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**The Turnaround Strategy from below: public sector reform among  
South African Home Affairs migration officials in Johannesburg**

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## Abstract

This paper is a contribution to the ongoing debate on the state and political reform in developing countries. It is specifically concerned with the issue of 'institutional culture' and the manner in which it promotes or prevents uniform practices and consistency of purpose in bureaucratic agencies. We explore this central dynamic in the context of post-Apartheid South African administrative reform, and more particularly the public management of migration within the Department of Home Affairs (DHA) and a recent attempt at reforming it, the Turnaround Strategy (TS). The paper tries to assess whether successive layers of administrative culture can, at some stage, coalesce into one single, more unified set of perceptions and practices prone to improving service delivery and what the necessary mechanisms for such a change are. In other words, how can we transform the perceptions and practices of public officials?

Compared to other developing countries in Africa and to the rest of the South African public service, structural factors are not prevalent determinants explaining the difficulties in reforming the DHA. It is not to say for instance that major understaffing and poor training are not significant factors, but rather to see them as the results of limited commitment from management to change and improvement. Borrowing from Grindle's analytical framework (1997), the paper argues that if some intentions of the TS and of previous transformation initiatives did address some of the core problems (such as recruitment and performance expectations), these however missed out on one crucial dimension – the creation of a shared sense of mission – and did not perceive the problematic managerial style dominating the institution. In doing so it increased most officials' sense of institutional instability and antagonism with the public, two points which prevent the learning processes which have actually taken place from spreading beyond certain individuals and certain sections of the Department.

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Colin Hoag holds an MA in Social Anthropology from the University of the Witwatersrand in Johannesburg. His thesis examined the role of street-level bureaucrats in the effectuation of immigration policy at the South African Department of Home Affairs, and considered factors informing the actions and attitudes of those bureaucrats. His research interests include political anthropology, urban studies, migration, and space. In 2009, Colin began working toward his PhD in Cultural Anthropology at the University of California, Santa Cruz.

# The Turnaround Strategy from below: public sector reform among South African Home Affairs migration officials in Johannesburg<sup>1</sup>

Aurelia Wa Kabwe-Segatti, Colin Hoag and Darshan Vigneswaran

## Introduction

This paper is a contribution to the ongoing debate on the state and political reform in developing countries. We are specifically concerned with the issue of 'institutional culture'<sup>2</sup> and the manner in which it promotes or prevents uniform practices and consistency of purpose in bureaucratic agencies. We explore this central dynamic in the context of post-Apartheid South African administrative reform, and more particularly the public management of migration within the Department of Home Affairs. The paper tries to assess whether successive layers of administrative culture can, at some stage, coalesce into one single, more unified set of perceptions and practices prone to improving service delivery and what the necessary mechanisms for such a change are. In other words, how can we transform the perceptions and practices of public officials?

Given the history of state formation in Africa, subject to several competing and conflicting traditions of public service culture, fragmentation rather than unity seems to dominate African state bureaucracies.<sup>3</sup> Fragmentation has been specifically identified in work on South Africa's post-Apartheid public service (Picard, 2005; McLennan, 2008). A corollary question is whether civil service reforms, which have been numerous in Africa in the 1980s and 1990s (Darbon, 2003; Kamekou, 2008) can transform the manner in which government delivers services or whether these efforts are mostly symbolic (not to say cosmetic) in nature. The paper will seek to identify the specific structural and contextual obstacles that determine the success of reform initiatives. Counter-intuitively, the paper also explores Darbon's contention that reforms can be a source of destabilisation and further fragmentation (2003: 7), which is rarely acknowledged in the design or analysis of public sector management policies (2003: 15).

## *Paper rationale*

The paper finds its justification in mostly four points. First, although the South African State is often misleadingly conceived as one of the most institutionalised on the continent,<sup>4</sup> its specific forms of

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<sup>1</sup> Paper prepared for Panel 20: States, public bureaucracies and civil servants: Organisational fields and actors' practices, European Conference on African Studies (ECAS), Leipzig, 6 June 2009.

<sup>2</sup> Our analytical framework here is largely based on the work of Merilee S. Grindle (1997) who defines organisational cultures as "a shared set of norms and behavioural expectations characterising a corporate identity" (1997: 482). We shall come back to this when discussing the paper's conceptual and empirical framework.

<sup>3</sup> The literature on such fragmentation and general collapse of African public administrations is abundant. See in particular Lindauer & Nunberg, 1994; Wunsch & Olowu, 1990; Zartman, 1995; Farazmand (ed), 1991; Dwivedi & Henderson (eds.), 1990; Dwivedi & Nef, 1982; Darbon, 2002; Brinkerhoff & Brinkerhoff, 2002.

<sup>4</sup> Dominique Darbon for instance in "Réformer ou reformer les administrations projetées des Afriques? Entre routine anti-politique et ingénierie politique contextuelle" (2003: 1) excludes South Africa, Zimbabwe and Botswana from his analysis.

institutionalisation, if well known under Apartheid (Posel, 1991), have remained largely understudied since (Vigneswaran, 2008b, 2009). Second, with the advent of democracy and the broad transformation of State institutions into integrated, national and inclusive entities, the South African public administration has purportedly entered a new era, based on principles of equity and meritocracy (Marais in Bayat & Meyer, 1994; Schwella in Wessels & Pauw, 1999; Picard, 2005; McLennan, 2008). While South Africa has adopted these policies, as part of New Public Management (NPM) paradigm (Cloete, 1986; Marais in Bayat & Meyer, 1994), public administration has been reformed in a rather autonomous way (Fitzgerald et al., 1995; Cloete & Mokgoro, 1995).<sup>5</sup> Unlike many other African countries, South Africa's adoption of NPM did not depend heavily on the compulsion of international financial institutions and donors (Kamekou, 2008). The paper hopes to enlarge this long overdue rediscovery of the impact of public administration reform in post-colonial contexts (Bezes, 2007) by looking at a specific case study in South Africa. Third, our efforts to understand the complexities of this topic benefit from our focus on the Department of Home Affairs (DHA). Both the structure and culture of this Department are deeply rooted in an Apartheid-era administrative tradition. Yet, the DHA has been tasked with the imposing challenge of receiving, regulating and expelling South Africa's newest population: migrants from abroad. By testing and teasing out the manner in which senior and ordinary officials within this Department have sought to resolve this transformation dilemma, we are able to open out a range of less commonly observed dimensions of institutional and organizational change.<sup>6</sup> Last, while migration policy in South Africa has so far been envisaged mostly from the perspectives of public policy transformation (Wa Kabwe-Segatti & Landau, 2008), discrimination against migrants in access to services (Greenberg & Polzer, 2008) and urban development (Landau, 2006), very little attention has been paid to understanding policy implementation from the perspective of civil servants themselves (except for Davids for Southern African Migration Project, 2005). Indeed, looking beyond South Africa, the international literature on immigration policy has been critiqued for its "lack of attention to the sphere of implementation" (Ellerman, 2005). This is a gap we are intending to fill here for we are convinced it can reveal entirely new dimensions (such as the instability of the administration and representation processes among civil servants informing the daily implementation of migration policy) and in particular produce forms of regulation and statecraft that bear little relationship to policy-makers' designs. Following Blundo & De Sardan (2007), we do believe it also enables us to get away from the kind of normative approaches that prevail in the analysis of dysfunctional policy implementation, particularly regarding the public administration of minorities and foreigners, a growing if still neglected research field (Coquery-Vidrovitch, 2003).

