



CENTRE FOR DEVELOPMENT AND ENTERPRISE  
Informing South African Policy



# SOUTH AFRICA'S MIGRATION POLICIES

A regional perspective

CDE Workshop no 8

The Centre for Development and Enterprise is one of South Africa's leading development think-tanks, focusing on vital national development issues and their relationship to economic growth and democratic consolidation. Through examining South African realities and international experience, CDE formulates practical policy proposals for addressing major social and economic challenges. It has a special interest in the role of business and markets in development.

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A regional perspective

February 2011

CDE Workshop no 8

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This report summarises the proceedings of a workshop hosted by CDE in August 2010.

It was written by Professor Sandy Johnson and Antony Altbeker.

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The Centre for Development and Enterprise  
5 Eton Road, Parktown, Johannesburg 2193, South Africa  
PO Box 1936, Johannesburg 2000, South Africa  
Tel +2711 482 5140 • Fax +2711 482 5089  
[info@cde.org.za](mailto:info@cde.org.za) • [www.cde.org.za](http://www.cde.org.za)

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# Contents

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Executive summary	3
Introduction	7
Global migration and lessons for South Africa	9
South Africa's changing migration policies	12
Swaziland: Labour flows and remittances	13
Lesotho and Botswana: Small countries, porous borders	15
Mozambique: Migration and trade	19
Zimbabwe: Migration patterns and political strife	21
What have we learnt?	24
Concluding remarks	25

## PARTICIPANTS

**Antony Altbeker**, research and project executive, CDE

**HE Mr Luis Cabrera**, Ambassador, Republic of Mexico

**Dr John Carneson**, chief director: strategic and executive support service, Department of Home Affairs

**Amira Elbiary**, project officer, Friedrich-Naumann-Stiftung

**Feline Freier**, project officer, Friedrich-Naumann-Stiftung

**Richard Jewison**, chief directorate: strategic & executive support services, Department of Home Affairs

**Dr Sandy Johnston**, senior associate, CDE

**Henna Joubert**, manager for immigration, KPMG

**Mariam Khokhar**, programme manager: irregular migration & counter trafficking, International Organisation for Migration

**Sanda Kimbimbi**, representative, United Nations High Commission for Refugees

**Major Kobese**, chief director: office of the director-general, Department of Home Affairs

**Dr Loren Landau**, director: forced migration studies programme, Wits University

**Professor Daniel Makina**, associate professor, UNISA

**Dr France Maphosa**, senior lecturer, University of Lesotho

**Bernardo Mariano**, regional representative, International Organisation for Migration

**Professor Philip Martin**, chair: comparative immigration programme, University of California

**Antony Masilela**, deputy chief immigration officer, Department of Home Affairs, Swaziland

**Mesh Moeti**, independent journalist and editor, Botswana

**Glen Mpani**, programme director: human rights, Open Society Foundation for South Africa

**Dr James Muzondidya**, head: policy and research, Zimbabwe Institute

**Dr Wafula Okumu**, senior research fellow, Institute for Security Studies

**Julian Pokroy**, chair, Law Society of South Africa's Immigration & Refugee Law Committee

**Tarryn Pokroy**, attorney: immigration & refugee law, Julian Pokroy Attorneys

**Hamilton Simelane**, lecturer: department of politics, University of KwaZulu Natal

**Joyce Tlou**, national co-ordinator, SA Human Rights Commission

**Vic van Vuuren**, director, International Labour Organisation

**Ntokozo Vilakazi**, researcher, Centre for Development and Enterprise

**Vincent Williams**, programme manager, Institute for Democracy in South Africa



## EXECUTIVE SUMMARY

In late 2010, CDE hosted an exploratory workshop on the interaction between South Africa's migration and border management policies and migration flows from neighbouring states. Speakers included officials in the Department of Home Affairs, an international expert on migration policy, and policy analysts and practitioners from neighbouring countries.

CDE has conducted migration-related policy research since the mid-1990s, and has demonstrated repeatedly that South Africa's national interests lie in having a more open migration regime, especially because skilled foreigners could alleviate some of our skills deficits and help to accelerate economic growth.

South Africa's migration policies should also be informed by their impact on the countries they affect most, namely its neighbouring states. As the strongest economy in southern Africa, South Africa attracts many people – skilled and unskilled; long-term migrants and short-term visitors – from other countries in the region, and its migration and border policies are very important to those countries. For this reason, CDE hosted a workshop where South African policy-makers could discuss the effects of our migration and border management policies with informed people from neighbouring states. The workshop generated new insights into the complexity of regional migration, and raised new issues for South African policy-makers. It became clear, for example, that they need to develop a long-term strategy for managing regional economic integration, a project to which SADC countries are committed. Participants raised a number of issues in this regard, which need to be understood in the context of more general points made at the workshop.

### International experience

Global migration flows are not as large as many people believe: only about 3 per cent of the world's population lives outside the country of their birth, and this figure has been relatively stable for some time. However, because migration is driven by differences in economic opportunity among countries, it is often concentrated in areas marked by large differences of income per capita. In regions of this kind, relatively rich countries (America, Britain, Thailand) attract migrants from relatively poor neighbours and near neighbours (Mexico, Poland, Myanmar). In southern Africa, it is South Africa and, to a lesser extent, Botswana that attract migrants from their neighbours.

Though the long-term benefits of migration for migrants and their countries of destination are well established, managing the social, economic and political stresses that arise from the process can create significant challenges. A common response to these challenges is for governments to seek to welcome skilled foreign workers and either discourage or rotate unskilled migrants. Achieving this has proven to be difficult, however. This is true for operational reasons, because it is often difficult to create policies that are consistent with the economic incentives of migrants and their employers. It is also true for political reasons, because migration is usually unpopular in countries of destination. Creating and capacitating the bureaucracies meant to manage this process is also a major challenge.

