



UNIVERSITY OF ZULULAND

**AN ANALYSIS OF THE DYNAMICS AND EFFECTS OF INTERDEPARTMENTAL
POLICY DISCORD ON POST-APARTHEID SOUTH AFRICA'S BORDER
CONTROL AND BORDER SECURITY.**

Sandile Blessing Mkhwanazi

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By

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Declaration

I, Sandile Blessing Mkhwanazi, declare that this dissertation is my original work except where references have been made. It is submitted in fulfilment of the degree of Masters of Public Administration at the University of Zululand. This dissertation has not been submitted for any degree at any other university. I declare that the necessary authorisation has been obtained to carry out the research.

.....

Sandile Blessing Mkhwanazi

.....

Date

Dedication

To the family of God which chose me for the purpose to serve my fellow mankind; and to my earthly family where I was raised and has supported me thus far, I dedicate this work to you.

Acknowledgements

I thank God the Eternal and Omnipotent for creating me in his likeness and for giving me the willpower to commence and complete this task. I also thank my supervisor, Dr Toyin Cotties Adetiba for his guidance and for pushing me hard to give my best so I can finish this work. Without his guidance, this work would not have come out as a whole. I also thank the Head of Department (Public Administration), Miss Nokukhanya Jili for her advice and inputs, especially at the proposal development stage. Her inputs were valuable beyond measure. A big thank you to the library staff at the University of Zululand for their assistance with information retrieval and workshops.

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Abstract

Borders have a primary responsibility of separating political entities (states) and the creation of national identities within states. In the African context, borders were created through colonial fiat, and have remained intact, except in the two cases: that of South Sudan and Eritrea. This study investigated inadequate policy harmonisation amongst the various departments or agencies responsible for border control in South Africa. In South Africa, there are seven departments responsible for border control, and they operate without a binding policy or legislation. This study investigated how this policy fragmentation from various agencies have affected border control and border security. Using qualitative approach with key informants from primary departments responsible for border control and analysing policy documents from primary departments, this study found that inadequate policy harmonisation amongst border control agencies does compromise border control and border security. It leads to ineffective practices in that work is duplicated, accountability is compromised and it leads to competition amongst agencies, and further leads to conflicts between agencies. Furthermore, inadequate policy harmonisation seemingly impedes the objectives of regional integration. The study also shows that South Africa has been observed to take a restrictive stance concerning immigration in that it puts the sovereignty of its interests above those of the region. Lastly, there have been calls to have an integrated approach towards border control which led to the introduction of Border Management Authority Bill (BMA). The BMA has been passed in the National Assembly, although it has been opposed by the opposition political parties owing to a number of concerns that emerged. The challenge of policy fragmentation has persisted as the political will to pursue the BMA softened due to changes in the political administration of the country, as it was initially developed during Jacob Zuma's presidency, therefore, the change from Jacob Zuma to Cyril Ramaphosa changed the political actors who pushed for the BMA. The study then recommends that South Africa needs to harmonise its border policies and embrace regional integration.

Abbreviations

BMA	Border Management Authority Bill
DHA	Department of Home Affairs
DHS	Department of Homeland Security
DPA	Department of Public Administration
EU	European Union
KZN	Kwa Zulu Natal
NCPS	National Crime Prevention Strategy
NIDS	National Interdepartmental Structure
SADC	Southern African Development Community
SANDF	South African National Defence Force
SAPS	South African Police Service
SARS	South African Revenue Service
UK	United Kingdom
US	United States

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CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE PROBLEM

1.1 The context of border security and border control in South Africa

Borders according to Blocher and Gulati (2017:806) are the basis of international law and politics in that they define nations' capacity to defend and protect their territories cum economy through policies that explain their interest vis-à-vis the interests of other nations.

All African borders are the product of colonialism, they remain as they were during the colonial era, with the exception of Sudan in 2011, where a new border was demarcated in the creation of South Sudan, as well as Eritrea in the early 90s (Craze, 2013 and Frahm, 2015:252).

South Africa's borders are no exception from other African borders in being the creation of colonialism; and Swart (2011:33) opines that they are porous. Porosity of the borders has led to various challenges, amongst them are: illegal immigration and other border crimes such as smuggling. As border security is linked to immigration, Rudolph in Adamson (2006:133) opines that states usually forged their immigration policies in response to security and economic interests to justify a close relationship between immigration and security. Therefore, a conclusion can be drawn that porous borders pose a security threat to a nation's territorial integrity.

A level of border security is one of the determinants of a state's sovereignty (Mahlangu and Obioha, 2015:107). In South Africa, different departments are responsible for border control and they work in the absence of a harmonious policy/regulatory framework. Since borders are porous, various challenges linked with border control have emerged over time, including illegal immigration, a variety of cross-border crimes and smuggling. Porosity of the border then amplify the challenges that comes with inadequate policy harmonisation amongst border control agencies.

1.2 Problem Statement

In South Africa, border policing functions have been re-organised numerous times. For instances, in some cases, it was considered as the responsibility of the South African Police Service (SAPS) and at other times it was the responsibility of the South African National Defence Force (SANDF). Furthermore, border policing has been re-organised at structural and organisational level within the SAPS (Mahlangu and Obioha, 2015:110). Meanwhile, border control and security in South Africa is the responsibility of different departments and agencies which are inclusive of the Department of Agriculture, the Department of Defence, the Department of Environmental Affairs, the Department of Public Works, the Department of Transport, the South African Police Service, the State Security Agency and the South African Revenue Service (SARS, 2018). Despite common objectives of controlling the border and ensuring territorial integrity, the departments do not have a binding policy or a binding legislation as each department pursue its own priorities. Furthermore, they do not have shared intelligence; thus lacking a unified approach to border control (Mahlangu and Obioha, 2015:109; Steinberg, 2005:3 and Oppenheimer, 2014:55).

The centrality of the problem is the inadequate policy harmonisation in the departments/agencies responsible for border control. The study investigated the inadequacy of policy harmonisation vis-à-vis border control and border security. Available literature shows the challenges in border control and the challenge of inadequate policy harmonisation that have been identified, therefore this study seeks to investigate and provide analysis on how these inadequacies in policy harmonisation have affected border security in South Africa.

In investigating the problem concerned, policy documents and White papers pertaining to border control from five departments amongst those responsible for border control, namely: The Department of Home Affairs, South African Police Service, South African Revenue Service, Department of Defence and the Department of Health are the ones chosen for analysis. The following variables are used to gauge the effectiveness of the current approach in border control, as measures: political leadership, decision making and consultation. The reason for choosing these departments is based on the fact that the chosen departments are amongst the primary departments in border control.

The above mentioned variables are of importance to this study for the following identified reasons stated below.

Political leadership: In South African context, political leadership is the one that gives leadership and policy directive to any governmental department. Every policy change or policy making process in the public sector involves political leadership, and border security is no exception.

Decision making: Decision making process pertaining to border security and border control must be a process that involves all stakeholders of the border control and establishes a single mandate towards border security and control. The study attempted to gauge how decision making pertaining to border control from various departments are undertaken.

Consultation: Departments involved in border security must consult with each other on regular basis; therefore, consultation is an important element in departments involved in border control.

1.3 Aims and objectives of the research

The main objective of this study was to investigate and analyse how lack of policy harmony has affected effective South African border security policing especially in the five departments mentioned above, namely; Department of Home Affairs, South African Police Service, South African Revenue Service, Department of Defence and the Department of Health. The objectives of the study are as stated below:

1. To determine the effects of lack of policy harmony in border security
2. To ascertain challenges faced by these departments while managing border security
3. To determine the effectiveness of the current approach
4. To propose solutions that can be implemented in policing the borders

1.4 Research Questions

Taking into consideration the above objectives, utilising both primary and secondary sources of data, the research attempted to answer the questions below.

1. What are the effects of lack of policy harmonisation in policing South African borders?

2. What are the challenges faced by departments in managing border security?
3. How effective is the current adopted approach for border control?
4. What are the solutions that can be implemented in policing the borders?

1.5 Hypotheses

The study was guided by a null hypothesis and an alternative hypothesis which the collected data was to support or not support. The null hypothesis was that “there is no link between the multi-departmental approach used in border control and weak border security”, while the alternative hypothesis was that “there is a relationship between multi-departmental approach and weak border security”.

1.6 Research Methodology

In research, the researcher must demonstrate understanding and mastery of research methodology concepts, rules and their application. Basically, there are two dominant research approaches, namely: the qualitative approach and quantitative approach. A combination of these two approaches is called mixed methods. This study employed qualitative research methodology, using both primary and secondary sources of data. Primary sources of data involved interviewing academic researchers and key informants within South African Police Services, Department of Home Affairs and South African Revenue Services who specialise in the field of border security and analysis of various policy documents such as: White papers on immigration, border control and border security, submissions to parliamentary portfolio committees on immigration and border control. The documents which were consulted included: Submission to the Home Affairs Portfolio Committee on the White Paper on International Migration, Annual State of Cross-border Operations Report (2016-2017), Border Management Authority Bill (2016), Immigration Act (2002), South African Human Rights Commission’s Report into the Arrest and Detention of Suspected Undocumented Migrants, White Paper on International Migration for South Africa (2017), The Parliamentary Portfolio Committee Report on Police (2009-2016), the South African Defence Review (2015) and the Parliamentary Portfolio Committee Report on Health (2015-2017). For secondary data sources, the utilisation of books, academic journals, news articles on border control and security, and published research reports was undertaken.

1.7 Significance of the research

This research contributes to border security in South Africa in the field of policy and security. It potentially identifies some of the key areas that need to be considered by policy makers pertaining to border security of the country, since the level of border security is an important determinant of territorial integrity and important measure of sovereignty of the state.

There is a link between border control and immigration, particularly illegal immigration. Also, there is a link between illegal immigration and security. This challenges and affects territorial integrity of any state. If border security is weak, these challenges are amplified and they then become a serious concern to the state. Identifying these challenges and how they affect the state is the first step towards deciding corrective action.

This study seeks to give recommendations based on empirical research on the challenges that pertain to border security in South Africa.

1.8 Scope or limitation of the research

This study is not a comprehensive analysis of issues that pertains to border security in South Africa. It only analysis the challenges that emerge in land borders, leaving out analysis on maritime borders. Mahlangu and Obioha (2015) assert that from a policy and structural perspective, border control and security is the responsibility of up to eighteen departments. There are, however, eight departments primarily responsible for border control and security, namely Department of Home Affairs, the South African Revenue Services, the South African Police Service, the South African Defence Force, Department of Agriculture, Department of Health, Department of Land and Rural Affairs and Department of Forestry and Fisheries (Mahlangu and Obioha, 2015). Due to constraints such as time and resources, this study focused on collecting data from only five departments, namely: The Department of Home Affairs, the South African Police Service, the Department of Defence, the South African Revenue Service and the Department of Health.

The study was also limited to utilising one theoretical framework, which is “complexity theory”. Complexity theory was chosen and adapted for this study as it describes the non-linear fashion of the departments/agencies responsible for border control and the outcomes that happen if there is a change in one department/agency. Although there

is another theory which deals with non-linearity, namely chaotic theory, the researcher chose complexity theory because it is more comprehensive and explain how simple components create a complex system, as opposed to chaotic theory which explains how few components create a chaotic outcome.

The study was further limited in that the data was collected from the academic researchers and key informants - officials who work for the departments mentioned above. This study did not gauge the perceptions from immigrants who are affected by the actions of the officials as they implement the policies pertaining to border control.

Furthermore, the study did not gauge the perceptions of people who reside in the borderlands who are affected by issues relating to border security.

1.9 Assumptions

The researcher did hold certain assumptions which might influence the findings of the research. The first assumption is that the interviewees understood the questions asked from them and did their best to answer the questions honestly. The second assumption was that the documents consulted gave much needed information pertaining to the border issues accurately.

1.10 Definitions of key terminology

Border

A border is a dividing line between two political entities, usually states, or areas. Sometimes the term 'border' is used in conjunction with terms like 'frontier' or 'boundary'. But a boundary is a line in a map that shows the divisions between countries. When crossing to another country, the term border is used, not the term boundary.

Border security

Border security means those activities undertaken primarily by the state to regulate access to the political entity or territory by means of using military and military technologies, which include surveillance, borderline patrol by the military and defence of the borderline in the time of military aggression.

Border control

Border control is closely related to border security, but it differs in that it means the process of regulating entry into the territory specifically at points of entry by using civilian means and civilian agencies.

Policy harmonisation

Policy harmonisation refers to the alignment of policy framework governing different structures or agencies is fully aligned so that there are no resulting conflicts or uncertainty over the objectives and actions to be taken.

Immigration

Immigration is the movement of people from one political entity, especially from one state to another political entity. Immigration has to comply with the rules of the two states that are involved for it to be deemed as legal. The movement of people to another political entity without the approval of authorities is deemed to be illegal immigration or undocumented immigration.

Territorial integrity

Territorial integrity is the concept that denotes full control of access to territory and rights within that territory by the state. It implicates that the state has control of the territory and the ability to counter other actors who may attempt to challenge the state in regards to territory. It is linked with sovereignty.

State

A state is a political entity that is not controlled by other entities within its jurisdiction. Other entities such as other states can challenge the power of the state in view, but the concept of a state makes it not easy to challenge. The state is characterised by features such as borders, population and government, but these features are not a state.

1.11 Brief Chapter outline

This research report has five chapters of varying sizes. The first chapter introduced the research and its context, it gave a description of the research problem and a brief description of the methodology utilised whilst undertaking the study. Further, the significance and limitations of the study were also determined.

The second chapter alludes to the review literatures that are relevant to the identified research objectives of the study. This chapter compared the border issues in various countries to ascertain if the approach utilised in South Africa is effective and to ascertain if the challenges faced by South Africa are limited to South Africa. This chapter scrutinise lack of policy certainty in the departments responsible for border control and the implications involved. Challenges pertaining to border control and challenges linked to immigration are also scrutinised. Lastly, the influence of geopolitical structures, agents and codes is scrutinised. The last section of this chapter deals with relevant theoretical framework that pertains to this study.

The third chapter is the research methodology utilised when undertaking the study. In this chapter it is established and justified why the qualitative method was chosen and how the various designs were carried out.

The fourth chapter is the presentation and analysis of data gathered from both documents consulted and conducted interviews, thereafter, findings are discussed.

The fifth chapter is the conclusion. Recommendations and suggestion for further study were also made.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK.

2.1 Introduction

Literature review is defined as a “*cyclical process of exploring, interpreting, synthesizing, and communicating published and/or unpublished information*” (Onwuegbuzie and Frels, 2016:4). This literature review comparatively, starts by looking at border control in different countries against South Africa and thereby establishes that the current approach has its weaknesses. This chapter interrogates literature on inadequate policy harmonisation and its effects, provide a definition of border control, thereafter compare border control practices. The chapter progresses to explore and communicate the challenges in border control which is in line with the second objective which aims at ascertaining the challenges faced by the departments responsible for border control.

2.1.1 Definition of border control and border security.

Mahlangu and Obioha (2015) assert that border control is mostly administrative, as border control is about implementing the prescripts to ensure compliance with legislative and regulatory apparatus of the government. Border control is mostly concerned with facilitating the flow of goods and people.

Border security based on eliminating the threat by means of surveillance and screening and technology can be utilised for the purposes of border security (Ackleson, 2003). Border security is linked to the national security of the state, hence, it is a security measure to inspect any person who enters the state. Further, border security measures include the erection of physical barriers to create borderline with the aim of restricting entry (ORDER, 2017). Border security also invokes the concept of policing as the immediate threats to border security are issues such as illegal immigration, terrorism and transnational crime (Hills, 2006). Usually scholars use the terms border security and border control interchangeably in spite of the two concepts being different.

2.1.2 Comparative border control

Borders serve a purpose to create political space, and have created the way we think about political order (Vigneswaran, 2008:785). Without borders, it will be difficult and challenging to conceptualise other methods of ordering political spaces. It is from this

premise that states derive the concepts and practices of border control, security and other policy options pertaining to the borders.

To some extent, there is paucity of literature on border control and border security in the Southern African region. In the Southern African region as Boolane (2013:560) posits, borders were not significant during the colonial era. Borders began to gain significance as some African countries gained independence, which led to hostility between the independent African countries and those which were still under white minority rule. Bolaane (2013:557) further opines that in the case of Botswana, from its independence in 1966 for a period of eleven years, Botswana did not have an army. It was until 1977 that Botswana began to have an army, when the Botswana Defence Force (BDF) was created. This implies that in the mid-1960s until the late 1970s, Botswana had a different approach to border security and control than the then apartheid South Africa. Currently it seems as if Botswana is using multi-agency approach to border control as the minister of Agriculture has been reported to state that Botswana needs to maintain the fence in Botswana/Zimbabwe border due to Food and Mouth Disease challenge (BOPA, 2014). Therefore, it can be deduced that the Ministry of Agriculture is a stakeholder in border control in Botswana.

In Angola, border control has been challenged by civil war, which displaced a lot of its populations. Rodrigues (2010:476) opines that due to civil war in Angola, border security was the responsibility of the military. The border was challenged by the absence of the border fence along most of the borders. In 2004, after the end of the civil war, the Angolan government contracted the British company, Crown Agents to oversee border control on its behalf as well as provide training to Angolan officials (Rodrigues, 2010:471). The border control approach adopted by Angola at the demise of the civil war challenges the traditional notion that border control is one of the primary responsibilities of the state, traditionally carried out by public sector entities. It is also interesting that it is not only Angola which privatised border control, other African states have done so, under the different context. Reyntjens in Check and Lekaba (2015:4) posits that Rwanda has outsourced some of the state's security functions, in that Rwanda's border with Democratic Republic of Congo (DRC) is defended by Movement 23 (M23), a notable militia in Rwanda. The DRC followed the same approach; it privatised its security apparatus by utilising militia groups to safeguard its borders with Rwanda. Check and Lekaba (2015:4) thus conclude that states emerging

from conflict mostly outsource their military and security apparatus. From these facts, it can be deduced that states emerging from conflict have characteristics of weak or failing states in that they are unable to control their borders (Adamson, 2006:177).

Agbedahin (2014:373) reveals that the West Africa international borders are controlled mostly by six agencies, namely: the customs services, the police, drugs and law enforcement agency, immigration service, the military and the border health service. Although the writer does not provide a comprehensive list of all agencies involved in border control in West Africa, similar agencies are found controlling the border in South Africa. In North Africa, Keenan (2017:38) advances that Algeria has opted to close its borders with Mali and Niger, stating the deterrence of terrorism as the reason. The closures of the borders have been effective from January 2013. The author argues that the closure of the Algeria/Mali border can be justified due to the increase of jihadism in Mali, but the closure of the Algeria/Niger border cannot be justified using the same rhetoric. Furthermore, the author asserts that the Niger border is porous.

In the United States (US), border control and security is the responsibility of one department, the Department of Homeland Security (DHS) which has been functional since 2003 (Adamson, 2006:165). South Africa utilises a very different approach compared to the US, as various departments are responsible for border control. Mahlangu and Obioha state (2015:111) opines that these departments operate in the absence of binding legislation or absence of binding policy.

Since one department in the US is responsible for border control, it can utilise various strategies and technologies to control the border, strategies like detention and removal of illegal aliens; increase in human resources to patrol and investigate human smuggling operations; utilisation of various surveillance technologies, which are inclusive of unmanned aerial vehicle systems, remote video surveillance systems and ground sensors (Rosenblum, 2012:7). In the South African context, such strategies and technologies have to be coordinated amongst various departments.