### *Object*

The case which this paper uses to explore these questions is the implementation of a supposedly in-depth reform policy, entitled the Turnaround Strategy (TS), within the South African Department of Home Affairs (DHA). This policy was initiated in 2007 by senior officials in the DHA to profoundly

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<sup>5</sup> It is beyond the scope of this paper to give an overview of South African public sector reform since the demise of Apartheid. For such an overview, see McLennan, 2008.

<sup>6</sup> Again, it is beyond the scope of this paper to summarise that changing situation. It has been regularly and extensively documented in Crush & McDonald, 2000; Wa Kabwe-Segatti & Landau, 2008; Landau & Wa Kabwe-Segatti, 2009.

transform the Department's organisational management and output results and was over one year into its implementation at the time of writing. This policy initiative, although not the first of its kind in the DHA, offers the possibility of observing public administration reform in one of the most criticised sectors of the South African public service, fifteen years after the end of Apartheid.

### *Methods*

The type of organizational cultural and cognitive processes we are specifically interested in here are likely to go unnoticed if studied mostly from official documents and interviews with top civil servants and policy decision-makers. For these reasons, the research on which this paper is based mostly relied on socio-anthropological work of a qualitative nature carried out at Home Affairs offices (Harrison & Market Streets, Crown Mines) in and around the City of Johannesburg between April of 2008 and January of 2009<sup>7</sup> representing hundreds of hours of work and extensive transcripts. The authorisations to conduct work at Home Affairs were obtained by the Forced Migration Studies Programme several months before the research began. The proposal for access was extremely broad, covering many DHA offices and border posts seeking permission to enter and remain on premises and to speak to and record conversations with officials of various ranks. The approval was only granted after a long period of negotiations, involving the Deputy Minister for Home Affairs, Mr Malusi Gigaba and a range of other officials. As with our previous negotiations with the DHA, it is extremely difficult to attribute either the months of delay or the eventual approval to any one factor or shift. What is clear is that the approval rarely entailed prompt and direct access in practice. The approval helped us develop contacts at each office but on each occasion we also had to negotiate with Heads of Offices. In exchange, we provided extensive feedback in the form of reports to each office where extensive research was conducted. Overall and in contrast to some of FMSP's other more obviously rights-oriented forms of research, such as our survey at the Lindela Repatriation Centre,, relations with Home Affairs officials were very friendly throughout this study. Participant observation and open-ended interviews were conducted at the Permanent & Temporary Residence Permits sections, at the Inspectorate and at a Refugee Reception Office in order to cover the variety of tasks performed by Home Affairs civil servants working within the Immigration Directorate of Home Affairs. Our choice of Directorate was clearly influenced by our initial interest in migration issues and also the impossibility, given the size of the team, to work in all sections of the Department. While this constitutes a clear bias to our work, it was also our belief that the Immigration Directorate, because dealing with non-nationals, constituted a very special vantage point. Most studies of public administrations in Africa have so far dealt with services in charge of the national population. We do think, as others have argued elsewhere (Lochak, 1985), that observing how state officials behave with non-nationals in general and non-nationals with limited rights such as undocumented migrants or asylum seekers and refugees, is particularly revealing of the

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<sup>7</sup> This research was funded jointly by the French National Centre for Scientific Research (CNRS), the French Institute of South Africa, and the Forced Migration Studies Programme, University of the Witwatersrand. The ethnographic survey at Home Affairs offices was carried out by Colin Hoag under the supervision of Aurelia Wa Kabwe-Segatti and Darshan Vigneswaran, as part of his Honour's and Masters' degrees. The authors would like to thank the Department of Home Affairs for authorising access to its premises and staff and more specifically the following persons: Antoinette van den Berghe, Harrison Street Office; Johann Heenen, Market Street Office; and Florencia Belvedere, Crown Mines Refugee Reception Office.

characteristics (in terms of equity, legality, transparency) of the existing public service ethos and coexisting normative systems. In addition to this, the paper also draws from research conducted as part of the Public Access to Information Act project (FMSP, South African Historical Archives, University of the Witwatersrand) and from previous interviews with government officials (Wa Kabwe-Segatti, 2003; Vigneswaran in Wa Kabwe-Segatti & Landau, 2008).

### *Outline*

Our analysis begins with a discussion of existing literature on public administration and organizational culture in post-colonial contexts and of their pertinence for South Africa. The paper then unfolds in two directions: it first explains the TS “from above”, through its initial diagnosis and mandate, and contrasts that with how officials on the ground have come to understand and implement it. In doing so, we show how the NPM paradigm inspired aspects of the reform and emphasise the gap between the stated political objectives of the TS and its reception and understanding by civil servants. In the second part of the paper, we outline the main difficulties involved in creating a more unified and efficient immigration management system. There, we distinguish between, on one hand, the role played by structural factors, in particular in terms of understaffing, budget constraints, salary levels and migration dynamics, and on the other, the impact of the reform itself in shaping civil servants’ prevalent perceptions of an erratic and aloof top administration and a threatening, irrational public they nonetheless have to serve. The paper concludes that structural factors, compared to other developing countries in Africa and to the rest of the South African public service, are not prevalent determinants explaining the difficulties in implementing the reform. Borrowing from Grindle’s analytical framework (1997), it argues that if some intentions of the TS and of previous transformation initiatives did address some of the core problems (such as recruitment and performance expectations), these however missed out one crucial dimension—the creation of a shared sense of mission—and did not perceive the problematic managerial style dominating the institution. In doing so it increased most officials’ sense of institutional instability and antagonism with the public, two points which prevent the learning processes which have actually taken place from spreading beyond certain individuals and certain sections of the Department.