Migration is often concentrated in areas marked by large differences of income per capita

Poor controls over identity documents in neighbouring states also creates legitimate national security concerns in South Africa

### Regional migration issues

South Africa attracts large numbers of migrants – skilled and unskilled – from its poorer neighbours. This process has generated or exacerbated a number of social, economic and political challenges, and necessitates bold new policies. This is particularly true if regional economic integration is to proceed. Participants raised some vital issues and challenges in this respect:

*Some SADC countries struggle to issue identification and travel documents. This creates significant challenges for managing migration because, in the absence of valid documents, all cross-border movements are illegal. Poor controls in neighbouring states also creates legitimate national security concerns in South Africa because documents might be acquired by people who are not entitled to them but intend to use them to enter South Africa. It also means that South Africa is forced to manage a population of migrants whose presence in the country is illegal largely because their own countries do not provide them with travel documents.*

*SADC needs to do more to facilitate cross-border trade. Regional economic integration could increase economic activity in South Africa as well as the rest of the region. Expensive, onerous and inconsistent requirements for cross-border travel, and inefficient management of borders and ports of entry, undermines trade and necessitates policy intervention. In this regard, participants spoke of difficult visa requirements for residents of various countries in the region, requirements that also changed frequently. They also spoke of the political and practical difficulties that arise when requirements differ from country to country. Other issues included the lack of appropriate permits (such as multi-entry permits for traders and people who live close to national borders), and infrastructural difficulties such as the absence, in some cases, of 24-hour border posts.*

*The impact of regional integration on migration flows needs to be considered carefully. Although SADC is officially committed to increased economic integration and to greater freedom of movement, a number of policy issues need to be addressed. One of these is that some SADC member states also belong to other regional bodies. Increasing the freedom of movement of people in SADC might, therefore, have unintended consequences with respect to the movement of people who are not citizens of SADC countries, but who are citizens of countries whose regional institutions include one of more SADC country. Another issue is the differences in size, culture and language among SADC member states, with the DRC posing particular challenges for managing greater integration.*

### South Africa's migration policy

In many ways, the issues confronting policy-makers in South Africa are similar to those engaging their counterparts in North America. The United States, for example, has struggled to develop and implement effective policies for managing migration and cross-border flows with Mexico and other countries in Central America. It has also failed to persuade many of its citizens that more open policies are in the national interest. South Africa faces similar challenges, while also seeking to balance its security concerns with the potential economic benefits of greater economic integration.



Another issue is that it is undesirable to have unnecessarily onerous policies and procedures which increase the cost of cross-border movement, thus encouraging would-be visitors to use illegal border crossings. This only helps to reduce the legitimacy and effectiveness of the borders and our border management policies. At the same time, those procedures that are in place must be enforced. Achieving the right balance of rigour and enforceability which does not merely induce migrants to use other means to cross the border – as one participant noted of America's policies in relation to Mexico – is another significant challenge which requires careful research and consideration.

Aligning migration and border control policies with economic and security realities will not be easy. It will also require strong leadership if these policies are to be accepted by a sceptical and even hostile public. South Africa is, however, reviewing its migration policies, and participants expressed the hope that a better balance would be found than the one that currently prevails.

In general terms, CDE favours a more open migration policy, and believes this will best serve the national interest. At the same time, our national interest must be analysed in a regional context. This workshop was aimed at improving our understanding of how our current migration policies affect migration from our neighbours as well as other countries in the region.

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# Introduction

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**I**N AUGUST 2010, CDE convened a workshop about the impact of South African migration policy on migration flows in the region. The workshop formed part of CDE's continuing work on migration, aimed at helping to develop migration policies which are in South Africa's national interest. Since migration policy is currently being reviewed, with new legislation before parliament, this publication is meant to contribute to the debate informing this process.

A new approach to South African migration policy and its implementation is long overdue. South Africa must seek to manage migration in the national interest. Some ways in which this could be done are relatively easy to define. As regards skilled immigration, for example, CDE has long argued that the country needs to welcome anyone with professional, technical or business skills. The case for a bolder and more open approach to unskilled foreigners is not as clear-cut. However, CDE believes their contribution to South African society is greater than is usually recognised.

In general terms, then, CDE favours a more open migration policy, and believes this will best serve the national interest. At the same time, our national interest must be analysed in a regional context. Therefore, this workshop was aimed at improving our understanding of how our current migration policies affect migration from our neighbours as well as other countries in the region.

In recent years, migration flows in southern Africa have been dominated by the exodus of some 2 million Zimbabweans. Most have moved to South Africa, with others going to Botswana, other neighbouring states, and even Europe. However, migration in southern Africa has long been shaped by other factors, most of which will persist after any resolution of the Zimbabwean crisis. The most important of these is the movement of migrants from relatively poor to relatively rich societies. In addition, large numbers of people continue to move across borders whose creation divided communities that remain closely linked to one another. Given growing economic integration, and the stated intention of countries in the region to ease cross-border movements, migration flows may well increase in coming decades.

South Africa has mismanaged these pressures, partly because of resource constraints and the inherent difficulties of managing porous borders in a region where many people lack proper travel documents. However, its policies have also been inconsistent and inappropriate, and prone to abuse by corrupt officials. We have not welcomed skilled regional immigrants to the extent that we should, and our policies in respect of Zimbabwean migrants have sometimes been inconsistent, inappropriate and unrealistic. In addition, they have frequently placed unnecessary burdens on people seeking to migrate legally to South Africa.

In this context it is increasingly urgent to develop a migration management regime that:

- puts South Africa's national interests first;
- maximises economic growth in South and southern Africa;
- helps to ensure that countries of origin enjoy the developmental benefits of migration; and

A new approach to South African migration policy and its implementation is long overdue

The movement of people from poorer to comparatively richer countries has implications for policy in numerous areas, including human rights, labour markets, trade, security, and development

- minimises the negative side-effects of relatively high levels of immigration.

Although CDE has worked on migration policy for some time, this has largely centred on South Africa's policies and needs. This workshop was organised in order to learn more about how our policies affect our neighbours. This proved to be a fruitful exercise which suggested important ways in which this perspective could help to enrich the South African debate about migration policy. For example, the experiences of other countries and regions suggests that the goals listed above are difficult to achieve because many of the objectives of border and migration management contradict one another in some way. Thus policies which encourage trade and economic integration may also encourage irregular migration flows. Conversely, tightening border controls to reduce the risk of unauthorised entry can add unnecessary costs to cross-border trade. Even allowing more skilled immigrations could, in the long term, increase the flows of less skilled people from the same families and communities. Balancing these pressures is challenging, and, in a region marked by large disparities in economic development, migration flows will always be relatively large.

The movement of people from poorer to comparatively richer countries has implications for policy in numerous areas, including human rights, labour markets, trade, security, and development. These issues are accentuated by the stated ambitions of countries in the region to pursue economic and even political integration. Until now, South African policy-makers have not discussed these issues as seriously as they should. CDE hopes this publication will contribute to a more informed discussion by giving due weight to regional perspectives on the urgent need to improve migration management in South Africa.

Besides this introduction, this report consists of seven sections. The first six correspond with the sessions of the workshop, which included presentations by Prof Philip Martin, CDE's international adviser on migration policy, and Dr John Carneson, a senior official at the Department of Home Affairs. Each of the next sessions deals with individual countries in the region or with pairs of countries with similar migration profiles. In each session, the views of speakers who are based in or familiar with the countries concerned, and who were commissioned by CDE to talk about those countries, are reflected, as are the key points that arose in subsequent discussions. The final sections summarise a discussion on lessons learnt from the workshop, and offer some concluding remarks from CDE.