The above statement indicates that for objectives of border control to be fulfilled, there is a vital need for functional approach to border security, as well as no disjointedness in agencies responsible for border control. Lack of policy direction and certainty paralyses the efforts to enhance border control, more so border security and

unscrupulous, organised trans-border criminal syndicates can use this to their advantage.

States at times do change their political and bilateral arrangements and agreements to ensure that their countries can take some control of their borders. For instance, Orrenius and Zavody (2017:188) state that the United Kingdom (UK) opted to exit European Union (EU) to recover control of its borders. Hunt and Wheeler (2017) state different reasons for UK to exit EU, in that they point political reasons, but they do not state anything about control of borders. Bachmann and Sidaway (2016:48) argue that some of the reasons for UK to vote for leaving EU are inclusive of “the perceived loss of control over their own political system, their economic perspectives...” However, the variables applicable to UK are not applicable to South Africa in this context.

The United Kingdom utilises Customs and Excise and the Immigration section of the Home Office as lead agencies at its port, and these agencies control the movements of goods and people (Steinberg, 2005:2). In the South African context, it is not the same. Steinberg (2005:5-6) opines that departments involved in border control compete with one another, and this results in the departments with less resources being pushed to the margins of border control.

At times, states seem to enhance border security due to internal conflicts between various groups within a state, or due to historical animosity between different groups. In India, the process of securitising the borders were linked to historical public conflicts between Hindus and Muslims, and these communal conflicts were then defined as terrorism, and it affected the India/Bangladeshi relationship, as Bangladesh has a majority Muslim population, therefore it was deemed a security threat to India (Jones, 2009:292). But securitising the borders in India has never resulted in the decrease of violence. This indicates that border security in different geopolitical contexts yields different results, though authorities might have anticipated different desired end results.

Sometimes, states tend to tighten border security due to economic interdependence with a state that has hegemony. Andreas (2003:94) affirms this in a statement that as the US tightened border security, the neighbouring countries, Canada and Mexico also followed the similar strategies that the US implemented, as these countries are more dependent on trade with the US. The same author also states that due to abolishment

of internal borders in the European Union, Europe has opted for tighter control of the external borders (Andreas, 2003:101). This implies that border security varies depending on the socio-economic and socio-political arrangement that states choose.

For border control, some states are now utilising biometric identification systems. The US, after the wake of the terrorist attacks on September 11, 2001, began to utilise biometric identification measures at ports of entry. Citizens from countries that require visas to enter the United States have their biometric data captured at the consulates of their respective countries and finally confirmed upon entry in the US. Countries that do not require visas for entry are required to utilise passports that incorporate biometric systems (Breckenridge, 2005:268).

Additionally, in the United States, while the move towards the biometric systems was coercive; within the South African context, the move is opposite, where the move is directed against immigrants and citizens who illegally benefit from welfare programmes. Albeit, South Africa has been utilising biometric identification for more than a century; as was initially utilised during the days of Lord Alfred Milner, and further developed during the days of Hendrik Verwoed's *Dompas* system (Breckenridge, 2005:270). Rosenblum (2012:24) however asserts that after the authorization by the Congress to develop an automated biometric system for the purposes of identifying and tracking illegal immigrants in 1989, it was first deployed in 1994, and by the end of 1999 all Border Patrol stations had this system.

Although the US has one department responsible for border control and border security, it also differs from South Africa in its approach. Williams (2016:28) asserts that the border security in the US has been militarised; the military has been consistently a major source of human and technological resources for the upkeep of the border. The author further links militarisation of the border with migrant fatalities in a statement that militarisation of border security is proportional to increased unauthorised migrant fatalities, as the military is trained to shoot first and ask questions later (Williams, 2016:29). The US did not only militarise border security, but has changed in that the intelligence is now more involved in law enforcement, as previously the intelligence was more involved on geopolitical security concerns (Andreas, 2003:89). Rosenblum (2012:15-16) states that the US first deployed National Guard troops on its borders in 1988 to support the US Border Patrol, where about 100 soldiers

were deployed. Meanwhile, in 2006-2008 massive military troops (over 30 000) were deployed in the borders to provide engineering, aviation, identification, technical, logistical and administrative functions. In December 2011, the government announced that it would limit the military in the borders to less than 300, starting in January 2012. The military in the South African context support the SAPS due to pressure that the SAPS face in combating crime, although there are times when the borders are unpatrolled when troops are rotated (Hennop, 2001:1 and Geldenhuys, 2015:25). Militarisation of the border is not only limited to the US. The EU has adopted the same approach. Yavaş (2017:84) states:

“Therefore, there has emerged an increasing tendency for the EU to use military equipment and vehicles in the calculation and management of irregular migration.”

Yavaş (2017:89) further asserts that border control in the EU is militarised.

Rabasa (2007:49) asserts that in some states, border security may be minimal due to political arrangements that exist in those states. The Afghan/Pakistan border is one such border where tribal authorities have political power that results in weak border control. Furthermore, in some regions, international borders are challenged by tribes in their quest to maintain their way of life which is inclusive of social, political and trade relationships, as it is the case of Yemen/Saudi Arabia border (Rabasa, 2007:93-94). He further asserts that border control is also challenged by lack of infrastructure that facilitates control of the borders or having a border that cuts through a long distance of a dense forest and savannah as it is the case of Somali/Kenya border (Rabasa, 2007:157).

Although developed states are expected to have minimal challenges that are linked to weak border security, Swart (2011:31) asserts that European countries like Germany and Netherlands; and Australia are more sophisticated in police service and intelligence, yet they battle to control human trafficking, and pose a question on how the South African counterparts will control it when faced with the handicap of corrupt police officials and in a politically unstable environment. This denotes that irrespective of the level of development a state may have, there will always be challenges in border control and border security.

2.1.3 Lack of policy certainty and its implications in border control

The first border that proved to be a challenge in the post-apartheid era was the South Africa/Mozambique border. History accounts that Mozambique utilised border security as a measure to deter and counter apartheid agents which provided rebels during the civil war in Mozambique with arms, financial resources and training (Seda, 2016:19). The demise of both apartheid and civil war in Mozambique implies that these countries, were likely to face challenges in border control. The challenge emerged as immigrants from mostly the Mozambican side tried to cross the border with South Africa as their final destination. Adepoju (2005:79) identified some of these challenges as the trafficking of girls and women from Mozambique to the provinces of Gauteng and Kwa Zulu Natal (KZN) in South Africa; this is coupled with that of theft of motor vehicles smuggled across the border (Geldenhuys, 2015:25). Changes in governments in both South Africa and Mozambique, as liberation movements made it into governments can be linked with changes in border control and security.

In South Africa, the military has been present in the borders since as far as the 1970s; until the first reform that came with the Interim Constitution of 1993 which placed the South African Police Services (SAPS) in policing the South African borders (Hennop, 2001:1). This arrangement also changed due to increase in the rates of crime within the country and it was decided to have the South African Defence Force (SANDF) to offer support to the SAPS in combating border crimes. Although the role of the SANDF was to support the SAPS in combating border crimes it was different in practice, as in practice the SANDF patrolled the border without the support of other departments (Hennop, 2001:1). Linking this to a statement by Geldenhuys (2015:25) that borders can be left up to 30 days unpatrolled when the troops are rotated, thus revealing the ineffectiveness of the approach utilised for border security and this depicts the serious implications that may arise due to the weakness of this approach, and it clearly indicates lack of coherent policy to bind the departments responsible for border security, as well as the need for it. Furthermore, it is worth mentioning that section 200(2) of the Constitution of the Republic of South Africa states that the defence and protection of territorial integrity of the country is the object of the defence force.

The other problem that is linked to lack of policy harmonisation is organisational behaviour which is difficult to change. Vigneswaran (2008:785) asserts that as states decide on their early stages over institutional arrangements of territorial strategies, this

makes it extremely challenging to choose alternative arrangements as time and variable changes. In the South African context, institutions to enforce immigration were designed to serve apartheid, and it has been challenging to change these institutions and their practices to be in line with post-apartheid objectives. *“Once human organisations have institutionalised patterns of behaviour through specific sets of rules and norms, it becomes progressively more difficult to replace them, even if the alternatives are ostensibly more efficient or in line with contemporary preferences, agreed policy positions and new laws.”* (Vigneswaran, 2008:786-787).

Weak or failing states are characterised by their inability to control their territorial borders, result of which is the large influx of refugees and other migrants; which then challenge the already weak institutions; and this leads to increased competition over limited resources and ultimately leads to tensions (Adamson, 2006:177). Although it can be argued that South Africa is not a failing or a weak state, it has the characteristics of a weak or failing state when it comes to its borders. For example, the problem of xenophobic attacks on foreign nationals can partly be attributed to weak border control and perceived competition for resources.

The lack of harmonious policy to bind departments responsible for border control has amplified the emergence of another challenge which is a creation of the smuggling industry, which poses a significant threat to the South African state’s claim to control access into the country (Vigneswaran, Araia, Hoag and Tshabalala, 2010:472). The identical sentiment is shared by Adamson (2006:176) in a statement that *“the emergence of organised criminal networks around illegal immigration can also pose a significant challenge to state authority and control.”*

Dhliwayo (2017:6) in his work ‘Export experience and key success factors in cross border trade: evidence from Southern Africa’ partly agrees with Adamson, that the government has created unsupportive regulatory atmosphere which has resulted in traders being treated as smugglers or drug traffickers. The author cites Chiliya *et al* (2011) and SARDC.Net (2008) who state that cross border traders are not recognised by authorities, therefore their activity is criminalised and traders are often victims of harassment and abuse by authorities. This is inclusive of high tariff charges and having their commodities being confiscated and subjected to treatment that can be likened to that of drug smugglers. The argument can be made that since there is a high rate of

unemployment, and the government is seen as maltreating traders, partly that will create an incentive for criminal activity or create a basis of informal, albeit illegal trade as some traders will try to avoid interaction with the government/officials.

Vigneswaran *et al* (2010:472) further state that there is another issue; that of partnership between law enforcement agents and those involved in the smuggling industry which imply the abuse of power by law enforcing agents, as they are the ones entrusted with upholding the law. The writers state a case of a smuggler who smuggled people into South Africa and then hired a police officer to demand money from those illegal immigrants or face deportation to the country of their origin. This can be linked to a statement by Swart (2011:31):

“The relationship between police corruption and women and child trafficking was confirmed when Media24 unveiled a syndicate who trafficked young girls between Mozambique and South Africa during March 2010.” The author further states that the syndicate driver stated that women are smuggled into South Africa through Lebombo border post by police working together with syndicates and those are called “friendly police”.

Kabwe-Segatti (2008:35-36) opines that the first decade into South Africa’s democracy was marred by a weak interdepartmental co-ordination, absence of data production mechanisms on migration flows and their impact coupled with incapacity and misuse of power by Home Affairs personnel. This implies that during the political changes little focus was given to migration and ensuring that interdepartmental co-ordination exist, which translates that as far as border security is concerned, there has been persistence of lack of interdepartmental co-ordination for departments responsible for the border. This is corroborated by Steinberg (2005:3) who states that

“...the very disjointedness of the manner in which the agencies prepared themselves only punctuated the problem the American report had highlighted: a lack of unified approach to border control.”

Oppenheimer (2014:55) identifies lack of harmony between the agencies responsible for border control as the main problem as far as border security is concerned. This is also confirmed by a research undertaken by the Human Sciences Research Council of South Africa, whereby one respondent stated that there was a low cooperation

between the Department of Home Affairs personnel and the SAPS at the Musina Beitbrug border post (Swart, 2011:31).

In 1997, a cluster of government ministers formed a National Crime Prevention Strategy (NCPS), with a mandate to develop a strategy for border control and security. One of the pillars of the NCPS was designed to deal with the issue of transnational crime; and since border security deals with cross-border nature of crime, this document identified two features of border control, namely: the control of movements of goods and people and to prevent transnational crime. In the same year, the NCPS ministers formed a National Interdepartmental Structure (NIDS) on which departments and agencies involved in border control were represented. The NIDS was supposed to last five years and it was to recommend a unified governance structure for border management. Firstly, the NIDS reduced the number of international airports from 32 to 10. Although it was challenged, it finally recommended that to facilitate control of goods and people at the ports of entry, the Customs and Immigration should be the key players and the SAPS should be given a secondary role. This created a controversy, as traditionally in South Africa, SAPS has been a leading agency at the majority of border posts and ports of entry (Steinberg, 2005:3-4). It is evident that change is resisted when it comes to which agency is supposed to have a leading role when it comes to border control. The same author further states that:

“The priorities of border control are always diverse, and some will always conflict with others” (Steinberg, 2005:8). This statement can be connected to an assertion made by Vigneswaran (2008:793) that the Department of Home Affairs (DHA) once attempted to propose legislation that would create immigration police, and have the DHA as a leading agency in administering enforcement apparatus of other departments; have it as a leading agency in border control; and creating immigration court. This proposal was rejected by the executive and other departments. The Cabinet was also against such proposal. The SAPS opposed it on the basis that it was not going to have its resources being utilised for operations led by DHA, and opposed the notion that the DHA will be a leading agency in border control.

2.1.4 Challenges in border control and border security

According to Andreas, border control is an effort by the state to restrict access to territory and serve as a state's deterrent against military (2003:78). By implication,

borders must serve the purpose to allow certain people to have access to the territory and restrict others the same access.

Adamson (2006:176) has this statement on border control:

“States have interests in controlling their territorial borders for a variety of reasons, such as maintaining control over their populations, limiting access to labour markets and public goods, and maintaining internal security.”

Fassin (2011:215) opines that border significance is affected by time, as time is a determinant of the issues that affect the border, be it issues of security, sovereignty or the economy. Times of political or economic tensions do affect the significance of the border. In the South African context, this can be argued that the transition to democracy from apartheid changed the significance of the border from that of being deterrence to entry to that of facilitating movements of goods and people. Brunet-Jailly (2007:1) asserts that border security is a complex challenge to governments because it competes with economic interests in the era of globalisation. As the times have changed, with the world becoming more globalised, this has significantly affected international borders, in that border security is not only used to restrict access, but it also has to facilitate flow of goods and people. This can be linked with a statement by Oppenheimer (2014:55) who opines that

“Border security has a key role in facilitating legal border crossing and contributing to the prevention and stopping illegal migration and human trafficking, illegal exchange of goods, detect and fight terrorism, fight smuggling of arms, drugs, counterfeits and other illegal goods.”

The above statement gives an indication of the complexity of border security and the costs involved with enhanced border security. Furthermore, border control is not a static process; it is expected to change with time. Andreas (2003:83) alludes that border security is also changing in the face of globalisation, as borders now serve as a conduit for commercial transactions as opposed to barriers.

The above statement indicates that in the South African context, border securitisation is almost synonymous with militarisation of the border. Steinberg (2005:2) further asserts that South Africa got used to the notion that border control has to be securitised to such an extent that when the 1993 interim Constitution was drafted, its drafters

assigned the police force to lead in control of the border. Furthermore, two documents, namely the White Paper on Defence (1996) and the 1998 Defence Review reached the conclusion that it is the responsibility of the military to protect territorial integrity of South Africa (Siko, 2012:81).

This idea seems to be in line with the thinking by Andreas (2003:81) in a statement that, "*Borders are strategic lines to be militarily defended or breached.*"

At the end of apartheid, organised criminal activity which is inclusive of smuggling, illegal immigration and narcotics has been on the increase (Montesh and Basdeo, 2012:74). This implies that apartheid to some extent was a deterrent to illegal immigration. It may further imply that apartheid focused on certain crimes in that cross-border crimes were not given sufficient attention.

The other emergent issue on border security is that members of organised criminal networks and terrorist organisations do not declare their reasons and affiliations when they file visa applications, and categorise themselves in legitimate categories, such as students or entrepreneurs to enter any country (Adamson, 2006:175). This is one challenge that is difficult to easily counter as it may be difficult to have intelligence knowledge on such people. Adamson further avers that states from all over the world face direct competition from non-state actors when it comes to monopolising control of movement, with more competition from organised crime networks and smugglers (2006:178). Swart (2011:33) opines that the porosity of South African borders makes them conducive for illicit activities since electric fence at the borders has been switched off for more than a decade.

Seda (2016:30) posits that although authorities cite the argument of deterring cross-border crimes for immigration policies and border security policies, yet they are characterised by police brutality and disrespect for human rights. A strong argument can be made that police brutality has not countered cross-border criminal activities, but a problem that calls for government intervention since it challenges the right to dignity enshrined in the Constitution. Furthermore, for authorities to cite the argument of combating cross-border crimes seem to be ineffective while utilising the current approach. Vigneswaran *et al* (2010:471) assert that cross-border criminal activities have evolved; criminals have developed packaged services to support their clients who are migrants who aim to cross the border unlawfully. The package is inclusive of

numerous intertwined services, which are inclusive of transportation services to and from the border, as well as to destinations within South Africa; procuring documentation (forged or legal); support in crossing the border; defence against armed criminal groups and lastly negotiation of bribes with border officials. This denotes that South Africa's claim to territorial integrity and government's monopoly to restrict access into the South African territory is undermined by the presence of such activities. Furthermore, the extent of such activities is unknown as it is challenging to measure and criminals always attempt to hide their activities from authorities. Linked to the argument of combating cross-border criminal activities, it becomes clear that South Africa needs to change its approach. It also becomes clear that police brutality does not deter cross-border criminal activities.

The challenge of costs is also one of the challenges that emerge in controlling the border. Orrenius and Zavody (2017:188) state that *"policymakers aiming to stem unauthorized immigration should recognise that tougher border enforcement can help keep unauthorised immigration in check but is costly and has far-reaching unintended consequences."*

Costs first come in the form of increased expenditure by the government. Pratt in Fassin (2011:218) makes an assertion that the control of immigration is inclusive of utilisation of bureaucracies, technologies for surveillance of the borders and detection and deportation of illegal immigrants. Sun, Wang, Vuran, Al-Rodhaan, Al-Dhelaan and Akyildz (2011:468) confirm this in a statement that one of the challenges in ensuring border security is the extensive use of manpower to patrol long stretches of the border. Costs are not only limited to the utilisation of manpower to control the borders but are inclusive of the policy making process and policy implementation. Fassin (2011:218) contends that *"....the deployment of restrictive and repressive policies of immigration has been accompanied by the development of an administrative apparatus at the borders and within the territory to control immigration and hunt down the undocumented, to adjudicate the refugee status and guard the detained aliens."* (Fassin, 2011:218).

Costs relating to the border security are not only borne by the government, but various institutions. Globerman and Storer (2009:172) state that in the context of the United States/Canada border, enhanced border security has resulted in a change of other

variables, whereby there were increases in expenditure on variables like fuel, driver's hours and depreciation on truck and other related capital equipment. The same authors also assert that these indirect costs result in increased prices of goods from Canada which are linked to decreased demand of consumer goods from Canada (Globerman and Storer, 2009:173). This implies that international business community is affected by increased border security. Andreas (2003:93) has this in mind in a statement that after September 2001, increased border security became proportional with increased economic costs of cross-border traffic. These costs not only affected the border but later affected some industries, like automobile industry and retail industry as these industries have to wait longer for the products to be delivered. This denotes that enhanced border security do come with some economic costs.

To ensure coherent and effective border control is challenging and to curb unintended consequences that come with it is also challenging to policymakers and also to officials responsible for the upkeep of the border because border security has many variables attached to it because circumstances are ever changing.

The negative perception towards illegal immigrants, as they are linked to criminal activities, though empirical evidence is opposite being a phenomenon that can form the basis to understand *police brutality that characterise border policing* [emphasis added]. There is a general negative perception towards illegal immigrants in South Africa, and there are severe methods employed to manage immigrants (Kabwe-Segatti, 2008:37).