### **Reforming public administration in post-colonial contexts: of South Africa and of Home Affairs**

South Africa shares with the rest of the continent many of the features of a history of administrative development characterised by its colonial and post-colonial moments. However, this being said, major differences set it apart from most other African countries, the most significant of which being the anteriority of its adoption of Western-style government methods, the degree of institutionalisation of administrative rules across its territory and administrations and a relatively ancient if heterogeneous professionalisation of its corps of civil servants (Picard, 2005; Schütte et al., 1995). Another major difference, but of importance in terms of the spread and nature of dominant paradigms in the public service, is South Africa’s only very recent decolonisation and subsequent transformation of its public service (from 1990 onwards) (McLennan, 2008) and, therefore, its relative autonomy, by African standards at least, in shaping a type of public administration

corresponding to its specific endogenous development needs (McLennan op.cit.: 4–5). South Africa's first post-Apartheid-wide consultation known as the Mount Grace Consultation was organised by the New Public Administration Initiative (NPAI) formed in 1991. McLennan thus summarises the paradigm shift that emerged from the initiative launched by academics and activists recently returned from exile and close to the African National Congress (ANC):

They explicitly rejected the generic process model and attempted to move towards a more appropriate model relevant to the South African context. Key elements of the resolution noted that the theory and practice of public administration was too descriptive, reductionist and reifying and lacked analytical technique. In addition to recommending a more developmental and responsive approach, the resolution called for “more rigorous scientific analysis, explanation and predication of governmental and administrative phenomena supplementing their mere description...”<sup>8</sup> (Mc Lennan, op.cit.: 4)

As Darbon notes in a paper devoted to public service reform in Africa, the reform wave set out by international organisations as from the mid-1980s, mostly of neoliberal inspiration, resulted in an ultra-technicisation of administrations centred around budget rationalisation and management methods. This emphasis largely depoliticised reflections around public services' role and actual capacity in development projects (Darbon, op.cit.: 3–5; see also Ferguson, 1990 and Jobert, 2002). As opposed to most other African situations where this trend was highly problematic because it relied on developmentalist and externalised understandings of change, disconnected from the social dynamics that create the necessary conditions for reform's ownership by elites and civil servants (Darbon, op.cit.: 9), the Mount Grace Consultation in South Africa identified that pitfall and attempted to address it through specific options suited to the South African context.

However, despite that clear identification of a need to move away from a dominant generic approach to public administration, one that was convenient to ignore the political and socio-economic conditions created by the Apartheid government's policies, the post-Apartheid choices in public sector reform have had a mixed record. As McLennan notes, this first diagnosis intended to repoliticise public sector reform was then followed by a moment of pragmatism during which the technical and productivity emphases of the NPM were very appealing to public services confronted with the realities of service delivery constraints and public pressure:

Over the first five years of democratic government, there was a shift from a more open and engaged practice of public administration to a more regulated and bureaucratic style as the realities of implementation and fiscal constraints became evident. This was evident in a growing emphasis on the decentralisation of responsibility, performance contracts and professionalism. The approach adopted was underpinned by an assumption that professional behaviour combined with rational management techniques would improve service delivery. (Op.cit.: 10)

Some of these reforms were successful. A well known such success story in the post-Apartheid transformation of the public sector has been that of the South African Revenue Service (SARS); the worst failure perhaps that of the Department of Home Affairs. In 2007, Chris Tapscott, dean of economics and management of the University of the Western Cape, could thus describe Home Affairs as “the most extreme example of a department that hasn't properly transformed – it still embodies the culture of the Apartheid era.” (Robinson in *Mail & Guardian*, 2007) The question that

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<sup>8</sup> Fitzgerald & McLennan, 1992: 23.

arises therefore is why have some parts of the South African public administration “made it” and others not? Why in particular has the DHA resisted so consistently over a period of fifteen years attempts at transforming it into an efficient and modernised pillar of government action both in terms of population registration and immigration management?

In order to explain these problems, we turn to the literature on institutionalism. According to Hall and Taylor, an institution can be defined as the “formal or informal procedures, routines, norms and conventions embedded in the organisational structure of the polity or political economy”. One of this literature’s main concerns has been the evolution and transformation of states, and particularly questions of convergence and difference in organizational form. More specifically, institutionalists are interested in why states have almost universally adopted a certain category of institutions (sovereignty, diplomacy, separation of powers etc) while maintaining enduring differences in other areas (democracy/authoritarianism, laissez-faire capitalism/socialism, multi-culturalism/homogeneity, etc). The principal—sometimes favoured—explanatory model that institutionalists use to deal with these issues is that of ‘path dependence’, the principle:

that once a country or region has started down a track, the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice. (Levi, 1997: p. 28)

There are different ways in which institutionalists use the concept of path dependence and various ways of differentiating between the models. But for our purposes it is perhaps worth distinguishing between utilitarian and cultural versions. For utilitarians, the objective is to explain why states do not always adopt the most efficient sets of institutions. They focus on the resources and energy that states vest in particular institutions and the resource energy required to change them, which sometimes means, somewhat counter-intuitively, that less efficient institutions constitute the economically rational choice. Some commonly used examples, albeit not from the field of state development is that of the selection of the technologically inferior VHS over BETA as the video-recorder model of choice or the persistence of variation in electrical plugs. In both cases a different set of technologies would be more efficient over the long term, but now that the choices have been made, economic rationality dictates that the inferior technologies remain. Cultural institutionalists use a different logic to explain why institutional change is difficult. Here, the focus is on institutions as frameworks of meaning instead of simply rules and procedures and persistence and variation are explained by the fact: that many of the *conventions* associated with social institution cannot readily be the explicit objects of individual choice. Instead, as the elemental components from which collective action is constructed, some institutions are so ‘conventional’ or taken-for-granted that they escape direct scrutiny and, as collective constructions, cannot readily be transformed. (Hall & Taylor, 1996: 940).