# Global migration and lessons for South Africa

Prof Phillip Martin

*Chair: comparative immigration programme  
University of California, Davis*

THE UNITED NATIONS defines a migrant as a person living outside his or her country of birth for a year or more. It estimates that the number of such people roughly doubled between 1985 and 2010, from 111 million to 214 million. That sounds like a lot of growth, but, thanks to the rising global population, the percentage of people who are migrants has changed very little: it has been about 3 per cent of the world population for decades. Having said that, the number of migrants in any society is not uniform across the globe. In fact, most migrants are in industrial countries, which contain roughly one seventh of the world's people but host 60 per cent of its migrants. This should come as no surprise, because economic theory predicts that people tend to move from poorer places to richer ones.

A few points need to be made about migration policy. The first is that migration is a process that governments learn to manage. It's not a 'problem' governments ever 'solve', since there is no 'remedy' that governments can apply before moving on to the next problem.

The second is that migration means change. Migrants change when they move; the host society changes when they arrive; the sending country changes when they leave. The changes associated with migration are ongoing processes, which is one reason why flexible bureaucracies are needed to manage migration effectively.

The most important single lesson to be drawn from the history of migration management, however, is that to manage economically-motivated migration successfully, governments must ensure that migration rules are aligned with the economic incentives of the key actors, especially migrants and their employers. For example, many countries have guest worker programmes that allow migrants to enter and work for limited periods, generally a few months or years. The management issue for governments is how to ensure that the 'guest' workers leave as programme rules require. Most governments impose penalties on migrants who overstay. As a general rule, however, these penalties do not prevent overstaying. Why? Because both employers and migrants have incentives to prolong their relationship. Employers who have trained migrants think: 'The migrant is a good worker. Why should I have to send him home and then recruit and train another?' There is a similar rationale for the migrant to stay longer, because he may not want to return to lower wages at home.

Guest worker programmes work only if programme rules are aligned with the economic incentives of employers and migrants. Aligning incentives and rules is a challenge for migration management. For instance, the rules could require that employers who want to renew the contract of a particular worker pay for the privilege. Conversely, if the guest worker leaves as the rules require, he might be offered a refund of some of the taxes he has paid while in the country. Adding incentives to encourage compliance with rules helps to make migration management more effective, since there will never be enough inspectors or police to make a system that relies only on rules work.

'Migration is a process that governments learn to manage; it's not a problem governments ever solve'

'Modern migration flows have been greatly facilitated by three revolutions: in communications, transportation, and rights'

## The challenge of managing migration

Two major factors motivate people to migrate. One is demography. The world's population increases by about 80 million a year. Almost all that growth is in the world's 170 developing countries. As the population of a region or country grows, there can be rising emigration pressure.

For example, in 1800, Europe had about 20 per cent of the world's people, while North and South America together had about 4 per cent. Today, Europe and Africa have similar shares of the world's people, at 11 and 14 per cent respectively. But Africa is projected to have 20 per cent of the world's people in 2050 and Europe between 7 and 8 per cent. This is one reason why migration is rapidly moving up the agenda of political concerns in places like Europe.

The other major driver of migration is differential economic opportunity. The world's 30 rich countries have 15 per cent of the world's people but generate some 72 per cent of the world's GDP. By contrast, the world's 170 poor countries have most of the world's people and a growing, but still relatively small, share of the world's wealth. As a result, per capita incomes differ enormously. This means that the average person moving from one of the poorer countries to one of the richer ones could increase his or her income by a very large factor.

The identical principle of attraction applies wherever there are significant differences of economic performance among countries in a particular region. Increasingly, middle-income developing countries like South Africa find themselves in positions comparable to those of rich countries as they manage migration from poorer neighbours.

Economic or demographic inequalities motivate migration, but modern migration flows have been greatly facilitated by three revolutions: in communications, transportation, and rights.

- The communications revolution enables people to learn very quickly about the job opportunities available elsewhere.
- The transportation revolution enables people to move more cheaply than ever before.
- The rights revolution means that once a migrant arrives in a country of destination, he can often resist being made to leave.

In the face of these forces, what can governments do?

Politicians with a limited time in office know they cannot affect demographic and economic inequalities in the short term, and they do not want to try to reverse the communications and transport revolutions. The only tool left to them is to manipulate the system of rights. As a result, they try to manage migration by adjusting the rights of citizens and foreigners. For example, faced with too many asylum-seekers in the early 1990s, European countries made it more difficult to apply for asylum by requiring foreigners to seek refuge in the first safe country they entered. The United States reduced the extent to which non-Americans were entitled to welfare and other social services.

Is there an alternative to trying to manage economically motivated migration by adjusting the rights of individuals?



Consider the challenges facing countries that attract migrants. Most are developed countries with ageing and slow-growing labour forces, and many leaders were calling for more migration before the recession. Policies favouring the admission of skilled migrants, including foreign students who graduate from local universities, are spreading fast enough to prompt some to talk of a 'global war' between countries to attract talented individuals. So, most countries want more skilled migration.

The major management issues for developed and developing countries involve low-skilled migrants. Most of the world's workers – about 80 per cent – have only a secondary school education or less. Migrants are often attractive to local employers because they are willing to work hard in jobs shunned by local workers. Few governments have developed policies that successfully manage the entry and employment of low-skilled migrants, however. Their presence raises questions. How many should be allowed in? What rights should they have while resident? What rights should they have to settle permanently? Should governments try to rotate such workers in and out of the country? Other questions arise for sending countries: should they encourage people to migrate to fill low-skilled jobs abroad? How do sending governments protect their workers abroad?

Recruitment is another vital challenge for governments. Matching workers and jobs is hard within national borders, and is made more complicated by international borders. The motivation to migrate is the difference in wages that would-be migrants can expect to earn. Recruitment deals with how to divide this wage gap between the worker, the employer and the brokers in between? The global recruitment industry, dominated by small operators operating outside the law, is taking an ever larger chunk of the wage gap that motivates migration. This presents significant challenges for global governance and law enforcement.

## Conclusion

International labour migration is increasing faster than public acceptance of more migrants. Majorities in almost every country receiving migrants oppose more migration. This opposition to migration is not new. The question is how elites, who generally favour more migration, overcome the resistance of the rest of society to more migration and to freer trade?

It is clear that there will be more migration. The policy question is how to best manage this. The main beneficiaries of migration are migrants who have higher earnings and the employers who hire them. But properly managed migration can also enrich both sending and receiving countries. Our challenge is to ensure that inevitable migration contributes benefits to all involved.

