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Migration Governance in South Africa

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Abstract:

The emerging global migration governance architecture is very different from the formal multilateralism of the post-1945 era that influenced the evolution of transboundary issues of trade, the environment, and finance. States have recognised that they cannot address the challenge of migration without international cooperation. Consequently, multiple institutions co-exist across the bilateral, regional, inter-regional, and multilateral levels, through both formal and informal structures. Proponents of a 'management' approach to global migration governance, primarily countries in the Global North, have preferred to keep intergovernmental discussions regarding migration outside of the United Nations (UN) in various state-led fora in different regional and global settings. Equally, countries in the Global South, along with normative organizations such as ILO, OHCHR, and IOM, have sought to further a rights-based approach to the governance of migration within the UN. IOM's recommendation that has been faulted by academia for being biased: International migration in countries in the Global South, including South Africa, is that migration management frameworks should be anchored in sound policies and underpinned by enabling legal frameworks and implementation strategies that have the support of all stakeholders and devoid of these symptoms of a lack of coordination, coherence and cooperation. The academic critique fails to appreciate that public administration has many lenses that are not in public domains. This paper is explanatory research that is built on exploratory and descriptive research types. It goes further to determine causes and reasons, extend the theory or principles, and provide evidence to support or refute explanations or predictions. The research philosophy of this paper is pragmatism underpinned by the nature of reality, the nature of knowledge of migration governance and the role of values of the researcher. It reviewed relevant literature to the paper, applicable policies, laws, discourses, and practices following a qualitative method with reflexive and critical comparison approach combining broad, multidisciplinary literature review; evaluating of promotion, application, and treaty review of international standards; the direct participation in policy processes in two Regional Economic Communities in Africa: EAC and IGAD. The relevant literature reviewed are publications on migration, migration management, migration governance, migration development, border management, national security, human rights, international relations, social protection, international labour and skills mobility, development, and related themes. This paper adopted the model of migration that draws upon recent developments in migration theory: the Model Mechanisms that Produce Migration. MMPM does away with the notion of root causes; the notion of 'root causes' originated in the European policy debates about conflict-driven displacement. The attempts to tackle root causes centred on humanitarian action to prevent violence, end human rights abuses, and facilitate peace-building. This flawed preventative logic was transferred to economically motivated migration with the assumption that migration can be stemmed by alleviating poverty and creating jobs. The knowledge growth about the mixed nature of migration flows and migration motivations has been recognized by governments and international agencies and is broadly applicable across different categories of migrants, including refugees. The Model is built around three steps. Migration governance in South Africa remains a complex and challenging issue, requiring a comprehensive, coordinated, and integrated approach from the government and other stakeholders described as a whole-of-society and government approach and partnership. Adequate State funding and stakeholders' participation in the implementation of the South Africa White Paper on International Migration has the potential to address many of the challenges associated with migration governance in the country and the SADC region effectively and sustainably.

Keywords: Global migration governance, international organisations, multilateralism, United Nations, African Union, South Africa, SADC, regional integration

1. Introduction

1.1. Background of Migration Governance in South Africa

Migration governance poses a multi-faceted and intricate challenge in South Africa, as articulated in The Constitution of The Republic of South Africa (1996:7). The nation's prolonged migration history, as documented by Nshimbi and Moyo (2017), has established South Africa as a focal point for migrants and refugees from diverse regions,

driven by aspirations for improved economic prospects, education, and refuge from political instability, conflict, and environmental crises in their countries of origin. However, this influx has engendered a spectrum of social and economic quandaries, straining public services, escalating crime rates and xenophobia. The imperative for elucidating South Africa's migration governance is underscored by legislative frameworks such as the Immigration Act (2002) and the directives of the Department of Home Affairs (2017).

Migration Governance is a combination of two terms: migration and governance. The definition of migration is generally accepted. However, the term 'governance' does not have a settled definition; it is thought to have at least three meanings; for the purpose of this paper, first, we chose governance as a synonym for public administration (good governance) (Fukuyama, 2016: 2). The definition is relevant to the theme of the book. Second, the meaning of governance is international cooperation through non-sovereign bodies outside the state system (international governance) and third, the meaning of governance is the regulation of social behavior through networks and other nonhierarchical mechanisms (governing without government) (*ibid.*, 2016: 2). This paper omits consideration of the latter two definitions, as their nuanced implications, though not inherently contradictory, fall outside the paper's scope. Such considerations may find resonance in studies by Betts & Kainz (2017) on global migration governance history and by Lebon-McGregor (2020) exploring challenges to linearity in the history of global migration governance, particularly in the realm of non-state actors. Migration, as defined by the International Organization for Migration (IOM) in 2019a (149), encompasses the movement of individuals from their habitual residence, occurring either across international boundaries or within a single state. Various descriptors elucidate the diverse facets of this phenomenon, including circular migration, climate migration, displacement, economic migration, facilitated migration, family migration, forced migration, human mobility, internal migration, international migration, irregular migration, labor migration, migrant, mixed migration, safe, orderly and regular migration, resettlement, and return migration.