A good example of this style of argument has been developed by John Ruggie (1993) about the institution of sovereignty. For Ruggie, territorial sovereignty is so deeply entrenched in the way in which modern scholars have conceptualised that they have a hard time conceiving of the possibility that it might change or how a different political system could be fashioned. This is despite the fact, as Ruggie points out, that if we look back to the medieval period, the political map in Europe looked entirely different, such that a system of politics that revolved around autonomous, individuated and bounded political entities would have seemed entirely bizarre.

Recently, Merilee Grindle has sought to apply a similar approach to the analysis of public organisations in various developing countries (1997). Grindle shows that the second wave of public sector reforms implemented in the 1990s, following structural adjustment plans, was mainly focused on instrumental logics: improving salary levels and downsizing public administrations. It however did not lead to major productivity gains (op.cit.: 481), a myth long perpetuated as part of the Washington consensus (Gore, 2000). Wondering about how, in those varied adversarial contexts, some public organisations still manage to perform relatively well, Grindle and her team identify four key cultural logics—albeit using a quantitative analysis—of public organisations in a range of developing countries. Those dimensions are: a sense of mission or mystique, performance-oriented expectations, managerial style and autonomy in recruitment (op.cit.: 488). While not dismissing altogether structural elements such as salary levels and client demand, Grindle’s argument is that those were not objective and significant explanatory factors of performance differences in the public sectors considered. Elements identified as significant on the other hand pertain to what Grindle calls “organizational cultures”, an alternative already used by others in the analysis of public organisations (Lipsky, Dilulio). As opposed to industrialised countries, approaches to the understanding of public organisations’ poor performance in developing countries have mostly relied on structural adversarial factors: patronage as the basis for recruitment; dependence on donors’ intervention; very limited fiscal basis; low salaries; poor infrastructures and heavily centralised decision-making systems. Grindle’s argument, however, is that those do not fully explain why some public organisations still manage to perform well under those conditions and create spaces of relative autonomy. Her argument is that organisational cultures are more fertile grounds to identify significant differentiating factors and help to explain the “capacity of public sector organizations to perform concrete tasks assigned to them by governments, not only by investigating the structures, activities and human resources of these organizations, but also by understanding the constraints of their performance set by a series of contextual factors” (op.cit.: 483). This echoes Maurice Engueleguele’s warning that poor public sector performance in developing countries should not systematically be equated with an overall decline in state sovereignty understood classically in the Weberian sense, as the monopoly over legitimate sources of violence (Engueleguele 2008).

This dimension is important here as a number of analysts of the South African context have pointed to the limited or even sometimes weakening sovereignty of the South African State in the post-Apartheid period (Bénil-Gbaffou, 2008; Landau, 2006; Monson, 2009). These authors show that by implementing policies which encourage fragmentation rather than inclusion (as in housing or in migration management), and by turning a blind eye to widespread human rights abuses and the development of parallel norms of “mob justice”, the South African government runs the risk of undermining its own endeavour to set up a more inclusive, people-centred polity. These analyses, however, rarely distinguish, as Engueleguele recommends and as Grindle does, between government’s retention of its overall coercive power (for instance, in terms of territorial and mobility control or in the overall coordination of public intervention) and its actual capacity in terms of policy formulation and implementation. This distinction between coercion and oversight on one hand and capacity to deliver on the other will be particularly useful here in identifying and characterising the limitations of the DHA’s attempt at reforming itself. Extending on the ideas put forward by cultural institutionalists and Grindle, in this article we not only look at culture as a static entity, undermining efforts at reform, but at how institutional cultures can themselves be anti-reformist in nature. This approach to culture therefore differs from purely anthropological ones,

which often stress the relationality, multiplicity, and negotiated character of culture.<sup>9</sup> Instead, we focus in a specific, narrower sense on the ideological capacity of culture to organise, limit or coerce the perceptions of those individuals acting “within” it.

In order to prepare the way for this argument, it is useful to briefly review the structural and institutional context of migration management in the late Apartheid and post-Apartheid periods. Historically in charge of civic affairs (birth, death, marriage registration) and therefore central to the formal recognition of citizens by the State, the DHA was also in charge (under different names and with several organisational patterns) of controlling both South Africans’ and foreigners’ mobility into and within the territory under Apartheid. In the post-Apartheid period, the DHA has remained in charge of both mandates (registration and mobility control) yet in a totally different political and legal context as well as a rapidly changing regional migration regime (Wa Kabwe-Segatti & Landau, 2008). As Darshan Vigneswaran has shown, under Apartheid, the mobility management was administered by numerous departments of state (Foreign Affairs, Internal (Home) Affairs, Cooperation and Development, Police, Defence, Justice, Community Development, Trade and Industry, Agriculture, Minerals and Energy and Transport):

There was clearly much room within this broad framework for confusion of roles, misappropriation of responsibilities and manipulation of authority. The key divide lay between ‘discriminating’ Departments and ‘enforcing’ Departments. Whereas Cooperation and Development and Internal/Interior Affairs (later to become Home Affairs) shared responsibility for documenting the population, defining areas of legitimate movement, and communicating these decisions, it ultimately fell to the police and (to a lesser extent) the army to back up these decisions with force. This had two important implications. First, it meant that the discriminating departments could make decisions about what sorts of movement were legitimate, without adequately considering the strategic implications of such decisions for those responsible for enforcement. Second, it meant that police and army officials possessed considerable discretion to determine what aspects of Apartheid became a reality, through the selective use and application of a broad enforcement mandate. (Vigneswaran, 2009: 9)

This is in an important aspect, which shows the genealogy of internal divides and disconnections within the Department in terms of policy making and implementation and the already considerable degree of discretion granted to lower level officials—at that time, police officers—in translating migration policy into acts.

In the post-Apartheid period, the DHA’s incapacity to perform its mandate was enough to earn it the nickname “Horror Affairs” by the *Daily Sun* newspaper.<sup>10</sup> In 2003, one of its former Director Generals, Barry Gilder, even called the Department’s service delivery “a joke”.<sup>11</sup> The transition itself,

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<sup>9</sup> See Fischer, 2007 for a comprehensive historical overview of the concept of culture in the anthropological tradition.

<sup>10</sup> On one occasion, it has actually led to a hostage situation, when a South African man used a toy gun to leverage the life of a DHA official against the issuance of his identity document, some six years in the processing (<http://www.mg.co.za/article/2008-07-09-dept-of-home-affairs-criticised-at-toygun-case>, accessed on July 9, 2008).

