



MYTH AND DECISION IN SOUTH AFRICAN MIGRATION MANAGEMENT AND RESEARCH

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November 2004

Paper prepared for:

African Migration Alliance Workshop

10-11 March 2005
Pretoria, South Africa

**Forced Migration Working Paper Series #11
Forced Migration Studies Programme
University of the Witwatersrand
<http://migration.wits.ac.za>**

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MYTH AND DECISION IN SOUTH AFRICAN MIGRATION MANAGEMENT AND RESEARCH

Abstract

This essay explores the power of myths in shaping migration research and policy-making. It begins by arguing that policy and inquiry in all policy subject areas are framed by sets of assumptions that define research agendas and limit how organizations and individuals consider complex social realities. More than in many fields, these cognitive boundaries, together with practical difficulties and embedded sets of ethical values heighten the power of myths over scientifically collected information in shaping migration policy and research. By interrogating five myths surrounding migration in South Africa, this paper illustrates the need to question existing policy presumptions and research questions while highlighting the value of supplementing demographic and economic analyses with studies of institutional learning and policy formation.

The connection of social inquiry...with practice is intrinsic, not external. Any problem of scientific inquiry that does not grow out of actual (or 'practical') social conditions is factitious; it is arbitrary by the inquirer instead of being objectively produced and controlled.

-John Dewey 1938:499

This paper explores the power of myths in shaping the actual social conditions in which migration research and policy-making occur. As we come together to discuss existing data, critical gaps in our knowledge, and new research questions on migration in Southern Africa, we must confront an uncomfortable myth about how our research will be used: While scientific data is an essential foundation for sound academic inquiry and effective policy, there are no guarantees that our analyses will be used to those ends. Although government officials regularly commission research and cite figures in support of their pronouncements, it is more often popular perceptions, political calculations, and deeply embedded understandings of the mechanisms driving our world that inform policy. Over time—especially when institutionalised in policy—these translate into Truths that, as with religious tenets, are difficult to dislodge, no matter how compelling the evidence. These myths not only inform government policies often shape our research *problematiques*: how we frame our questions, what findings we determine are interesting, and where we dedicate scarce financial resources (Kuhn 1962; Foucault 1972). As critical observers rooted in world in which issues of migration and immigration are highly politicised—often far beyond reason—we must be constantly

aware of how taken-for-granted assumptions, political logics, and internalised or institutionalised cognitive schema shape both the production and consumption of knowledge.

The essay goes through four stages in illustrating the role of myth in shaping the consumption and production of knowledge on migration and immigration. In the first, I explore the relationship between myth and rationality in organization/political decisions making and academic inquiry. For this I primarily draw from sociological treatments of formal organizations, but also from literature on the philosophy of science and construction of academic knowledge. The second section discusses the reasons why myths and other forms of stylised ‘truths’ exert such power within discussions about migration and immigration. The penultimate section identifies five of the most significant myths that inform public attitudes, policy-making, and research on migration in Southern Africa. Although these may be empirically falsified (which I try to do), they are deeply lodged in our cognitive schema and continue to shape the parameters of the debate. I end by calling for a pragmatic approach to migration management and research on migration and immigration. Drawing from Dewey, I conclude by arguing that to be effective at improving policy—that is, improving the lives of those we research without sacrificing the rights and well-being of others—we must recognize our own cognitive limitations and develop policy prescriptions (and ultimately policies) that consider not only ideals, but the mechanisms through which knowledge is processed, consumed, and transformed into policy.

Myth and Rationality in Decision Making and Research

Although it is possible to offer something approximating a ‘right’ answer to some policy-relevant questions, even evidently technocratic question—where to build a bridge for example—are situated within value system that present problems needing to be ‘solved.’ Where to build a bridge only become important, after all, if we consider it important to foster communication between two sides of a river or ravine. As such, the political benefits from building that bridge may come more from the conflation of new physical infrastructure with notions of ‘progress’ than from any measurable economic or social payoffs.

The cognitive frames that add symbolic value to certain policy responses have important implications for the way knowledge is both produced and consumed. Kuhn’s famous *Structure of Scientific Revolutions* demonstrates how paradigms—what the post-modernists would term *problematiques*—determine what researchers identify as problems worthy of attention. Although describing the natural sciences, a field in which research agendas are relatively standardised, his insights are no less relevant for those in the human sciences. Studies of ‘development,’ for example, powerfully illustrate how hegemonic (and counter-hegemonic) discourses define a set of problems to be solved and metrics for measuring progress (cf. Escobar 1995; Leys 1996).