'It is clear that there will be more migration. The policy question is how to best manage this'

## South Africa's changing migration policies

Dr John Carneson

*Chief director: policy and strategic management  
Department of Home Affairs*

**W**E ARE PART of a world in which there are very large gains to be made from managing migration well. However, the potential gains from migration are matched with risks. In particular, we are vulnerable to global crime due to our strategic location and relatively good infrastructure, especially in banking and other financial services. It is the responsibility of policy to deal with the risks while exploiting the opportunities.

An important issue for the Department of Home Affairs is the question of building, managing and securing our national identity. In this regard, we are guided by government's 12 priority outcomes, one of which is a safe and secure South Africa in which people are proud of and value their identity. Migration policy is linked to this because it affects the way we allow or disallow foreigners to become residents and citizens.

Migration policy is also linked to the government's desired outcome in respect of a skilled workforce.

Responding to these desired outcomes, the department aims to manage migration effectively through a few key strategies:

- *We must actively seek talent.* Until now, South Africa has been too passive in the global contest for talent. We need to be proactive and to encourage the movement of skilled workers into the country. We wish to facilitate the faster and more flexible entry, stay and exit of this kind of person.
- *We need to strengthen national security by implementing risk-based immigration controls.* This involves making maximum use of technology, and applying the best practices of other countries. The advanced passenger processing system we have already introduced is a good example of this. We want integrated systems, so that if you come to our country we can see if you've lived here before, if you've paid your tax, and if you owe a parking fine.
- *We must contribute to the development of a prosperous Africa.* It is important for us to recognise that our future is tied to the economic development of Africa. Our trade with Africa is probably less than 20 per cent of the total. If we want the region to grow and develop, we need harmonised policies and systems for the secure movement of goods and services, people and capital.

An indication of the range and complexity of situations that migration policy has to cover is the fact that we currently have 17 visas and permits to govern movement into and through our country. This is too many. Our policy goal is to issue permits expeditiously. To do that we have to work to simplify procedures and make requirements as predictable and reasonable as possible.

'Until now, South Africa has been too passive in the global contest for talent'

We are undertaking a comprehensive review of the legislative framework governing migration. So far, we have talked to organised labour; business is next. We believe the urgency of some of the issues warrants some legal amendments. These will soon be in the public domain. Among other things, they will deal with the status of immigration practitioners, who often stand between the department and its clients, and who can develop unhealthy relationships with some of our personnel. This is one reason why we want to regulate practitioners more effectively.

The main challenges we face are to harness skilled immigrants, differentiate economic migrants from genuine asylum-seekers, and manage the security risks of migration in a world of globalised crime. Our response will be to treat migration as a natural part of society, and manage it in a way that opens up South Africa while protecting South Africans from the risks and threats it poses.

## Discussion

A participant asked representatives of the Department of Home Affairs to comment on the status of Zimbabweans who were in South Africa as a result of the turmoil in their country but did not formally qualify as refugees. In response, an official pointed to the difficulties in dealing with the cross-border movements of people from countries where documentation processes were flawed and weak. This made it impossible for the South African government to accurately identify those who wished to enter the country. Uneven systems for proper documentation made it more difficult to standardise protocols for regulating the movement of people in southern Africa.

A participant noted that, in an attempt to curb irregular migration from Mexico, the United States government had made it more difficult for seasonal agricultural workers to obtain temporary visas. However, the policy actually encouraged undocumented migration because seasonal migrants who used to obtain temporary visas were afraid to go home in case they could not come back.

Participants discussed the Colombo Process, in terms of which labour-sending countries in Asia and receiving countries in Europe and the Gulf jointly manage recruitment and contracting. They noted that the system had markedly improved the management of labour migration between these regions.

‘Immigration practitioners often stand between the department and its clients, and develop unhealthy relationships with some of our personnel’

## Swaziland: Labour flows and remittances

Prof Hamilton Simelane

*Department of Politics  
University of KwaZulu-Natal*

**M**IGRATION FROM SWAZILAND must be understood in the context of the country’s development trajectory because migration has been a survival strategy for the

'We would like to see more consultation when either country modifies its immigration controls'

Swazi rural population. This means migration is determined largely by the performance of the local economy. Poverty rates are very high – 69 per cent of people live below the poverty line; and unemployment is about 40 per cent – so migration is a vital outlet.

Against a background of the large-scale appropriation of land by settlers and the British Crown, labour migration started in earnest in the early 20th century, escalating and expanding to include women in the 1930s, and then accelerating as a result of faster economic growth in South Africa during World War Two.

Independence (in 1968) failed to provide the conditions of growth that could absorb the increasing numbers of educated people which the country was producing. This meant that, having started largely as the movement of unskilled labour, in the last 40 years migration has also involved skilled people. This may include young people who have received sponsorships from the Swazi government to study at South African universities, but who do not return to Swaziland.

A frequently cited positive aspect of the relationship between migration and development is the impact of migrant remittances on rural economies. Recent research suggests that migrants are not investing their remittances exclusively in cattle and status goods – as reported in much of the literature on the subject – but also in the education of rural children. This is one way in which remittances are contributing to socio-economic transformation. There is also evidence that remittances are used for agricultural equipment, like tractors, and for entrepreneurial ventures.

### Antony Masilela

*Deputy chief immigration officer  
Department of Home Affairs, Swaziland*

Swaziland's interests in migration reform are mostly a matter of practicality and detail. Here are some examples:

- We would like to see a border post with South Africa that is open 24 hours a day, and for the others to be open at more convenient hours.
- We would like to see more consultation when either country modifies its immigration controls, and when this impacts directly on the cross-border traveller.
- We would like more flexible immigration regulations for people living close to the border and who cross it every day to attend school or buy essentials. They should not have to use passports and obtain permits every time.
- We would like to see more accommodation close to border crossings for people who regularly commute across the border, especially traders.

### Discussion

Participants focused mainly on remittances, and developments in the Swazi government's documentation processes. Issues included:

- There are four categories of passports in Swaziland: one for travelling within SADC only; one for general international travel; and two for public servants. About 50 per cent of Swazi citizens hold passports.
- Recently, the United Kingdom has required that Swazi citizens obtain visas. As a result, the Swazi authorities have upgraded their systems, replacing handwritten passports with printed ones, and automating border control systems.
- Swazi migrants, especially unskilled migrants, favoured informal channels for transmitting remittances to their families, with many sending their money home with taxi drivers or entrusting them to other migrants. This appeared to be their preferred method, rather than an expedient forced on them by circumstances or South African policy.

## Lesotho and Botswana: Small countries, porous borders

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Vic van Vuuren

*Director, Pretoria Office  
International Labour Organisation*

THE OUTLOOK ON migration of the International Labour Organisation (ILO) relates to our mandate of looking at the world of work particularly decent work. So when we talk about migrant labourers we are concerned with promoting the concept of decent work and preventing the abuse of migrant workers.