Migration governance, according to the International Organization for Migration (IOM), constitutes an amalgamation of legal norms, laws, regulations, policies, traditions, and organizational structures. This comprehensive framework operates at subnational, national, regional, and international levels, guiding and regulating states' approaches to migration in its various manifestations. Aligned with the definition crafted by the Office of the High Commissioner for Human Rights within the IOM Migration Governance Framework, this perspective emphasizes the consideration of rights and responsibilities and advocates for international collaboration. IOM asserts that effective migration governance involves adherence to global standards, safeguarding migrant rights, evidence-based policy formulation through a whole-of-government approach, and collaboration with partners to address migration and its associated challenges. States bear the principal role in addressing migration, mobility, and nationality matters, holding the responsibility for governance at both national and international levels. Nevertheless, a spectrum of actors—citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious entities, and academia—also contributes to the complex landscape of migration governance. This underscores the dual dimensions of migration governance: a national ambit vested in state authority and a global dimension encompassing norms, rules, principles, decision-making procedures, and organizational structures that guide the conduct of both States and other transnational entities (Betts & Kainz, 2017:5). In the realm of international migration, governance manifests through diverse forms such as individual countries' migration policies, inter-State discussions, multilateral forums, and the activities of international organizations. This intricate landscape is further shaped by relevant laws, norms, and labor migration policies (International Organization for Migration (IOM), 2019a:150-151).

Immigration Policy is defined as a government's statements of what it intends to do or not do (including laws, regulations, decisions, or orders) in regard to the selection, admission, settlement and deportation of foreign citizens residing in the country (Bjerre *et al.*, 2015:6). The South African government faces criticism regarding its public health care providers' alleged discriminatory practices towards migrants, particularly refugees, asylum seekers, and undocumented individuals from the Democratic Republic of Congo, Somalia, and Zimbabwe. This discrimination is evident in language use, documentation procedures, and imposing high user fees for health services. The lack of a coordinated strategy for migrant health care compounds challenges, impacting both internal and cross-border population movements. Scholars such as Vanyoro (2019:9), Vearey *et al.* (2017:1), Hunter-Adams & Rother (2017:1), Zihindula *et al.* (2017:1), and Human Rights Watch (Organization) (2009:6) have documented and critiqued these issues. South Africa has also been condemned by Human Rights Institutions for tolerating xenophobic violence and the government's failure to protect migrants from abuses, arrest and deportation and provide basic human rights fundamental to life: food, shelter, physical security, and access to basic health care (*ibid.*, 2009:6).

The concepts of migration management and migration governance are sometimes used interchangeably out of naivety. However, the former is generally understood as a more specific term than the latter. Migration management encompasses the orchestration and execution of a comprehensive array of activities primarily undertaken by States within their national systems or through bilateral and multilateral collaborations. It encompasses all facets of migration, integrating considerations into public policies. This involves deliberate strategies for implementing and operationalizing policy, legislative, and administrative frameworks devised by institutions overseeing migration, as delineated by the International Organization for Migration (IOM) in 2019a (152).

1.2. Migration Governance and the Orientation of the South African Government

Migration is a cross-cutting policy issue and on upward trajectory and multi-faceted phenomenon; it is extending beyond the regulation of human movement across international borders (World Bank, OECD, and UNDP, 2020: 15). The growing impact of migration on the world of work is testing current migration management systems (Popova and Panzica, 2017: 4). International migration is a multi-faceted phenomenon; it has been growing in magnitude, affecting almost all

countries and regions of the world. These intense migration flows have often generated contradictory reactions and interests. Concerns regarding security, cultural disparities, and integration in migration are countered by the potential mutual benefits for origin and destination countries and migrants themselves, provided appropriate policies are implemented (*ibid.*, 2017: 10).

The intersection of migration for employment and its implications for development has evolved into a global concern with far-reaching impacts on nations worldwide. It has become a focal point on international, regional, and national policy agendas. Migrant workers, through their labor, contribute significantly to the growth and development of their host countries. Remittances and the skills acquired during migration also substantially benefit the countries of origin. However, this migration process presents formidable challenges, particularly for low-skilled workers who often face abuse and exploitation. The increasing number of women migrating independently, constituting nearly half of all international migrants, introduces specific protection issues. Escalating obstacles to cross-border labor mobility, coupled with the rise of irregular migration and the illicit trafficking and smuggling of individuals, pose substantial challenges to the safeguarding of human and labor rights (International Labour Organization (ILO), 2006: 5).