Discussions around migration and, especially, immigration and asylum reveal an additional set of ‘problems’ to which researchers and politicians are encouraged to respond, whether this response takes the form of endorsement or criticism. Under the current paradigm, immigration and

migration typically appear as problems to be addressed and, if possible, to be slowed or stopped. If migration is to be allowed, it is only under circumstances in which the host communities accrue benefits. Not surprisingly, this paradigm also codes migrants—especially low or moderately skilled immigrants from poor countries—as ‘threats’ to existing economic, political, and social programmes. It also draws our attention away from the artificiality of borders, networks of ethical obligations, or the human costs of ever more restrictive border controls. That the language and policy that characterise Southern African responses to migration and immigration so evidently echo those in Europe, Australia, and North America despite the obvious differences in contexts, illustrates the power of discourse in shaping policy frames.

As researchers, it is our responsibility to recognize the parameters of these paradigms and be aware of how they shape our research questions and, subsequently, our findings. Where these frames prevent the formation of sound policy (that which promotes the rights and welfare of all who are affected), it is our responsibility to challenge them. Doing so not only requires a high degree of self-awareness, but may also mean alienating ourselves from crucial public funding for research in carefully defined issue areas.

Perhaps more significantly, attempts to work beyond dominant paradigms (or to actively subvert them) risks making our analyses effectively unintelligible to policy-makers. Public and private organizations are established with specific mandates that include collecting and processing particular forms of information, be it economic indicators, epidemiological projections, or meteorological readings. Specialised training and professional socialization further restrict decision-makers’ cognitive frames so that they “often cannot even conceive of appropriate alternatives (Powell and DiMaggio 1991:11). Rather than use ‘radical’ analyses to question the principles underlying policy, public organizations are far more likely to ‘muddle through,’ to make minor adjustments in the face of failed policy in ways that leave fundamental organization structures and imperatives in tact (see Lindbloom 1959; Haas 1990:3; Crozier 1967: 187; Argyris 1982). For researchers this means we must learn the language of policy while recognizing the cognitive, political, and bureaucratic limits confronting policy-makers as they move towards a decision.

We must also be aware of how technical and political issues limit policy-makers’ ability to collect and process data. An organization or agency’s relationship to other actors in its operational field, for example, critically influences the information it can collect, the political priorities to which it is dedicated, and the range of policy responses considered ‘legitimate’ (cf. Pfeffer and Salancik 1978; Scott and Meyer 1991). There are also significant limitations on organizations’ ability to process the information they do collect. Simon’s (1957) work on ‘bounded rationality’ suggests a tendency for decision makers to simply accept the first plausible or acceptable solution rather than carefully considering the full range of alternatives and their likely outcomes, a process he terms ‘satisficing’. Cohen, March, and Olsen (1972) build on Simon’s insights with their ‘garbage can’ theory of decision-making in which organizations are portrayed as a collection of concerns looking

for situations in which they might be aired, solutions looking for issues to which they might be the attached, and “decision makers looking for work.” As a consequence, policy prescriptions and problems flow into organizations and get attached due to some combination of chance and calculation, although the rationalities involved may privilege outcomes other than those included in formal organizational mandates. Indeed, studies of organizations and political change, routinely findings organizations acting in ways that do not appear ‘rational’, even when there is adequate information to make informed choices; those who collect data and commission research often do so to lend legitimacy to their recommendations while their prescription show no sign of the analyses that ostensibly shaped them (see DiMaggio’s 1991:3; Feldman and March 1981).

The Power of Migration Myths

In no policy arena does scientific inquiry dominate values or political priorities. There are at least three primary reasons why cognitive limitations, bounded rationality, and efforts to achieve political legitimacy are particularly likely to trump carefully informed analysis in policy discussions and research surrounding migration, immigration, and asylum:

- *Information is scarce and practically difficult to collect.* Deeply held beliefs often remain steadfast even when confronted with the most scientifically compelling, empirical counter-evidence. Armed with patchy or irregularly collected data, the chances for effectively challenging policy presumptions are almost nil. Although South Africa’s shortage of trained demographers and ‘migration specialists’ is partially to blame, the region’s dynamic communities together with its extended, highly porous borders make it all but impossible to conduct accurate surveillance of movements across them. That the people making these journeys often have compelling reasons for remaining bureaucratically invisible (e.g., to avoid deportation, harassment or discrimination) only heightens the challenge. Domestic migrants have fewer reasons to hide, but also do not cross already established surveillance sites: borders and immigration check points. The variety and variability in the types and causes of migration only make it more difficult to develop accurate projections or appropriate monitoring mechanisms.