Lack of capacity of the police force to ensure border security is another challenge that is highlighted by Montesh and Basdeo (2012:73) in a statement:

What is even more apparent is the manifest inability of the SAPS to maintain the territorial integrity of our national borders and to perform adequate rural and border policing functions (2012:73).

Montesh and Basdeo (2012:73) further state that the SANDF has been redeployed to the border. This shows that the challenge of cross-border crimes and combating crime within the country is very serious to such an extent that the SAPS need the support of the SANDF.

Health challenges also emerge in border control, although it is linked to illegal entry. Silal, Little, Barnes and White (2015:8) identified a challenge, especially in the South Africa/ Mozambique border, where illegal immigrants may cross the border while they are infected with malaria. This poses a challenge to both sides of the border, since it undermines the effort to eradicate malaria. The other writers Maharaj and others, indicate that due to Mozambique's inability to continue with its malaria eradication programme, the goal of eradicating malaria becomes very challenging to the neighbouring countries. They further indicate that the implementation of cross-border malaria prevention programme is achievable but should malaria be imported it drives local transmission of malaria (Maharaj, Moonasar, Baltazar, Kunene and Morris, 2016:7). Lesser and Morsé-Leeman (2009:17) identify another challenge in border control, that some businesses find a way to engage in informal cross-border trading to evade taxes that come with formal trading. The writers further state that informal cross-border trading of agricultural products can pose health risks, as these commodities are spared of sanitary and phytosanitary controls by the authorities at the borders (Lesser and Morsé-Leeman, 2009:24). Heyman, Chen, Takemi, Fidler, Tappero, Thomas, Kenyon, Frieden, Yach and Nister (2015:1884) make a similar statement: *“as the Ebola virus crosses national borders, there is clear understanding that the outbreaks in west Africa are a threat to our health security – people with infection have travelled across borders within Africa and to Europe and to North America where they have unintentionally caused small chains of transmissions far from the epicentre of the outbreak.”* This implies that at certain times, border security is undermined by outbreaks of epidemics. Furthermore, McInnes and Kelley (2012) in Heyman *et al* (2015:1884) assert that enhanced border control is not a deterrent to the spread of any disease.

Heyman *et al* (2015:1885) also identify another challenge that undermine border control and security, which is bioterrorism, as it did occur in the USA in 2001 when anthrax spores were sent to certain individuals through the postal system. Terrorists can utilise any measure that enhanced border control cannot easily counter to carry out their objectives.

Control of border is not only limited to movements of people and goods; it also includes control of money. Since South Africa is an economic hub, and migrants from different countries come and work in South Africa, another challenge has emerged. Migrants

send an estimated R6.1 billion in cross-border remittances annually. From South Africa to the SADC countries, an estimated 5% of remittances are sent via formal and regulated channels. An estimate of 58.1% or even more are sent informally, thus creating uncertainty for authorities about the issue of money laundering, although a number of factors influence the migrant's decision on a choice or remittance method which include the ease of the transaction, method familiarity, costs, method speed, remitter's risk tolerance, the receiver's access to the retrieval points and trust from both parties (Carter, 2011:534-535). This indicates that there is a need to create a method to send remittances that is accessible to most migrants and cost effective to migrants and receiver of remittances, and this indicates that the South African government needs to work together with the governments of other countries in the SADC region. To send remittances informally is challenging for migrants because South Africa, according to Carter (2011:535) maintains strict control regulations to protect currency devaluations and macroeconomic instability. This is in agreement with a finding by Amoore and Goede (2005:151) that as border security is also linked to limiting remittances, it does include financial exclusion of the migrant group. The same authors also highlight that the pertinent challenge is one of segregating legitimate trans-border activities from illegitimate trans-border activities. The challenge is exacerbated by the fact that the technologies available to those involved in legitimate trans-border activities are also available to trans-border criminal syndicates (Amoore and Goede, 2005:161).

Vigneswaran (2008:795) contends that the other challenge the DHA faced was that most of its employees did not possess professional qualification to fulfil the mandate of the department pertaining to immigration. This was due to government's unwillingness to have matric as a pre-requisite for entry level post, as it purported for provision of employment for the less educated white segment of the population. This made the department not to be able to counter challenges that came with arrests, detention and deportation, challenges of fraud, forgery and concealment. The challenge also continued in the post-apartheid government as the Department of Public Administration (DPA) was unwilling to raise the minimum educational qualification at entry level as it purported redress by bringing less educated black employees. This implies that sometimes politics and redress policies can counter efficiency and undermine effective border control.

Makoni (2017:3) identifies the two other challenges in border security. Firstly, South African borders are porous, therefore are an ideal atmosphere for cross-border criminal activity. Secondly, since South Africa is multilingual country (Makoni, 2017:2), rotating police officers when they have not sufficiently learnt the language spoken in the border negatively affect communication and create communication barriers, since the police officer needs to learn the local language beyond rudiments of official duties, since police officers are deployed where they have to speak other languages outside their first language (Makoni, 2017:3). The porosity of South African borders is also stated by Irish (2005:2) in the statement that some borders between South Africa and its neighbouring countries is defined by a mere cattle fence, and this makes cross-border criminal activity easy, as this fence is cut or broken down. Porosity of borders pose a danger identified by Adamson (2006:178) that, "*Porous borders in weak states can allow politically organised non-state actors access to territory and population groups that can be used for political mobilization, which in turn can lead to the emergence of 'refugee-warrior communities'*".

Adamson submission can be linked to a statement by Rabasa (2007:56) that at times, groups such as organised drug groups do challenge a state's monopoly to border control. In Pakistan, drug groups possess weaponry that they utilise to challenge Islamabad's control over the borders. The same author further affirms that porous borders lead to ease of entry by illegal armed groups and organised criminal networks to commit serious crimes within a country. Venezuela is a case point in this, as criminal groups were able to abduct a senior FARC (Colombia's rebel force) official and transport him to Colombia, which resulted in Venezuela increasing border security (Rabasa, 2007:258).

The Human Rights Watch in Adepoju (2005:78) identifies another challenge in borders of South Africa. South Africa is a destination for women and children trafficked for the sex industry. This implies that border surveillance is not channelled to counter human trafficking into South Africa. Adepoju (2005:83) asserts that absence of legal framework, lack of trained police force to counter human trafficking, and corruption on the part of border officials creates a favourable environment for human trafficking. The other facet as Swart (2011:27) asserts, is that human trafficking is a cross-border criminal activity that is concealed from authorities, and it spans various countries and even continents. Furthermore, the same scholar states that another challenge is that

in South Africa, combating human trafficking is undermined by the fact that most trafficked individuals are usually profiled as illegal immigrants and are usually fearful to testify against perpetrators of this crime (Swart, 2011:28). Linked to a statement by Adepoju (2005:83), the same author argues that, *“with the exception of Mozambique, none of the other Southern African countries have a dedicated anti-trafficking legislation”* (Swart, 2011:29), although this has changed as South Africa has a legislation to deal with human trafficking which was signed into law in 2013 (Global Legal Monitor, 2013).

This is a very serious issue as it impedes and undermines justice for the victims of human trafficking. The challenge is not limited to lack of justice for victims of human trafficking. The same writer also cites the lack of the precise number of women and children trafficked into South Africa and neighbouring countries as a challenge (Swart, 2011:26). This indicates that the extent of human trafficking has been not quantified, hence depriving policy makers reliable data to guide decision making and inform policy making framework to counter the problem.

The other challenge that can be linked with border security is the fact that Interpol statistics indicate that between 96% and 98% of illicitly acquired vehicles that cross the borders are sourced from South Africa (Irish, 2005:1). This is a very serious challenge and the same author states that:

“The South African Police Services (SAPS) estimate that approximately 50% of all stolen or hijacked vehicles in South Africa are smuggled out of the country”. (Irish, 2005:1).

This implies that criminal syndicates that illicitly acquire vehicles target South Africa. This may also implicate that there is a relative ease to acquire a vehicle and take it across the border. Meanwhile, the challenge of smuggling vehicles out of South Africa is not only limited to criminal syndicates. Irish (2005:2) also opines that some vehicles are smuggled out of South Africa with the owner’s permission, and the vehicle is later reported as stolen or hijacked, and an insurance claim is filed for vehicle theft in which the owner benefits.

The other challenge with border control and enhanced border security come from interest and pressure groups that lobby for liberalisation of borders. Guerette (2007:246) states that in the US, as border security was heightened, the US was

criticised for the increased death rates, and calls for reversal of border security in the name of sparing migrant lives emerged. The US adopted a different approach, but it never relaxed its border security.

The numerous numbers of ports of entry in South Africa makes border control challenging. Oppenheimer (2014:55) states that South Africa due to its number of border posts which it shares with six other countries and numerous ports of entry has become a crucial transit route and point of departure for organised criminal networks which smuggle and traffic migrants.

Rosenblum (2012:30-31) asserts that securitisation of the border comes with some unintended consequences. One such consequence is that of mortality that comes due to illegal aliens trying to enter the country through dangerous locations. Connected to this is that illegal immigrants easily become victims of crime as they often carry large amounts of cash on their persons. The other unintended consequence of securitisation of the borders is that due to concentration of resources and law enforcement personnel in the proximity of the border, towns in the border report lower criminal rates than towns of the same size elsewhere. This implies that enhanced border control makes illegal immigrants to be easy target of criminals as they are less likely to approach law enforcing agencies and report crimes that they have been victims of. But this in contrast with the statement by Brunet-Jailly (2007:42) where the writer states that in the US, the Arizona-Sonora border security resulted in increased crime that threatened the security of people residing in borderlands and those moving across borders due to social networking between smugglers.

Rosenblum (2012:33-34) also notes that there is a relationship between migrant deaths and the number of apprehensions. As the number of apprehensions decline, the opposite was true for a number of migrant deaths which increased, giving the evidence that crossing the border has become more hazardous. Increased border security also leads to unauthorised aliens settling permanently in the country as opposed to regular visits to their country (ies) of origin. Furthermore, it leads to a phenomenon of illegal immigrants who attempt entry through ports of entry by various means including utilising borrowed or fraudulent documents, or hiding inside an automobile.

At times, border control is not only challenged by effects that come with restricting access to territory, but forces powerful enough to change border security and approaches utilised in border security in any given state. Sparke (2006:152) affirms this in the statement that in the context of the US border, security is faced with two forces pulling to the opposite directions. One is from those who adhere to economic imperatives, they advocate for open borders to ensure smooth flow of economic activities; and the other force is from those who advocate for intensified border security as they make geopolitical arguments for enhanced border control.

At times, conflicting interests of different states make border control challenging. Brunet-Jailly (2007:3) asserts that the other emergent issue pertaining to the border is that borders are institutions of complex interactions, in that different governments have different priorities for the border. Each government attempt to have its policy goals implemented by lower governments and ultimately accepted by their neighbouring states. This implies that states are unlikely to be willing to cede their sovereignty, each state would like to utilise their governments to pursue its policy goals, though some of its policy goals may be detrimental to border security of the other states.

States sometimes have challenges with border security due to the fact that the border divides people of the same ethnicity. Oppenheimer (2014:54) opines that in the Nigerian context, it is a very difficult challenge to counter terrorist movement on Cameroon/Nigeria border as similar ethnic groups are spread out on either side of the border. Further, this may imply that terrorist organisation may find conducive environments to enter different states if the border divides people of the same ethnicity. Other scholars like Brunet-Jailly and Kindzecka in Agbiboa (2017) also affirm this by stating that borders which divides the same ethnicity compromise security. Brunet-Jailly (2007:6) posits that cultural differences in the border enhance border security; while Kindzecka in Agbiboa (2017:412) state that:

“The fact that some people with the same language and descendants are found on both sides of the border makes it extremely difficult to identify strangers, increasing the likelihood of local collaboration”.

The above statement can be applied to the South African context, as the South Africa/Swaziland border divides the people who speak the same language, isiSwati. Similarly, the same principle can also be applicable to South Africa/Lesotho border as

the border with the province of Free State divides the people who speak the same language, Sesotho.

2.1.5 Challenges linked to immigration

The concept of immigration in South Africa and attitudes attached to it can be completely understood with reference to South African history and that of the region where South Africa is located (Kabwe-Segatti, 2008:47). The statement denotes that South African perceptions of immigration are influenced by its history as well as the history and relationship which it has with the countries with which it is located in the same region. The author further makes an assertion that as South Africa is one of the countries with the highest economic inequality, and a large amount of citizens live in poverty, thinking on migration is guided by this reality (Kabwe-Segatti, 2008:48).

Prior to 1990, apartheid was the major factor in deterring illegal immigration, because the South African immigration policy was very hostile to Black people. The government back then even went so far as to install electric fence which resulted in over 100 fatalities (Campbell, 2013:6). When the apartheid ended, South Africa started to be challenged by illegal immigration. Campbell (2013:6) states that one of the major reasons for rapid immigration to South Africa was because of economic reasons. Due to economic disparity, as South Africa's GNI per capita was thirteen times higher than that of Mozambique, this can help to explain that between 1990 and 1997, the largest numbers of deportees were Mozambicans (Campbell, 2013:6). This is in agreement with an account by Crush, Williams and Perberdy (2005:1) that the demise of apartheid created new opportunities for internal and cross-border movements. As apartheid ended, increase in legal and illegal cross-border movements emerged.

Linking the statements by Campbell (2013) and Kabwe-Segatti (2008), Gordon (2017:832-833) enunciates two challenges that emerged from South Africa. Firstly, in South Africa, the calls for closing of the borders towards immigrants are linked to unsubstantiated belief that immigration has dire consequences for the country in that it will disrupt the economic and social fabric of the country. Secondly, the challenge pertaining to border control and immigration is that there is a lack of nexus between public opinion on these issues and government's policies on refugees, regional integration as well as immigration. Since the history of South Africa is inclusive of apartheid which deterred immigrants from entering the country, then the public attitude

towards immigration may be influenced by apartheid past. Furthermore, due to economic disparity within South Africa, this will also shape the public thinking on immigration.

There is a close relationship between border security and immigration, and immigration is also linked to various factors that influence it. Amongst those factors is globalisation. Adamson (2006:167) asserts that globalisation is increasingly influencing the way states formulate security policies and how those policies are implemented. Adamson (2006:167) further asserts that as globalisation changed the patterns of migration, in the modern globalised world there has been metamorphosis as far as immigration is concerned in that countries which were deemed as immigration hostile have changed their migration policies. This has resulted in a situation whereby one out of every 35 persons in the world is a migrant.

The author further postulates that should all the migrants form a state, that state would be the fifth most populous state in the world; a statement implicating that immigration will continue in the future as people will move in pursuit of economic opportunities and due to other reasons. Lastly, the author states the paradox of globalisation in that it undermines state borders, yet it has created substantial border policing for states (Adamson, 2006:178). Although illegal immigration may be linked to security concerns, Campbell (2013:3) states that in the US context, illegal immigration positively contribute to the private sector as illegal immigrants are more willing to accept lower pay than natives, although some politicians are of perception that hosting illegal immigrants is costly in terms of opportunity costs than to be beneficial (Campbell, 2013:3).

Immigration may result in a scenario where one of 35 persons in the world is a migrant, but, the issue of illegal immigration is another concern that is pertinent to immigration. Adamson (2005:174) states that illegal immigrants make between 30% and 50% of all migration in the Western countries. There is no similar figure that were obtained for the South African context. Mthembu-Salter, Amit, Gould and Landau (2014:6) assert that the exact scale of illegal immigration in South Africa is subject to speculation as different sources have different figures when it comes to undocumented immigrants. This statement can be linked to a statement by Rosenblum (2012:22) in the US context when he states that data on apprehensions is only limited to those who cross the

border illegally. This data is exclusive of successful illegal immigrants which is inclusive of those who successfully used fraudulent documents and those who overstayed their visas. It is also exclusive of those who are deterred by the border. Lastly, the data is severely limited in that it only considers events not people. A person apprehended twice for crossing the border illegally is counted twice, which results in the data giving the wrong figure than the actual number.

In South Africa, the increase of people entering the country has put pressure on limited border control resources which has led to inefficiency in many border posts and an increase in travellers who attempt to enter South Africa unlawfully (Crush *et al*, 2005:6). This points to the need to make more resources available to facilitate immigration; while countering illegal immigration.

Another issue highlighted on borders is the fact that some people have been deported several times; and some people may be deported without being recorded (Mthembu-Salter *et al*, 2014:6). This is a serious implication on border control, calculations and costs. This also makes the effort to establish data on illegal immigration futile, thus undermining law enforcement and also increasing the costs, as those who were deported without being recorded will attempt to cross the border again. This statement is also in agreement with an assertion by Landau, Ramjathan-Keogh and Singh (2005:17) who opine that although border security can be linked to immigration. The different light can be shed on undocumented immigrants. Firstly, it is difficult to quantify the exact number of undocumented immigrants. Secondly, there are numerous immigrants who are profiled as undocumented, although they entered South Africa legally and overstayed their visas. The problem of lack of data on migration was also highlighted by Kabwe-Segatti (2008:78) who contends that South Africa was devoid of data on migration as it did not devote substantial resources to migration for a long time. This led to a country being caught by surprise when xenophobia erupted in the 1993-1994 period. This implies that the country was not ready for immigration that would take place at the demise of apartheid and the country did not have any updated information on immigration patterns at international level.

Crush *et al* (2005:12) discourses that South Africa has deported more undocumented immigrants in the region of Southern Africa compared to other countries; it has deported over a million people since 1990. This had led to tensions over the issue of

illegal immigration, yet there is no viable solution that has been offered by bilateral commissions. The argument can be made that South African borders are not a deterrent to illegal immigration, which explains the reason for it being a leader in the region when it comes to deportations. Further, the argument can be made in that there are pull factors in South Africa that make it a preferred destination for most migrants.

Migration is not only linked with security but also linked with national identity. Adamson (2006:181) argues that: *“many states have historically incorporated national, ethnic or racial criteria into their migration policies....”* Linking to this statement, although globalisation forces and the modus operandi of the international system undermines national identity based on race, ethnicity or creed; however, debates around migration and national identity are still prevalent (Adamson, 2006:181).

Additionally, socio-economic and socio-political situation in Zimbabwe also contributed to a challenge of undocumented immigrants entering South Africa and other neighbouring countries. Mawadza (2008:4) asserts that most of Zimbabweans cannot meet visa requirements due to unfavourable economic climate which severely impede the government's ability to issue required documentation. Furthermore, there is an occurrence of Zimbabwean migrants who enter South Africa using a hazardous route of swimming across the crocodile-infested Limpopo River, while some migrants will use the services of *Malaita* which will ferry them into South Africa; as the *Malaita* will bribe immigration officials at the border. Other Zimbabweans exploit the legal loophole that most of Zimbabwean civil servants usually do not require a visa to visit South Africa; thus, they buy payslips from civil servants to enter South Africa.

Illegal immigration in South Africa correlates with corruption by law enforcing agents, in that it was deemed as one of the challenges that was identified in 2006 by the Policy Advisory Council which was appointed by the then National Commissioner, Jackie Selebi; to such an extent that illegal immigrants paid bribes to the police officers to evade arrest (Bruce, 2008:5).

Bruce (2008:7) states that:

“Corrupt interactions with the police are most concentrated amongst specific ‘groups’ including immigrants, sex workers, criminals and others who tend to be the subject of police attention (notably young men, particularly young black men) or who the police identify as safe targets for soliciting bribes when they approach police for service.”