<sup>11</sup> “SA immigration service ‘a joke’” November 2, 2003. (<http://news.bbc.co.uk/2/hi/africa/3247767.stm>, accessed on June 17, 2008.)

between 1994 and 2004, was a chaotic period, wrought with rivalries between the ANC and the Inkatha Freedom Party (IFP), which was accorded responsibility for the DHA as part of the power-sharing process in the Government of National Unity. The appointment of the controversial Mangosuthu Buthelezi (IFP leader) as the first Minister of Home Affairs also hampered South Africa's movement toward a more inclusive immigration practice. In particular, the first ten years of post-Apartheid government, were not enough to see efficient legal and policy reforms within the Department. Buthelezi and his team, caught in various fights with the ANC majority, did not manage to alter significantly and progressively a legal and policy frame that was inherited from the late Apartheid era. Despite the progressive new South African Constitution of 1996, the Immigration Act of 2002 was nearly ten years in the making, meaning that up until that point, the Department was functioning under the terms of Apartheid-era legislation. The Aliens Control Act of 1991 — also known as “Apartheid’s last act” — was framed mostly around concerns over security and policing and has resulted in a lingering preoccupation of all sections of the Immigration Directorate with such matters (Wa Kabwe-Segatti & Landau 2008: 35, 60–61). Also, several key elements of the Aliens Control Act were deemed in contradiction with the 1993 Interim Constitution and the Constitution of 1996, meaning that it was made unconstitutional almost immediately after being enacted, leaving a legal void in its place until the 2002 Immigration Act came into force in 2003 (Wa Kabwe-Segatti in Wa Kabwe-Segatti & Landau, 2008: 84).

Beyond this problematic and stalled legal and policy situation, the daily practice of migration management has also been regularly controversial and, in some instances, sanctioned by Government’s internal control structures. These dysfunctional management practices will be briefly envisaged here focusing on three aspects: inconsistencies in temporary and permanent residence permits leading to litigation cases; parliamentary monitoring of the DHA’s budgetary mismanagement and finally, rampant corruption. Several inconsistencies in decisions rendered by the Immigrants Selection Board between 1994 and the early 2000s regularly led to court cases which not only discredited the DHA’s legal team but also spent out its litigation budget usually by the beginning of the fiscal year.<sup>12</sup> Cases had to do with protests from migrants’ rights NGOs, firms, foreign embassies or even the South African Department of Trade and Industry against refusals of permits to highly skilled professionals or unlawful arrests, detention and deportation procedures. The Labour Market Commission in June 1996 thus commented:

The development of policy is severely hampered by a lack of accurate and comprehensive data ... Labour shortages are thus determined in a rather ad hoc manner. It is vitally important for the development of a coherent labour migration policy that current methods of data collection be reviewed, expanded and updated. (1996)

Gerry Eisenberg, immigration advocate, pinpointed the actual root causes of the numerous instances of dysfunctional practices in the following statement to the *Financial Mail* in April 1999:

the real problem facing South Africa’s efforts to streamline its immigration policy is not the legal framework but the administrative breakdown of the department. Give us any rules you

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<sup>12</sup> For a detailed record of such inconsistencies, see the systematic investigation of journalist Marion Edmunds, « Home Affairs frustrates would-be immigrants », *The Mail & Guardian*, 29/03/1996; Marion Edmunds, « The secret men who decide if immigrants may stay », *The Mail & Guardian*, 07-13/06/1996; Marion Edmunds, « Skilled immigrants rejected by Home Affairs », *The Mail & Guardian*, 12/04/1996.

like, but run your department efficiently. [...] The department operates in a crippled fashion and is one of the few with absolutely no credibility. *Financial Mail*, « A Department coming apart at the seams », 16/04/1999.

The current situation is one in which mismanagement, corruption, poor productivity and little political strategic vision have led to discrediting the new asylum system and turning into an unofficial economic immigration process while the official immigration system still does not perform satisfactorily in terms of importing the necessary skills into the country (Wa Kabwe-Segatti & Landau, 2008).

According to then Minister Buthelezi, the DHA was one of the poorest Government departments in terms of budget allocation. Addressing the Parliamentary Portfolio Commission on Home Affairs in May 2001, he described a particularly concerning financial situation leading to, among other things, a moratorium on job creation explaining widespread understaffing and the non-replacement of infrastructure at border posts. This statement was reiterated regularly and even backed by opposition MPs at the time. However, a report published in the same period by Auditor-General Shauket Fakie gave a somewhat different picture of budget allocation and management at the Department. Among other things, the report concluded to the illegal spending of over 19 million Rand [1.9 million Euros] as well as to a controversial management of migration control. In particular, the spending of 4.2 million Rand [420 000 Euros] on deportation that year (well below current deportation costs though) was denounced along with the illegal functioning of the Market Street office in Johannesburg and the poor collection of fines imposed on airlines for bringing in undocumented migrants. The Fakie report was followed in 2001 by the publication of another report, this time by the Public Service Commission (PSC), which unequivocally concluded to the DHA's major management issues:

The PSC said the Department had all the financial and human resource management policies and procedures it needed in place but lapses in adherence to these had occurred. [...] These (lapses) are ascribed to the integrity of the individuals involved and the dubiousness which arises when rules are perceived as hampering effective service delivery. (SAPA, 2001)

Finally, different investigations conducted since 1994 among migrants by Human rights NGOs (Human Rights Watch, 1998 and 2001; Amnesty International, 2001; CORMSA 2007 & 2008) as well as sometimes internally, by the DHA itself, have uncovered widespread and persisting corruption at all levels of the administration.<sup>13</sup> The DHA's institutional and strategic response to these accusations has been extremely slow despite numerous arrests throughout the 1990s and 2000s. In 1998, an Anti-Corruption Unit was finally set up and constituted of officers from the police and the National

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<sup>13</sup> The following publications offer systematic investigation on the issue of corruption among HA services: Antoine Bouillon, *Les « Amagongogo », Immigrants africains francophones en Afrique du Sud*, Johannesburg, GDR 846, CNRS, Programme de recherches sur les Migrations, Institut Français d'Afrique du Sud, septembre 1996, p.43-44 ; Jonathan Crush, (Dir.), 1998, *Beyond Control: Immigration and Human Rights in a Democratic South Africa*, Cape Town: IDASA; Queens: SAMP, p.152-156 ; Human Rights Watch, 1998, "Prohibited Persons". *Abuse of Undocumented Migrants, Asylum Seekers and Refugees in South Africa*, New York, Human Rights Watch, p. 55-60, 111-113 ; Jonathan Crush & Vincent Williams, (Dir.), 1999, *The New South Africans? Immigration Amnesties and their Aftermaths*, Cape Town: IDASA; Queens: SAMP, p.49 ; South African Human Rights Commission, 1999, *Report Into the Arrest and Detention of Suspected Undocumented Migrants*, Parktown, Johannesburg, p. 24-26.