Migration within and out of Africa has been shaped by pre-colonial, colonial, and post-colonial governance approaches (Abebe, 2017:2). Africa is one of the first continents in the World to have developed a legal regime on migration. In a bid to address the challenges faced by the large numbers of African refugees who were fleeing from conflicts resulting from anti-colonial struggles. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa was enacted by the Organisation of African Unity (OAU), the precursor to the African Union (AU). This was the first regional refugee convention in the world and the only relevant binding instrument in the developing Countries. Furthermore, in 1991, Abuja Treaty established the African Economic Community (AEC) to address the issue of migration in the continent of Africa. The AEC priority actions are to support African countries in ensuring free intra-African mobility of labour and migration by strengthening existing Regional Economic Communities (RECs), establishing new RECs in regions without one, and harmonising RECs policies (*ibid.*, 2017:3).

The global framework for migration governance is principally shaped by two pivotal international instruments: the 1951 Refugee Convention and its 1967 Protocol, along with the Global Compact on Refugees (United Nations, 2018b). Additionally, the International Convention on the Protection of the Rights of All Migrants and Members of Their Families (ICRMW) delineates the term "refugee" and articulates the rights of refugees, along with the legal obligations of States to safeguard them. Collectively, these conventions represent global diplomatic endeavors aiming to ensure dignity and equality within the context of globalization. Notably, while these instruments provide guiding frameworks, their implementation is contingent upon the discretion of member States of the United Nations (UN) to structure domestic policies and enact laws as deemed appropriate. In the discussion of regional and global migration governance and the rate at which member states of ECOWAS, EAC and SADC have signed and ratified these instruments, some states abstain from signing on to and ratifying instruments like the ICRMW; South Africa, for one, has not signed this instrument (Nshimbi & Fioramonti, 2013). These binding treaties hold legal force and serve as the foundation for the prevention and protection against the violation of human and labor rights. They systematically integrate principles articulated in key United Nations instruments, notably the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child. States ratify these international laws by incorporating them into their constitutions or enacting legislation. For example, the Constitution of South Africa addresses this within Chapter 14: International Law (The Constitution of The Republic of South Africa, 1996:124). This transformed South Africa from a dualistic State where National Law prevailed over International Law to a monistic State where National Laws were on an equal footing with International Law.

They are also non-binding agreements that inform migration practices in the management of migration cycles in countries of origin, transit and countries of designation in the stages: predeparture, departure, arrival, residence, and return/reintegration. The landscape governing migration is a multi-layered complex and serves various constituencies and interests. There are a lot more international instruments that relate to migration and are not binding. This paper cites two non-binding frameworks to illustrate this fact: The Global Compact for Migration (United Nations, 2018a) and the International Labour Organization Multilateral Framework on Labour Migration (ILO. International Migration Programme, 2006).

The South African government has proactively addressed migration challenges by implementing the 2017 White Paper on International Migration for South Africa. This initiative seeks to establish a comprehensive framework for effective migration management within South Africa and the Southern African Development Community (SADC) region (Department of Home Affairs, 2017). The policy outlined a series of measures to address the root causes of migration, including poverty, environmental degradation, conflict, and political instability, and to promote the integration of migrants into South African society. Migration is a complex phenomenon; hence, States view it from different lenses (Bilgin, 2003:15). Some view it as a security threat, and some view it as a threat to their sovereignty, while others view it as an opportunity for economic growth. South Africa is not exceptional. Subsequent to South Africa's participation in the adoption of the Global Compact on Migration (GCM) in Marrakesh, Morocco, in December 2018, the country has actively advocated for safe, orderly, and regular migration. Strategies have been adopted to ensure the effective implementation of the GCM's objectives (Lebon-McGregor, 2020:21).

A pivotal element of the White Paper on International Migration for South Africa policy was the creation of the Border Management Authority (BMA) (*ibid.*, 2017:47). The BMA's role encompasses overseeing policy implementation,

fostering coordination among government departments and agencies, managing migrant inflows by issuing visas and work permits, and enforcing immigration laws and regulations.

The policy's implementation encounters substantial challenges, marked by resource deficiencies and limited capacity within government agencies tasked with migration management. In addition, the policy has faced opposition from some quarters, including civil society organizations and political parties, who have raised concerns about the potential impact of the policy on the rights of migrants and refugees (*ibid.*, 2017:72) and (I. Moyo, 2020:1)

In response to these challenges, the government is enhancing the capacity of migration management agencies, such as the Department of Home Affairs (DHA), Department of Labour (DoL), South African Police Service (SAPS) Inspectorate in enforcing immigration (*ibid.*, 2017:76), and the Department of International Relations and Cooperation. Collaborative efforts with civil society organizations and stakeholders aim to align the policy with the diverse needs and concerns of all stakeholders.

2. Research Objectives of the Paper

The objectives of this paper are to provide an overview of the challenges and opportunities associated with migration governance in South Africa, to describe the policy measures that have been taken by the Government of South Africa to manage migration in the country and its influence in the SADC region and to highlight the key challenges and opportunities associated with state policy implementation. The paper also seeks to emphasize the need for a comprehensive, coordinated, and integrated approach to migration governance that takes into account the needs and concerns of all stakeholders, including non-migrants, migrants and refugees, civil society groups, government agencies and international organisations. Ultimately, the paper aims to provide an evidence-based analysis of the complexities of migration governance in South Africa and recommend the policy measures and administrative actions to overcome challenges faced and harness opportunities in migration governance for sustainable development (United Nations, 2023) in South Africa.