When we look at the small countries from a South African context, we should bear three things in mind. First, large-scale migrant labour is more historical than contemporary. Those people who wanted to move in large numbers have probably already moved. Second, the numbers moving from Botswana and Lesotho are very small compared to those moving from Zimbabwe and Mozambique. Third, on a day-to-day basis, people will move in and out as they please. No border controls will prevent this, because there are so many other avenues available for getting in and out.

Bearing this in mind and in relation to Botswana, Namibia, Lesotho and Swaziland, we should consider implementing a policy of freedom of movement. While national sovereignty can be upheld, and migrants can remain citizens of their country of origin, absolute freedom of movement should be allowed, particularly in the world of work, because this is what is happening at the moment in any case.

This would allow us to concentrate on the quality of work and the concept of decent work. The population of those four countries combined is about 8 million, but only about 4 million are economically active. And the number of people who can and want to move between countries would be much smaller than that. So, in terms of cost effectiveness, we

'In relation to Botswana, Namibia, Lesotho and Swaziland, we should consider implementing a policy of freedom of movement'

'Tighter border control makes it harder for us to work, shop and engage in other activities in South Africa'

need to ask whether it makes economic sense to devote extensive resources to policing some 1,5 million people.

Such freedom of movement could also boost economic activity in Swaziland, Lesotho, Namibia and Botswana, since people would be able to trade more easily across borders. It would also help South African tourism and other sectors.

It is important to note that not all migration from South Africa's small neighbours is unskilled. Small but significant numbers of educated people go through official immigration channels because they want to get into the mainstream economy. This raises some classic brain drain issues for those countries. Earlier this year, Botswana introduced an initiative to retain highly skilled people. Under the initiative, 3 000 unemployed graduates were given internships in the public and private sector, receiving stipends of 3 000 pula per month. This is an innovative move, but there are questions about its sustainability.

One area of migration policy work in which the ILO is involved, relates to remittances. We are currently doing research on the social security systems of the countries in the region, looking at the regulation of provident fund transfers to countries of origin. We have been commissioned to work with the governments of Swaziland, Mozambique, Lesotho and Botswana, and will publish the first report on Mozambique. The main issue is to redefine how funds from South Africa can be transferred to neighbouring countries. At present, there are few safeguards, and lump sum payments are paid and often spent very quickly, leaving the individuals concerned indigent. Alternatives being considered are tranche payments or a kind of pension fund. For example, we are investigating the possibility of changing the Swaziland pension fund from a provident fund to a national pension fund.

### Dr France Maphosa

*Department of Sociology  
University of Lesotho*

It was only from 1963 onwards that passports were required for Basotho to travel to South Africa. This was a consequence of the apartheid government's security concerns. After the advent of democracy in 1994, many Basotho hoped that passports would no longer be needed for crossing into South Africa. In fact, Basotho still need a valid passport or temporary travel document to cross to South Africa, though they don't need a visa, and they are allowed to stay in the country for 30 days. They can also apply for a six-month permit which allows them to enter without having their passports stamped at the border.

In June 2010, just before the soccer World Cup, however, South Africa tightened its control on border movements between the two countries: six-month permits were suspended, and the use of temporary travel documents were banned. This situation is still in force. This is a problem for Lesotho because we are reliant on South Africa for many things, and tighter border control makes it harder for us to work, shop and engage in other activities in South Africa.

The relationship between Lesotho and South Africa is unique, due to a number of historical, geographical, social and cultural factors. One is that Lesotho is totally surrounded by South Africa. It is not just landlocked, it is 'South Africa-locked'. Naturally, this makes South Africa's presence and relative power strongly felt, and can trigger historical grievances.



When the Free State was created in the 19th century, for example, some 15 000 square kilometres of Basotho land was lost to the new republic, so when South Africa imposes border controls, there are feelings of resentment. Rather than being relaxed after democratisation, border controls introduced to address the apartheid government's security concerns have actually intensified.

There are other issues between the two countries. In 2001, for example, they set up a bilateral commission, in terms of which South Africa committed itself to help Lesotho graduate from the group of the world's least developed countries within five years. Many commentators say that very little has been done in this respect.

In Cape Town in 2007, the two countries signed an agreement to facilitate the cross-border movement of citizens of South Africa and Lesotho. Again, it is widely believed that little or nothing has been done to implement this.

Against this background, there are three main options for a way forward:

- *Lesotho could be incorporated into or annexed to South Africa as a new province.* The People's Charter Movement for Lesotho presented a petition to this effect to the High Commissioner of South Africa in Lesotho in May 2010.
- *Maintain the border status quo but increase control.* This is an expensive option that does not solve the problem of people moving from Lesotho to South Africa. It means more resources would go towards controlling the borders, but it would also lead to a lot of undocumented migration because there are other ways of crossing the borders.
- *Allow for people to move freely through open borders* between South Africa and Lesotho for work, business, residential and other purposes.

## Mesh Moeti

*Former editor of Mmegi, columnist for The Telegraph Botswana*

Unlike South Africa's other neighbours, Botswana also attracts migrants from the region and beyond. After independence in 1966, the country had a low skills base and looked to the rest of Africa and Europe for skilled professionals. These were meant to fill the gaps in technology, management, education, engineering, law and health services. Incentives included competitive salaries, subsidised housing, cars, health insurance and free education. This policy existed alongside the policy of 'localisation', which ensured that when citizens of Botswana gain the necessary qualifications, they would get jobs previously held by foreign professionals.

As more Botswana qualified, and the government followed an aggressive policy of training locals, the country's dependence on some kinds of foreign professionals diminished. However, shortages remained in vital areas, especially medicine, engineering, and chartered accountancy.

From the mid-1970s, the booming diamond mining industry changed the economy of Botswana, stimulating the growth of an indigenous private sector with its own needs for skilled labour. Skilled immigration from a range of African, Asian and European countries seemed to provide the answer.

'Border controls introduced to address the apartheid government's security concerns have actually intensified'

Appropriate identification documentation is necessary if countries are to allow foreigners to enter their territories

The most topical migration issue in Botswana today is the presence of Zimbabwean nationals. Three waves in this movement can be distinguished.

The first was driven by the liberation struggle in Zimbabwe, when political refugees brought skills that the Botswana economy needed, particularly in education. At Zimbabwe's independence in 1980, many went back home. However, about two years later, political unrest in Matabeleland prompted a second wave of political refugees. The ensuing agreement between ZANU-PF and ZAPU allowed this wave of exiles to return. The third wave in the late 1990s was a result of the political and economic crisis. This time, it was not only political activists who came, but people with a range of professions and occupations from across the country.