Linking the statement above with the fact that there is absence of binding policy in the departments responsible for the border, it becomes evident that border security is relatively weak in South Africa. As police can interact with immigrants and sex workers who may have been trafficked from neighbouring countries into South Africa to solicit bribes, such actions undermine border security and attempt to curb illegal immigration. The other issue that makes it costly to curb illegal immigration is that a relatively high economic and social development in the Southern African region has made this region the most targeted by immigrants; with South Africa, Botswana and Namibia being the most targeted countries (Campbell, 2013:2).

Vigneswaran (2008:784) sheds a different light on illegal immigration. Due to South Africa's long and porous borders, it is very challenging to counter illegal immigration, hence, the Department of Home Affairs (DHA) came with a new deterrence approach, whereby it sent its inspectors to inspect at workplaces with an aim to apprehend illegal immigrants. This was done with an intention to change the environment that hosted undocumented immigrants; to make them feel unwanted, thus, ultimately return to their countries of origin or not come to South Africa. But this approach was never successfully implemented; as a result, the department spend considerable time processing suspected undocumented immigrants who have been apprehended on the streets and on the borders. The same author further states that South Africa has specific laws and policies to counter illegal immigration; yet it lacks the machinery to administer immigration control (Vigneswaran, 2008:791). For South Africa to lack machinery to administer immigration control may be due to a reason that the DHA does not possess all the resources that it can utilise to counter illegal immigration as policing is the function of the SAPS, not the DHA. Secondly, it may be that the SAPS have other priorities, other than utilising resources in countering illegal immigration.

Crush and Dodson (2007:437) assert that South Africa lost a decade after the dawn of democracy due to absence of immigration policy. The then Minister of Home Affairs, Mangosuthu Buthelezi, was tasked with developing immigration policy, which he initially prevaricated and later delivered. The policy delivered by Buthelezi was flawed as it derived heavily from apartheid era policy framework (Crush and Dodson, 2007:437). This implies that instead of South Africa being immigration friendly, it chose to remain immigration hostile. If the policy was derived from the apartheid era policy

framework, this implies that in its very nature it was discriminatory and aimed at keeping immigration very minimal.

Since South Africa has tension on immigration, Matthes *et al* as cited in Kabwe-Segatti (2008:57) indicate that in a post-apartheid South Africa, immigrants are perceived as playing the bad guy's role. This perception in South Africa is debunked by Landau *et al* (2005:8) when they opine that empirical research indicate that the relationship between the presence of foreign nationals and serious security threats is very minimal, to such an extent that in Hillbrow, Johannesburg, a place with one of the highest concentration of foreign nationals, only 7% of the total arrests were foreign nationals, with the majority of them charged with immigration offences. However, the statement is in contradiction with a statement made by Shamir (2005:202) where the writer states that in Europe, Dutch police linked increasing criminal activities with immigration, and about 63% of homicide convicts being immigrants of African origin. Pickering in Watkins (2017:961) states that in the field of criminology, there is documentation on how asylum seeking is policed as a transnational crime. Yavaş (2017:80) posits that in an effort to deal with international crime, the EU has linked migration issue with illegal immigration. That has resulted in the creation of links between security and immigrant populations. Basaran in Yavaş (2017:82) contends that, "*irregular immigrants are largely and inevitably categorized as 'unwanted populations' who are subjected to illiberal rules at the border zones.*" The scholar further posits that borders become spaces of exclusion, where unwanted populations are excluded from liberal values inclusive of human rights. There are two arguments that can be given to explain the statements above. As the findings by Landau *et al* (2005:8) contradicts those made by Shamir (2005:202), the first argument may be that developing states lack resources to enforce immigration laws and investigate criminal activities, hence a weak link between presence of foreign nationals and criminal activity. It may be also that developed countries politicise immigration and have discriminatory measures against immigrants, thus they link immigration with criminal behaviour.

The argument can then be made that developed countries especially in Europe, America and Australia are utilising border control measures to keep migrants confined in their countries of origin. This further implicates that hostile perceptions towards the migrant population is not only limited to South Africa, it is an international phenomenon.

Shamir (2005:201) further states that for too long, immigration and border control measures have been influenced by the conceptual link between immigration and other social problems like crime, disease and moral decay. Furthermore, the author also states that in the US, the Center for Immigration Studies published a report that shows that one in four persons among immigrants are living in poverty (Shamir, 2005:202). This link between immigration and poverty has created a new profile in the US whereby poverty is now associated with a threat of terrorism, thus Shamir (2005:202) concludes that *“alongside the more familiar link between immigration and crime, often mediated through indicators of poverty, there also seems to emerge a new conceptual link, associating poverty with the threat of terrorism”*.

Patric (2007:644) also make the similar statement when he states that the North-South relations are characterised by the dominant perception in the North that links security threat from poorly governed states in the south. As migration can be linked with security concerns, Crush *et al* (2005:23) links migration with health security. The challenge of HIV/AIDS is ironical in a way it influences migration. Firstly, it challenges the established forms of migration while it creates new reasons for migration. HIV infected persons may migrate due to perceived improved healthcare in another country. Furthermore, if the breadwinner dies because of HIV/AIDS, another family member may migrate in search for economic opportunities.

Ilesanmi (2011:289) asserts that in South Africa, the press in the period of 1994 to 1998 was partly responsible for creating a negative image of cross-border migration. The writer states that most of the articles, editorial and opinion was anti-immigrant and was not analytical. Thus, the power of the press is utilised to create a negative, hostile public opinion towards the presence of foreign nationals, and this opinion may be found in the officials responsible for immigration, thus leading to anti-migrant sentiments. Furthermore, Ilesanmi (2011:288) opines that in the SADC region three countries are reported to have hostile anti-immigrant sentiments, namely South Africa, Botswana and Namibia, and further these three countries are amongst the most xenophobic in the world. To have the media portraying immigrants in the negative light is not a phenomenon that is limited to South Africa. Kabwe-Segatti (2008) posits that the immigrants are perceived in the negative light, Vollmer (2017:297) posits that in the UK, the media project the immigrant group negatively and such portrayals can

create negative perceptions. Yet the empirical evidence to prove links between negativity and immigrants is scarce and mixed (Vollmer, 2017:297).

Crush *et al* (2005:2) opine that cross-border migration within the SADC region has been a phenomenon that is older than the drawing of colonial borders. The authors further state that the system of cross-border mobility in Southern Africa is deeply entrenched, that if governments try to stop the system, it always leads to illegal immigration (Crush *et al*, 2005:5).

The SADC in 1995 drafted a protocol to allow free movements of people across the borders of the SADC region, and this move was severely critiqued by South Africa, Namibia and Botswana, and the main argument was that the region was still immature for free movement of people (Mawadza, 2008:2). Linking this to a statement by Campbell (2013:2) that South Africa, Botswana and Namibia are the countries that are most targeted by immigrants due to their higher economic development may give a rationale for heavy critique of the proposed protocol. This further implicates that economic activities in the SADC region is not yet fully developed which explains the phenomenon of three countries being targeted by immigrants. Mawadza (2008:2) allude that some states in the SADC region face human resource constraints to administer migration effectively, which results in increased illegal immigration and other states are reluctant to relax entry requirements. This implies that underdeveloped economies in the SADC and the concept of sovereignty by member states do pose a challenge to free movement and a change in model of border control for the region.

2.1.6 Geopolitical structures, geopolitical agents and their influences on borders and related issues

Borders are usually created by geopolitical events that occur within a given territory and within a given context. Border security is said to be shaped by geopolitical events that occur within a territory. In the United States, Jones (2009:291) opines that the country fenced more than 500 kilometres of its border with Mexico after September 11. India followed suit by expanding its fence with Pakistan and Bangladesh, a project that cost US\$4 billion. The same writer further asserts that securitisation of the border are as a result of the enemy that is created through geopolitical boundary narratives (Jones, 2009:292). This is an implication that the geopolitical event of September 11

changed the way in which border security was approached before and created a new approach, especially for the United States.

In a post-September 11 context, the content of border security has changed, hence, the statement that *“Transnational law evaders rather than interstate military invaders increasingly drive state border security priorities.”* (Andreas, 2003:82).

When it comes to territorial integrity and safety the threat is less of military invasion, but the threat comes from geopolitical agents like terrorists and organised criminal networks who compete with the state over the control of borders.

Andreas (2003) opines that, *“The September 11 strikes were not explicitly border connected, but nonetheless generated substantial collateral damage at border entry points.”* This implies that some geopolitical events can change the variables which they are not related and have long lasting effects. In European context, it was not a single geopolitical event that created borders and shaped them. Warfare was critical in making of European borders and the Cold War resulted in much of securitisation of borders in Europe (Andreas, 2003:100).

After the World War II, Western Europe was very much reliant on foreign labour for its reconstruction, borders were therefore open to facilitate immigration of aliens, as long as migrants tolerated being marginalised and exploited (Fassin, 2011:216). This statement is in agreement with the statement by Adamson (2006:173) that even though migration is linked with security, economic boom in Europe after the World War II would have been impossible had it not been for migration; and some countries' economies that fail in the absence of foreign labour (Adamson, 2006:173). The geopolitical event of the Second World War drove Europe to a different direction and different interests. Instead of securitising its borders after the war, it chose to have open borders to allow cheap foreign labour to boost its economy. A geopolitical event like war can also result in a different action by country (ies) than a geopolitical event like terrorist attack in September 11.

Although enhanced border security can be linked to increased fatalities of illegal immigrants, Guerette (2007:249) assert that the US finds itself in a geopolitical environment that makes removing border security unfeasible option. The option that the US has called for increased border security, which is proportional with increased

fatalities. Increased border security drives to greater dependence to human smugglers by illegal immigrants, which leads to increased border fatalities.

Terrorists as geopolitical agents not only influence border security, they also influence migration. Adamson (2006:166) opines that terrorists' attacks in both European countries and the United States led to reinforcement of fears that links migration and terrorism.

In South Africa, apartheid as a geopolitical structure was said to have influenced border security. Irish (2005:3) state that the end of apartheid in South Africa changed its border security. During apartheid, border posts had heavy military and police presence to counter insurgents as they were foes to the apartheid authorities. Currently borders facilitate the flow of goods and people, and civilian agencies have more role than during apartheid (Irish, 2005:3). A change in geopolitical structure can drastically and radically change border security for the country. The statement by Irish can be linked to a statement by Kabwe-Segatti (2008:62) that due to the intricacies of apartheid regime, South Africa had a higher border monitoring capacity, which served to protect it from massive inflows, and lasted until the Mozambican civil war; and paradoxically, there were numerous South Africans that sought refuge in the neighbouring states, although South Africa refused to receive any refugees, with an exception of those deemed to be white (Kabwe-Segatti, 2008:62).

In the former apartheid South Africa border control was the responsibility of the police and military as the country had to protect itself from the exiled liberation movements which were keen to infiltrate the borders and start guerrilla warfare (Steinberg, 2005:2). In the apartheid context it made sense for the then government to protect itself and utilise the military in the border lines. This also denotes that borders in South Africa back then had enhanced security and minimum cross-border activity.

Some events change the geopolitical structures and agents that may shape the border security of a given state. In Andreas (2003:84) the US Deputy Attorney, Jamie Gorelick in 1995 was quoted as saying that the demise of Cold War changed the threats the US was facing, as threats change from military to transnational threats like terrorism, contraband smuggling, human trafficking and nuclear smuggling, thus implicating a new approach in border security.

Siko (2012:77) state that South Africa's first threats on its borders came as a result of emerging independent African states and South Africa was becoming largely isolated as states like Rhodesia (now Zimbabwe), Angola and Mozambique gained independence. Independence in African states changed the politics of the region South Africa is located; in response South Africa responded by enhancing its border control as the then government perceived it as a security threat to be amongst independent African states. The cessation of power by colonial powers over their colonial subjects, and the emergence of states led by African people did change border security priorities for South Africa.

2.2 Theoretical framework

To understand the complex nature of border security this study is informed by complexity theory. This section deals with the theory that underpins this study.

2.2.1 Complexity theory

Complexity theory is a set of theoretical frameworks that provide the basis for analysing and modelling complex systems. Manson (2001:406) asserts that complexity theory is based on the tenet of explaining any complex system, ranging from business systems, natural systems to human consciousness, as all are based on the same principles. Therefore, complex systems are the cornerstone of complexity theory. Anderson (1994:217) defines complexity as "*the length of the schema needed to describe and predict the properties of an incoming data stream by identifying its regularities.*" Complexity has to do with non-linear relationships between entities that change. Further, relationships are the defining feature of a complex system more than the parts that constitute the system. Complexity is found in a variety of domains (Manson, 2001:406). On complexity Anderson (1994:216) states that complexity is a variable that characterises organisations and their environments. Complexity is divided into three dimensions. Vertical complexity has to do with hierarchy; vertical complexity has to do with a number of personnel or departments within an organisation; and spatial complexity has to do with geographical locations (Anderson, 1994:216). In addition to Anderson, Manson (2001:407) indicates that there are separate kinds of complexity, and they have different assumptions. The three major kinds of complexity based on the different disciplines are algorithmic complexity (based on mathematical complexity theory and information theory); deterministic complexity (chaos theory and catastrophe theory); and aggregate complexity which

deals with how individual elements work in concert to create systems with complex behaviour (Manson, 2001:407). This study is based on aggregate complexity as it is able to analyse the dynamics of social sciences.

In aggregate complexity, a set of interrelated concepts define a complex system, which are relationship between entities, internal structure and surrounding environment (Manson, 2001:408).

A complex system as defined by Simon in Anderson (1999:216) is a system consisting of a variety of parts that have numerous interaction, or relationships with each other in a non-linear fashion. Since the complex system consists of various components, Manson (2001:409) asserts that the number and variety of these relationships contribute to the difficulty in analysing the process of these relationships as they are non-linear. The author further states that:

“Understanding and tracing these relationships of a single entity is difficult while tracing them in an entire system verges on the impossible.” (Manson, 2001:409).

The internal structure of the complex system is constituted by components that have relationships of different strengths with each other. If components have tight connections, they create a subsystem; furthermore homogenous components do create internal diversity and the realignments of relationships create non-identical subsystems. This enables a complex system to be capable of dealing with unusual situations as it has a variety of components and subsystems connected by complex relationships; as some components can handle difficult situations. Sometimes, a system cannot handle a novel situation, as there may be no component or subsystem to handle a new environment and the results may be dire. Furthermore, a complex system is capable of ‘learning’ from the external environment and its memory is located in various components. The economy makes a good example of this, where its memory exists in various places in the form of business plans and vast experience of different participants in the economy. In a complex system, a component can be a part of various subsystems, just as a single individual can be member of the family and various other civil society organisations (Manson, 2001:409-410).

In a complex theory, complex systems are linked to each other to form a network, which is another tenet of complexity theory (Battison et al, 2016:818). Further, complexity theory also stresses the importance of contexts. Since contexts change

constantly, complex systems also adapt and change constantly (Teisman and Klijn, 2008:289).

Anderson (1999:217) opines that the complex system process inputs into outputs in a non-linear way as the components interact through a web of loops. Furthermore, the same writer states that:

“Modern complexity theory suggests that some systems with many interactions among highly differentiated parts can produce surprisingly simple, predictable behaviour, while others generate a behaviour that is impossible to forecast though they feature simple laws and few actors.”

Casti in Anderson (1999:217) and Byrne (1998:14) posit that the behaviour of complex systems is challenging to predict because it is non-linear, thus a small change in one or two variables or constants can significantly change the behaviour of the whole system. Byrne (1998:14) states that in non-linear systems, change may result in more than a single possible outcome. Furthermore, Byrne (1998:20) opines that one variable does not determine the outcome, but multiple variables do and they do so in a non-linear fashion. Also, a complex system is subject to constant changes due to internal re-organisation so it can learn to better interact with the environment; and also due to external forces that drive it to change (Manson, 2001:410).

Complexity theory can be used to explain the process of policy making in the field of public administration and management. When making policies, the developments will be non-linear, as different forces guide the policy-making processes. Since it is a tenet of complexity theory that complex systems are self-organising, in public administration discipline that can be likened to the use of terms like actors (agencies), policies and processes that behave (not always) according to legal prescripts, and they have self-organising capacities (Teisman and Klijn, 2008:289).

2.2.2 Applicability of a complexity theory to border control in South Africa

Border control in the South African context depicts the characteristics of the complex system. Since Simon in Anderson (1999:216) defines the complex system as a system consisting of various parts that interact with each other in numerous ways; this is applicable to departments responsible for border control, as they are parts that make the system, and they interact with each other in the absence of binding policy; hence the complexity of the system.

These departments also depict the characteristic of non-linearity, as no department has the same priorities with each other, making them disjointed as stated by Steinberg (2005:3). The departments are not aligned when it comes to policy pertaining to border control, each department pursue its own priorities (Mahlangu and Obioha, 2015:109), thus, they operate in a non-linear fashion.

Each department has its own systems and structures, its own personnel and goals, and its own databases. As these departments make a complex system, with each department having its own systems, this can be likened to the subsystem of the complex system that Manson (2001) alluded. He further opines that if components that make a subsystem have strong connection, the personnel of the departments, the departments concerned and the technologies they utilise to conduct daily activities have strong connections to fulfil the various mandates of their respective departments, hence subsystems are created. These subsystems have strengths of varying degrees depending on enabling legislations and the resources at their disposal.

The complex system processes inputs into outputs in a non-linear fashion (Anderson, 1997:217), this is applicable to the system of border control in the South African context whereby the system is complex and converts inputs to outputs in a non-linear fashion due to variety of agents and processes. Different activities and phenomenon at border posts serve as inputs and the system process them into outputs. Some potential inputs are rejected by the system; while some are accepted by the system, thus, the output is determined as what is allowed to enter the country and what is not allowed and vice versa.

As Manson (2001:410) opines that the complex system is capable of learning from the environment with its memory located in various components; departments have learnt to deal with challenges pertaining to border control, although they are disjointed when it comes to policy. Each department has its own databases and has methods to deal with challenges that affect it, thus, departments have learnt to deal with challenges; vis-a-vis the memory of the system.

Casti in Anderson (1999:217) and Byrne (1998:14) posit that the behaviour of the complex system is difficult to predict due to its non-linear nature, thus, a small change in one or two variables or constant can significantly change the behaviour of the whole system. Furthermore, Byrne (1998:14) adds that change may result in more than a

single possible outcome. Departments involved in border control are non-linear; none of them are aligned with each other. This contributes to the difficulty in predicting the behaviour of the departments pertaining to border control should there be a change in one or two departments. This holds true, as the National Interdepartmental Structure (NIDS) once created a model whereby the Customs and Immigration were to be key leaders when it comes to border control, and SAPS was given a secondary role. Controversy arose because of this, as the SAPS have always been a leading agency in a majority of border posts (Steinberg, 2005:3-4). This depicts that change in one or two variables changed the behaviour of the whole system, the change was unanticipated and it resulted in more than one possible outcome. The DHA did propose a legislation requesting for the creation of immigration police and immigration court, and have the DHA as a leading agency in the administration of all facets of border control. The outcome was that the proposed legislation was rejected by other departments, as well as the Cabinet (Vigneswaran, 2008:793). This depicts the difficulty in predicting the behaviour of the complex system, as the DHA did not anticipate that other departments would reject the proposed legislation.

As Byrne (1998:14) opines that in non-linear systems, one variable does not determine change, but various variables determine change. This is applicable to departments responsible for border control. One department cannot determine change; there should be other variables that should determine change.

