non-nationals in South Africa, and lastly voluntary and non-voluntary repatriations.

2. Policy and Legislation guiding cross border migration

In southern Africa, it is South Africa and Botswana that attract migrants from their neighbours (Bernstein 2011)³. As the strongest economy in southern Africa, South Africa attracts many skilled and unskilled people for long term or short term visits, especially from within the Southern African Development Community (Bernstein 2011). The policy and legislative framework that governs the mobility of people entering the South African borders is as follows:

Table 1. Policy and Legislative Framework governing migration

South African Migration Law	Immigration Act 2002 Immigration Amendment Act 2011
South African Refugee Law	Refugees Act 1998 Refugees Amendment Act 2017
Current South African policy documents under discussion	International Migration White Paper 2017 Border Management Authority Bill 2016
International refugee conventions adopted by South Africa	1951 Geneva Refugee Convention Relating to the Status of Refugees 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa
Regional migration protocols ratified by South Africa	SADC Protocol on the facilitation of movement, 2005

³ <https://www.cde.org.za/wp-content/uploads/2018/07/South-Africas-migration-policies-A-regional-perspective-CDE-Report.pdf>

Current international migration processes South Africa participates in	Global Compact for Safe, Orderly and Regular Migration, 2018
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Although the list above is not exhaustive, as many other policies on citizenship, marriage, customs, trade, human rights, labour, education, tourism and the constitution also influence cross border mobility, these are the most recent and key as far as guiding migration. However, another very important policy is the 2017 White Paper on International Migration. It guides the comprehensive review of immigrant laws across eight areas, namely;

1. Admissions and departures
2. Residency and naturalisation
3. International migrants with skills and capital
4. Ties with South African expatriates
5. International migration within the African context
6. Asylum seekers and refugees
7. Integration process for international migrants
8. Enforcement

3. Key global challenges for managing migration in post Covid 19

There have been numerous challenges associated with the COVID-19 that all countries have had in common. The United Nation's International Organization for Migration (UNHCR) reported on the dramatic impact COVID-19 has had on migration, economic activity, public health and the governance of cross border movement (IOM 2020). There have been drastic reductions in cross border mobility because of the scale of border closures, travel restrictions and cessation of visa applications (Salcedo, Yar and Cherelus 2020).

As governments contemplate reopening borders, countries are confronted with high levels of uncertainty and this presents complexities of how to resume cross-border mobility while safeguarding global public health (IOM 2020). Given this high level of uncertainty, a range of flexible and innovative public health solutions need to be implemented at the borders, which will need to be adjusted by governments at national and regional levels based on existing and emerging evidence about the pandemic (IOM 2020).

The selective lifting of travel bans and reopening of borders is influenced by different criteria such as infection rates, geographical proximity, regional integration agreements, and high value trade and mobility corridors, and so governments need to take into account not just their own internal capabilities in dealing with the spread of the virus, but also carefully consider all measures and capacities in partner countries to manage risk (IOM 2020).

Countries that depend highly on tourism, migrant labour, remittances and seasonal and trade-related mobility linked livelihoods experience the worst impact from restrictions imposed on international

travel (IOM 2020) This has been the case for remote and landlocked countries, and those already affected by natural or humanitarian disasters (IOM 2020). Equally, uncoordinated opening and closing of borders will be deeply challenging for the future management of international and cross-border mobility, as well as pre-existing visa and other immigration agreements.

There is a high likelihood that countries will experience multiple waves of COVID-19, which implies longer-term plans to manage the spread of the virus across borders into the year 2021 and beyond (IOM 2020). The multiple waves of COVID-19 cases will be experienced by different countries at different intervals and in variable local contexts (IOM 2020), and therefore more regional collaboration and sharing of information is crucial going forward. The infrastructure for this needs to be set up well in advance of the subsequent waves.

The above challenges point to a post-COVID 19 reality where it is urgent to ensure a more holistic approach to border management by finding ways to adapt the International Health Regulations (IHR) mechanisms as an integral element (IOM 2020).