The challenges are not only limited to monitoring. An effective means of tracking and projecting migration patterns would not only mean counting those on the move, but coding those movements (e.g., circular, seasonal, permanent, transit) and finding means to predict seasonal price fluctuations for labour and agricultural commodities, droughts, famines, wars, and other changes in broader economic and social conditions. Even if resources were available for this, the number of variables it would include would always limit its reliability and predictive power. At most, one might hope for a tracking of generalised trends with

limited predictive power. In environments in which ‘hard’ information is absent, difficult to collect, or carefully managed by public (or private agencies), rumour, paranoia, and political pronouncements often take the place of carefully established and verified causal explanations. Indeed, without empirically, socially and politically derived hypotheses are the only bases available for policy formulation.

- *Accurate information in immigration and migration is not easily processed through standardised bureaucratic or political channels.* Many of the same reasons that make it difficult to collect and analyse information on migration—its unpredictability, its multiple causes and effects, the desire of those moving to remain invisible—make it tricky for government planners to develop empirically informed policy responses. Scott’s (1992) work on ‘rational’ organizations—a category that includes most government bureaucracies—are built on systems for regularly evaluating information and considering the consequences of various responses. Although few bureaucracies approximate this model in practice, but rather ‘muddle through’ (Lindbloom 1959), they are designed in ways that intentionally filter out ‘noise’: inconvenient or irregular information. The more irregular the information required for making sense of the outside world, the more ‘bounded’ their rationality will become.

The design of most public organisations means that even if we were able to overcome the practical problems of data collection and analysis, it is unlikely to governments would respond effectively. Budgetary cycles, for one, make it difficult to plan for populations that ‘might’ arrive (or disappear). Perhaps more critically, the need for politicians’ to show short-term gains and policy responses make it unlikely that they will dedicate resources when ‘crises’ are so uncertain or may only be critical issues for their successors. Governments’ reluctance to build natural disaster response mechanisms illustrates the reluctance to plan for contingencies. In the case of international migration, the fact that those most directly affected may be non-citizens (i.e., non-voters) makes such responses even less likely as do the frail administrative structures throughout the region.

- *Migration—both domestic and international— threatens deeply held values linking spatial origins with rights and identities.* Governments dedicate themselves to managing people and processes within a carefully defined geographic space: villages, municipalities, districts, provinces, or even countries. Such delimitations of authority and responsibility are not only administrative, but are linked to more fundamental definitions of community. This is most obvious at the national level, where the politico-administrative distinction of citizenship reflects membership in a nation; a quasi-fictional national community claiming almost exclusive rights to the country’s territory and resources (cf. Arendt 1958; Agnew 1999;

Malkki 1992). Inasmuch as these boundaries are naturalised or taken for granted, few will question the legitimacy of denying non-citizens/non-nationals the same rights to residence, employment, and social services. Even without the legal distinctions citizenship levy, similar patterns of inclusion and exclusion are common sub-nationally, especially in countries with pronounced, geographically defined ethnic and/or political divisions.

Under such circumstances, even the formal right to movement may be trumped by exclusionary social responses to those seen as challenging communities' claims to space and resources. While these sociological and legal divisions are malleable, a softening of boundaries is less likely in contexts of resource scarcity and political competition, traits that characterise much of the region. Under such conditions, people almost inevitably 'code' and label those from outside their communities/countries as threats (to prosperity, security, or sovereignty), scientific inquiry is almost powerless to shape policy. The ease with which migrants (both domestic and international) can become an excuse for political failings makes it all the *less* likely that politicians will support even the most well-informed policy prescriptions if they facilitate movement, provide migrants with critical social services, or promote economic and political integration.

Southern African Migration Myths

Under the best of circumstances, policy-makers and researchers only 'see' that which they deem relevant or important. A history of tight regulation over human movement and myths about the scope, nature, and potential impacts of migration and immigration have given rise to a series of 'derived imperatives:' operational ideals which are perceived necessary for the maintenance of sovereignty and the achievement of post-Apartheid South Africa's economic and social priorities.¹ These priorities not only influence policy—although this is where their effects are most visible—but also help define our *problematiques*, the questions and parameters for migration-related research. The power to shape research questions and concerns not only comes from the government's ability to dedicate funds and personnel, but also by lending legitimacy to those forms of inquiry it deems 'useful.' The following paragraphs identify five key myths surrounding migration and briefly discuss their effects on both policy and, to a lesser degree, research.