3. Methodology

This paper is explanatory research that builds on exploratory and descriptive research types. It goes further to determine causes and reasons, extend the theory or principles, and provide evidence to support or refute explanations or predictions. The research philosophy of this paper is pragmatism underpinned by ontological, epistemological, and axiological; that is, the nature of reality, the nature of knowledge of migration governance and the role of values of the researcher, respectively (Research Methods Class with Dr. Lydia Wambugu, 2021). The paper employed a qualitative methodology, incorporating reflexive and critically comparative approaches to review pertinent literature, policies, laws, discourses, and practices. The methodology encompassed a broad multidisciplinary literature review, assessment of the application, promotion, and treaty review of international standards, and direct involvement in policy processes within two African Regional Economic Communities (RECs): the East African Community (EAC) and the Intergovernmental Authority on Development (IGAD). The literature review encompasses publications on migration, migration management, governance, development, border management, national security, human rights, international relations, social protection, international labor and skills mobility, development, and related themes. The review included the country reporting to, treaty body observations on, and independent evaluation of international conventions, protocols and labour standards. The study drew on ongoing international institutional and political processes addressing migration management, migration governance and treatment of migrants, refugees and asylum seekers. It also drew on experience in and knowledge gained teaching postgraduate migration studies courses at the University of Nairobi in Kenya, which is collaborating with Maastricht University in the Netherlands. The capacity-building programme targets participants who are migration practitioners employed by state and non-state actors from the East Horn of Africa; further training in labour migration (LM) as a member of LM Expert Reference Group by international organizations such as International Training Center of International Labour Organization (ITC of ILO) and International Organization for Migration (IOM) and in intergovernmental dialogues and consultations, some of which were not accessible to academics or other 'outsiders.' The Author considered these methodologies: quantitative, qualitative, both quantitative and qualitative and settled to apply the mixed-method (*ibid.*) in this paper.

4. Conceptual Frameworks and Theoretical Frameworks

4.1. Conceptual Frameworks

The IOM's conceptual framework for managing migration contains three elements: policy, legislation, and administrative organization. First, the policy determines the approach of the State at the highest level based on national objectives that are linked to other national policies, for example, Labour Migration Policy and foreign and investment policies; second, legislation gives concrete expression to policy and provides authority and the required measures it includes regulations; third, administrative organization assigns and coordinates functions in managing migration within a coherent framework of responsibility, accountability, compliance with Laws and adherence to the code of ethics. These three elements make it possible for governments to manage migration by applying Principles, Directions and Commitments (Dimanche, 2021).

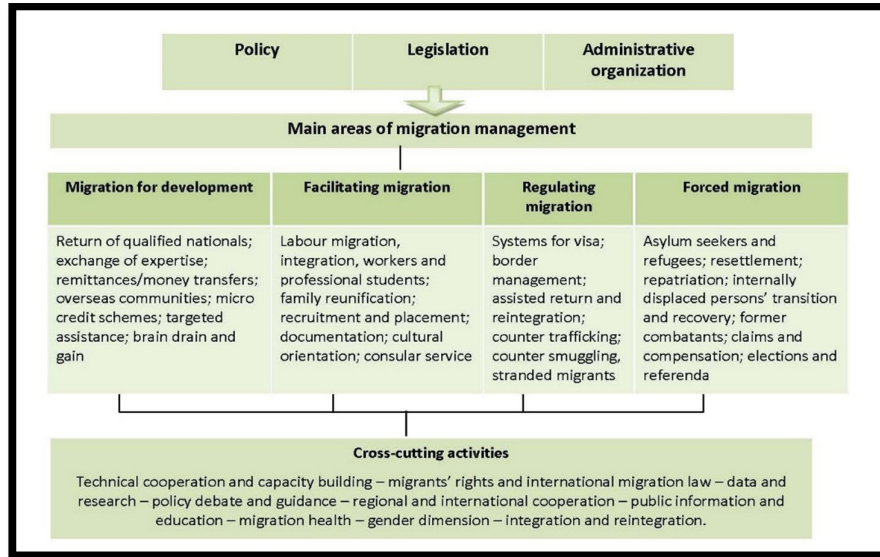


Figure 1: Conceptual Framework of IOM's Approach to Migration Management
Source: Dimanche, 2021

Figure 1 provides a synthesis of the triad of migration management, comprising policy, legislation, and administrative organization, delineating their impact on key facets: migration for development, facilitating migration, regulating migration, and forced migration. Concurrently, cross-cutting factors intervene across technical cooperation and capacity building, migrants' rights and international migration law, data and research, policy discourse and guidance, regional and international cooperation, public information and education, migration health, gender dimensions, integration and reintegration.