In response, Botswana relaxed the permit requirements for Zimbabweans for types of jobs that locals would normally not want to do, such as farm work, with the requirement that an employer had to give proof of his efforts to hire locals.

Despite the government's broadly sympathetic stance to immigrants fleeing from Zimbabwe, their arrival has caused social tensions, including resentment about the competition for jobs and markets. There is also the cost of repatriation of undocumented migrants, which is estimated at around 5 million pula annually, as well as frustration that deportation is a kind of 'revolving door'.

## Discussion

Some participants expressed concern that international crime syndicates could misuse the freer movement between some countries in the region to facilitate entry into South Africa. Points included:

- Appropriate identification documentation is necessary if countries are to allow foreigners to enter their territories. The more reliable the management systems, the greater the possibilities for freedom of movement.
- Some of South Africa's neighbours do not issue birth certificates routinely, making the identification of their own citizens difficult.
- Even if one accepts that local farmers who cross the Lesotho/South Africa border pose little threat, some Bangladeshi and Chinese criminal gangs and syndicates use Lesotho as a preferred gateway into South Africa.

These views were not accepted by all participants, some of whom thought that South Africa was exaggerating its security concerns. Others noted that South Africa did not consult adequately about its policies, especially when changes were instituted – 'take it or leave it' was one participant's description of the approach. Other comments included:

- South Africa usually assumes that freeing up cross-border movement would lead to many people arriving from the region. What is often ignored is that South Africa gains a great deal from the propensity of people in the region to spend money in the country as tourists and traders, and it should look to increase this where possible. Visitors from Southern Africa spend more than visitors from Europe and America.
- Whatever the merits of insisting on visa requirements, controlling South Africa's borders is very challenging. Very few migrants are ultimately prevented from crossing,

because 'there's always a place to cross.' In fact, even people with travel documents sometimes find border controls so cumbersome that they choose to cross at an uncontrolled point.

## Mozambique: Migration and trade

Vincent Williams

*Programme manager*

*Institute for Democracy in South Africa*

ONE OF THE most important influences on migration patterns is trade, as an examination of South Africa's relations with Mozambique makes clear.

Mozambique is South Africa's tenth largest trading partner, and the largest in Africa. Trade relations are far from equal, however. South Africa exports 14 times more to Mozambique than it imports, a pattern that holds for trade relations in the region generally.

Much statistical information and discussion about trade is concerned with formal trade that goes through official channels. However, informal trade by small-scale cross-border entrepreneurs – who typically buy in one national market and sell in another – is a significant feature of regional trade. And it is this type of trade that is most relevant to migration management.

When we look at informal trade, it becomes clear that we have not taken into account the fact that informal traders move with their goods. They don't ship them, they don't use trucks, they don't use trains; they move with their goods. So while our trade policies may allow for the goods to move, we seldom take adequate account of the fact that people move with them.

The volume of informal trade is high, and large numbers of people are involved in carrying goods across borders. In some cases, informal trade may actually exceed formal trade between particular countries. So, if we are interested in development, and if we are interested in making the region grow, we have to take into account what informal traders are doing.

South Africa has expressed a very clear commitment to the SADC Free Trade Protocol, and is one of the key drivers in moving towards economic integration. It is also one of the key drivers in the adoption of the SADC Protocol on the Facilitation of Movement of Persons. The problem is that there seems to be no connection between the two. So when we talk about trade, we need to talk about borders and migration management.

Part of the problem is that we don't really know all that much about how traders move, and when they move. What we do know, however, suggests that the majority come to South Africa once or twice a week. Most buy their wares here, sometimes from wholesalers and sometimes at retail shopping malls. They then take those goods back to their home countries, or to other countries in the region.

'While our trade policies may allow for the goods to move, we seldom take adequate account of the fact that people move with them'

'When the Immigration Act was being drafted, one of the recommendations was to set aside a multiple entry permit for traders, specifically authorising them to trade, which the visitor's permit does not do'

Other people enter South Africa to sell goods, usually handicrafts and so on. They often sell them at bus and train stations or in tourist markets, which creates problems for South Africans who claim that outsiders are taking their opportunities.

Historically, one of the weaknesses in South Africa's migration policies has been the failure to facilitate this kind of trade. Traders use the single entry visitor permit, and every time they want to come back to either buy or sell goods, they have to reapply. When the current Immigration Act was being drafted in 2002, one of the recommendations was to set aside a multiple entry permit for traders, specifically authorising them to trade, which the visitor's permit does not do. The current business permit doesn't really allow engagement in informal trade because those who enforce the laws about trading often don't see the connection between the business permit and the person who is trading. This creates the possibilities of arrest and deportation and, more importantly, extorting corrupt payments.

The core of the problem is that informal trade flows tend to be via South Africa: people buy things here and sell them elsewhere, or they come to South Africa to sell their goods. However, rather than merely focusing on the shortcomings of South African migration management, we should be trying to co-ordinate migration policies across the region to facilitate trade. One option is to build on the activities of the Southern Africa Cross-Border Traders' Association, which is recognised by SADC, and whose traders wear badges allowing them to work at ports of entry. However, a fuller and more explicit multiple entry trader permit would be preferable, allowing immigration and customs officials to work within a clear regulatory framework.

## Discussion

Points made by participants include the following:

- The diversity of SADC countries in relation to population size, and the different levels and stages of development, means that achieving economic integration is difficult. The sheer size and instability of the Democratic Republic of Congo (DRC), for example, makes it more difficult to achieve some goals for regional integration. As one participant put it, the DRC is 'the Turkey of Africa' because its presence alters the nature of the debate about free movement of people. Political and economic crises in Zimbabwe and the DRC also impact on the desirability of free movement agreements.
- Experience in the EU demonstrates the sheer scale and complexity of the tasks of economic integration, something that has to occur before the freer movement of people can be contemplated.
- Regional integration in southern Africa is complicated by the fact that numerous SADC members also belong to other regional bodies or regional integration schemes.

# Zimbabwe: Migration patterns and political strife

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Prof Daniel Makina

*University of South Africa*

**M**IGRATION FROM ZIMBABWE to South Africa has increased exponentially over the past decade. The political and economic meltdown in Zimbabwe has resulted in out-migration rising from a total of some 200 000 Zimbabweans living in South Africa in 2001 to some 2 million by the end of 2009. In less than a decade, Zimbabweans have become the largest population of migrants in South Africa.