Myth One: The Deluge

Many South Africans fear that the country is being over-run by foreign migrants: immigrants, refugees, and asylum seekers. The Human Science Research Council's (HSRC) alarmist figures citing

¹ See Selznick (1948) for a discussion of how the preservation of standard operating procedures can be transformed into key components of an organizations' primary mandate.

between 2.5 million and 4 million *illegal* immigrants continue, despite the council's formal retraction, to shape how people understand the magnitude of international migration (Crush and Williams, 2001). That the HSRC figures remained on the Department of Home Affairs (DHA) website throughout Buthelezi's term as Minister. More recently, DHA officials have begun citing figures of between 7-8 million non-nationals in the country. The wide and uncritical acceptance of such outrageous estimates is undoubtedly linked to xenophobic statements from officials, like this one from former Defence Minister, Joe Modise (in Human Rights Watch 1998:124):

As for crime, the army is helping the police get rid of crime and violence in the country. However, what can we do? We have one million illegal immigrants in our country who commit crimes and who are mistaken by some people for South African citizens. That is the real problem.

Broader patterns of political scapegoating serve to disguise and draw attention from the demographic shifts that are taking place, and the challenges they raise. Recent accusations that Gauteng's schools were being over-run by foreigners, for example, ignores the fact that most of the pressure on city schools comes not from foreigners, but rather from high rates of domestic migration (cf. South African Cities Network. 2004). Regardless of the facts, a 1998 survey conducted by the Southern African Migration Project (SAMP) revealed that 87% of South Africans believed that the country was letting in too many foreigners (cited in Segale 2004: 50). In the Wits University survey in Johannesburg, almost two thirds of South African respondents (64.8%) not only supported tighter immigration restrictions, but also thought it would be a good thing if most of the refugees and immigrants left the country (Landau and Jacobsen 2004).

While South Africa's economic liberalization and regional integration have added new dimensions to the region's long-standing patterns of labour migration (cf. Rogerson 1995), the figures must be kept in perspective. The most recent census (2001), for example, indicates that there were 345,161 non-South African Africans in the country. This is certainly an undercount and other estimates put the total number of foreign migrants between 500,000-850,000 (Crush and Williams 2001)). These are significant, but by no means overwhelming figures and pale compared with the numbers commonly cited by South Africans and government officials. Similarly, widely touted, figures of 2-3 million Zimbabweans in the country are simply implausible (2-3 million represents more than 20% of that country's population). Even in those urban neighbourhoods most affected by immigration, only one quarter of the population (at most) is foreign born (Leggett 2003). This represents a sizable increase over a decade ago, but hardly compares with cities like Toronto, Canada, where over 40% of the *total* population is foreign born. It is, however, perceptions and not carefully considered estimates, that shape policy.

The fear that South Africa is facing a refugee-invasion has certainly fed Department of Home Affairs officials' assumptions that any factor improving asylum seekers and refugees' lives will

heighten the numbers of people flooding across the borders. Although there may be some logic to these assertions, such attractions will likely result in a slightly stronger trickle, rather than the feared Tsunami. At present, the total number of refugees and asylum seekers is only about 150,000, in a country of almost 45 million people, that is a tiny number, especially compared to the hundreds of thousands hosted by countries like Kenya and Tanzania. Even so, continued fears of a mass influx underlie recent discussions about establishing restrictions on asylum seekers' freedom of movement and rights to work and study. Indeed, despite court cases determining that limitations on employment were unconstitutional, the Johannesburg Refugee Reception Office continues to issue such prohibitions. That policy makers would consider expanding a facility like Lindela to hold modest numbers of asylum seekers not only represents a violation of the 1998 Refugees Act (which says such centres are only justified in terms of 'mass influx') but also speaks to the how fear, myth, and political calculation—not facts—is driving policy.

Myth Two: Foreigners are Needy Public Wards

Many South Africans in and out of government believe that non-nationals present such serious burdens to the country's social services that they threaten South Africans' livelihoods and socio-economic rights. In his first speech to parliament following his appointment as the Minister of Home Affairs, Mangosuthu Buthelezi reflected (and helped frame) such beliefs in proclaiming that:

If we as South Africans are going to compete for scarce resources with millions of aliens who are pouring into South Africa, then we can bid goodbye to our Reconstruction and Development Programme.

He went on to argue that:

The employment of illegal immigrants is unpatriotic because it deprives South Africans of jobs and that the rising level of immigrants has awesome implications for the RDP as they will be absorbing unacceptable proportions of housing subsidies and adding to the difficulties we will be experiencing in health care (in Reitzes 1994:8).

Such sentiments are also reflected at the local level. In his 'State of the City 2004' address, for example, Johannesburg's Executive Mayor reflected widespread sentiment in arguing that:

In keeping with the international trend of growing migration, our city has become a magnet for people from other provinces, the African continent and indeed the four corners of the world. While migrancy contributes to the rich tapestry of the cosmopolitan city, it also places a severe strain on employment levels, housing and public services.

In a country in which some estimate that over 40% of the population is unemployed, it is almost inevitable that there will be resentment against any group that may potentially fill jobs or push down the price of labour. That many non-nationals are, in fact, better trained, more experienced, and willing

to work for lower wages than the South Africans with whom they compete, provides some empirical justification for such sentiments (see below).