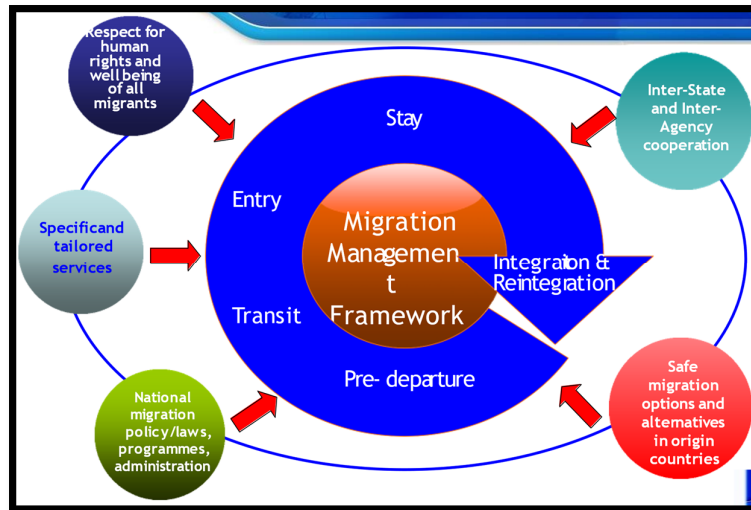


Figure 2: Conceptual Framework of IOM's Approach to Migration Management
Source: Dimanche, 2021

Figure 2 summarises the migration cycle (predeparture, transit, entry, stay and integration & reintegration) controlled within a migration management framework influenced by inter-state and inter-agency cooperations; safe migration options and alternatives in origin countries; national migration policies/laws, programmes, administration; specific and tailored services; and respect for human rights and well-being of all migrants.

The above conceptual frameworks depicted in figure 1 and figure 2 have been criticised as a biased view of an International Migration NGO, referring to specifically IOM, the UN Migration Agency. IOM is thought to be either having or advocating a particular agenda in migration issues globally. The conceptualization of migration management and migration governance ought to go beyond the thought position of IOM. Migration governance itself ought to be considered outside the confines of a state-centric view that grapples with managing human mobility. The academia has provided evidence that migration is a compound concept that is far and wide in scope of the IOM's basic interpretation.

4.2. Theoretical Frameworks

This section of the paper reviewed relevant literature on migration governance based on the theoretical underpinnings of the research objectives. Intercultural learning Theory, Transnational Migration Theory, World Systems Theory, Aspirations Capabilities Theory, and the New Mobilities Paradigm are Theories of international migration that have explained the decision to initiate international migration and accounted for the persistence of migration across space and time (Massey et al., 1993). It exposed the simplistic perspective that applauds migration as a self-help development "from below," prompting a shift away from recognizing the role of States in creating conducive conditions for positive developmental impacts of migration (De Haas, 2010). Empirical studies revealed that regional migration governance is the complex interplay between intergovernmental dynamics 'from above' and transnational processes 'from below' as well as external forces 'from beyond,' in particular the external influence of other powerful States and international organisations (Lavenex & Piper, 2022). The multi-actor, multidirectional and multi-level character of migration governance at the nexus of the interactions between governments ("from above"), civil society ("from below") and external actors ("from beyond") (*ibid.*, 2022:15). Synthesizing insights from recent global data on migration policies' effectiveness, evidence indicates a dual nature—both effectiveness and potential ineffectiveness. Policies may redirect migration geographically, disrupt circulation, foster unauthorized migration, or trigger "now or never" migration surges. These policy dilemmas underscore the significance of comprehending economic, social, and political trends shaping migration, largely beyond the purview of migration policies (De Haas et al., 2019).

This paper has adopted the model of migration that draws upon recent developments in migration theory: the Model Mechanisms that Produce Migration (MMPM). MMPM is attributed to Professor Jørgen Carling, the Researcher of Migration and Transnationalism Studies at Peace Research Institute Oslo in Norway (McAuliffe & Solomon, 2017:18) as the founding proponent. MMPM dispels the concept of root causes, which originated in European policy discussions on conflict-driven displacement. Efforts to address root causes have predominantly focused on humanitarian interventions to prevent violence, address human rights abuses, and facilitate peace-building. This flawed preventative logic was transferred to economically motivated migration with the assumption that migration can be stemmed by alleviating poverty and creating jobs. The knowledge growth about the mixed nature of migration flows and migration motivations has been recognized by governments and international agencies (*ibid.*, 2017:28). It is broadly applicable across different categories of migrants, including refugees. The Model is built around three steps:

First, the formation of a desire for change. This is driven by people's current conditions, their perception of prospects for the future, and their life aspirations. The desire for change may be focused on personal security, living conditions, professional development, or other spheres of life.