Intelligence Agency. Under the direct authority of the DHA's Director-General, it received 225 cases during its first year of existence and contributed to the indictment of 69 people. Since then, on average one hundred cases are uncovered every year, which is likely to be only the tip of the iceberg. Corruption remains rife throughout immigration services and "prices" for services (from renewal of temporary permit to asylum application, marriage certificates and airport "passage") are regularly updated in NGOs reports (see CORMSA, 2008).

It is against that backdrop of dysfunctional management of a public sector that what was to be called the Turnaround Strategy would emerge. We shall now turn to its genealogy and design and confront it with its perception by officials on the ground as revealed in the ethnographic work conducted in the Johannesburg immigration branch of Home Affairs offices in 2008.

### **The Turnaround Strategy from above: New Public Management with a hint of organizational culture**

#### *Genesis*

Initiated by Minister Mapisa-Nqakula in 2004 as she had just arrived in office following Mangosuthu Buthelezi's departure from Government after the 2004 elections, the strategy was however only officially launched in 2007. At that time, it was presented in the words of the minister as "a comprehensive long-term programme for the rebuilding of a new and different Home Affairs" (Mapisa-Nqakula, 2008a) in order to "[put] in place fundamental changes in the culture and organisation of Home Affairs and the way we do our business" (Mapisa-Nqakula, 2008b: 5). Interestingly, the setting up of what is considered as the most comprehensive reform attempt since 1994 came with the appointment of a new Director General, Mavuso Msimang, who immediately highlighted both the leadership fragmentation and the central cultural dimension he saw as the key challenges to that reform process:

Some people in the current leadership in the department have no appreciation of the extent of the rot. They believe others are being too hard on them. [...] A total culture change is a sine qua non for the overhaul of the prevailing situation that has deteriorated to a point where not fixing it would certainly be a catastrophe. (Robinson in *Mail & Guardian*, 2007)

Others, such as Chris Tapscott, cited before, had already insisted on that cultural dimension: "This lack of transformation is not about race and colour—it's about administrative practice and a prevailing institutional culture of indolence, lethargy and arrogance" (Robinson in *Mail & Guardian*, op.cit.). Sven de Kock, CEO of Fever Tree consulting, AT Kearney's local branch, the company that was commissioned by Home Affairs to undertake the preliminary research and design the strategic plan of the turnaround, confirmed that a culture change in Home Affairs had to be "the driver" of the strategy, rather than the implementation of new technology and infrastructure, which should be "the enabler" (Robinson in *Mail & Guardian*, op.cit.).

The decision to base the strategy on a radical assessment of the situation requiring an "about-face" change in direction was clearly resisted by the former Minister who declared "I feel that [it] has

been, somehow, improperly named, and should rather have been styled as a moving forward strategy, for I do not see that it imposes on the Department a new direction”.<sup>14</sup> Minister Mapisa-Nqakula’s decision was however taken following a new investigation by the Public Service Commission team into the disarray at Home Affairs. This found that there was a “lack of strategic leadership and management capacity”, with the result that the Department’s transformation agenda was collapsing; and “a general crisis response to problems due to a lack of adequate management plans” (2007). It was fully supported by Cabinet and Treasury, an important dimension given the substantial budget implications of the Strategy. Although it is yet unclear how much the overall reform will cost South Africa, the Treasury allocated the DHA R1-billion over the period 2008–2010 for the strategy. However, Mike Ramagoma, special adviser to the Home Affairs Minister said the allocation would be used only for infrastructure upgrading. Payment of task team members and outsourced companies will be in addition to this (Robinson in *Mail & Guardian*, op.cit.).

While it can be considered that the decision to order an in-depth management diagnosis and set up a profound reform strategy was belated, thirteen years after the first democratic elections, it is more accurate to consider that, as from 2004, the necessary institutional and political conditions for that change to be envisaged seriously were in fact met for the first time. What the 2007 report also found was that the Department had a 30% vacancy rate at middle and top management levels, rising to 40% among officials on the ground. Until today, senior posts are filled by people in an acting capacity, which has created a climate of “instability and a lack of motivation” said Sandy Kalyan, the Home Affairs Director-General’s spokesperson (Robinson in *Mail & Guardian*, op.cit.).

### *Outsourcing and ownership*

As indicated, the decision was made to outsource the initial research and diagnosis to the private sector. The Support Intervention Team (SIT) in charge of coordinating the Strategy was a hybrid of private and public sector specialists led by Kevin Wakeford, former CEO of the South African Chamber of Business and currently adviser to Eastern Cape Premier Nosimo Balindlela. It includes a National Treasury task force led by Accountant General Freeman Nomvulo, an IT panel led by IT strategist at De Beers Patrick Monyeki, communications specialists and a business re-engineering team from Chicago-based global management consulting company AT Kearney (Robinson in *Mail & Guardian*, op.cit.).

In South Africa, the company led the recovery of the South African Revenue Service (SARS) in the late 1990s, as mentioned earlier in this paper. While this role of AT Kearney was pivotal in designing the strategy (and it is beyond the scope of this paper to review critically its research methods, on which there is not much public information available), the Department, and specifically the Minister and Director-General, insisted on ensuring the overall supervision of the process and creating channels for the strategic plan to be drafted internally and in a participatory manner at the level of

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<sup>14</sup> “Address by Mangosuthu Buthelezi, MP, Minister of Home Affairs, at the Home Affairs Annual Strategic Planning Workshop; 4 March 2004” ([http://www.search.gov.za/info/previewDocument.jsp?dk=%2Fdata%2Fstatic%2Finfo%2Fspeeches%2F2004%2F04030809461001.htm%40SpeechesandStatements&q=\(+buthelezi+\)%3CIN%3E+title\)&t=M+Buthelezi%3A+Home+Affairs+Annual+Strategic+Planning+Workshop](http://www.search.gov.za/info/previewDocument.jsp?dk=%2Fdata%2Fstatic%2Finfo%2Fspeeches%2F2004%2F04030809461001.htm%40SpeechesandStatements&q=(+buthelezi+)%3CIN%3E+title)&t=M+Buthelezi%3A+Home+Affairs+Annual+Strategic+Planning+Workshop), accessed 20 July, 2008.)