Although mine and agricultural labour imported through formal guest worker schemes have disempowered South African workers and unions, new immigration patterns appear to be increasing job opportunities for South Africans. Wits University research in inner-city Johannesburg, for example, found that non-South Africans were far more likely to have hired someone to work for them in the past year than the South Africans amongst whom they lived. While just 20% of South Africans report having paid someone to do work for them, 34% of migrants surveyed had. Even more significantly, more than two-thirds (67%) of those hired by migrants were South Africans. Hunter and Skinner's (2003) work in Durban also identifies a positive economic impact from immigration and the city government has adopted policies that allow non-nationals to apply for street-trading permits. Internationally, there is evidence that immigration provides a net-benefit to national economies, although there will always be some groups are likely to face negative consequences (cf. Simon 1995; Smith 1997). Lifting restrictions on employment, credit, and investment be lifted, would almost certainly enhance non-nationals' overall economic contributions.

There is also little evidence behind claims that non-nationals represent a significant drain on the state's financial resources. Summarising work done in South Africa and elsewhere, Meintjies (1998:20) reports that:

Immigrants are, in fact, net contributors, not parasites. Immigrants are, on average, healthier, more energetic and better educated than people in the host population. Consequently, they draw comparatively less on social welfare and other social services. Many pay tax and, through their entrepreneurship, make a positive injection into local economic development.

This is not to deny that the presence of additional people—whatever their origins—can burden public services. However, given the relatively small number of immigrants using these services—and their ability to contribute economically—it makes little sense to single them out as a primary cost to government or a threat to South Africans' economic prospects. That so many foreign nationals who are eligible for services—are denied access, further limits their impact and demands we look elsewhere to explain cost overruns and service delivery problems. As the recent state of the cities report suggests, many of the country's municipal governments are struggling to manage burgeoning populations, but most of those coming to the cities are South Africans. If anyone is overwhelming local capacity and budgets, it is the South Africans themselves.

Myth Three: South Africa's Ethical and Legal Responsibilities Extend Only to its Citizens

As described above, immigration is often framed in zero-terms, where every immigrant with a job has 'stolen' it from a South African. This dichotomising of foreigners and citizens emerge from a more

fundamental belief that the South African government (and South Africans generally) have no obligation to promote the rights or welfare of non-citizens until they have overcome the inequalities and injustices left behind by the apartheid regime. Without denying South Africa's responsibilities to its citizens—and ignoring momentarily that immigration may promote economic growth and job creation—there are compelling ethical and legal reasons why the South Africa's obligations extend beyond its own citizens.

Most obviously, the logic that justifies South Africa's ambitious efforts to right past wrongs also applies, if not to the same degree, to citizens of many neighbouring countries. Apartheid South Africa not only systematically exploited its neighbours' economic resources (often through migrant labour), but by sponsoring wars in Mozambique, Namibia, Angola, and Rhodesia it both indirectly killed hundreds of thousands of people and undermined those countries' domestic economies. The results of South African backed violence are still visible in the region's minefields and limping economies. That so many of the region's country's put themselves at risk by supporting exiled ANC members and providing support and space for the MK further extends South Africa's debts to non-nationals from the region.

More recent policy priorities and practices also indicate a promise of cosmopolitanism that extends South Africa's obligations to non-citizens. Indeed, to ensure that no one in the country would again be excluded based on race, religion, class, or background, the Constitution's preamble proudly promises that, "South Africa belongs to all who live in it" with no explicit reference to place of birth or immigration status. South Africa's inclusive cosmopolitanism again surfaces in the 'New Partnership for African Development' (NEPAD), support for the fledgling African Union (AU), and claims to be stirring an 'African Renaissance.' Sub-nationally, the language of urban development and regeneration strategies explicitly reflect further cosmopolitan aspirations. Cape Town, for example, has positioned itself as a major centre for European, American, and African tourism. Johannesburg, the country's economic and cultural hub, is no less modest with its ambition to become a 'world class, African city.'² It appears, however, as though many aspire to 'world class, African cities' without many of the Africans. There is certainly some ethical inconsistency in policies that promote South Africans investing and profiting from neighbouring countries without extending some obligation to those from whom it benefits.

Should ethical arguments fail to persuade, the country's extensive rights-based legal framework also levy obligations, however minimal, on the South Africa state to protect the rights of non-nationals. Particularly relevant for current purposes are its accession to the 1951 United Nations Refugee Convention, the African Union (1969) Refugee Convention, the Convention on the Rights of the Child, and the International Covenant of Civil and Political Rights (ICCPR). Tellingly, however,

² In a press conference held on 2 April 2001, Johannesburg City Manager Pascal Moloï reiterated pledges made in the Joburg 2010 policy agenda: "Determination is absolutely critical if Johannesburg wants to be a world class African city by 2010". In Hamnca 2001.