Second, the channelling of a desire for change into migration aspirations. People could respond to a desire for change by seeking a future elsewhere. Alternatively, they could pursue local opportunities - either for changing their personal circumstances or contributing to social change. These responses could be constructive (e.g., pursuing education, entrepreneurship, or political activism) or destructive (e.g., radicalization or violent mobilization).

Third, the outcomes of migration aspirations. A wish to migrate could be converted into actual migration, depending on opportunities and resources. However, it could also result in an unsuccessful migration attempt in the form of death, being trapped en route, or having to return against one's will. Another outcome is involuntary immobility - wishing to leave but being unable to do so. This is a largely invisible outcome but a potentially damaging one for individuals and communities.

The idea of containing migration by addressing root causes is fashionable but misguided. Migration drivers are a set of theories that try to explain why people move that have replaced the outdated idea of 'push' and 'pull' factors (Carling & Talleraas, 2016:37). One of these theories is MMPM. The Model illustrates the potential pitfalls and shortcomings of such an objective. Instead, policy should specifically seek to reduce the number of unsuccessful migration attempts and the extent of involuntary immobility.

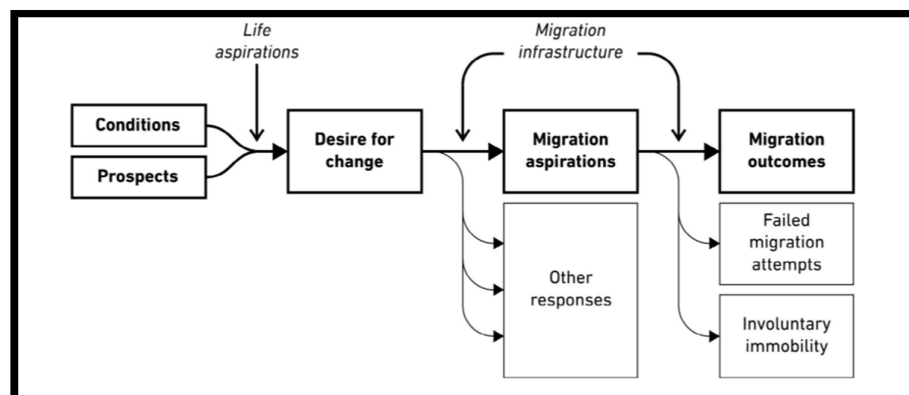


Figure 3: The Model of the Mechanisms That Produce Migration
Source: McAuliffe & Solomon, 2017:28

This paper employed this theoretical framework to elucidate migration governance in South Africa.

5. Discussions

5.1. Establishment of SADC

Established on August 17, 1992, the Southern African Development Community (SADC) traces its roots to the Southern African Development Coordinating Conference in 1980. This precursor event was organised by the Front-Line States movement, aligned with the liberation struggle for independence in Southern Africa (Nshimbi & Moyo, 2017). SADC's main objectives are to achieve economic development, peace and security, and poverty alleviation; improve the standard of living for the people of the region; and increase regional integration built on democratic principles and equitable and sustainable development. SADC comprises 16 member states: Angola, Botswana, Comoros, DR Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, and Zimbabwe (African Union Commission & New Zealand Ministry of Foreign Affairs and Trade, 2014: 20).

5.2. Migration Data Analytics of SADC

Migration within Southern Africa is predominantly motivated by economic prospects, political unrest, and an emerging concern for environmental hazards. With a regional population of 363.2 million and 6.4 million international migrants in mid-2020 (United Nations Department of Economic and Social Affairs (UNDESA, 2020), specific countries stand out as economic hubs. The industrial advancements and thriving mining sectors in South Africa, Botswana, and Zambia, alongside Angola's oil wealth, attract both skilled and unskilled labor migrants regionally and beyond. South Africa, with an estimated 2.9 million migrants in mid-2020, serves as a focal point, being the most industrialized economy, drawing individuals seeking education and enhanced opportunities (ibid., 2020). Determining the precise number of migrants from other African countries in South Africa is contentious. Scholars such as John Oucho and Johan van Zyl contend that there lacks a dependable research methodology for accurately ascertaining the immigrant count in South Africa (Kok et al., 2006:91). It is noted that numbers are either inflated or underreported. Readers are advised to independently verify the accuracy of the migration data cited within this paper from the source and countercheck it, especially in view of populism, the politicization and securitization of migration (Baker-Beall, 2019) and (Youngs & Zihnioglu, 2021).

Host Countries in SADC consisting of South Africa (2.9 million), the Democratic Republic of the Congo (952,871) and Angola (656,434) were estimated to be the three countries hosting the highest number of international migrants in the sub-region at mid-year 2020 (IOM Global Migration Data Analysis Centre (GMDAC, 2021). Far from this data published by GMDAC, actually, all countries in SADC host migrants. Destination Countries in SADC, in absolute numbers, most migrants from Southern Africa move to other countries within Africa. With the exception of migrants from Madagascar, Mauritius and South Africa, the top destination countries for migrants from the other thirteen countries in the sub-region are in Africa (ibid., 2021).