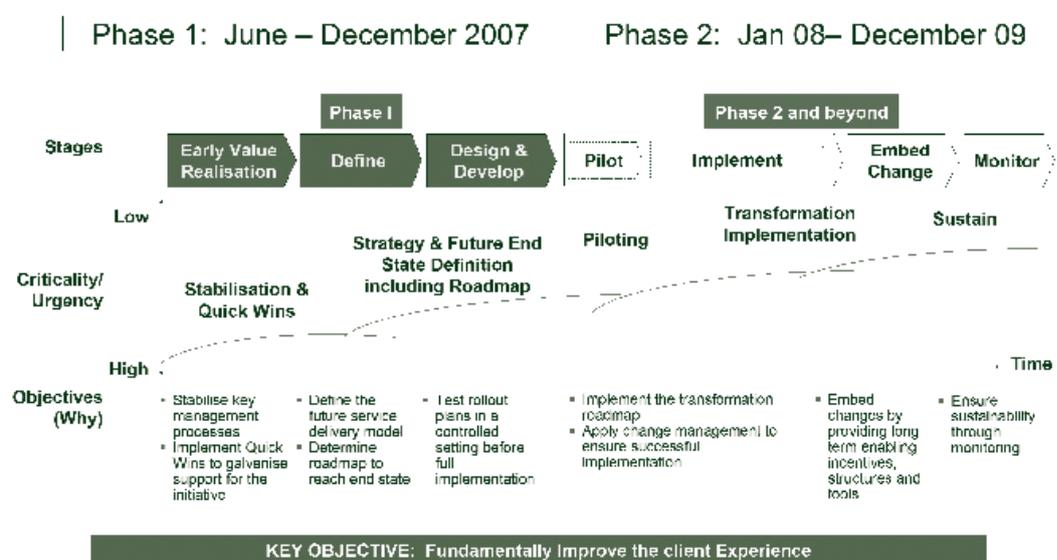
top management. In the 2008-2011 Strategic Plan for the Department of Home Affairs, the first comprehensive policy document ascribing the TS a central role in current and future DHA development, that ownership dimension is systematically highlighted:

In phase one of the turnaround programme, from June to December 2007, combined teams of specialists and DHA officials systematically developed the main elements of the model. A governance structure was put in place to ensure that the Department had control and responsibility for the programme, which had 140 deliverables in phase one. The Minister chairs the Steering Committee. A Vision and Design team, sponsored by the Director-General, was responsible for the overall design of the new model. A related and ongoing project provided guidance on the policy and regulatory aspects, including government priorities and programmes. (DHA, 2008: 28)

#### *The main features of a three-year plan*

Building on the core precepts of NPM and the experience accumulated by public management reform experts, the TS thus represents a balanced design, placing organisational cultural changes at the heart of its approach, in a broader plan that focuses primarily on increased professionalism. As we shall see in the following section though, very little of this was directly conveyed to lower management and staff on the ground. Even the most thoughtful dimensions, introducing elements of immediate change in service delivery in order to boost staff morale and gain public confidence in the process (Mavuso-Msimang, 2008 in Strategic Plan: 7), was not sufficiently advertised to be understood at office level. The Department's Turnaround Strategy was not accompanied by an internal communication strategy able to keep staff updated in the Strategy's development. Rather, things remained at the level of top officials in Pretoria and were only disseminated in the form of the graph below, published in the 2008-2011 Strategic Plan, a document that can be downloaded online but that most officials on the ground hardly ever read.

**Graph 1. Phases of the Turnaround strategy (DHA 2008: 9)**



It is against that backdrop that we shall now envisage how the TS has translated on the ground in the eyes and words of DHA officials employed in the various sections of the National Immigration Branch (NIB), recently renamed as the Immigration Services Branch (ISB). The following two sections draw from ethnographic work conducted over several months in 2008 by Colin Hoag at various Home Affairs offices in and around Johannesburg.

### *The Turnaround Strategy in the eyes of DHA officials*

Most DHA officials report having come to understand the TS (or to not understand it) through occasional addresses from the Director General (DG), through a monthly newsletter called “Ikhaya”, or through “circulars” disseminated by Head Office. Among the many improvements understood as planned or promised are: increases in the quantity and quality of electronic resources; the retooling of organisational structures; the implementation of a biometrics-based database called the Home Affairs National Identification System (HANIS) which will integrate a number of existing databases, including those for nationals and non-nationals alike; the streamlining of ID, passport, permit or other document processing; and office renovations.

Officials note that there are few signs of a turnaround as of yet, however one noticeable change has been the increased emphasis on the production of statistics and other measures of accountability. This has manifested itself differently from office to office. At the Admissions office, for example, the Strategy seems to have had little impact. The following is a transcription of an interview with one official who had been working with the DHA for 7 years:

- *Do you think the Turnaround Strategy is effective?*  
Hey, I would say, at the moment, I haven't seen anything. No changes, yeah. It's only that change within the section [the splitting of the TRP section into three sub-sections with a low-level supervisor for each].
- *Do you think that it will be successful, the Strategy?*  
I'm not really sure about the Strategy you are talking about. Explain it, maybe.
- *Well, the DG has talked about a big Turnaround Strategy to make the Department more efficient. So there are a number of components to it, so Batho Pele,<sup>15</sup> and some technology changes, but-*  
Hmm. I've been hearing about the Turnaround Strategy but, in our region I haven't seen any change. (Personal interview 26/6/2008)

Another official from that same section asked cynically "why aren't they turning around our salaries?" Still another saw it only in reference to the fact that their office has been moved since 2004 from the 4<sup>th</sup> floor to the 2<sup>nd</sup> floor to the 6<sup>th</sup> floor (with talk of a move to the 7<sup>th</sup> in the near future) as renovations continue on the office building. Each time they move, applications are lost in the shuffle, and officials become frustrated at having to resituate their workspace and get used to another workflow.