4. Numbers of migrants, repatriations and deportations from South Africa during COVID-19

It is difficult to obtain accurate international immigration numbers because of its irregular and surreptitious nature. However different authorities, reporting varying numbers, all agree that migrants from neighbouring countries make up the largest volumes of economic migrants (Mbiyozo 2018)⁴. The 2016 Statistics South Africa Community Census indicated that more than 90% of foreigners living in South Africa are from African countries, with 85% from SADC countries.

Table 2: Migrant stock in South Africa by sending country

Sending country	Numbers	%
Zimbabwe	574 047	39.6
Mozambique	293 405	20.2
Lesotho	160 749	11.1
Malawi	78 796	5.4
United Kingdom	56 412	3.9
Swaziland	38 038	2.6
Democratic Republic of Congo	31 504	2.2
Namibia	30 701	2.1
Nigeria	30 314	2.1
India	25 063	1.7

⁴ <https://issafrica.s3.amazonaws.com/site/uploads/pb117.pdf>

Ethiopia	22 148	1.5
Zambia	19 119	1.3
Germany	13 894	1.0
Bangladesh	12 764	0.9
Pakistan	11 157	0.8
Somalia	10 954	0.8
Botswana	10 759	0.7
Congo	10 686	0.7
Portugal	9 931	0.7
Ghana	8 943	0.6

Statistics South Africa, Community Survey 2016

The volume of movements during Alert Level 1 to 3 of the National Lockdown (26 March 2020 – 17 August 2020) across maritime, land and aviation transport sectors is significant in the aviation and land transport sectors. These are the sectors that most repatriation activities occurred, with close to 150 000 foreign nationals leaving South Africa by air and land transport in this period.

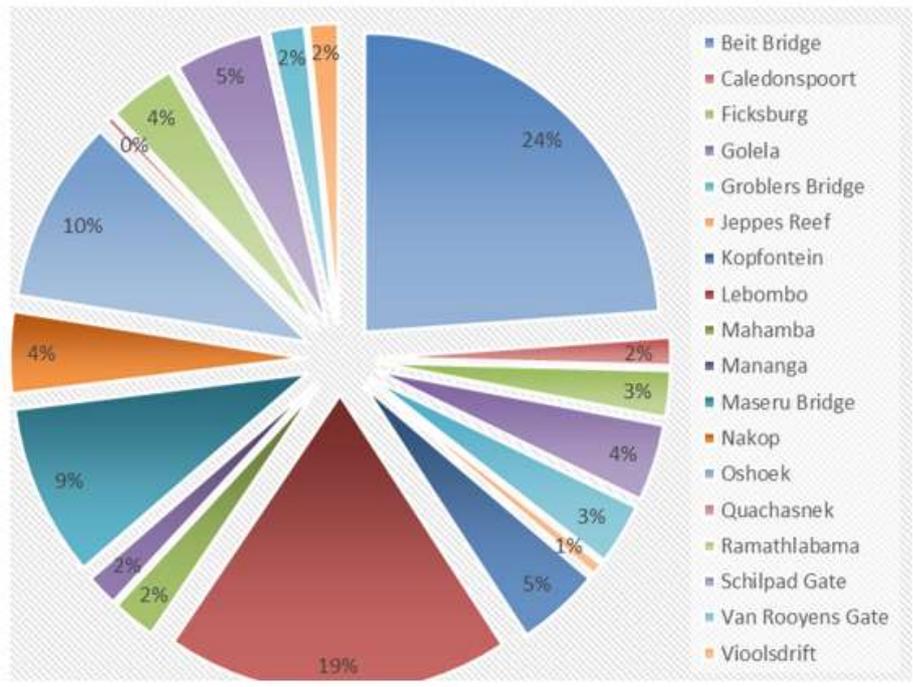
Table 3: All movements: 27 March to 21 June 2020										
27 March - 21 June 2020	Aviation		Aviation Total	Land		Land Total	Maritime		Maritime Total	Grand Total
	Arrivals	Departures		Arrivals	Departures		Arrivals	Departures		
Citizens	10 732	8 173	18 905	52 002	52 052	104 054	924	182	1 106	124 065
Foreigners	1 076	19 934	21 010	125 076	128 163	253 239	262	311	573	274 822
Grand Total	11 808	28 107	39 915	177 078	180 215	357 293	1 186	493	1 679	398 887