South Africa has yet to sign any of the International Labour Organization provisions regarding the rights of migrant workers, although existing legislation does provide minimal, yet significant, protections to foreigners in the country regardless of their legal status.³

Myth Four: Immigration Can Be Stopped

South African immigration policy is founded on a misplaced faith in governments' ability to prevent cross-border movements. The focus on identity documents, detention, and deportation is illustrative of this as is the need for asylum seekers and refugees to report regularly to designated offices. Due in part to this belief, recent discussions about harmonising regional instruments have tended to shy away from facilitating movements, but rather put forward new measures to control them. These include, *inter alia*, proposals to create asylum seeker camps and a computerised data base listing all people crossing borders, refugees and asylum seekers entering the region so that individuals may be traced and prevented from 'asylum shopping' or undertaking irregular movements beyond state regulation. Apart from the ethical problems with such propositions, there are few reasons to believe that South Africa (or its neighbours) could track such movements when so many South Africans—who have few incentives to hide from the state's eyes—continue to live without identity documents and effectively outside of state regulation.

There is a need to recognize that lack of capacity and the country's extended porous borders make it effectively impossible to stop people from crossing into South Africa's national territory. Even high walls, armed guards, electric fences, sophisticated surveillance equipment and the full power of the US government's *Department of Homeland Security* have been unable to prevent people from crossing the Mexico-US border. What such efforts have done, however, is greatly increase the number of deaths amongst people trying to do so. South Africa is not likely to be any more successful in its efforts, to say nothing of the endemic corruption and administrative irregularities that characterise many of the country's formal border posts. In practice, any one with even modest resources can cross borders with relative ease, although the illegality of doing so opens the possibility of considerable abuse and exploitation. The fact that local police are often unable to distinguish migrants from locals—or can not do so based on documents—means that there are also no easy, rights-based means of controlling people once they have entered the country.

³ The South African Human Rights Commission (1997) argues, for instance, that under the ICCPR, even undocumented migrants (i.e., not refugees, asylum seekers, or legal migrants) have rights against arbitrary arrest or detention (s5); the right to be treated with humanity and with respect (s9); the right to equality before the courts and tribunals (s10); the right to be recognised everywhere as a person before the law (s14); and the right against arbitrary deportation (s16). Those in the country legally are afforded even greater protection.

Although impracticable, the ethos of control without capacity has critical, negative consequences in at least two areas of great concern.

Labour Market and Investment

- South Africa has a gaping skills gap that the South African government now hopes to fill by spending millions of Rands on skills training. While policy and law recognize that South Africa must recruit highly skilled labour, few seek to capitalise on the economic potential of those already in the country or who are likely to come in the near future.
- Criminalising migrants has driven processes of informalisation and illegality. Rather than protecting the rights and livelihoods of citizens, immigration policy has *de facto* promoted the illegal hiring of non-nationals in ways that continue to undermine the unions and suppress the wages paid to all workers. Moreover, by encouraging non-nationals (and those who hire them) to work in the informal sector or shadow economy, the government deprives itself of an important source of revenue.

Rule of Law

The criminalization of non-nationals has opened space for police corruption and illegality. By targeting non-nationals, police are able to meet periodic arrest targets. Moreover, because they are denied access to almost all formal banking service, poor immigrants must either stash cash in their residences or carry it on their bodies. Combined with their tenuous legal status, (often) poor documentation, and tendency to trade on the street (hawking or informal business), some police officers have come to see foreigners as ‘mobile-ATMs’. In the words of one Eritrean living in Johannesburg, “as foreign students we are not required to pay taxes to the government. But when we walk down these streets, we pay.”

Those arrested for immigration offences—or otherwise determined to be *persona non grata*—enter a privatized realm of law enforcement existing largely outside of government regulation and public scrutiny. Escape from this world either requires an outside advocate prepared to offer time and energy or money to pay the requisite bribes.⁴ Without an external champion or money pay bribes, many simply disappear or are remanded to Lindela Repatriation Centre, a privately run detention and deportation facility located on the outskirts of Johannesburg. Although privately owned and administered by the Dyambu Trust, an organization set up by members of the ruling party’s women’s league in 1996, it is under the administered authority of and is funded by the Department of Home Affairs. When it was started, the facility could hold between 1200 and 1800 people awaiting repatriation. Capacity has since been expanded to hold many more. Reports of sexual abuse, violence, and bribery within Lindela are common while extortion is a normal part of journeys to and from the centre (Harris 2001). There is also evidence that Lindela’s operators unduly extend inmates’ stay, even after friends or relatives have produced proper documentation, in order to maximise the R

⁴ Non-nationals report that each of Johannesburg’s police stations has its own price and can draw out a rate schedule for what one must pay to be released from them.