While the real flood began in the year 2000, five overlapping phases of significant out-migration from Zimbabwe can be identified:

- In the 1960s, a substantial number of Zimbabweans went to work on South African mines.
- In the 1970s, migration was driven by the war of independence, and included both black activists and whites who left in anticipation of independence.
- In the 1980s, there was the flight of Ndebele people from political persecution in the western part of the country.
- In the 1990s, migration was triggered by hardships arising from the implementation of the World Bank/IMF economic structural adjustment programme.
- In the 2000s, mass migration was triggered by a political and economic crisis that followed state-sponsored invasion and the expropriation of commercial farms coupled with human rights abuses.

According to survey data, Zimbabwean migrants in South Africa have the following characteristics:

- 44 per cent are female – a much higher proportion than among migrants from elsewhere in the region.
- The large majority are of working age – 80 per cent are between the ages of 20 and 40.
- They are also relatively educated compared to migrants from other SADC countries: 15 per cent of all migrants in SADC have no education, but only 0,5 per cent of Zimbabwean immigrants have no education.
- The unemployment rate among Zimbabweans is lower than among South Africans.
- The profile of Zimbabweans working in South Africa is mixed, with high concentrations in the security and domestic sectors, but significant numbers in professional employment as well.

'In less than a decade, Zimbabweans have become the largest population of migrants in South Africa'

'The problem of managing undocumented Zimbabwean migrants persists, despite at least two efforts by South African authorities to resolve the issue'

Most Zimbabwean migrants are undocumented. In a survey carried out in Johannesburg in 2007, 60 per cent had no formal authority to be in the country. Of course, skilled migrants have access to work permits. Unskilled migrants, on the other hand, either apply for asylum, which allows them to work, or acquire South African identity documents fraudulently.

In 2009, visa requirements for Zimbabweans were relaxed. There were a number of reasons for this: the South African authorities wanted to curb the fraudulent acquisition of South African IDs, stem the upsurge of asylum applications, and reduce the reliance on counterproductive deportations. As a result, Zimbabweans were no longer required to apply in advance for a visa to come to South Africa; they could get a three-month visitor's visa at a port of entry. The permit allowed them to look for work in South Africa. Thereafter, with sponsorship from an employer, they could apply for a renewable work permit valid in the first instance for six months.

Most migrants have found that this permit is not really viable. In the first instance, the three-month permit is not renewable within South Africa, and a migrant must go back to Zimbabwe and stay for a minimum period of one week before returning. So for a migrant who would have secured a job it would be very expensive to get leave for the purpose of renewal.

Another problem is the casual nature of employment that is typically secured by Zimbabwean migrants. This means that they are not eligible for the six-month permit and, faced with the need to leave to renew the three-month permit, many overstay and become illegal.

Confusion about the special dispensation for undocumented migrants already working in South Africa, which also came into effect in 2009, has added to the difficulties involved in managing Zimbabweans in South Africa. Delays in issuing the permit have been due to South Africa's insistence that applicants have official Zimbabwean documents as a condition for being eligible for the visa. The problem here is Zimbabwe's inability to provide them. So the problem of managing undocumented Zimbabwean migrants persists, despite at least two efforts by South African authorities to resolve the issue by regularising their status.

In a more determined effort, as from 20 September 2010, South African authorities have begun to issue special dispensation permits valid for four years to undocumented Zimbabwean migrants. The minimum requirements for these permits are: presence in South Africa before 31 May 2010; possession of a valid Zimbabwean passport; and proof of employment in South Africa. The special permit is also offered to those migrants who surrender fraudulently acquired South Africa identity documents.

Notwithstanding the good intentions, the special dispensation has been plagued with problems. First, the Department of Home Affairs set an unrealistic deadline of 31 December 2010, after which deportations would be resumed. Second, the majority of undocumented Zimbabweans have no Zimbabwean passports and the Zimbabwe authorities do not have the resources to issue them. It is unlikely, therefore, that the special dispensation permit will solve the problem of undocumented Zimbabweans in South Africa.



## Dr James Muzondidya

*Head of policy and research  
Zimbabwe Institute, Cape Town*

The most important aspect we need to look at when we try to understand Zimbabweans' views about South Africa's migration policy is the context – that of two uneasy neighbours who have always seen each other as rivals for regional leadership. Contemporary aspects of this long-standing fractious relationship are Zimbabwean responses to outbreaks of xenophobia, and the popular view in South Africa that Zimbabweans have ruined their own country.

Both the Zimbabwean government and the Zimbabwean public believe that South African immigration policy deliberately targets Zimbabweans. There is a sense that, in the contemporary South African discourse, 'foreigner' actually means 'Zimbabwean'. So there is a feeling that the discussion about the numbers of immigrants, and the rationale for tightening immigration regulations, is really an attempt to target Zimbabweans.

Moreover, many Zimbabweans believe that Zimbabweans are singled out for unfair treatment, both at the borders and inside South Africa, and a number of developments actually give some credence to this view. One is the exclusion of Zimbabweans from border entry visas until 2009. While other SADC nationals, whether from Zambia or Malawi, were not required to apply for visas in their own countries, Zimbabweans and nationals of the DRC were required to apply for visas before they came to South Africa.

On top of that is the visa regime itself: Zimbabweans have to meet a host of special requirements, including proof of accommodation, and a minimum bank balance of R1 000. Another issue is South Africa's refusal to accept Zimbabwean emergency travel documents. South Africa knows that Zimbabwe has struggled to issue its nationals with formal passports. Yet the emergency travel documents would be rejected at the border, even as the emergency documents used by other nationals would be accepted.

South African immigration policies also create unwarranted blockages that disrupt the free movement of people and goods. This view is prevalent among business people, who feel that these policies make it very difficult for Zimbabwean business, especially at this time when the manufacturing sector has collapsed and businesses have to import almost everything from South Africa.

Against this background of suspicion and lack of trust, what are the changes Zimbabweans would like to see? Many believe immigration controls should be relaxed rather than tightened. As we heard earlier, Zimbabweans have been arriving irrespective of South African policy. So tightening the borders and the immigration laws doesn't really prevent Zimbabweans from coming here.

Another desirable change would be to relax conditions for immigration, and issue permits for longer periods. There are difficulties with the three-month visa. There are also difficulties for skilled professionals: if you are offered a permanent job or a five-year contract in South Africa, Home Affairs will often give you a work permit for only two or three years. Then it takes three to six months to get a permit in South Africa, so it means that by the time you get your permit, which is six months down the line, you are also obliged to apply for a new permit three months before the expiry of your old permit. Which means, effectively,

'Many believe that Zimbabweans are singled out for unfair treatment, both at the borders and inside South Africa'

Problems of transit lie at the heart of many of the difficult issues addressed by the workshop

that you have one year and three months to work before you have to start applying for a new work permit.

## Discussion

The discussion centred on the difficult situations which both Zimbabwean migrants and the South African government found themselves in. Immigrants were 'survival migrants' fleeing an intolerable situation, but not refugees in the sense understood by international treaties. Evidence of this was that many people who have fled Zimbabwe move freely between South Africa and Zimbabwe.