The repatriations to our SADC neighbours would have mostly happened through land transport. The figures below point to the departures of foreign nationals during the same period as above through our various ports. It is important to note that the Beit Bridge and Lebombo border posts saw the highest number of departures with 24% and 19% of the 128 163 departures occurring through those ports of entry. The Lebombo Border Post connects South Africa to Mozambique and the Beit Bridge Border Post connects South Africa to Zimbabwe. Both these ports of entry are gateways to the rest of the SADC member states.

Table 4: Numbers of Foreign Nationals leaving South Africa during level 1 to 3 of National Lockdown

Port of Entry	Land Departures
Beit Bridge	30 607
Caledonspoort	1 964
Ficksburg	3 251
Golela	5 338
Groblers Bridge	4 296
Jeppes Reef	856
Kopfontein	5 860
Lebombo	24 169
Mahamba	3 089
Mananga	2 244
Maseru Bridge	11 989
Nakop	5 678
Oshoek	12 795
Quachasnek	466
Ramathlabama	4 744
Schilpad Gate	6 247
Van Rooyens Gate	2 489
Violsdrift	2 081

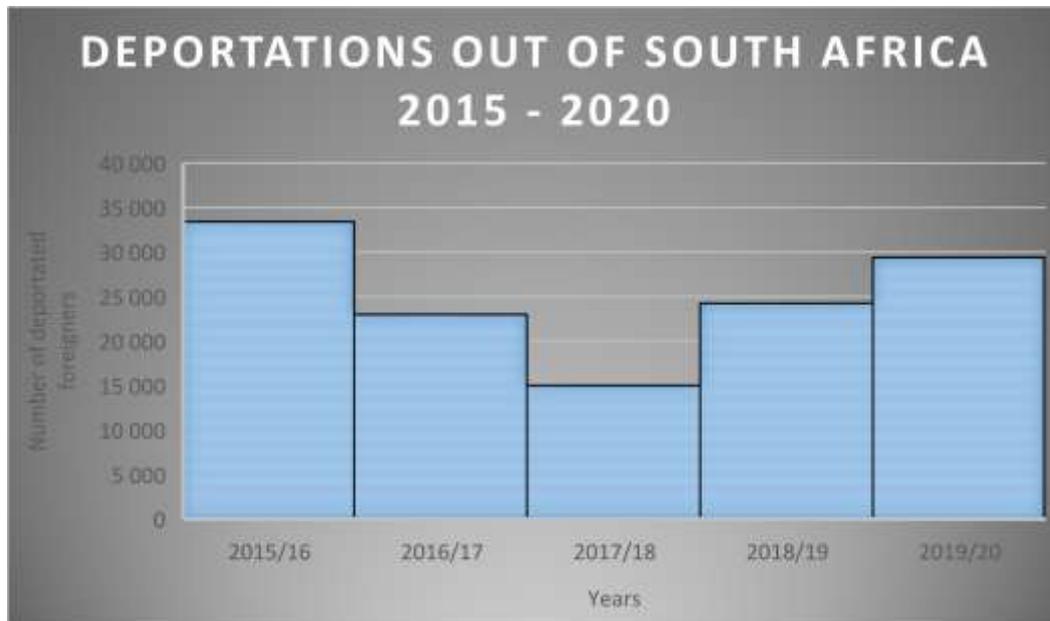
Figure 1: Percentages of Foreign Nationals leaving South Africa during level 1 to 3 of National Lockdown



