

**CABINET MEETING ON
CABINET MEMORANDUM 8 OF 2003**

**STATEMENT BY
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MINISTER OF HOME AFFAIRS AND
PRESIDENT OF THE INKATHA FREEDOM PARTY**

Cape Town: May 14, 2003

During discussions of the Cabinet Committee on Governance and Administration on the Memorandum seeking Cabinet concurrence on the appointment of the members of the Immigration Advisory Board, a number of issues were raised which, having been duly considered, are hereinafter addressed as follows.

1. Minister Erwin questioned the wisdom of including my Advisor amongst those appointed to the Immigration Advisory Board on the basis of expertise and experience. There are two reasons which justify such action. The first reason is to avoid that I, as the competent Minister, receive conflicting advice from two entities equally charged by law to advise me on the same subject matter. For this very reason, it is not uncommon that advisors participate in statutory bodies which advise the Minister. I understand that the Council on Innovative Technology which advises the Minister of Science and Technology is presided over by the Minister's own advisor, Dr Roy Marcus. The second compelling reason is that my Advisor has been involved in each and every stage of the process of reform of the system of migration control and objectively has the greatest amount of experience and knowledge on its features, objectives and technical and administrative aspects of anyone I know. He has been involved in the legislative aspects, the regulatory aspects and the internal workings of the Department as well as in the litigation engaged by the Department in several aspects of migration control. It should be self evident that his nine years of expertise with our Department and his many years of prior experience would be an enormous asset to the successful development of a new system of migration control.

2. The Minister of Justice raised an issue about the geographical representativeness of those appointed to the Immigration Advisory Board, pointing out that two of its members come from the Northern Province. I have carefully selected those to be appointed on the basis of their expertise, experience and capacity to make a significant contribution to the development of a new system of migration control. Moreover, I am not at liberty to choose whomever I wish because, in terms of law, five of the nine members I may nominate may only be selected from amongst those who have been nominated by institutions of civil society pursuant to a public notice I gave in the Government Gazette. Having reviewed the nominations received and having knowledge of the people who have been involved in this field in various capacities in the past nine years, I have appointed those who can provide a significant contribution. Geographical representativeness is ensured by members of the Immigration Advisory Board who are from Durban and Cape Town. The Gauteng area has historically been particularly active in the field of the development of a new system of migration control and it is not unreasonable that those who are best qualified to make a contribution may come from there. However, looking at the overall geographical representation, it is clear that other provinces of South Africa where the issue of migration control is relevant are also represented. Finally, allowance must be made for members such as Vic Esselaar who, even though located in Johannesburg, by virtue of his field of interest in the activities of the Chamber of Mines, has vast knowledge of the phenomenon of migration in other parts of the country.

It must also be considered that appointing nine people, five of whom are from within the confined parameters of nominations received from organs of civil society, I, as the Minister, am required to ensure the representation of a broad variety of interests including labour, business, refugee affairs, education, immigration lawyers and practitioners and other relevant stakeholders. In addition, in terms of law, I need to provide for members to have specific expertise in the field of immigration law and related regulatory matters. In so doing, I need to take into account gender representation and racial representativeness. All this is to be achieved by filling only nine posts, which makes it even more difficult to factor in geographical

representativeness in respect of a subject matter which is not of equal relevance across the national territory. Nonetheless, I feel confident that geographical representativeness has been sufficiently achieved.

3. An issue has been raised that Dr Kishun represents a small academic institution. Once again, no other larger academic institution nominated anyone else and I am duty bound to choose only from amongst those who have been nominated. Dr Kishun participated in the process of migration reform since the formulation of the White Paper, giving several contributions which seem to be relevant, well-drafted and well-considered.

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