Once again, the problems surrounding the issuing of official documents arose. One participant, explaining the failure of the special dispensation, noted that it had had been agreed with Zimbabwe that it should process its citizens and provide them with documents, as it was necessary to know whether someone was genuinely Zimbabwean. It was too risky for South Africa to have arrangements with other southern African countries that would open it up to the rest of the world.

## What have we learnt?

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**A**CCORDING TO A panel tasked with summing up the workshop, the clearest issue to emerge was that problems of transit lie at the heart of many of the difficult issues addressed by the workshop.

Two factors shaping participants' responses to these issues were South Africa's security concerns on the one hand, and its neighbours' resentment at what they perceive as unfair or discriminatory aspects of South African migration management on the other. As one panel member put it: 'South Africa bears the brunt of mixed migration flows, not only from this region but East Africa and beyond, from Asia. These movements include asylum-seekers, victims of trafficking, smuggled migrants, stranded migrants and unaccompanied minors. Certainly countries in this region take issue with South Africa's policies, but they also need to know that they themselves do serve as a transit.'

In this sense, South Africa was in a position analogous to other countries that played disproportionately large roles in their regions, such as the United States (in relation to Mexico and countries in Central America), and Thailand (in relation to Myanmar, Laos and Cambodia). All these countries attract migrants from their (poorer) neighbours, and all are criticised for failing to make their economies more accessible to residents of neighbouring countries.

Some of the other points and themes identified by the panel included:

- The fact that state borders do not always coincide with ethnic and linguistic borders leads to higher levels of cross-border movement, even as border controls have lower levels of social and political legitimacy. This makes border management more difficult,

and creates opportunities for those who want to take advantage of large volumes of cross-border movement to hide the passage of contraband, as well as for unauthorised travellers.

- Unequal access and a perception of unequal treatment arise when a pair of neighbouring states have special arrangements governing the transit of people and goods while at the same time trying to avoid opening themselves up to other countries beyond their immediate neighbours. Again, this impacts on the legitimacy and, therefore, the efficacy of border management.
- Strong leadership is required for policies to be accepted by an often sceptical and even hostile public.

## Concluding remarks

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**G**IVEN THE DIVERGENT interests of sending and receiving countries, participants expressed different views about the specifics of South Africa's migration and border management regimes. However, they generally agreed that South Africa needed new policies.

South Africa's migration policy must be premised on economic and geographic realities, and must put South Africa's national interest first. This is an issue on which CDE has published numerous reports over the past 15 years, the latest being CDE Research report no. 17, *Skills, growth and borders: Managing migration in South Africa's national interest*.

While 'national interest' is difficult to define, there are certain realities that should inform our understanding of the term in the context of migration. We need an immigration policy whose principal purpose is the aggressive recruitment of skilled people. This is vital to economic development and for increasing our ability to educate and train young South Africans. In practice, this means that South Africa needs to welcome, with a minimum of conditions, any migrant with skills. Moreover, 'skills' must be defined widely to include anyone with formal tertiary qualifications from recognised institutions, as well as people with entrepreneurial ability and/or significant experience in technical work.

Matters are not so simple in relation to unskilled migrants, but CDE believes that even these types of immigrants – whether regulated or unregulated – are generally more hard-working, less risk-averse, and more entrepreneurial than their peers, and that they contribute more to the economy than is generally recognised. Completely open borders are not desirable, however. Countries need borders because the interests of their citizens differ from those of the citizens of other countries, and because unfettered access for others may well undermine the state's ability to meet the commitments it has made to its own citizens. Unfettered movement also has the potential to undermine the legitimacy of the state and exacerbate social tensions. This means that we need to manage migration carefully, and that the pros and cons of implementing any protocols on the free movement of people need to be carefully considered.

South Africa's migration policy must be premised on economic and geographic realities, and must put South Africa's national interest first

Migration and other  
cross-border flows  
are most beneficial  
when they are properly  
regulated

South Africa faces a daunting challenge in managing its borders, because, as a comparatively rich country in a poor region, it is a very attractive destination for potential migrants. In addition, the fact that strengthened economic and trade relations with our neighbours is in South Africa's interests, combined with the need to minimise the costs of cross-border trade flows, means that there will always be legitimate pressure on policy-makers to maintain as open a regime as possible. These factors, combined with the nature of our borders and the lack of capacity of our border management agencies, mean that effective border management will remain a challenge for the foreseeable future.

However, this does not imply that poor management of cross-border traffic should be tolerated. This is so because – as is widely recognised – migration and other cross-border flows are most beneficial when they are properly regulated. In this regard, the inability of some of South Africa's neighbours to issue secure travel documents appears to place significant obstacles in the path of appropriate reform. An important consequence of this – as in the case of recent attempts to regularise the presence of Zimbabweans – is that South Africa has to deal with many people who are in the country illegally largely because their home countries have not been able to provide them with the documents they need to enter the country legally. This is undesirable for all concerned.

Similarly undesirable are onerous policies and procedures which increase the costs of cross-border movement, thus encouraging would-be visitors to do so illegally. This reduces the legitimacy and effectiveness of our borders and border management policies. At the same time, those procedures that are in place must be enforced, and for similar reasons. Achieving the right balance of rigour and enforceability which does not merely induce migrants to use other means to cross the border – as one participant noted of America's policies in relation to Mexico – is another significant challenge that requires careful research and consideration.

The mechanics of border management are not the only relevant issues; policy-makers must also grapple with the political and social costs of migration. As the workshop heard, large migration flows are generally poorly received by the population of the receiving country. And, as we know from our own recent history, they can exacerbate social tensions and lead to xenophobic violence. For these reasons, our borders must be effectively managed. In addition, government at all levels, especially the local, needs to take the reality of migration into account and manage its consequences better. Finally, government must demonstrate clear leadership, so that the country's citizens feel confident that migration is reasonably and responsibly managed.

With all this in mind, CDE believes a migration policy that best serves the national interest would have rules that are clear, easily understandable, and easy to enforce. It must encourage the migration to South Africa of skilled foreigners, but all migration must be legal and properly documented.

No doubt, there are many difficulties associated with achieving this, some of which will require more research and consideration. South Africa's national interest, however, demands that policy-makers urgently look to reform, and replace present policies.





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**INTERNATIONAL ASSOCIATE**

Peter L Berger

5 Eton Road, Parktown, Johannesburg, South Africa  
P O Box 1936, Johannesburg 2000, South Africa  
Tel 27 11 482 5140 • Fax 27 11 482 5089  
info@cde.org.za • www.cde.org.za

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