5.3. South Africa Recognised for Best Practices in Rights-Based Approach to Labour Migration

The ILO crafted the Multilateral Framework on Labour Migration (MFLM), a rights-based tool offering guidance to governments, employers' organizations, and workers' organizations in formulating, fortifying, and executing national and international labor migration policies (ILO. International Migration Programme, 2006:6). Best practices examples, pertaining to policies and institutions of labor migration, are provided by the ILO. The term 'best' practices is used relatively, denoting practices deemed as 'good' in this context. This is because the practices included here may not satisfy all the criteria. Also, practices should be sustainable over time and supported by requisite administrative capacity for continuity and anticipates cooperation between states. Some of the practices presented are good approaches to labour migration that may need to be adapted, if implemented elsewhere, to better fit the particular political, economic, social and cultural contexts involved (ibid., 2006: 45-46).

The identified best practices encompass Decent work, Means for international cooperation on labor migration, Global knowledge base, Effective management of labor migration, Protection of migrant workers, Prevention of and protection against abusive migration practices, Migration process, Social integration and inclusion, and Migration and development (ibid., 2006: 46-94).

The acknowledgment of South Africa as a practitioner of best practices in labor migration stems from the evidence indicating that, in 1994, the government, in collaboration with the National Union of Mine Workers, conferred voting rights on migrant workers in local elections under social integration and inclusion. Migrants who had been in South Africa for more than five years were granted permanent residence permits. Under migration and development, there are two examples. First, South Africa-United Kingdom (UK), in a 2003 Memorandum of Understanding (MOU) on Reciprocal Educational Exchange of Healthcare Personnel between South Africa and the UK, provided for the reciprocal exchange of skills and knowledge. The MOU also promoted the recognition of the qualifications of South African health professionals and enabled them to work for a specified period in organizations providing National Health Services in the UK. They then returned to South Africa with newly acquired skills and experience. Second, The Digital Diaspora Network Africa (DDNA), the South African Network of Skills Abroad (SANSA) and the African Foundation for Development (AFFORD) DDNA, SANSA and AFFORD they conduct networking activities to promote links with transnational communities (diaspora) of skilled professionals abroad to encourage their return or circulation and transfer of skills, technology, and capital for home country development. The DDNA initiative by the United Nations Information and Communications Technology Task Force promotes the development and achievement of the Millennium Development Goals by mobilising the intellectual, technological, entrepreneurial, and financial resources of diaspora entrepreneurs. Currently, three digital diaspora networks exist: Africa, the Caribbean region, and Latin America. The SANSA focuses on South Africa's expatriate graduates

in medicine, education, and engineering, with a particular emphasis on those in Australia, Canada, the UK, and the United States. In addition to an electronic network, a database comprising more than 2,000 members is maintained. The AFFORD connects UK-based African organizations with African civil society organizations and a wide range of others, including governments, businesses, investors, bilateral and multilateral agencies and mainstream NGOs for development in Africa (*ibid.*, 2006: 46-94).

5.4. Critique of Migration Governance Practices in South Africa

The paper examined South Africa's current migration governance within the context of its political implications. The governance is characterised by a blurring of the categorisation of refugees and migrants and an increasingly securitised approach. What was once the most advanced system of refugee protection has been dismantled. This is enveloped by an exclusive immigration system and a weak regional approach in terms of free movement. A focus on securitisation, including the very recent passing of the Border Management Authority, further concretizes an anti-refugee and anti-migrant stance in policy (Moyo & Zanker, 2020:3).

Migration governance practices and ambivalent foreign policy record of South Africa. It has been reported that South Africa has an ambivalent foreign policy record. Post-1994 South Africa has witnessed three distinct presidential periods of foreign policy, each marked by specific ideological orientations: Mandela's multilateralism, Mbeki's Africanism, and Zuma's rogue anti-westernism. Particularly evident under Mbeki and Zuma, these leaders invoked ideologies and wielded the "sovereignty card" to affirm historical liberation struggle relationships and diplomatic ties within Africa. The cultivation of bilateral alliances with global "left-leaning" such as Cuba, China, Algeria, Libya, and Venezuela or African states with a consistent disregard for human rights serves to reinforce the ANC's ideological stance and commitment to Africa. However, it often comes at the expense of justice and human rights. South Africa's conduct in the foreign policy domain displays inconsistency and often contravenes its stated commitments. Instances include recent DIRCO support for Venezuelan dictator Maduro and consistent backing of Zimbabwe's Robert Mugabe. Failures range from not condemning numerous human rights abuses to abandoning the SADC Tribunal, attempting ICC withdrawal, Zuma's alignment with Chinese corruption and Putin for the nuclear deal, and Minister Lindiwe Sisulu's commentary causing damage. The government seems oblivious to breaching both proclaimed foreign policy and the South African Constitution (Helen Suzman Foundation, 2018: 2).