It is important to note the difference between deportations and repatriations, with the former being the removal of a non-national because their presence is deemed inconsistent with the public welfare but without punishment being imposed on the person. The graph below shows the deportation numbers between 2016 and 2020 (quarter one in 2020) and there aren't any notable increases that depict that South Africa forced non-nationals to leave the country for being in contravention with the law. This nullifies any argument that South Africa has used the National State of Disaster to deport any foreign nationals, as this is consistent with Determination of correctional facilities as places of detention of illegal foreigners pending deportation during Coronavirus COVID-19 lockdown, Government Notice Number 512 of 07 MAY 2020. This notice was specifically issued to determine the Correctional Facilities of the Department of Correctional Services as temporary places of detention of

illegal foreigners, for the duration of the period of the national state of disaster as declared in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002).

Figure 2: Deportations out of South Africa 2016-2020



The human security risks of SADC neighboring countries and its impact on South Africa

South Africa has reported the highest COVID-19 cases in all African countries to date (see figure 3 below) and because of this it poses a great threat to the spread of the virus to its SADC neighbors in particular. It is therefore important to assess the human security risk this implies for the communities of surrounding countries in the Southern African Development Community region that do not have the same prevalence rates (WHO 2020⁵). Regional countries have the same vulnerabilities. The health systems of regional member states are also not as developed as South Africa (SADC 2020a⁶), so maintain prevalence rates low is critical. During this time Zimbabwe is also confronted with a Malaria outbreak (Zvomuya 2020), while the lack of ventilators, personal protective equipment and intensive care units in the region is an unfortunate reality (SADC 2020a⁷). Other risks that have been debated are anxieties over enormous loss of life and political instability that can arise out of the desperation of prolonged economic recession (Mmotla 2020 & Malik 2020). It is against this backdrop that the

⁵ World Health Organisation. 2020b. "Covid-19, Situation report for the WHO African region." 22 April 2020. (Accessed 23 April 2020) https://apps.who.int/iris/bitstream/handle/10665/331840/SITREP_COVID-9_WHOAFRO_20200422-eng.pdf

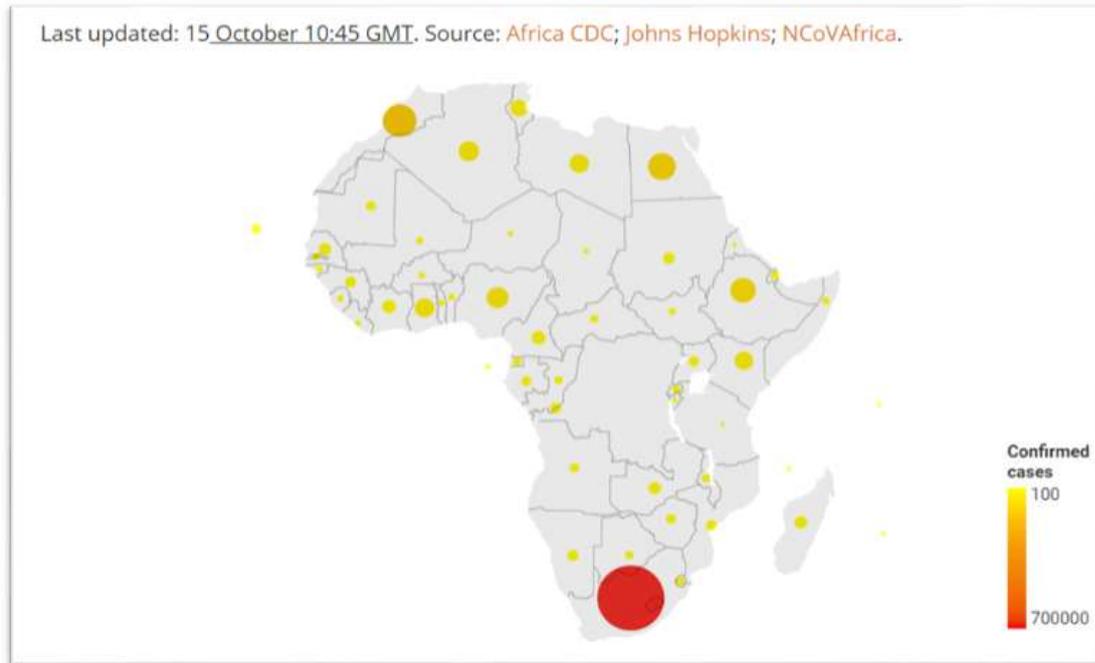
⁶ SADC. 2020. "SADC regional response to Covid-19 pandemic. An Analysis of the Regional Situation and Impact Bulletin No. 2." Southern African Development Community. (Accessed 28 April) https://www.sadc.int/files/6815/8758/9636/BULLETIN_2-SADC_Response_to_COVID19_ENGLISH.pdf