50/night (\$8) they receive from the government for every person they house.⁵ Indeed, according to the Joint Budget Committee, the cost of running the centre is R52 million annually.

Those who serve out their term in Lindela—including some with legal status to remain in the country and the occasional South African—are loaded onto trains that make twice weekly trips from Johannesburg to the border with Zimbabwe or Mozambique. Those claiming more distant origins are returned, albeit less frequently, by airplane. In one of this exceptional world's most Kafkaesque twists, there are reports that detainees are even required to pay for deportations; which they do to escape Lindela (Human Rights Watch 1998:59).⁶ Despite its expense and the fact that many of the deportations take place without mandatory hearings, deportations show no sign of abating: The Department of Home Affairs' Annual Report for 2004 indicates that 167, 137 non-citizens were 'removed', up from 135,870 just two years before. Of these, over 81,000 were from Mozambique and another 72,000 from Zimbabwe. As a point of comparison, only 17,000 Zimbabweans were deported in all of 2001 (Innocenti 2004).

The extra-legal patterns of policing, detention, and deportation authorised under the state of exception are widely popular (at least among South Africans who are not arrested), but they have been largely ineffective at establishing order or security if only because anti-immigrant targeting has distracted police from more significant sources of crime (cf. Palmary 2002; Leggett 2003; Harris 2001). Despite their political symbolism, these measures' general inability to improve security has lead citizens to simply accept criminal activity or seek alternative means to manage crime. As in Tanzania, this means turning to forms of law enforcement that exist largely outside of State regulation and, often quite proudly, employ extra-legal forms of coercion to fulfil their mission.⁷ A new fixation on stopping trafficking and other forms of 'irregular' migration may, however laudable, only foster further abuse. While extra-legal patterns of policing, detention, and deportation authorised by the state are popular, they are generally ineffective at establishing order or security.

Bluntly stated, the quest for control has given rise to policing strategies that, although targeted at non-nationals, threaten the security and rights of South African citizens. Targeting foreigners for petty offences may boost the police's popularity and profits, but leaves the true sources of crime untouched because, as others have highlighted, most crime in South Africa is committed by South Africans. Similarly, the corruption surrounding Lindela and the deportation process does little to protect the country from those who wish to commit criminal acts. Rather, it simply leads to rights

⁵ Under South African law, a person can be legally detained within the facility for a maximum of 30 days without an additional court order. In mid-2004, detainees were kept in Lindela for 39 days on average, with many being held for months without an additional court order (SAPA 2004).

⁶ "When people want to go home, they don't let you be deported until you pay them money. Home Affairs wants you to pay 100 to 400 Rands, whatever you've got. Otherwise, you just stay here [in detention]. They let people go without ID, just give them some money" (Human Rights Watch 1998:59).

⁷ One of the most organized of these is *Mapogo a Mathamaga*, a national investigation and 'goods recovery' company that works largely outside the law, but regularly draws on police information and muscle (van Schalwyk 2003).

abuses and networks of corruption. Moreover, once established, those benefiting from corruption or irregular will resist reform and may ultimately spread their influence into yet unaffected institutions and spaces. Recent scandals around non-nationals illegal marriages to South Africans are illustrative in this regard. The focus on control has also infiltrated the research community. Our fixation on counting and identifying flows stems in part from a belief that doing so could help regulate and structure people's movements. Unfortunately, migrant flows tend to conform to something approximating the Heisenberg 'uncertainty principle' in which the very act of counting, monitoring, and (later) regulating will change the nature of that which is being studied.

Myth Five: Migration Policy is Only a Concern National Governments

In describing the character of the nation-state system, Hannah Arendt (1958:279) writes "sovereignty is nowhere more absolute than in matters of 'emigration, naturalization, nationality, and exclusion.'" Indeed, there continues to be a widespread belief that, as an issue of state sovereignty and international relations, migration policy should only be formulated and implemented by national government departments. This is less evident *vis a vis* domestic migration, although here too there has been a failure to understand the institutional responsibilities for managing or addressing patterns of human mobility. There are two reasons for questioning this assumption:

- *Because immigration necessarily affects two or more sovereign states, regional migration instruments are needed to manage these movements.* While the South African government actively promotes regional integration through foreign direct investment and highly skilled labour, there has been little effort to facilitate the movements or protect the rights of low or moderately skilled migrants; a group that accounts for most of those crossing the region's international boundaries. There are a growing number of bilateral agreements, but in South Africa (as in Botswana, and Namibia), legislation differentiates and discriminates against unskilled workers.
- As political decentralization and devolution continues, migration management will, *de facto*, be transferred to local governments who are already charged with overseeing and spear-heading the development of their communities. Although there are examples of cooperation among government officials across the range of departments and levels (e.g., inter-ministerial committees, links between the army and the police), responsibility for the immigration and asylum regime remains a matter almost fully within the bailiwick of the national government. In a country in which Provincial and Local governments are assigned impressive authorities and duties, their exclusion is particularly notable. To the extent that any part of the government is responsible for ensuring human or socio-economic rights, local government also bears a burden. Citizenship and asylum laws must

remain national, there is need to include sub-national actors, and their priorities, in formulating and implementing an effective immigration and asylum regime.

Cities must also be increasingly involved in managing domestic migration. Johannesburg, for example, saw 364,792 new internal migrants between 1996 and 2001, meaning that 11.3% of its total population had come to the city in the previous five years. These add to circular migration patterns established under grand-apartheid. Developing effective policy responses to these existing social patterns is critical to achieving local government objectives. As scholars, our focus on policy and responses must also include an examination of localised effects within a national and regional context. Unfortunately, most of our attention remains firmly focused on national and regional migratory patterns and reactions.

Conclusion: A Call for Pragmatism and Learning in Migration Policy and Advocacy

There is undoubtedly a need to enhance and elaborate academic and policy debates about the nature, scope, and responses to migration and immigration in Southern Africa. We must, however, be wary of cognitive and institutional parameters already in place as we develop research agendas and consider policy responses. To do anything more than further existing lines of inquiry or promote institutional adaptation (rather than learning), scholars must identify the social and political arrangements that buttress the existing policy and research regime. Simply producing new data is not enough, we must also consider what is motivating the creation of myths, their propagation, and their maintenance. There is also a need for us to present information in ways that are legible to institutions—private, public; academic or activist—but do not simply confirm that which they already ‘know’. As a corollary to these priorities, there are good reasons to move beyond simply generating empirical information about migration—although this is certainly critical—and include efforts to trace how that data is produced and used.

The implications for policy are no less ambitious or easily achieved. Rather than ending with specific suggestions—that will ultimately be a job for politicians, not political scientists—I wish only to rehearse a number of the points that I believe should be included in any consideration of migration policy:

- *Carefully learn from other regions.* Southern African governments and regional bodies must not borrow laws and regulations *in toto* nor seek to legitimize repressive policies simply because they have been enacted elsewhere. Rather, they must recognise the specific contexts in which they operate, their own regulatory capacities, and the potential by-products of any intervention;
- *Work towards mechanisms for objective tracking of migration trends while recognising the limitations of such measures.* Accepting that migration and immigration will continue—and that such movements can make important contributions to the regional

economy—means shifting from a control *ethos* to one focused on managing and facilitating regional migration. The first step in doing this is developing an accurate understanding of migration flows and their potential social, economic, and political effects. Rather than relying on politicians and methodologically flawed studies to generate estimates of migration and its impacts, efforts must be made to develop objective population scientists that can collect longitudinal and comparative data throughout the region.

- *Incorporate local governments into migration management.* To make migration a developmental rather than a policing issue means expanding the locus of responsibility beyond national government agencies and departments. City governments in South Africa are, *de facto*, already addressing the effects of migration. They should be supported in their efforts and encouraged to consider migration-related policies that contribute to, rather than undermine, local, national, and regional priorities. This applies equally to scholars who, if they are to be useful, must understand how responsibilities and effects are distributed across the various spheres of government.
- *Reconsider citizenship and residency laws.* There is currently little public or political support for Eurozone-type rights of unrestricted movement or regional citizenship. Recognizing, however, that these movements are taking place—and that many people spend the majority of their working lives in countries in which they are not citizens—suggests the need to rethink the terms under which people access social services, participate in decision-making, and protect their rights.

While the South African Government and other members of SADC and NEPAD speak of halting “the marginalisation of Africa in the globalisation process and enhance its full and beneficial integration into the global economy,” these efforts are not currently supported by the legal mechanisms needed to manage migration: a form of integration that is already taking place largely outside the realm of official policy and regulation. I hope that through consideration of these recommendations— suggestions that are more pragmatic than political—the South African government, together with the research community, can help to build a country and a regional community that respects the rights of citizens and non-citizens in ways that promote their health, wealth, and security. Montesquieu’s suggestion that “At the dawning of a new politics, politicians make institutions. After this, institutions make politicians,” applies equally to bureaucrats and researchers. We are now at a point in time where we can still, through critical research, help to make institutions that can see and learn. To miss this chance means surrendering to routines and regimes that may ultimately serve no one.

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