5.5. Comparative Analysis of Migration Governance in SADC and EAC Using the Migration Governance Indicators Tool

The International Organization for Migration (IOM) collaborated with The Economist Intelligence Unit to create the Migration Governance Indicators (MGI), operationalizing the Migration Governance Framework (MiGOF). Comprising around 90 indicators, MGI serves as a standardized tool enabling countries to evaluate their migration policies and contribute to discussions on well-governed migration (International Organization for Migration, 2019:8).

The Migration Governance Indicators (MGI) tool evaluates six domains: Migrants' rights, whole-of-government approach, partnerships, socio-economic well-being of migrants, mobility dimensions of crises, and safe and orderly migration. MGI contributes to enhanced migration governance by fostering government-wide dialogues, informing policy changes, and establishing baselines for tracking progress on national and international commitments like the GCM and SDGs (IOM Global Migration Data Analysis Centre (GMDAC, 2022). MGI Country reports, available upon government request, facilitate the assessment of migration policies, identification of good practices, and the identification of areas with potential for further development (*ibid.*, 2022). The government endorses the Country Profile, subsequently published on the Migration Data Portal. There is no report yet available online for South Africa and countries with reports on the portal from SADC are Angola, Eswatini, Lesotho, Zimbabwe, Zambia, Malawi, Botswana, Namibia and Malawi.

The MGI Tool encompasses six domains: Migrants' rights, whole-of-government approach, partnerships, the well-being of migrants, mobility dimensions of crises, and Safe, orderly, and regular migration. This paper synthesizes the MGI key findings, highlighting well-developed areas and potential areas for further development in Kenya, Zimbabwe, and Uganda. These countries have a common colonization history by the British and the influence of continued bilateral and multilateral relations with the UK and EU on migration governance and border management.

The first domain of the MGI Tool, migrants' rights, evaluates the parity of migrants with citizens regarding access to basic social services, family reunification, work, residency, citizenship, and the ratification of international conventions.

The second domain, whole-of-government approach, scrutinises institutional, legal, and regulatory frameworks, alignment of national migration strategies with development, institutional transparency, coherence in migration management, and data utilization.

The third domain, partnerships, centers on countries' collaborative efforts with other states, non-governmental actors, civil society organizations, and the private sector. Such cooperation aims to enhance governance by setting and elevating standards, fostering dialogue, and establishing structures to address challenges.

The fourth domain of the MGI Tool, Well-Being of Migrants, encompasses indicators evaluating countries' policies concerning the socio-economic well-being of migrants. It includes aspects such as recognizing migrants' educational and professional qualifications, regulating student migration, and the existence of Bilateral Labour Agreements. This domain also focuses on policies and strategies related to diaspora engagement and migrant remittances.

The fifth domain, Mobility Dimensions of Crises, scrutinizes countries' preparedness when confronted with mobility dimensions of crises linked to disasters, the environment, and/or conflict. The assessment involves identifying processes for nationals and non-nationals during and after disasters, including the availability of humanitarian assistance for migrants comparable to that for citizens.

The sixth domain, Safe, Orderly, and Regular Migration, analyzes countries' migration management approach, covering border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the face of significant migration flows, and the fight against human trafficking and migrant smuggling. It also assesses efforts and incentives to integrate returning citizens.

6. Conclusions

In conclusion, migration governance in South Africa remains a complex and challenging issue, requiring a comprehensive, coordinated, and integrated approach from the government and other stakeholders described as the whole of society and government approach and partnerships (Opon & Nzau, 2021:98). Enforcing the White Paper on International Migration for South Africa (Department of Home Affairs, 2017) holds promise in addressing migration governance challenges in the country and the SADC region. This necessitates allocating sufficient resources and engaging key stakeholders to ensure the policy's efficacy and sustainability. Ultimately, effective migration governance in South Africa will require a long-term commitment from the government and other stakeholders to address the causes, consequences, and dynamics of different migration in regular or irregular statuses, including migration of workers and refugees and promote the integration into South African society for sustainable development.

7. Recommendations

The IOM's approach to international migration in countries of the so-called global south, including South Africa, is that migration management frameworks should be anchored in a sound policy and underpinned by enabling legal frameworks and implementation strategy that have the support of all stakeholders and devoid of these symptoms of a lack of coordination, coherence and cooperation: development and implementation of uncoordinated strategies that are less than optimal and often counter-productive; a sense of confusion among and competition between actors and unclear objectives and the duplication of activities and efforts. This recommendation has been faulted by academia for being very problematic and biased. However, the academia's recommendations are untenable for being theoretical and untested ideas because public administration has many lenses that are not in public domains.

The Government of South Africa should consider participating in the Migration Governance Indicators (MGI) assessment process because it has Laws and Policies and has been recognised as best practices in the rights-based approach to labour migration, an element in migration governance.

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