⁷ SADC. 2020. "SADC regional response to Covid-19 pandemic. An Analysis of the Regional Situation and Impact Bulletin No. 2." Southern African Development Community. (Accessed 28 April) https://www.sadc.int/files/6815/8758/9636/BULLETIN_2-SADC_Response_to_COVID19_ENGLISH.pdf

Region has imposed the 'limiting of unnecessary and mass movement of passengers across borders SADC 2020b)⁸.

Figure 3: Graphic presentation of coronavirus incidences in Africa

The imposed travel restrictions however have not curtailed all travel. In fact, many migrant workers who have become unemployed in the recent lockdown have had little choice but to return home



before border closures, with over 23 000 Mozambican mineworkers estimated to have rushed to the main border port across a few to return home (All Africa 2020⁹) and over about 13 000 Zimbabweans also crossing over (Nyati 2020¹⁰).

Experiences of foreign nationals in South Africa

Despite many foreign nationals voluntarily returning to their home countries before border closures, as many as 2 million were in South Africa. There have been reports of difficulties they have experienced that are directly linked to the national lockdown.

The Department of Home Affairs' (DHA) Refugee Reception Offices (RRO) were temporarily closed due to national lockdown office closures until staff received personal protective equipment (Ruganan

⁸ SADC Guidelines on Harmonisation and Facilitation of Cross Border Transport Operations across the Region During the COVID-19 Pandemic." Southern African Development Community. (Accessed 26 April) <https://www.tralac.org/documents/resources/covid-19/regional/3222-final-sadc-guidelines-on-cross-bordertransport-during-covid-19-adopted-on-6-april-2020/file.html>

⁹ All Africa 2020. "Mozambique: Thousands of Mozambicans Return from South Africa". All Africa, 27 March. (Accessed 17 April) <https://allafrica.com/stories/202003270901.html>

¹⁰ Nyati, K. 2020. "Zimbabwe fears returnees will rev up corona virus spread". The East African, 5 April. (Accessed 20 April) <https://www.theeastafrican.co.ke/news/africa/Zimbabwe-fears-returnees-willrev-up-corona-virus-spread/4552902-5514058-npyjmpz/index.html>

2020¹¹). They stopped receiving new asylum seeker applications and those whose permit were due for renewal could not be assisted and they experienced anxiety over their official status in the country (Ruganan 2020; Weldon & Chapman 2020¹²). This meant that their bank accounts were closed by most South African banks and without access to funds, they would not be able to buy food, receive health services, and provide for basic needs. However, the Department of Home Affairs issued various directives on extensions of permits as the various lockdown levels were communicated.

During the early phases of the national lockdown, the South African government communicated its efforts to build a 40 km fence on the border between South Africa and Zimbabwe (Al Jazeera, 2020) as an effort to curtail the spreading of the virus. This was seen as a waste of resources as the cost of the wall was estimated at R37 million¹³ in an area that was already known for the porous nature of its borders (Dodson, 2000; Jones, 2016). At the time when the decision was made to build the wall, there had not been any confirmation that the infection rate from people crossing that border was significant enough to justify building a wall to curtail further infections. It was mostly from people arriving and returning or coming from much further afield, like countries in Europe.

