

GREEN PAPER

# Unworkable and costly ...

By Anne Bernstein

**T**HE Centre for Development and Enterprise (CDE) welcomes the points of departure in the Draft Green Paper on International Migration which recognise that the interests of South Africa and of South Africans should be paramount in any policy approach to cross-border migration; that migrants will help to expand SA's economic 'cake'; that the country is seriously short of skilled people; that the prosperity of the SADC region will ultimately be promoted by the free movement of capital, goods and labour across borders; and that official treatment of migrants should be constrained by the Bill of Rights.

Unfortunately, the Green Paper stops half-way and does not follow through in its policy recommendations. The central proposals of the Green Paper will produce policies and regulations which will be counter-productive, impossible to implement, perpetuate costs and penalties for the economy, and will negate some of the very principles on which it is based.

With respect to cross-border migration, government's proposals effectively extend the present arrangements for male contract migrants (in agriculture and mining) to include women, additional employment sectors and annual quotas. Such a system would in essence remain a migrant contract labour system in which the initiative would remain with employers to justify requests for cross-border labour.

This new system would have the same deleterious effects on family life, will amount to bureaucratic control over regional labour allocation, and will counter provisions in the Bill of Rights.

With respect to skilled migration, the Green Paper recommends an elaborate occupational categorisation of the South African labour market to be undertaken by the Department of Labour in order to establish a points-based system of control. Such an approach:

- is not consistent with Government's Growth, Employment and Redistribution (Gear) strategy's commitment to

achieving optimal labour market flexibility;

- will be very difficult and costly to assemble. Even the latest population census – when its full results are eventually available – will not allow the refined differentiation between grades and types of skills that will be sensitive to employer needs. Any system which requires elaborate information will not only be very costly to establish and maintain but will inevitably lead to distortions in the allocation of skills in the labour market.

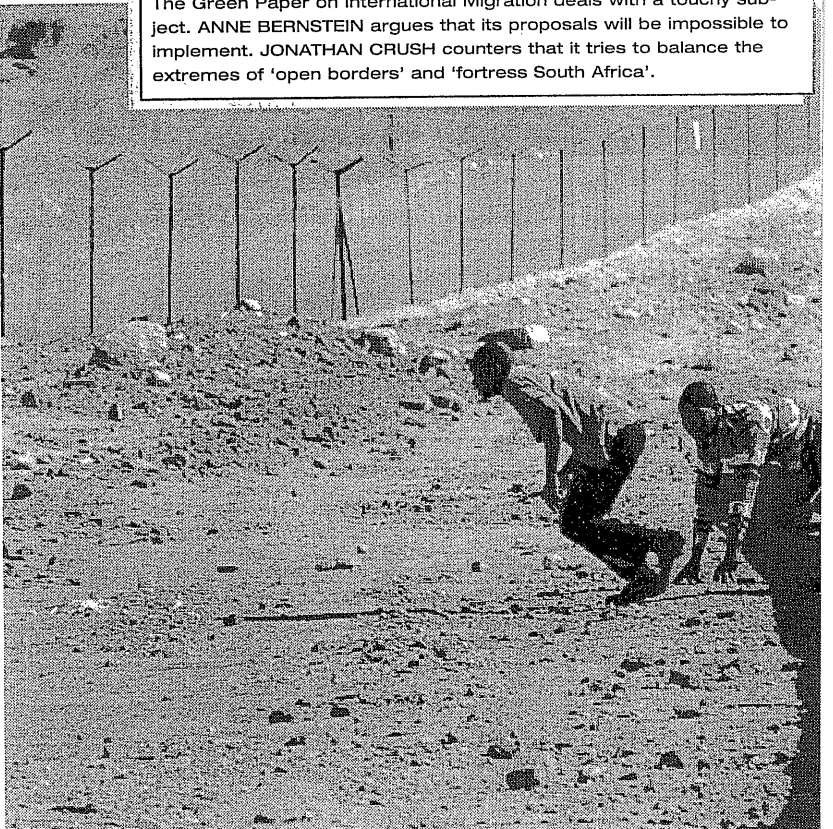
- will discourage recognition of less-formal accomplishments, particularly of abilities in small-scale entrepreneurship.

CDE's greatest concern with the proposals in the Green Paper concerns the feasibility of implementation by the proposed Department of Citizenship and Immigration Services. The proposed department will simultaneously:

- have to transform itself;
- establish an elaborate categorisation of skills required in the labour market;
- regulate the migrant worker quotas;
- sanction employers who employ unregistered cross-border workers;
- apply a points-based system of skilled immigration;
- control the informal immigration of non-SADC migrants;
- attempt to curb the entry of large numbers of unregistered SADC migrants whose entry will be facilitated by the new social and home community networks that the expanded migrant labour system will create.

"Where will the additional funding will come from needed to implement the proposals in the Draft Green Paper, not only for more immigration officers but for all the other elements in the expanded system of checks and controls?"

A new South African immigration policy should be realistic about the country's limited institutional capacity. This is a country which cannot even measure its underground economy, collect rates and service charges from residents who live at listed addresses, enforce television



The Green Paper on International Migration deals with a touchy subject. ANNE BERNSTEIN argues that its proposals will be impossible to implement. JONATHAN CRUSH counters that it tries to balance the extremes of 'open borders' and 'fortress South Africa'.

**RUNNING OUT:** Mozambicans cross the border into South Africa. The Green Paper tries to suggest ways of regulating the flow of people from neighbouring countries.

licence requirements, collect parking tickets or register voters without duplications and omissions.

If the government goes this route, it must be prepared to provide an adequate number of labour inspectors. Identity documents

low-wage illegal workers.

In 1996 Penuell Maduna, then Deputy Minister of Home Affairs, pointed out that England – which is an island – had more than 5 000 immigration officers, while South Africa, with its vast and porous borders, had fewer than 1 000. Service simply could not be rendered at the required level, he said, and the allocated funds for 1996/97 would not allow for an increase in the number of immigration officers.

Where will the additional funding will come from needed to implement the proposals in the Draft Green Paper, not only for more immigration officers but for all the other elements in the expanded system of checks and controls?

The proposed migration policy will be unable to 'hold the line' where officials have drawn it; will consume more and more state resources; perpetuate 'nameless,

faceless, mass raids' to apprehend illegals; impose onerous restrictions on employers; continue to undermine the state's legitimate authority; and will fail to harness migration policy as a tool for growth and development – the very objective the policy makers have set themselves.

The CDE proposes an alternative two-tiered approach to migration:

- free movement of skilled people from anywhere in the world to South Africa, and
- the probationary entry of unskilled SADC people who, once they have satisfied a series of simple requirements, may in time qualify for permanent residence and work rights.

This will provide real incentives for migrants to enter the country legally, register with the authorities, become economically productive and observe the laws of the land.