Complexity theory explains the non-linear character of departments involved in border control and how changes in one components of the system changes the behaviour of the whole system, and how change can have more than one possible outcome.

2.2.3 Limitations of complexity theory

Complexity theory has its own limitations. The first limitation spotted by Houchini and MacLean (2005:151) is that different meanings are given to concepts which constitute complexity theory. To bridge this weakness, the researcher gave explanations on the concepts used as they applied to the study.

Houchini and MacLean (2005:150-151) contends that complexity theory originally explained physical systems; therefore, it is best applicable to social systems that follow physical sciences. Chia, Goldstein, and Reason and Goodwin in Houchini and MacLean (2005:151) question the notion of employing the theory that have its origins

in the physical sciences to explain social phenomena, while disregarding the differences between social and physical sciences.

“Complexity theory concepts have been developed by studying systems such as insects colonies, chemical phase transitions and physiological systems, in which distinctive nature of the human being is not an issue” (Houchini and MacLean, 2005:151). The authors therefore conclude that the findings from these systems do not apply to human systems. The researcher utilised the concepts from complexity theory as it applies to public administration setting, but refrains from utilising concepts as they apply to physical sciences.

2.3 Conclusion

This chapter scrutinised the existing literature with an aim to answer the research questions posed by this study. In the literature, it emerged that border control in Africa is marred by numerous challenges. The second section of this chapter discussed theoretical framework underpinnings of this study. The following chapter will deal with methodological and research design issues that pertain to this study.

CHAPTER THREE

RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

While the previous chapter focused on the literature review and theory that underpins this study, this chapter focuses on research methodology that was utilised for this study. Research methodology is the process of data collection in order to get new information to enhance understanding of a phenomenon. In engaging in research, a researcher makes steps of decisions and follow certain processes to execute the research process. Since research is a scientific inquiry, there are steps that are followed while undertaking the research process to ensure that the results are accurate and reliable as possible.

3.2 Problem restatement

Border security and control functions have been restructured numerous times in South Africa, with lead agencies changing between the South African Police Service (SAPS) and the South African National Defence Force (SANDF). This restructuring has not been limited to changing of lead agencies; within the SAPS there has been changes at structural and organisational level pertaining to border policing (Mahlangu and Obioha, 2015:110).

For border control and security purposes, South Africa utilises multiple agencies/departments, amongst them are the Department of Defence, Department of Home Affairs, Department of Environmental Affairs, Department of Agriculture, the State Security Agency, South African Police Service and the South African Revenue Service are included (SARS, 2018). Notwithstanding that they serve the common purpose of border control and ensuring territorial integrity, they operate without a binding policy or a binding legislation which can be linked to having each agency pursuing its own priorities, therefore resulting in a lack of integrated approach to border control (Mahlangu and Obioha, 2015:109; Steinberg, 2005:3 and Oppenheimer, 2014:55).

This study is centred on the problem of inadequate policy harmonisation and it investigated how inadequate policy harmonisation amongst border control agencies affects border security and control.

3.3 Research philosophy

Different researchers adhere to different research philosophies when conducting studies. Blackburn in Clark (1998:1242) defines the philosophical assumptions as “*the philosophical level of a research method that focuses on its assumptions relating to the most general features of the world, encompassing aspects such as the mind, matter, reason and proofs for knowledge.*” Clark (1998:1242) posits that when a researcher utilises a research method, there are philosophical assumptions that have already been made.

This study was grounded on the paradigm of post-positivism as it adopted scientific approach (Lewis, 2015:20). Phillips, Schumacher and Gortner, Dzuree and Abraham and Ford-Gilboe *et al* in Clark (1998:1245) assert that there has been a rise on the utilisation of post-positivism as a research philosophy that underpins empirical research endeavours. On post-positivism, Lewis (2015:20) states that, “*The approach has the elements of being reductionistic, logical, an emphasis on empirical data collection, cause-and-effect oriented, and deterministic based on priori theories.*” Furthermore, the same author opines that post-positivist researchers utilise validity approach, quantitative approach structure where mostly they state the problem, questions, data collection, results and lastly conclusions. Post positivism does not confine science to what can be perceived through senses, which is a direct contrast with positivism (Clark, 1998:1245).

Post-positivism also speaks to this study, as it claims that absolute reality cannot be measured (Panhwar, Ansari and Shah, 2017:253). This is in agreement with a statement by Clark (1998:1245) that “*post-positivism does not reject the truths present in methodologies focusing on the experiences or meanings of individuals, as encompassed by the phenomenological, grounded theory and other interpretive methodologies.*” Pertaining to this study, the reality of complexities pertaining to border security and border control cannot be measured, or approximated.

Phillips (1990), Guba and Lincoln in Panhwar *et al* (2017:254) state that post-positivism is advantageous as it reduces researcher’s bias, as more than when one research method is used. This makes this paradigm to be flexible. Since post-positivism is flexible, this flexibility is advantageous as it can be utilised when the researcher is engaged in a multidisciplinary research. Furthermore, it allows the use

of various research methods (Panhwar *et al*, 2017:254-255). Clark (1998:1245) further posits that post-positivism allows the use of both qualitative and quantitative approaches in one data collection instrument and allows for triangulation of data gathering methods. In this study, more than one data collection method was employed and the data was analysed in different ways. This is in line with the argument of Ryan (2006) in Henderson (2011:342) that post-positivism allows the utilisation of multiple data collection techniques and data analysis. The study cannot claim to come with findings that can be generalised as this research was bound by the context in which it took place. This agrees with a statement by Clark (1998:1246) that, "*the contextually bound nature of research findings, consequential in acknowledgement of the researcher and theoretical biases, warrants that knowledge deemed to be 'truthful' under post-positivistic inquiry is not universally generalizable to all cases and all situations*".

Since this study was qualitative and subjective, it was in line with the basic claim of post-positivism that reality is subjective (Henderson, 2011:342).

3.4 Traditional research approaches

When engaging in a study, the researcher must be conversant with both traditional research approaches, namely the qualitative and the quantitative approaches. Furthermore, the researcher is expected to be conversant with mixed methods, which is the mixture of the traditional approaches. Quantitative approach is characterised by producing numerical data, and using statistical measures in analysis. It is also known to employ large samples to establish the significance of the phenomenon being studied. Furthermore, quantitative approach, due to its large samples, allows for generalisation of the findings.

On the other hand, qualitative approach is characterised by yielding descriptive data and utilising of a small sample as it purports to give the meanings the participant attach to the phenomenon being investigated. Qualitative methodology is suitable to get the accounts of a participants' experiences and viewpoints (Jansen, 2017:10).

3.4.1 Rationale for qualitative approach

The qualitative approach was chosen for this study due to the fact that it is mostly appropriate to answer the research questions that underpins this study, which called for descriptive answers bounded by the South African context, as qualitative approach

is contextual and descriptive (Jamali, 2018:201). Furthermore, the study seeks to obtain an in-depth understanding of the phenomenon of border control and border security; this therefore, calls for utilisation of qualitative approach. Choy (2014:100) posits that in qualitative research, the researcher is able to identify bias and take corrective action as the bias occurs, unlike in quantitative research where mostly the bias is identified later. The author further states that qualitative approach enables respondents to raise issues that are crucial; and the approach is able to “*raise more issues through broad and open-ended enquiry*” (Choy, 2014:100-101).

3.5 Research methodology

To obtain primary data for this study, the researcher interviewed experts in the field of border security and control; and conducted analysis of various policy documents, such as: White Papers on immigration, border control and security, submissions to parliamentary portfolio committees on immigration and border control. The documents consulted were: Submission to Home Affairs Portfolio Committee on the White Paper on International Migration, Annual State of Cross-border Operations Reports (2016-2017), Border Management Authority Bill, Portfolio Committee Amendments to Border Management Authority Bill (2016), Immigration Act (2002), South African Human Rights Commission’s Report into the Arrest and Detention of Suspected Undocumented Migrants, White Paper on International Migration for South Africa (2017), The Parliamentary Portfolio Committee Report on Police (2004-2009) and the Defence Review (2015-2017). To obtain secondary data, the researcher consulted various academic journals, newspapers, reports and books.

3.5.1 Interview schedules

This research utilised semi-structured interviews. Semi-structured interviews were chosen in that they allowed the researcher to ask follow-up questions to the respondent, thus, enhancing the richness of data. Astedt-Kurki and Heikkinen in Kallio, Pietiä, Johnson and Kangasniemi (2016:2960) state that main themes and follow up questions constitute a semi-structured interview guide. The main themes are derived from the main content of the study; and each respondent is questioned on the main themes. As the researcher utilised semi-structured interviews, he adhered to the second step by Kallio *et al* (2016:2959) based on retrieving and using previous knowledge by doing extensive literature review of the phenomena that is being

studied. This is in line with the advice of Kallio *et al* (2016:2959) who posit that “*the critical appraisal of previous knowledge could be conducted by carrying out an extensive literature review focused on the purpose of the study.*” Furthermore, Kallio *et al* (2016:2959) recommends the consultation of experts as means to obtain empirical evidences that enhance the study of a phenomenon.

3.5.2 Design of interview questions

Kallio *et al* (2016:2959) identified five phases to guide a researcher when utilising semi-structured interviews. The identified phases are: the identification of the rationale for utilising semi-structured interviews; the retrieval and utilisation of previous knowledge; formulation of the preliminary interview guide; pilot testing; and the production of the complete semi-structured guide.

As mentioned in section 3.5.1, this study employed semi-structured interviews. Semi-structured interviews were chosen as they allowed the researcher to inquire on main themes or questions and ask probing questions to obtain in-depth understanding of the subject being studied. Furthermore, should there be conflicting responses from the respondents, the researcher is expected to be able to make inquiries on the differences (Harrel and Bradley, 2009:10).

Interviews were conducted with the purpose to get expert and informed insights into the issues of border control and border security. The second purpose of the interview was to obtain data that would help to answer the research questions posed by this study. The interview responses then could be compared with the data obtained from the documents consulted.

3.5.3 Themes in the interviews

Since the study utilised semi-structured interviews, all interview respondents were asked on the main themes. Probing questions differed from each respondent based on the response furnished by the respondent.

All of the respondents were questioned on the themes below:

- (a) Perspectives on the effects of inadequate policy harmonisation amongst border control agencies

- (b) Perspectives on the actions of political leadership to offer solutions on the challenges linked with inadequate policy harmonisation
- (c) Views on departmental/agency behaviour in relation to political leadership, consultation and decision making pertaining to solving the challenges
- (d) Efficiency of the current approach utilised for border control
- (e) The recommendation on improving border control and border security in South Africa

3.5.4 Interview structure

The interview process began with the researcher contacting the potential interview respondent and asking for an interview session. The interview was scheduled to last about +/-40 minutes, depending on the responses of the respondent. When granted the interview, the researcher adhered to the advice of Magnusson and Merecek (2015:59) and asked how the participant preferred to be addressed. The researcher then explained again the nature of the study as well as research objectives. The copy of the ethical clearance from the University of Zululand was made available to the interview respondent. The interview respondent was then asked to complete an informed consent form and assured that his/her identity was to remain anonymous. Instead of a name, the interview respondent was assigned a numerical code. The researcher then informed the participant that s/he was to be recorded to enable future reference by the researcher when analysing data. The researcher then furnished the respondent with a *“brief overview of the topics of the interview and the type of information the interviewer (researcher) wanted to learn from the participant”* (Magnusson and Merecek, 2015:59). The respondents were then inquired if they had question(s) to ask before the interview commenced.

3.5.5 Interview questions wording

The interview questions employed were open-ended. This is due to the nature of the study, as it pertains to policy and security. Even if a researcher employed closed-ended questions, the respondents would have needed to motivate for their answers. Moreover, due to the nature of the research questions that the study sought to address, open-ended questions were more appropriate.

3.5.6 Study population

This study had a target population of key informants within the agencies responsible for border control in South Africa. The study also had a target population of academic experts on the issues pertaining to border control, border security and immigration. The key informants were participants who have worked in the field of border control/border security and some of the key informants have written and published articles about border control and border security. The key informants came from Department of Home Affairs (DHA), South African Police Service (SAPS) and South African Revenue Services (SARS). Although the study purported to get an informant from Department of Health (DoH), attempts to get the key informant failed. The academic experts wrote and published articles in the field of immigration, border control issues and border security.

3.5.7 The sampling procedure

As this study was largely idiographic and qualitative in nature, it utilised the small sample. Part of the reason for utilising the small sample was the availability of financial resources on the part of the researcher and the limits of time needed to finish the study of this scope. Robinson (2014:29) recommends that the sample size for idiographic studies should be between three to sixteen participants to enable the researcher to cope with data analysis. The study used non-probability sampling in the form of purposive sampling, as it sought respondents who were to be able to answer research questions. Six respondents were interviewed for the purpose of the study.

Dealing with the issue of data saturation

Qualitative research differ from quantitative research in that qualitative research does not generalise, but can be transferred and replicated. To ensure that qualitative research results can enable a study to be replicated, data saturation must be reached. Fusch and Ness (2015:1408) contend that:

“Data saturation is reached when there is enough information to replicate the study, when the ability to obtain additional new information has been attained, and when further coding is no longer feasible.”

Since this study was qualitative in nature, there were considerations about data saturation. Firstly, saturation can be defined as a point where no additional data is

obtained. It can also be defined as a point where no new themes emerge (Saunders, Sim, Kingstone, Baker, Waterfield, Bartlan, Burroughs and Jinks, 2018:1895).

As the study was conducted using interviews as a method of data gathering, it helped to reach data saturation. Fusch and Ness (2015:1409) opine that interviews are one method of data gathering to reach saturation. The researcher also adhered to the advice of Legard *et al* in Saunders *et al* (2018:1896) whereby the researcher probed until he felt that he had reached full comprehension of the respondent's perspective, therefore saturation.

At the fourth interview, themes began to be similar, therefore data saturation was reached. Fusch and Ness (2015:1409) assert that to easily reach data saturation, the researcher needs to have rich and thick data; rich in quality and thick in quantity. Since the interviews on average lasted about forty minutes, the criteria for thick data was ensured. Furthermore, as the respondents came from various agencies, with some being academic experts, the richness of data was obtainable.

To counter the presence of researcher bias, the researcher adhered to the advice of Fusch and Ness (2015:1411) and presented the data from the participants' perspectives. Also, the researcher triangulated the data to ensure validity and saturation.

3.5.7 Addressing non-sampling error

Cooper and Branthwaite in Artingstall (1977:270) posit that non-response errors, interview bias, question phrasing and informant fatigue contribute to non-sampling error. To address the issue of interview bias, the researcher ensured that the response were the respondents own perspectives and did asked probing questions to seek clarity. To deal with informant fatigue, the researcher asked the respondent the best time for the respondent for interview. The questions were phrased in a way that was simple for both the researcher and the respondent to understand.

3.5.8 Data analysis

To analyse the data from interview transcripts, the researcher employed data condensation, data display and conclusion drawing/verification as suggested by Miles, Huberman and Saldana (2013:12). Data condensation was chosen as it "*occurs*

continuously throughout the life of any qualitative oriented project...” In condensing data, the researcher codes the data, so that data can be organised and focused to enable drawing of conclusions and verification (Miles *et al*, 2013:12).

Data display implies using *“rows and columns of a matrix for qualitative data and deciding which data, in which form, should be entered in the cells.”*

In drawing and verifying conclusions, the researcher interprets the meaning of data, noting patterns, explanations, causal flows and propositions. This process is supported by Miles *et al.* (2013:13) who opine that upon completion of data collection, the researcher is able to draw final conclusions which are grounded and explicit.

3.5.9 Ethical considerations

This research was conducted according to the guidelines stipulated by the policy documents: University of Zululand’s Policy and Procedures on Research Ethics and University of Zululand Research Ethics guide. When the researcher conducted the interviews, he ensured that the participation of respondents was voluntary. Each interview respondent was informed all the aspects of the research that are necessary to make informed decision, and was further given the informed consent form to sign before the interview commenced. Prior to signing the informed consent form, the interviewees were furnished with the copy of the University of Zululand Research Ethics Committee (UZREC) ethical clearance certificate which indicated that the research was authorised to commence.

The researcher ensured confidentiality and privacy of the respondents in that no confidential information was and is to be furnished to any third party. The participant’s dignity and self-esteem were respected during the conduct of the study, as well as all the basic human rights. The researcher gave considerations to language, perceptions, age and gender as they were variables highly likely to influence the study. Variables like customs and culture were least likely to influence the study although they were considered.

As the research was conducted, there was no conflict of interest on the part of the researcher, nor of his immediate family as the researcher is not affiliated to any organisation or association or body that might have interest in the outcome of the

research, neither are his family members. Also, since this research did not yield any intellectual property or innovation, there were no benefits that accrued from the research that needed to be brought to the participants or relevant communities.

This chapter looked at the methodological considerations that were used for this study. The next chapter will present and discuss the results for this study.

CHAPTER FOUR

PRESENTATION AND DISCUSSION OF RESULTS

4.1 Introduction

The study was set to investigate and analyse the effects of inadequate interdepartmental policy harmonisation amongst the agencies responsible for border control in South Africa. Since the research report is a scientific document where findings are presented and analysed. This chapter presents the analysis of the findings that emerged in the course of the study. It must be made clear that this study was undertaken utilising a qualitative approach, therefore there was a possibility for unanticipated findings for the researcher, and indeed there were findings which the researcher did not initially anticipate, yet they emerged during the course of the study. Those findings were also analysed as they put into perspective some factors that influence border control and border security in South Africa. The study was qualitative in nature, therefore triangulation of interview data and policy documents was employed to enhance the quality of the findings and ensure diversity of the findings (Curtin and Fossey, 2007:6).

The study stems from post-positivist philosophy and is idiographic in nature, therefore it was characterised by a small sample of participants who provided deep insights into the matter that was investigated and the meanings that the participants attached to the phenomenon that was studied. This also allowed a sample that was small so that intensive analysis of each interview transcript was possible as suggested by Robinson (2014:29).

4.2 Presentation of findings

An analysis of interview transcripts using “*three concurrent flows of activity (1) data condensation, (2) data display, and (3) conclusion drawing/verification*” (Miles, Huberman and Saldana, 2014:12) is portrayed in this section.

The interview schedule consisted of six basic questions, although five of the questions are displayed here, due to the fact that the sixth question was the recommendation from the interview respondents.

Border environment in South Africa can be divided into three spheres. The first sphere is the primary environment which can be termed as the border. The border is the line

that divides two political entities or states. The second sphere is the environment that is closely related to the border, this is the intermediate environment to the border. This intermediate environment consists of various agencies responsible for the border. The actors within the intermediate environment to some extent influence what happens to the primary environment. The third and final sphere is the external environment. The external environment consists of various actors, agencies, forces and factors which neither the primary or intermediate environment actors can control. The reason for that is because the external environment is beyond the ability of any government to control.

The primary environment which is the border is under the control of state actors from the intermediate environment which are the agencies responsible for border control. Agencies in the intermediate environment have different priorities towards the border, therefore there will be friction and competition (Steinberg, 2005:5-6). In the South African context, these agencies operate in the absence of binding legislation or a binding policy which has led to proposals about Border Management Agency Bill which are based on integrated model (Mahlangu and Obioha, 2015:109).