The Department of Home Affairs (DHA) has been criticized for its bureaucracy and failure to implement and execute policies for asylum seekers and refugees to access their legal documents, social grants and security of stay (Ruganan 2020; Bornman & Eliseeva). There were request from Human rights groups called for a moratorium on the detention and the deportation of migrants (News 2414). Repatriation centres and prison stations, prone to overcrowding, are now high-risk sites for the spread of diseases (Ruganan 2020). The Scalabrini Centre criticised the government's approach and emphasised that dignity of asylum seekers and refugees needed to be upheld and protected (Bornman & Eliseeva 2020).

While the South African government announced that South African owned small businesses would be cushioned by a government relief package to sustain them, there was no attention given to assistance to immigrant-owned businesses in the public communication made (Ruganan 2020). Instead, reports of police closing down immigrant owned shops in townships became common (Ruganan 2020).

Experiences of South African abroad

Following the declaration of the National State of Disaster in March 2020, the Department of International Relations and Cooperation (DIRCO) facilitated the repatriation of South Africans stranded in various cities around the world (DIRCO 2020a)¹⁵. Since 26 June 2020, over 1 300 South Africans were repatriated from Zambia, the Democratic Republic of Congo (DRC), Ethiopia, Saudi

¹¹ <https://www.opendemocracy.net/en/pandemic-border/south-africa-belongs-to-all-who-live-in-it-covid-19-showed-it-does-not/>

¹²

<https://sihma.org.za/articles/Covid%2019%20AND%20the%20securitisation%20of%20South%20African%20border.pdf>

¹³ <https://www.enca.com/news/covid-19-south-africa-build-r37m-beitbridge-border-fence>

¹⁴ <https://www.news24.com/SouthAfrica/News/covid-19-this-is-not-the-time-to-discriminate-against-migrants-say-human-rights-centres-20200416>

¹⁵ http://www.dirco.gov.za/repatriation_newsletters/2020/repatriation-newsletter11_10-july-2020.pdf

Arabia, Angola, Mozambique, Nigeria, Zimbabwe, Mali, Ghana, Botswana, Tanzania, Cuba, Malaysia, the Netherlands and the United States of America (USA) (DIRCO 2020a). South Africans abroad requiring repatriation were encouraged to contact their South African embassies or consulate offices in order for DIRCO to assess the demand in each country.

As of the middle of August 2020 an estimated 19 400 South Africans stranded abroad had been repatriated by land and air transport (DIRCO 2020c)¹⁶ but by the beginning of October 2020 that number had grown close to 30 000 (DIRCO 2020d)¹⁷. It is also critical to note that government had not budgeted for such a mission and so repatriation efforts were mainly focused on those who already had return tickets back to South Africa, the students studying abroad who were required to vacate their places of residency as well as the elderly and sick (DIRCO 2020b).

The repatriation of costs has been estimated at close to R10 million, and not the estimated R90 million rand, because of a donation of millions of liters of jet fuel by Sasol (Fabricius 2020)¹⁸. The South African government had also kept down costs by requesting foreign airlines flying cargo to South Africa, to allow stranded South Africans to travel in their passenger cabins (Fabricius 2020). Other stranded South Africans were repatriated on flights returning to South Africa after repatriating foreigners from the sending country who were stranded in South Africa. Some of those flights were fully paid for by the foreign governments concerned.

The Minister of International Relations and Cooperation is reported saying the repatriation efforts to get stranded South Africans back home was a humanitarian effort (Fabricius 2020). With the number of exceptional support from various governments, private sector companies including private airlines and state owned companies like South African Airways and SASOL, the repatriation efforts have been made much more affordable.