Figure 1. The matrix of interview data

Question	Border/primary environment	Departmental/intermediate environment	External environment
Inadequate policy harmonisation	Compromised security at border, lack of accountability,	Duplication of work, competition amongst agencies	Hampered regional integration objectives
Political leadership		Anti-immigrant view during Buthelezi era at DHA, softening of anti-immigrant view, declining deportations, lack of clarity of goals, lack of policy certainty, lack of fruition of BMA, changing procedures for no apparent reasons	Massive police power to detain suspected undocumented migrants or people deemed to violate border law, political leadership struggle to harmonise policy, long term objectives not adequately factored in policy,

Main departmental challenges	tendency to misunderstand the role of other departments, animosity between border level officials due to unequal standards	absence of specific policy directives, conflicts at primary border departments, lack of uniform procedure,	
Departmental behaviour		Long history of corruption in the DHA for past two decades, a combination of both anti-immigrant and pro-immigrant stances, distraction in the DHA as administration changed, improved consultation in the early 2000s compared to later, absence of interdepartmental consultation, inadequate utilisation of interdepartmental clusters	
Current approach	modification of the current approach, joint training of officials to enhance understanding	augmentation of policies, improved consultation, consultative strategic planning, ensure that policies are cascaded to the lowest official	modification of the current approach to embrace the objectives of regional integration

Source: Generated from fieldwork

The above matrix depicts the themes that emerged from the interview transcripts. Policy fragmentation has different effects on the three environments as far as the border is concerned. At the border, the main effects are compromised security, and lack of accountability in case of the event that has diplomatic ramifications. At the immediate sphere, it is linked to duplication of work, as well as agency competition. It also affects the external environment in that it hampers the objectives of regional integration.

Participants were also asked whether they think the political leaders are doing the needful to solve the problem of policy fragmentation. It emerged that in South Africa, the first decade of democracy was marked by anti-immigrant stance, and then the

stance softened later; lack of clarity of goals and the declining number of deportations since the mid-term of the then president, Jacob Zuma's administration. As far as the external environment is concerned, police have massive power to arrest and detain suspected undocumented migrants; political leadership struggle to harmonise policies; and long term objectives are not adequately factored in policies.

The participants mentioned many challenges, but the challenges that stood out were misunderstanding of the roles of other agencies, and animosity as a result of unequal departmental standards to border officials. The challenges at the departmental level included absence of specific policy directives; departmental conflicts especially at three primary departments namely Department of Home Affairs (DHA), South African Revenue Services (SARS) and South African Police Service (SAPS); and lack of uniform procedure.

Participants were then asked of their views on departmental behaviour in relation to political leadership, consultation and decision making. The themes that emerged were those pertaining to the history of corruption that affected the DHA; low levels of consultation, more so later that compared to the early 2000s; absence of interdepartmental consultation as far as border control is concerned; and inadequate utilisation of departmental clusters.

All participants agreed that there is a need to modify the current approach so that more policy harmonisation is ensured and the current practice is aligned with the objectives of regional integration.

4.3 Inadequate interdepartmental policy harmonisation amongst border control agencies: a deep analysis and synthesis

4.3.1 The effects of inadequate policy harmonisation in relation to border control and border security

It was established earlier on that border control in South Africa is the responsibility of numerous departments/agencies which operate in the absence of binding legislation and each department has a different legislative mandate. The first finding is that not all border posts are equally affected by inadequate policy harmonisation. In some border posts, there exists cooperation from various departments, and this cooperation differ in each border post (Hennop, Jefferson and McLean, 2001). However, this does not mean that there is a coherent written policy to guide decision making by the officials

at the border post. Cooperation can exist on mutual basis, with the aim of achieving the objectives of border control.

Three interview respondents stated that the most dominant effects of policy discord are duplication of work as the agencies do the same thing and compete amongst agencies. This confirms a statement by Steinberg (2005:5-6) that departmental competition pushes departments with less resources to the margins of border control. One interview respondent linked this to compromised border security and stated that it is not cost effective. This implies that the current practice at border level or the primary environment is negatively affected by policy fragmentation. This also connects to the claims of complexity theory in that complex systems are made of various parts that interact in a non-linear fashion (Anderson, 1999:216). Furthermore, this tend to confirm the assertion by Oppenheimer (2014:55) in that policy fragmentation is a serious challenge as far as border security is concerned in South Africa. To have duplication of work implies that in most cases officials may acquire the same set of skills and expertise, therefore some critical skills and expertise may not be developed. This weakness can be exploited by highly organised criminal syndicates as agencies lack some skills needed to combat certain cross-border crimes. Furthermore, on skills, Vigneswaran (2008:795) states that there was a time when the DHA employed officials without matric in a quest to create employment for previously disadvantaged African people. Such practice may have compromised security. Further, one interviewee respondent did mention that the DHA lacked capacity in that it has to be helped by SARS when it comes to modernisation of systems. This means that one primary agency was compromised to deal with the challenges that come with border control and border security. Competition amongst agencies may create animosity among officials and this may result in border stakeholders, especially immigrants coming to South Africa being maltreated as they can wait longer to be served at the port of entry.

Competition amongst border control agencies compromise border security and results in conflicts between departments responsible for border control. At times the conflicts do not only affect the departments responsible for border control but also the departments not directly involved in border control. A good example was the debacle between the then minister of DHA, (Malusi Gigaba) and his counterpart in Tourism (Derek Hanekom) over the visa requirements for visitor to South Africa that negatively affected South Africa's tourism industry but the DHA cited reasons for countering

human trafficking for those visa requirements (Fourie, 2017:64). This is also in line with the postulations of complexity theory as Bryne (1998:14) states that a change in one variable can change the behaviour of the whole system. In this instance, it can be said that a change in one system prompted a change in a completely different, yet related system. As border agencies compete with each other, they may not pay sufficient attention to changes in the primary and external environments, thus making them susceptible to security threats that may emerge in the primary and external environments. This may negatively affect border security, thereby compromising territorial integrity.

Inadequate policy harmonisation also has another effect that there are no specific directives on how agencies are supposed to function in the border especially at the operational level.

“The other effects obviously, even though the intention is to strengthen border control, but sometimes it tends to create weaknesses in the sense that there is no clear direction, specifics to say how and who does what.” (Respondent 2PT2310:45).

This also can create competition or lead to reluctance in the execution of some tasks as there is no directive on whose responsibility the tasks are.

4.3.2 Absence of policy harmonisation from policy documents

Going further, there has been observed inadequate policy harmonisation from policy documents consulted, as these documents seldom speak to each other. Even the policy documents from the same department, which is the Department of Home Affairs (DHA) have some discords. Two policy documents from the DHA, namely the Final Immigration Regulation of 2014 and White Paper on International Migration of 2017 have a definition that seems to contradict each other on the same issue. The Final Immigration Regulation defines a person who overstay his/her permit in South Africa as an undesirable person, while the White Paper on International Migration define an over stayer as an irregular immigrant. Irregular migration in the latter document is linked with undocumented migrants, border jumpers, and over stayers, smuggled and trafficked persons. In the first document: the Final Immigration Regulation, there seems to be a distinction between an illegal immigrant and undesirable person, while the second policy document categorise them in the same category. To have various documents dealing with the same issue separately means that consultation

mechanisms are not strong to produce a clear and coherent policy direction. Further, this implies that decision making at a top level is done pursuing agency specific interests as they apply to the border, not pursuing the overall interests of border control and security and may also imply that those who draft policy documents do not approach policy making holistically. This may lead to competition for power and resources by border control agencies. This agrees with the work of Steinberg (2005:5-6) who states that departments with less resources are pushed to the margins of border control. Competition amongst agencies does not promote cooperation, and it fragments shared intelligence and this can be exploited by organised criminal syndicates.

The issue on the two policy documents mentioned above indicates that policy discord seems not to pose any security threat to the Republic of South Africa (RSA), although the issue needs to be rectified. An over stayer, which is a person who stays longer than his/her permit to be within South Africa allows; and border jumper are not supposed to be subjected to similar enforcement mechanisms as the White Paper on International Migration proposes. To have two policy documents seems to have a discord implying that intra-agency systems and consultation mechanisms are not aligned to detect a discord. Further, this may create confusion on which policy guideline may be followed and used. Also, it may negatively affect practices in executing policy directives.

Furthermore, having policy documents not speaking to each other even when the departments have a single mandate of border control is consistent with the propositions of complexity theory, in that the components operate in a non-linear fashion. Departments responsible for border control have to interact with each other, and this fits well with the definition of a complex system furnished in Anderson (1999:216) who states that it is a system consisting of various parts that interacts with each other in numerous ways.

4.3.3 Inadequate policy harmonisation in practice: the historical view

The practise of deploying the SAPS and later deploying the defence force in the border can be attributed to absence of policy harmonisation, or the absence of clear direction as far as border security is concerned. Since border control was the ambit of the army from the 1970s (Hennop, 2001:1), the Interim Constitution changed that by stipulating

that border control and security were the responsibility of the police. As the change in border security and control happened, there are externalities that can be associated with such change. Firstly, the SAPS as an agency did not have institutional experience of patrolling the border, the defence force did. Secondly, South Africa was about to be subjected to a wave of immigration as it has been used to isolation, and from policy perspective, South Africa was not prepared to handle immigration that would occur at the demise of apartheid. Lastly, both SAPS and the defence force officials were not thoroughly trained to deal with large scale migration and border challenges; they were trained to implement apartheid. In fact, some legislations from the apartheid era were still effective, and this would be challenging when it comes to border security. This can also be linked to the statement by Montesh and Basdeo (2012:74) who opine that the demise of apartheid correlates with increase in terms of cross-border criminal activities. Therefore, it can be deduced that from the historical perspective, the practice in the borders was not effective as far as border security was concerned.

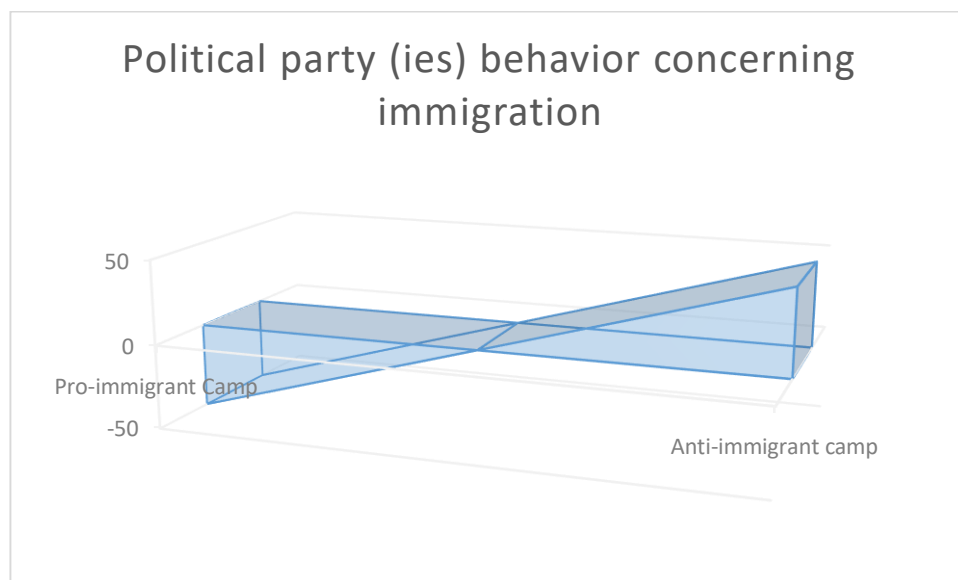
Due to the increase of crime rates in South Africa, the SANDF was redeployed to the borders to support the SAPS, although the reality was not different from what was anticipated, as the army patrolled the borders without the support of other agencies (Hennop, 2001:1). This implies that the inadequate policy harmony affected the way in which the borders were patrolled. Secondly, it is worth noting that the Constitutional mandate of the SANDF is not preventing, investigating and combating crime, but has a defence mandate. This can also be linked to what one respondent stated that: when it comes to border control, South Africa seemed to be undecided which direction it wanted to pursue between a restrictive stance and open borders. To have the army patrolling the border without the support of other department implies that whatever crime that was deterred was limited to the crimes that the army can deter as the army has a defence mandate.

4.3.4 Political divisions over border control, border security and immigration

The phenomenon above was confirmed by one respondent that some decisions taken by political leadership sometimes can be linked to policy fragmentation. Going further, it also emerged from the interviews that within the context of South African immigration system, there is the observed phenomenon that within one political party, there are divisions as far as border control and border security is concerned. These divisions result in that there are seemingly two camps within the same political party, with one

camp being pro-immigrant and the other camp being anti-immigrant, although there is no clarity as to which camp is pro-immigrant and which camp is anti-immigrant.

Fig 2. Two camps within the same political party as far as immigration and border control is concerned.



Source: Generated from fieldwork.

The figure above depicts the observed behaviour of political parties in South Africa concerning immigration. Within the same political party, it is observed that there are two camps, one which is pro-immigrant and the other which is anti-immigrant. This results in the legislation that is neither fully pro-immigrant nor fully anti-immigrant. This may, to some extent assist in understanding the restrictive stance that South Africa seems to take as far as immigration is concerned. It is worth mentioning that the phenomenon of divisions concerning immigration within the same political party is not only limited to the ruling party (African National Congress); it is also observed in the opposition parties as well as one participant puts it, *“.....in South Africa, we don't really have a clear pro-immigrant party, and a clear anti-immigrant party. But the African National Congress has parts of it which are very anti-immigrant in rhetoric and in proposed legislation and you have other people, particularly those who are in the pan African side who take a more humanist inclusive approach to this question; right. Although again, unlike on other issues there is no an openly pro-immigrant camp and an open anti-immigrant camp within the ANC. And the same thing can be said from the Democratic Alliance, right. There are certain members of the Democratic Alliance*

who are quite anti-immigrant and indeed they have made news coverage for their anti-immigrant statements and there are other one members of the party who are much more inclusive in their view; but again there is...it's not like there is a big pro-wing and the anti-one." (Interviewed participant 1DN1210:30).

Divisions concerning border control and immigration from the political parties has been cited as one of the reasons for inadequate policy harmonisation in the agencies responsible for border control. Furthermore, this phenomenon of division is stated to be one of the reasons it took South Africa the long time to overturn Aliens Control Act which was based on apartheid legislative framework, as political leadership took the long time to decide to change legislation pertaining to immigration. Intra-political party divisions have been linked with ineffective provision of services in the context of local government by Dlamini. Also, the writer links it with contestation for power and control (Dlamini, 2017:34). In the context of immigration and border control, it can be deduced that two camps are contesting to have their preferred policy directions over immigration and border control, and this is envisaged to affect the policy direction when it comes to immigration and border control which tends to be unclear as to which priorities should be pursued.

Intra-party divisions over immigration resulted in unclear policy directives, and in a bit of a compromised legislation pertaining to immigration, as the legislation had to accommodate both camps, according to one respondent. This can be linked to the propositions of the complexity theory. The political party becomes a sort of the structure of the complex system which is constituted by components that have relationships of different strengths with each other. Although the component is homogenous in nature in that they adhere to the same ideology of the party, yet they create internal diversity and the realignments of relationships create non-identical subsystems. These non-identical systems may create what emerge as two opposite camps within a single political party. Further, a component in a complex system, can be a part of various subsystems (Manson, 2001:409-410). Further, this implies that at the primary environment, there is likely to exist some form of discord, since agencies are politically led by politicians who might belong to either camp and this may be reflected in their policy stances while they lead these agencies. This may then complicate the relationships between agencies, making them non-linear and subject to change as complexity theory postulates (Manson, 2001:406).

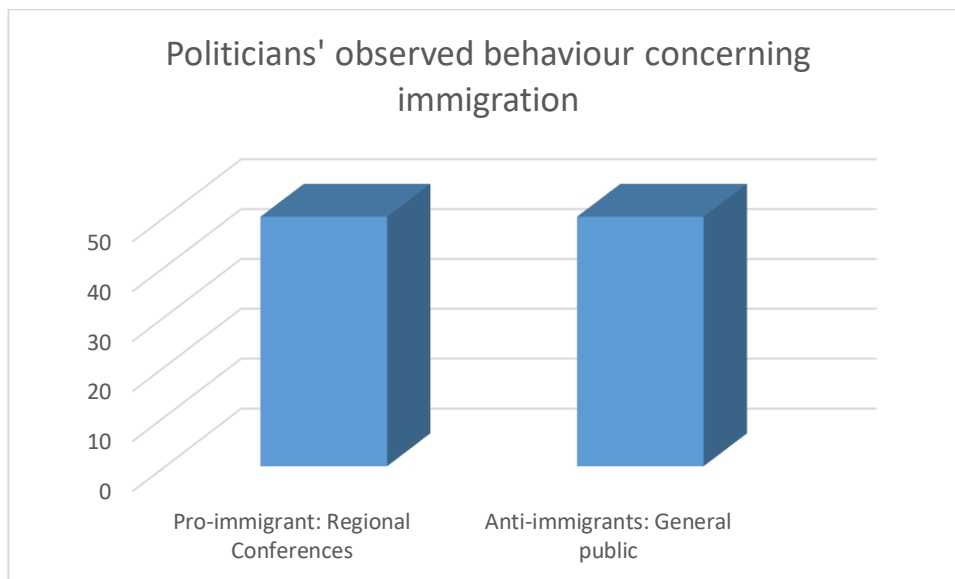
Further, intra-party divisions in South Africa over immigration and border control are different from what is observed in Europe. In Europe, according to one interviewee, there are pro-immigration political parties and anti-immigration parties. On intra-party divisions, Matlala and Bénit-Gbaffou (2012:208) provide some insights on this matter. They assert that this can be linked to South Africa's political behaviour that emerged at the demise of apartheid; where post-apartheid politics still runs on perceived racial lines, as Africans largely support the ANC and Whites largely support the DA, hence this results in divided identities within a single political party. The authors conclude that this can change as 1994 (South Africa's first democratic year) becomes a distant past.

Since various agencies are responsible for border control, intra-party divisions on border control and immigration may imply that when an agency is led by a political head who belongs to either camp, that agency may take certain policy directions which might be a contradictory policy direction in another agency which may be led by a political head from another camp. This may result in inter-agency conflicts as the agencies will be likely to be opposing each other. This implies that there will be agencies who are pulling each other in opposing directions.

4.3.5 Political leadership and its rhetoric in regional conferences

It also emerged from the interviews that politicians tend to take pro-immigrant stance at regional and continental conferences and take to some extent anti-immigrant stance at home. This is due to the pressure from the general public; as most of the general public in South Africa have negative perceptions about border control and immigration.

Fig 3. Politicians are seemingly compelled to pander anti-immigrant views to the general public and take a different stance at regional conferences.



Source: Generated from fieldwork

The figure above depicts the behaviour of politicians when it comes to the issues of immigration and border control. Politicians are observed to pander anti-immigrant sentiments to the general public and pander pro-immigrant sentiments at regional and continental conferences. This also can be linked to divisions on border control and immigration. One interview respondent stated that as the government is divided when it comes to immigration and border control; when the SADC Protocol for Free Movement was proposed. Some individuals in the South African government loved the idea and some hated it, and this resulted in some sorts of compromise, as those who supported inclusive legislation did not get what they wanted and those who supported exclusive legislation also did not get what they wanted. This is reflected in the lack of policy certainty as far as border control is concerned. The other issue worth mentioning about political division when it comes to border control and immigration is that it also lacks clarity. There are no clear factions, although the divisions can be observed.

To have South African politicians embracing pro-immigrant stance at regional conferences and then change to the South African general public proves the statement by Oucho and Crush (2001:149) that South Africa is seen to have the aim of maintaining sovereignty of its national interests over regional integration objectives. South Africa has pursued the sovereignty of its national interests to such an extent that Nshimbi and Fioramonti (2014:60) state that:

“South African immigration regulations today are more stringent and discourage (especially unskilled) ‘illegal’ immigration.”