Opening up of borders and ports of entry

In tandem with South Africa's Risk Adjusted Strategy, various borders and ports of entry have started opening from 1 October 2020 for business and leisure travel subject to a variety of restrictions for travelers that include wearing of masks at all times, practising social distancing in public spaces, regular washing or sanitizing of hands and presenting a negative COVID-19 test result not older than 72 hours from the time of departure (TRALAC 2020)¹⁹. Travellers are also screened for any COVID-19 symptoms and contact with people who have been infected with the COVID-19 virus as they try to enter South African borders (TRALAC 2020). Airports have also been open for, including OR Tambo International [in Johannesburg, Gauteng], Cape Town International [in Cape Town, Western Cape] and King Shaka International in [Durban, KwaZulu-Natal] (TRALAC 2020). Sea ports have also become

¹⁶ http://www.dirco.gov.za/repatriation_newsletters/2020/repatriation-newsletter13_17-august-2020.pdf

¹⁷ http://www.dirco.gov.za/repatriation_newsletters/2020/repatriation-newsletter15_05-october-2020.pdf

¹⁸ <https://www.dailymaverick.co.za/article/2020-05-21-at-90-less-than-projected-cost-repatriating-south-africans-a-bargain/>

¹⁹ <https://www.tralac.org/news/article/14617-south-africa-s-policy-response-to-the-covid-19-pandemic.html>

operational since the opening of borders specially to facilitate ease of transportation of goods and medicines to and from the country and for leisure travel (TRALAC 2020).

Post COVID-19 Regional Integration²⁰

In conclusion, there are clear noteworthy challenges to regional integration that COVID-19 has both illuminated and created. The efforts to achieve regional integration have been slowed down by COVID-19, however they have not been altogether cancelled. Many of the negative experiences reported by foreign nationals from our SADC neighbours during COVID-19 will certainly need to be addressed in the post-pandemic rebuilding phase. Furthermore, the economic recessions that have resulted from national lockdowns may cause political instability of the nature that South Africa has witnessed during xenophobic violent attacks. With many South Africans losing their jobs and even more foreign nationals searching for better opportunities in South Africa due to recessions in their own countries, SADC will need to intervene very deliberately in dealing with this problem as a region.

As far as South Africa is concerned, and because of its history and capacity in the regional body, it is recommended that South Africa takes a lead in revitalizing a post-COVID-19 social compact for Southern Africa. A series of measures that include activities that bring immediate relief to the most vulnerable in society, including women, children, the elderly, sick and those who had recently lost their jobs; better reforms to various regulations that should safeguard any further economic recessions including reforms to institutions that finance SADC's development agenda; and lastly activities that ensure economic recovery that is labor absorbing so countries do not experience jobless (Maimane 2020)²¹

This is achievable with regional partnerships that must span leading research institutions, civil society organisations, organised labour, the private sector, International Cooperating Partners (ICPs) and multilateral development agencies. According to Van Nieuwkerk (2020) these institutions should jointly aim at:

1. reshaping manufacturing, with a focus on self-reliance;
2. sustained momentum in regional and pan-African cooperation;
3. developing critical skills for the new economies and closing the skills gap;
4. addressing infrastructure deficiencies;
5. more and better finance infrastructure;
6. setting up infrastructure management systems; and
7. enhancing integrated decision-making.

The regionalism that is needed, and has been needed for some time now, requires at least four basic foundational factors for success, and those are (1) shared political values and common identity, (2) complementary rather than competitive economies, (3) external demand for regional goods and services, and (4) infrastructure to make integration happen (Van Nieuwkerk 2020). South Africa has

²⁰ <https://saiia.org.za/research/covid-19-and-regional-integration-in-southern-africa-south-africas-moment-of-truth/>

²¹ <https://www.dailymaverick.co.za/opinionista/2020-04-06-rebuilding-south-africa-after-covid-19/>

already shown leadership in this efforts by welcoming the outcomes of the SACU Council of Ministers Meeting held on Monday, 21 September 2020, where Finance and Trade Ministers from Namibia, Botswana, eSwatini, Lesotho and South Africa where the council agreed that in the context of the new African Continental Free Trade Agreement, the future work of the council will focus on building and developing SACU countries into a stronger manufacturing and innovation hub that can provide goods and services across the continent (DIRCO 2020e)²².

²² <http://www.dirco.gov.za/docs/2020/cabinet0923.htm>