For political leaders to be pro-immigrant at regional levels and then anti-immigrant at the general public may imply two things. Firstly, this denotes that politicians are afraid to lose power and challenge the misconceptions held by the general public over immigration and border control. Secondly, this can be taken to mean that politicians do not have the will to debate and deliberate on issues concerning border control and immigration thoroughly in a way that will induce changes in perceptions.

4.3.6 Border management challenges facing agencies in South Africa

The first challenge in securing land borders in South Africa is the total distance of land borders that has to be secured, which total to 4471km (Defence Review, 2015). This long stretch of land borders comes with challenges of a rough and unfavourable terrain which is difficult to patrol, due to mountainous nature of the terrain, the rivers and unavailability of suitable roads (Hennop *et al*, 2001). Since ensuring territorial integrity is one of the defence priorities, South Africa has to find a way to monitor its borders.

Borders in the African context were created due to colonialism, therefore they are prone to porosity. It is worth noting that the South Africa/Swaziland border divides communities and families; and this makes it difficult to manage cross-border movements. Evidence points that when the border divides the same ethnicity it becomes difficult to secure (Oppenheimer, 2014; Brunet-Jailly, 2007; and Kindzecka, 2016 in Agbibo, 2017). Since the South Africa/Swaziland border is challenging when it comes to cross-border movements, undocumented immigrants can utilise this border to enter and leave South Africa. Further, organised crime groups can utilise and capitalise this inherent weakness of this border. Small arms can be easily smuggled in the border that separate the same community, as small arms can be concealed. Hennop *et al* (2001) founded that since the end of the civil war in Mozambique, the borders that are close to Mozambique have been challenged by the proliferation of smuggling of arms into South Africa.

Number of firearms seizures and arrests made by SAPS Border Police Units by province, January - December 1999

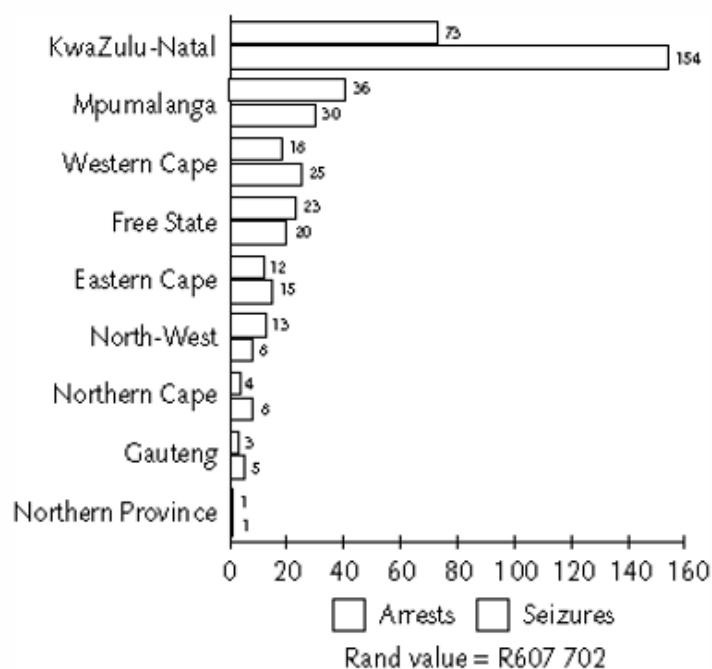


Fig 4. Number of arms seized per province in 1999. Source: Hennop *et al*, 2001.

The figure above depicts the number of arms seized per province, as well as corresponding numbers of arrests made. It is of significant note that the provinces which share border with Mozambique have the high rates of arms seized. This may mean that there were arms smuggled from Mozambique to South Africa. However, it is also worth noting that the province of Western Cape seems to have higher number of arms seized by border police, though Western Cape does not share a border with any country. This implicates that illegal arms are not only sourced from arms smuggled into South Africa, there are other sources of arms in South Africa.

The inadequate provision of human resources for agencies responsible for border control is another serious challenge. The Parliamentary Portfolio Committee on Police (2004-2009) found that one of the challenges facing SAPS in the ports of entry was inadequate human resources. If SAPS has a shortage of necessary personnel at ports of entry, this means that the capability to investigate and combat crime at ports of entry is compromised.

The existence of informal border crossings along the borderline is another challenge that needs to be dealt with. These informal border crossings are not managed, thus

undocumented migrants and possibly illicit goods make it into South Africa. Although literature reveals that most of the undocumented migrants are not linked to serious crime in South Africa, the existence of informal, unmanaged border crossings is a potential security risk for any state. This can be linked to a statement in the White Paper on International Migration (2017:56), “*National security and public safety depend on knowing the identity and civil status of every person within a country*”. The existence of unmanaged, informal border crossings is a security risk, as criminal syndicates use these crossings to smuggle goods and people (White Paper on International Migration, 2017).

South Africa further has a high number of ports of entry which translates into more resources needed and utilised to manage and maintain these ports of entry. There were 71 ports of entry in 2017. The large number of ports of entry is a legacy of apartheid government, which was intent on countering liberation movements from infiltrating South Africa to overthrow the government. With a high number of ports of entry, coupled with the challenge of insufficient human and logistical resources, ensuring secure borders become difficult for agencies responsible for border control.

There is a challenge of reducing irregular migration in South Africa. Two departments are primary departments when it comes to reduction of irregular migration, namely: SAPS and DHA. Data from the South African Human Rights Commission in 1999 reveals that South Africa is challenged by porosity of borders in that a large percentage of apprehensions of undocumented migrants is attributed to pedestrian spot checks (42.3%) compared to apprehensions at the border (7.4%). Alexandra Hiropoulos (2017) posits that there have been slight changes in the data when 2017 is compared to 1999. This implies that there are more undocumented immigrants who succeed to cross the borders illegally and apprehended later. Secondly, it is worth noting that the concept of irregular immigration is inclusive of over stayers, border jumpers as well as smuggled and trafficked persons.

The forces of history and deeply entrenched practice of cross-border migration is a challenge to South African border control agencies. Cross-border movements in Southern Africa predates the drawing of colonial borders and it is challenging to uproot this ancient practice. The Defence Review of 2015 recognises that colonial border is one of the factors of conflict in Africa, and South Africa is not spared from this. Although

there is no ongoing conflict based on the border in South Africa, there are conflicting views about the borders and claims to the land in South Africa. Lesotho nationals still regard some parts of Free State as the territory that belongs to Lesotho and hold views that can challenge the legitimacy of South Africa/Lesotho border. Such perceptions can trigger illegal immigration, as the holders of such perceptions will view a border as an inconvenience to them.

Sometimes departments/agencies fail to meet their own targets on border control. This can be linked to inadequate provision of resources, more so, human and logistical resources. When agencies lack adequate human resources and logistics, their ability to improve border control is seriously impeded.

Elements of corruption is also another challenge the departments responsible for border control have to contend with. Corruption is detrimental to the objectives of border control and border security. Secondly, corruption have far reaching consequences like: distrust of agencies by the public, and improper utilisation of resources by certain individuals within agencies responsible for border control.

Pertaining to immigration, it is difficult to counter illegal immigration in South Africa due to porous nature of the borders. Further, the colonial and apartheid government clandestinely supported illegal immigration for the purpose of obtaining cheap African labour to work in the mining and farming industry as the local indigenous population was insufficient to work in the mining and farming sector. This means that the accurate number of illegal immigrants in South Africa is subject to speculation, as there is no accurate method to quantify the exact number of illegal immigrants in the country. Since illegal immigration is not a new challenge, it is the challenge that may be difficult to uproot, given the fact that some borders divide communities, same ethnicities and even families.

The other challenge that the interview respondents stated was that of different standards when it comes to border officials from different agencies. Officials at the border level in some agencies get certain fringe benefits while some officials do not get similar incentives and this creates animosity amongst officials. Since officials work in the environment characterised by inadequate policy harmonisation, this challenge leads to emergence of conflicts from officials in different agencies.

4.3.7 Agency behaviour in solving the challenges vis-à-vis political leadership, consultation and decision making

Interview respondents have a different understanding when it comes to agency behaviour pertaining to solving the challenges related to border control.

Fig 5. Departmental behaviour as far as political leadership, consultation and decision making are concerned.

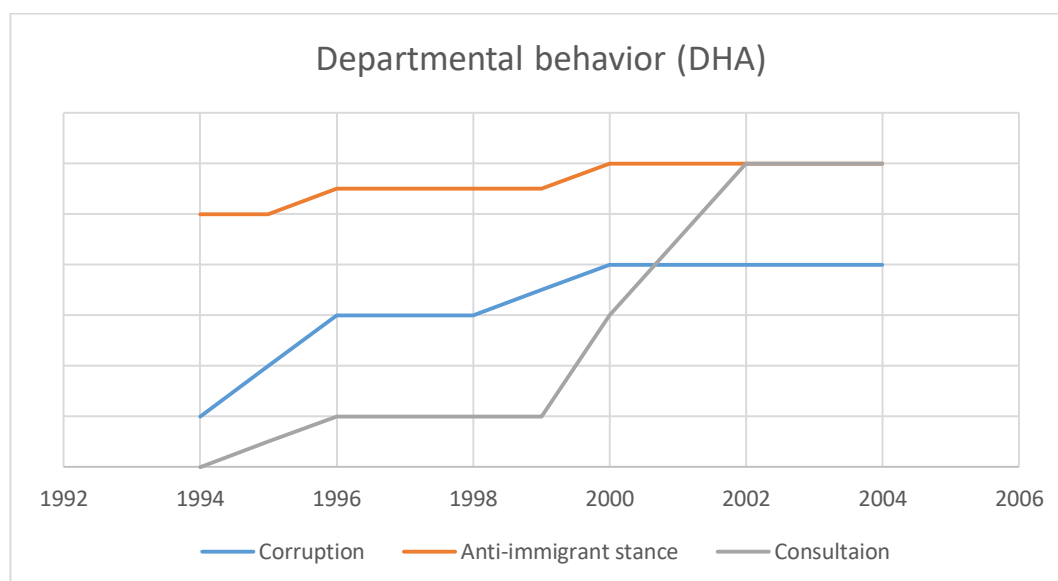
Political Leadership	Consultation	Decision making
Existence of inter-ministerial committees, existence of different clusters designed to create harmonisation. Lack of comprehensive details on how to cascade specifics to the lowest level. Some agencies' primary functions are not related to border control although they have some border control mandates. Some agencies seem to be distracted, DHA has a long history of corruption; DHA has been observed to have anti-immigrant view in the first democratic decade	Insufficient inter-departmental consultation; sometimes lack of inter-departmental consultation. Improved consultation with stakeholders by DHA in the early 2000s when drafting the immigration law. Consultation has weakened currently (2016-2018) as stakeholders are weaker and more distracted.	inadequate consultative decision making in the departments, departments seem to take decisions in silos and then try to have other department follow their lead

The interview respondents differed in their observation of departmental behaviour. The reason was that the interview respondents were academics and some were key informants from departments. It was observed that respondents who are academic experts looked at the issue in a broad manner and respondents who were within the departments have departmental and answers that specifically applied to the border environment. Respondents from the agencies stated that there exist inter-ministerial committees, and different clusters that can be utilised by political leadership to improve policy harmonisation; while academics looked at departments as a whole as they appear to behave when it came to political leadership. It emerged from the academic experts that as far as solving the challenges, political leadership from the DHA has been marred with some challenges. One of those challenges was a strong anti-immigrant view during the Buthelezi era. The history of corruption in the DHA and that

there was consultation when the immigration law was drafted in the early 2000s which has weakened later due to scattered attention by stakeholders and other reasons.

The anti-immigrant stance during Buthelezi era can be linked to the statement by Crush and Dodson (2007:437) who state that South Africa was without immigration policy for almost a decade, and the policy developed by Buthelezi derived heavily from apartheid era policy framework. This implies that political leadership from the DHA worked against the objectives of regional integration.

Fig 6. Observed agency behaviour applicable to DHA



Source: Generated from fieldwork

The figure above depicts the observed agency behaviour in the first decade of democracy in South Africa. The first decade of democracy was characterised by strong anti-immigrant view, and later the policy that was developed derived heavily from apartheid policy framework. The same period also corresponds with no overturning of the Aliens Control Act, which has been deemed as apartheid last Act. Meanwhile, the DHA has a long history of corruption. Lastly, the consultative process in the early 2000 was more improved as more stakeholders were involved in the process of drafting immigration law.

The DHA is one of the primary agencies in border control that is responsible for immigration. To have the DHA taking strong anti-immigrant stance implies that there were fewer foreign nationals that obtained permits to be in South Africa, and this also

corresponds with the high numbers of deportations. Furthermore, as interview respondents stated, the DHA has a long history of corruption, employed underqualified officials, and lagged behind when it came to systems modernisation. This implies that some foreign nationals, in order to gain entry into South Africa might have been compelled to use either corruption or get into the country illegally and face the risk of being deported. Also, since the DHA has been troubled by long history of corruption, there is a possibility that some undocumented immigrant evaded deportation by obtaining fraudulent permits from the DHA or by paying bribes to DHA officials. Since the DHA employed underqualified officials as Vigneswaran (2008:795) stated, it denotes that it was easy for organised criminal syndicates to exploit this weakness and gain entry into South Africa.

As the DHA took a restrictive stance towards immigration in the first democratic decade, the implication is that the primary environment, which is the border was characterised by some hostility towards receiving immigrants. The intermediate environment might have been characterised with conflicts as the DHA was largely anti-immigrant in its stance. This may be because other agencies may have not shared the same anti-immigrant stance as the DHA had. Therefore, the agencies may have not been aligned to ensure the objectives of border control and security effectively. This is in line with the prepositions of the complexity theory that relationships are the defining feature of the complex systems (Manson, 2001:406). This further connects to the statement by one respondent that in the intermediate environment conflicts usually emerge between the DHA, SARS and SAPS, as these agencies are crucial primary agencies in border control and border security in South Africa. Therefore, it can be deduced that inadequate policy harmonisation also affects the quality of relationships amongst border control agencies. It can also be deduced that if any agency takes a certain stance, in the absence of harmonious policy, it can affect the relationship with other agencies, and the effects may be negative or positive depending on the stance taken by that particular agency.

4.3.8 Other emergent issues pertaining to border control, border security and immigration

4.3.8.1 General public sentiments on border control and immigration

Fig 7. The public opinion about border control and immigration

	Public perceptions about border control and immigration
Border control	Negative public opinion about border security and immigration
Immigration and security	Some immigrants groups are perceived to be a threat to security yet there is no empirical evidence to back the perception
Security issues discussion	Inadequate discussions about border control and security issues
Factors in border control	Debate on border control and immigration informed by myths, misinformation and stereotypes. Lack of historic view on border make people reach emotional decisions.

The above matrix depicts some emergent issues concerning immigration in South Africa. The general public mostly have negative attitudes towards immigration and border control, in that most of the general population prefer restrictive measures on border control. The other emergent issues are that some immigrant groups are perceived to be a threat and when investigated it emerges that in the mind of the general public, they are associated with some symbolic threats. The example of this is that Nigerian nationals are perceived to engage in organised crime, the use of witchcraft and running drug cartels. Further, it emerged that the general public does

not consider the historic view when debating about borders, therefore there are lots of myths, misinformation and emotions associated with borders.

To have the general public preferring restrictive measures to border control means that politicians may be compelled to adopt the perceptions of the general public, and this may result in South Africa taking a restrictive stance. Further, the officials of the agencies responsible for border control will come from the members of the general public and they are likely to maintain their sentiments while executing the duties of border control. This may result in agencies that are difficult to change so they can embrace open borders; and this may challenge the objectives of regional integration pertaining to immigration.

4.3.8.2 Inter-agency conflicts

It also emerged that the challenge of inter-agency conflicts tends to emerge from three primary agencies in the border namely the DHA, SAPS and SARS. These three agencies according to one participant tend to have similar responsibilities and the SAPS have an overarching responsibility as it is the agency responsible for safety. Since the SAPS have the safety and security responsibility, they have to ensure that the constitutional mandate of the SAPS is carried though some officials from other agencies view the responsibility of the SAPS as a nuisance to their agency spaces. Although the basic responsibilities of these agencies are not similar, yet they are interrelated when it comes to border control. SAPS has to ensure safety, therefore has the responsibility to monitor persons and goods for safety purposes. DHA is responsible for immigration and movement of people in the borders, and SARS is responsible for customs. These agencies are bound by the fact that they have to monitor movement of people and goods for different reasons. This can be linked to a statement by Steinberg (2005:8) who states that:

“The priorities of border control are always diverse, and some will always conflict with others.”

The conflict of priorities will emerge as conflicts between official responsible for executing the mandates of border control. When conflicts emerge, it changes behaviour in the environment. The emergence of conflict between any of the agencies will change the behaviour; and this connects to the tenets of complexity theory that a small change in one or two components can change the behaviour of the whole

system. Furthermore, it is difficult to predict what will lead to conflict (Anderson, 1999:217 and Byrne, 1998:14).

4.3.8.3 Issues on regional integration and foreign policy

It emerged from two interview respondents that South Africa needs to consider revising its policy practices to cater for regional integration. One interview respondent mentioned that when South Africa was leading the SADC, it seemed as if one of its goals from the foreign policy perspectives was the attainment of the visa-free zone in the SADC region. Also Nathan (2005:362) agrees with this respondent in that one of South Africa's foreign policy objectives is the realisation of regional integration. However, considering how border security and border control has played out in South Africa, the country has been observed taking a restrictive stance. This is in line with what Oucho and Crush (2001) state about the proposed protocols to enable free movement of persons in the SADC region; that in 1995, South Africa, together with Namibia and Botswana opposed the draft protocol on free movement, and later South Africa came with its own draft to facilitate free movement. There was a stark difference between the Free Movement Protocol proposed by the SADC and the South African version. The Free Movement Protocol purported to confer, promote and protect the right of entry to any state within SADC; the later purported to facilitate cross border movement, and prevent illegal movements of citizens from member states (Oucho and Crush, 2001:149).

Although the interview respondents recommend that South Africa must embrace regional integration, Enaifoghe and Aseulime (2018:133) state that the SADC region is less incorporated when compared to other regions in Africa. This implies that there is much work to do to pursue the objectives of regional integration. Further, it is worth noting that Nathan (2005:366) posits that during president Mbeki's administration, South Africa pursued integration at the continental level while little effort towards integration at the regional level was observed. The author concludes that in the SADC, political divisions prohibit reaching consensus on policies. Hence, surmise to state that for South Africa to embrace regional integration, the political leadership of the country must have political will to work towards full regional integration.

4.3.8.4 Managing informal cross-border movements

Two respondents mentioned that South Africa needs to consider the history of the borders and the fact that some borders divide people of the same ethnicity. One interview respondent further challenged the notion that South African borders are porous the way literature on border control state it. The participant stated that although there is porosity in the borders, literature makes it appear as if there are no border controls mechanisms in South Africa. Both respondents stated the need to manage informal cross-border movements so that relations with neighbouring states are enhanced; not reduced due to practices in the border. Both interview respondents cited the examples of South Africa/Botswana border, South Africa/Swaziland border and South Africa/Lesotho border as borders that divide people of the same ethnicity. One interview respondent stated that there needs to be a humane way to manage these cross-border movements and policy-wise South Africa needs to cater for such. The other respondent stated the need to educate the public about historical origins of the borders to minimise negative stereotypes about foreign nationals and encourage rational debate about borders.

4.3.8.5 Issues about a single agency approach to border control

There have been proposals to have a single agency to control the borders, and the result was the introduction of Border Management Authority Bill. The bill has been passed by the National Assembly (the first house of parliament in South Africa) and it has been opposed by the opposition parties in South Africa due to numerous concerns about it.

The Border Management Authority Bill (BMA Bill) has a number of concerns in it. One such concern is that it undermines the authority of the South African Revenue Service (SARS) as a revenue collecting entity as it proposes that the officials of the BMA will be responsible for collecting revenue at ports of entry (Botha, 2018). This implies that if the BMA is passed into a law, there will be two revenue collecting agencies in South Africa, as the BMA will administer the collection of revenue in the ports of entry. Furthermore, the bill is not clear how the revenue collected from the ports of entry will be passed to SARS.

Botha (2018) however raises another concern on the BMA bill. The South African Police Service (SAPS) is constitutionally mandated to prevent, combat and investigate

crimes. The BMA bill proposes that this becomes the sole mandate of the BMA in the ports of entry and border law enforcement area. The bill is not clear when the SAPS take over in investigating cross border criminal activities. Since the BMA bill gives its officers powers to search, seize and arrest with or without a warrant, it is concerning that, that the BMA bill does not make any reference to the Criminal Procedure Act 51 of 1977. On this basis, the author concludes, *“Vagueness and legislative uncertainty create ample opportunity for corruption to creep in”*.

In the current environment of financial constraints facing the government, it is not clear how the BMA will be funded (Levy, 2018). This initially was not a challenge when the BMA bill was proposed in 2013, but it has become a concern in the recent times as the government is facing more financial challenges. Meanwhile, the BMA bill is not clear about the roles of other departments. Further, it is not clear on which department will be responsible for detention centres of illegal immigrants (Levy, 2018).

The interview respondents seemed to be critical of the BMA. One interview respondent stated that the BMA is not suitable for South Africa due to the way the country is structured. Further, it emerged from the interview that when the BMA originated, the people who led the process are no longer with the same process, in that the new leadership is not keen to take the matter further. Secondly, the change of administration from Jacob Zuma to Cyril Ramaphosa has dampened the efforts to push for the BMA. One interview respondent stated that since Ramaphosa took office, the DHA which is the leading agency as far as the BMA is concerned, seems to be distracted. This implies that a change in political leadership is linked with the change in priorities and this also includes policy directions. Further, the interview respondent highlighted that there are concerns that the BMA is created as a form of patronage for certain individuals in the government.

4.3.8.6 The paradox of declining deportations in a restrictive regime

Nshimbi and Fioramonti (2014:57) assert that South Africa is considered to have the highest number of deportation figures in the world, and most of the deportees are from the SADC region. This is in agreement with what one interview participant stated that in the middle of Jacob Zuma's term, there has been a decline in the number of people being deported since South Africa began deporting people as a democratic nation. The reason for the declining number of deportations is the issuing of special permits

to Zimbabweans who were already in South Africa, since the DHA had a target of 224 000 deportations for the fiscal year of 2010/2011, although the actual number shrank to 58 825 as the special permits for Zimbabwean were rolled out, since Zimbabweans made a majority of deportations. This implies that South Africa did not change from its restrictive stance, however, deportations have declined. This is worth noting that South Africa still deports people, although there have been agreements to legalise Zimbabwean immigrants who are already in South Africa. It is also noteworthy that some geopolitical events or economic events have proved to start immigration regime to South Africa and neighbouring countries and the response by South Africa is to take a restrictive stance which manifest in high deportations. This is evidence by the fact that in the early 90s the largest number of immigrants who were deported were Mozambicans who came to South Africa due to a civil war in Mozambique (Campbell, 2013:6) and later the larger share of deportees were Zimbabwean due to economic challenges in Zimbabwe.

4.3.8.7 The instances of good practice in border level

Almost all key informants from the departments stated that there were instances of good practices in the departments when there are events of international importance in South Africa, and amongst them was the FIFA World Cup in 2010. During the tenure of these events agencies were able to deliver excellent work even though policies were not harmonised. But as soon as these events ended, normal practices resurfaced again. This denotes that the challenge of inadequate policy harmonisation can be solved if there is coherent political leadership and clear, certain direction to be pursued. Further, this connotes that there is a tendency to paint a better picture of the country to the international community while the causal factors of policy discord are not dealt with.

4.3.8.8 Departmental thinking over border control and security vis-à-vis regional integration objectives

Although South Africa's foreign policy objectives are inclusive of regional integration, the Defence Review of 2015 implicitly states that it is the defence responsibility to protect sovereignty of the country as well as its territorial integrity. Further, the same document links South Africa's security with stability, unity and prosperity of the region, although in some instances, the document can be observed taking a restrictive stance. To have South Africa steadfast in the maintenance of its sovereignty implies that the

region will not fully integrate as it can be deduced that South Africa is the regional hegemon in the SADC due to its economic strength and level of development (Chingono and Nakana, 2009:399). Since the major stakeholder in the Defence Review is the Department of Defence, the contents of the Defence Review are reflective of the thinking in the Department of Defence. The stance taken by the Defence Review confirms the statement by one interview respondent who stated that both the SANDF and the DHA are seen supporting restrictive regime when it comes to the borders, although South Africa is a signatory to multilateral agreements towards regional integration.

4.3.8.9 The dilemma of illegal immigration

Cross-border migration predates the drawing of colonial borders, and some borders divide the same ethnic groups and even communities, thereby being porous. The Defence Review states the need to cooperate with the defence forces of neighbouring countries to counter illegal immigration and other threats such as terrorism and piracy. The South African Human Rights Commission on its submission on the White Paper on International Immigration of 2000, states that criminalising illegal immigration within the region will be met with failure. Meanwhile, two interview respondents mentioned the challenge of illegal immigration due to borders that divide ethnicities and clans, or even families. This implies that it will be very challenging to counter illegal immigration without tarnishing the relations that South Africa has with its neighbours. Secondly, it implies that South Africa needs to come with policy measures to manage informal cross border movements in the case when borders divide the people of the same ethnicity.

4.4 Research findings and hypotheses

As stipulated in chapter one, this study was guided by the null and alternative hypotheses. The null hypothesis was that “there is no link between multiple agency approach and weak border control”. The alternative hypothesis was that “there is a link between multiple agency approach and weak border control”. Considering that the study was a qualitative inquiry, therefore it was contextual. In the context of the study, the findings support the null hypothesis, but it should be mentioned that the findings support the null hypothesis in the context of inadequate policy harmonisation amongst agencies responsible for border control. Hence, if the policies be harmonised, there

can be change in the data, as new data may emerge. Findings do not support the alternative hypothesis in the context of this study.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 General conclusion

The purpose of the study was to investigate and analyse how inadequate policy harmonisation amongst the agencies responsible for border control affect border control and border security. In investigating the phenomenon, the study utilised qualitative approach, utilising both primary and secondary data sources. The primary sources of data were obtained from in-depth interviews with key informants from the South African Police Service, Department of Home Affairs, South African Revenue Services, Department of Defence and academic experts who specialise in the field of immigration and border control; as well as analysis of policy documents from the agencies responsible for border control.

In the first chapter of this research, the researcher established a brief context of border control and border security in South Africa. The background was enunciated and the guiding problem and hypotheses guiding this study were also given. This study focused on investigating the effects of inadequate policy harmonisation amongst the departments responsible for border control and border security in South Africa.

Border control and border security in South Africa changed with the demise of apartheid as South Africa used to be a pariah state during apartheid, hence, was isolated in the region and also in the international community. During apartheid, border control and border security was different as the apartheid government utilised security measures for the purposes of ensuring apartheid interests, and also to counter insurgency forces which were keen to overthrow the apartheid government. As the democratic era was ushered in South Africa, border control changed; and new insecurities have to be identified and defined. As a result, this study examined border control and security since the advent of democracy to the present.

In the second chapter, the review of relevant literature was carried out. Furthermore, the theory that underpins the study was justified. Complexity theory proved to define the nature of the agencies responsible for border control and border security in the South African context. Border control agencies depict the same characteristics as the components that constitute a complex system, hence, the applicability of complexity theory.

In the third chapter, a focus on methodology and methods utilised while conducting this study was furnished. Discussion on how data collection, interpretation and analysis was undertaken was furnished on this chapter. This chapter justified the use of qualitative approach, the rationale for utilisation of semi-structured interviews as well as document analysis.

In chapter four the findings were presented and discussed after collected data were analysed. The next section is a summary of findings which emerged as the study was conducted. The study had four objectives which were:

- To determine the effects of lack of policy harmony in border security
- To ascertain challenges faced by departments responsible for border control in face of inadequate policy harmonisation
- To determine if the current approach to border control is effective
- To propose solutions that can be implemented

5.2 Major findings of the study

The study found that inadequate interdepartmental policy harmonisation negatively affects border control in different ways, which are inclusive of work duplication, compromised border security and hamper regional integration objectives. Further, the findings imply that inadequate inter-agency policy harmonisation negatively affects immigration as South Africa is observed to be taking a restrictive stance when it comes to open borders.

The other emergent finding is that South Africa is beset with lack of clarity of goals when it comes to immigration and regional integration. As there is lack of clarity of goals, there is also a phenomenon of divisions within political parties concerning border control and immigration which led to the existence of two camps within a single political party.

5.2.1 Objective number one: Inadequate policy harmonisation

It can be concluded that inadequate policy harmonisation has negative effects on border control and border security in South Africa. It is linked with duplication of work, which is ineffective and inefficient as well as not cost effective.

In South Africa, there has been a number of initiatives to achieve policy harmonisation when it comes to border control, but the major challenge has been implementing and

maintaining those initiatives. Also changes in political leadership is also linked with changes in initiatives to ensure policy harmonisation.

5.2.2 Objective number two: Challenges in border control

Scrutiny of literature and empirical evidence enunciated various challenges when it comes to border control which are inclusive of long stretch of land borders as well as huge resource investments needed to ensure border control.

Militarisation of the borders is linked with migrant fatality which is a challenge to be avoided. Further, it emerged that cross-border criminals and terrorist do not disclose themselves as such, but disclose themselves as legitimate migrants to gain entry into territory. Police brutality emerged to be one of the challenges that need to be addressed in border control, and lastly the challenges linked with immigration emerged.

5.2.3 Objective number three: Concerns over the current approach

The current approach has its own weaknesses and strengths and evidence points that there is no need for a new approach, but the modification of the current approach can work.

5.3 Conclusions

This study filled the gap in knowledge by utilising qualitative approach to investigate how policy fragmentation affects border security in South Africa since the advent of democracy.

To investigate policy fragmentation in border control and security, literature review was undertaken and policy documents were consulted. As this study was limited by the context, its findings do not apply to border control universally, but only in the South African context. Data findings supported the hypothesis that there is no link between multiple agencies and weak border control.

Going further, other emergent findings can be linked to policy fragmentation although they are not direct. Since the study was qualitative, there was the possibility of unexpected findings and this happened as this study was conducted. The emergent findings of regional integration were one of those findings.

5.4 Recommendations: Policy harmonisations – A way forward

5.4.1 First recommendation: Integrated planning and consultation

For agencies responsible for border control to have policy harmonisation, they need to consult together and develop strategic plans together, as well as formulate policy documents together. These agencies need to have coherent budgets. This is because budgets pertaining to border control must be aligned so as to ensure that the objectives of border control can be met in a given financial year. There must be some mechanisms to ensure that political leaders of various agencies develop the strategic plans concerning border control. Thus, development of coherent policies should be ensured, especially at director general level.

5.4.2 Second recommendation: Joint training of officials

There must be a method to jointly train officials from agencies responsible for border control to ensure that there is uniform understanding of each other's role to avoid duplication of work. The officials must have a college, or use any tertiary education institution where they can attend courses on joint training which may run about a two to four weeks to establish uniform understanding.

5.4.3 Third recommendation: Clarity of policy direction

South Africa needs to be clear on which policy direction it is taking concerning immigration, regional integration, and border control. There must be a clarity of which insecurities South Africa has to counter. If the policy direction becomes clear, there would be less ambiguity and all border control agencies will have a common objective they work to fulfil, and there will be clarity of insecurities which South Africa has to counter, and this will ensure optimal use of resources.

5.4.4 Fourth recommendation: Integration programmes

Since the general public in South Africa prefers to have closed borders, the South African government must consider integration programmes. This will help to stimulate the general negative perception regarding foreign nationals to ensure social cohesion so that South Africa can draw from the human resources that foreign nationals bring into South Africa.

5.4.5 Fifth recommendation: Embracing regional integration

South Africa must ensure that its border control practices are aligned with the objectives of regional integration, although there are some downsides to regional

integration but there is a lot that South Africa can benefit from regional integration than it can lose.

5.4.6 Sixth recommendation: Drawing from instances of good practices

South Africa do have instances of good practices where agencies worked together especially when the country host the event of international importance. The soccer world cup tournament of 2010 was one such instance. South Africa needs to draw from those experiences and learn from them to improve border security and control.

5.5 Possible future research

Countering xenophobia

In South Africa, xenophobic attacks affect African nationals, and one of the sentiments towards foreign nationals is that they do not assimilate to what is termed as 'South African'. Future research can look and investigate what the general public term as 'South African' to ensure greater social cohesion and integration of foreign nationals.

Comprehensive studies on border security

This study is not a comprehensive research on the issues related to border security, and it was limited to the issues that affect land borders. Further studies can be undertaken on the issues that affect maritime and aerospace border security and border control.

Borders and national identity

There is a relationship between borders and national identity as borders are the marker of the state's national territory. In the South African context, research can be conducted to determine the notion of national identity in the context of diverse ethnicities and different racial make-up in relation to borders.

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APPENDICES

Appendix A: Ethical clearance certificate

**UNIVERSITY OF ZULULAND
RESEARCH ETHICS COMMITTEE**
(Reg No: UZREC 171110-030)

**RESEARCH & INNOVATION**

Website: <http://www.unizulu.ac.za>
Private Bag X1001
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ETHICAL CLEARANCE CERTIFICATE

Certificate Number	UZREC 171110-030 PGM 2018/542				
Project Title	INEDEQUATE INTERDEPARTMENTAL POLICY HARMONIZATION AMONGST BORDER CONTROL AGENCIES: ANALYSIS OF ITS EFFECTS ON SOUTH AFRICA BBORDER CONTROL AND BORDER SECURITY				
Principal Researcher/ Investigator	SB Mkhwanazi				
Supervisor and Co-supervisor	Dr TC Adetiba				
Department	Public Administration				
Faculty	Commerce, Administration and Law				
Type of Risk	Med Risk- Data collection from people				
Nature of Project	Honours/4 th Year	Master's	x	Doctoral	Departmental

The University of Zululand's Research Ethics Committee (UZREC) hereby gives ethical approval in respect of the undertakings contained in the above-mentioned project. The Researcher may therefore commence with data collection as from the date of this Certificate, using the certificate number indicated above.

Special conditions:

- (1) This certificate is valid for 1 year from the date of issue.
- (2) Principal researcher must provide an annual report to the UZREC in the prescribed format [due date- 05 October 2019]
- (3) Principal researcher must submit a report at the end of project in respect of ethical compliance.
- (4) The UZREC must be informed immediately of any material change in the conditions or undertakings mentioned in the documents that were presented to the meeting.

The UZREC wishes the researcher well in conducting research.


Professor Gideon De Wet
Chairperson, University Research Ethics Committee
Deputy Vice-Chancellor: Research & Innovation
05 October 2018

CHAIRPERSON UNIVERSITY OF ZULULAND RESEARCH ETHICS COMMITTEE (UZREC) REG NO: UZREC 171110-30 05 -10- 2018 RESEARCH & INNOVATION OFFICE

Appendix B: Interview schedule

1. In your perspective, what are the effects of inadequate or absence of policy harmonisation amongst border control agencies?
2. Do you think that political leadership is doing all necessary to solve the problems linked to inadequate policy harmonisation?
3. What are the main challenges faced by border control departments when it comes to managing border security while there is inadequate binding policy amongst them?
4. Pertaining to the challenges you have mentioned, what are your views on departmental behaviour in relation to political leadership, consultation and decision making as far as solving the challenges is concerned?
5. Do you think that the current approach used in South Africa is effective? If no, do you think it should be modified, or have a new approach adopted?
6. What can you recommend to improve border control and security in South Africa?

Appendix C: Informed Consent

PARTICIPANT INFORMED CONSENT

INFORMED CONSENT DECLARATION

(Participant)

Project Title: Inadequate interdepartmental policy harmonisation amongst border control agencies: analysis of its effects on South African border control and border security.

Sandile Blessing Mkhwanazi from the Department of Public Administration, University of Zululand has requested my permission to participate in the above-mentioned research project.

The nature and the purpose of the research project, and of this informed consent declaration have been explained to me in a language that I understand.

I am aware that:

1. The purpose of the research project is to investigate and analyse how inadequate policy harmony has affected effective South African border security policing.
2. The University of Zululand has given ethical clearance to this research project and I have seen/ may request to see the clearance certificate.
3. By participating in this research project I will be contributing towards empirical research that will come with recommendations on how to improve border security in South Africa.
4. I will participate in the project by answering the questionnaire/ participating in the interview.
5. My participation is entirely voluntary and should I at any stage wish to withdraw from participating further, I may do so without any negative consequences.
6. I will not be compensated for participating in the research, but my out-of-pocket expenses will be reimbursed.
7. There may be risks associated with my participation in the project. I am aware that
 - a. the following risks are associated with my participation is that some question may be not comfortable to answer.
 - b. the following steps have been taken to prevent the risks: the researcher attempted to ask questions in a most open and honest manner

- c. there is a +/-20% chance of the risk materializing.
- 8. The researcher intends publishing the research results in the form of a dissertation and a paper however, confidentiality and anonymity of records will be maintained and that my name and identity will not be revealed to anyone who has not been involved in the conduct of the research.
- 9. I will receive feedback in the form of a summary of findings regarding the results obtained during the study.
- 10. Any further questions that I might have concerning the research or my participation will be answered by Dr Cotties Adetiba (035 902 6092), during office hours.
- 11. By signing this informed consent declaration, I am not waiving any legal claims, rights or remedies.
- 12. A copy of this informed consent declaration will be given to me, and the original will be kept on record.

I, have read the above information / confirm that the above information has been explained to me in a language that I understand and I am aware of this document's contents. I have asked all questions that I wished to ask and these have been answered to my satisfaction. I fully understand what is expected of me during the research.

I have not been pressurised in any way and I voluntarily agree to participate in the above-mentioned project.

.....

Participant's signature

.....

Date

Appendix D: Introductory letter



UNIVERSITY OF
ZULULAND

University of Zululand, Private Bag X1001, KwaDlangezwa, 3886
W: www.unizulu.ac.za

Department of Politics &
International Studies
2018/10/11

Dear Dr

Letter of Introduction
Re: Sandile B. Mkhwanazi

The above named student (Student number: 201406668) is under my supervision for his Master programme with the title *"Inadequate Interdepartmental Policy Harmonization Amongst Border Control Agencies: Analysis of its Effects on South Africa Border Control and Border Security"*. He is seeking for your permission to be interviewed regarding the above topic.

The exercise is purely academic and promises to keep the information confidential.

As his supervisor, I'm using this medium to solicit for your support while he is collecting data/information. I believe this will in no doubt contribute to his academic and research experience as a young and emerging scholar in [South] Africa.

Without any reservation, I will be favourably disposed to giving you any information on him if occasion demands it.

Please do extend him any assistance he stands in need.

Kind regards,



Dr T C Adetiba