At the Inspectorate, the only recent changes noted by officials (which were only assumed to be part of the Turnaround Strategy) were the imposition of measures which the office had no capacity to deliver upon. The changes all had to do with accountability and production, as demonstrated through statistics. Firstly, officials were expected to create a docket for each and every encounter they have with a suspected undocumented non-national. On any one of the several raids that officials conduct with the police every week, an official might encounter between 20 and 100 such people. Even assuming officials could determine who exactly "encountered" whom, this directive is practically meaningless given the amount of time each official would need to dedicate to docket-creating. Additionally, the office had an insufficient amount of cabinet space to store these dockets as it was, much less if they were to be creating the numbers they were being asked to create. The cruel irony was that the office had been trying to access more cabinets from the Civic Affairs section which were being stored in the floor below the Inspectorate office. From a window in their kitchen and dining area, they could see rows upon rows of unused cabinets, but were barred from utilising them for some unknown political reason internal to Home Affairs.

The only other change that was noticed (and not simply promised), was that the Civic Affairs section had been given a salary increase several months ago, but because of the reported logistical difficulty in altering the pay rates at the Head Office, Inspectorate officials were not being paid as they were supposed to be, nor were they going to be compensated retroactively.

At the Crown Mines Refugee Reception Centre, the situation was much different. The TS there was not something one heard of or read about, but something witnessed and experienced. The office

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<sup>15</sup> Batho Pele is another example of a public reform policy intended to place people at the centre of South African public services and fight corruption.

was used as an institutional “enclave” in the sense that Anders describes, where a large amount of resources are targeted in one direction to establish a foothold or “motor” for change (2005: 89). This is then used as a testing ground and as a model for the reform’s export to other parts of the organisation. At Crown Mines, the TS was not termed simply “Turnaround” by officials, as in the other offices, but rather it was known as “the Turnaround Team”, with an accompanying “they” pronoun. This reflects the fact that an actual group of consultants came into the office for some six months, evaluating the situation and establishing new processes for streamlining. Most of the changes that were implemented as a result take “production” as their focus. Every morning, the managers of each section convene with the Centre managers for a “production meeting”, where the quantitatively-verified performance of the previous day is discussed. Given the very substantial numbers of asylum applicants who approach this office, the emphasis is understandably on feeding as many asylum seekers through the office as possible and impressive processes have been developed to achieve this end.

Nevertheless, many at the office, especially the Refugee Status Determination Officers (RSDO) who make up almost half of it, are unhappy with the changes. They say that they were only consulted nominally by the Turnaround Team, allegedly as an empty gesture to win their support. Most especially, they say that the push toward production has resulted in a situation whereby “quantity is put before quality”, meaning that RSDO’s are not given an adequate amount of time to interview, adjudicate, and hand out decisions to asylum seekers. RSDO’s are officially allotted 180 days to make a decision, however by setting targets of around nine applications per day, the reforms de facto allot RSDO’s a mere 45 minutes. One RSDO who thought that 180 days would be a much more appropriate amount of time questioned “To whom does this [sic] 180 days apply?” Despite the fact that asylum seekers are supposed to be told of their constitutional rights, and the interview/ adjudication/ decision process, RSDO’s have only time to ask a few key questions, on which they will base their entire decision.

Many of the employees at this office, who were carefully selected for their relatively significant educational and professional background to help establish the trend of pervasive reform at the DHA, indicated that they had no plans to stay too long at the Department. They were frustrated that their legal skills (most RSDO’s have law degrees of one sort or another, and several even have their MA) were hardly being put to use. Instead of “applying their minds” to weigh each individual case on its merits, they essentially cut and pasted language from similar decisions that they had already written, sometimes utilising doctored information even from different countries to support their case.

This very brief description of the TS reform measure should help not only to illustrate the current state of the DHA’s Immigration Services Branch (ISB), but also to demonstrate the extent to which reforms are subject to significant translation, especially when mis- or un-communicated to the lower level implementers. It also has shown how, even in settings where substantial energy and resources are dedicated to the implementation of reforms, there are still certain dangers involved if measures are pushed “too far”. Over a year into its implementation, the TS reveals fault lines which had not been anticipated by its designers. We shall now turn to what we identified as the main obstacles to change, as well as the few conducive aspects, within the National Immigration Branch.

## **The Turnaround Strategy from below: the “magical” “mystique” of South African Home Affairs**

The title of this final section proceeds from two different sets of references which we would like to articulate here. Borrowing on Taussig’s notion of the “magic” of the State (1997), Colin Hoag, in a recent unpublished Master’s thesis on the South African Department of Home Affairs (2009), shows how theories of the unstable, “magical” state have been posited in order to express the sense of vulnerability experienced by those who interact with an unpredictable state (Das, 2004). Our intention here is to consider the perspective of Home Affairs officials—people who represent “the state”, and who have been so consistently accused of providing unpredictable service. That is, how do officials explain the character of the services which they deliver? Armed with officials’ perspectives regarding both their institutional environment and the public they serve, we will subsequently reinsert ourselves into our broader analysis in terms of the necessary conditions for institutional change to happen. What we would like to show finally is that, in an already fragmented and rapidly transforming context, the way in which the TS has so far been introduced might have led to exacerbate civil servants’ prevalent perceptions of an erratic and aloof top administration and a threatening, irrational public. Despite tangible learning processes (Hecló, 2002; Hall, 1993), the reinforcement of these perceptions is currently militating against the diffusion of those learning processes to those more resistant enclaves in the DHA.

### *An aloof upper administration relying on obscure, unstable “systems”*

As Anders has noted (2005) in his study of the Malawian civil service, for lower level civil servants, a major reform initiative proposed by the World Bank did “not constitute a grand and ambitious comprehensive plan [as it is portrayed by upper-level management], but only one aspect of their daily lives experienced as mundane practices such as getting one’s pay-check, securing a salary advance or leaving work to take care of a private business” (Anders, 2005: 4). This is to say that lower-level officials are charged with executing reform measures that may not interest them very much. Whether officials take up a project initiated at higher levels of the hierarchy is dependent upon a number of variables, which Lipsky has documented (1980), notably including the legitimacy conferred by officials on their manager’s policy objectives (ibid.: 18), the degrees of conflict and reciprocity between supervisors and lower level employees (ibid.: 25), and the clarity of project objectives (ibid.: 40).

Officials at the Johannesburg DHA offices were constantly complaining that the orders which came from Head Office were completely out of touch with the realities on the ground. Many of the upper-level officials in charge of disseminating these orders came to the Department from elsewhere, and therefore did not work their way through the ranks, where they could learn what the job is “really” like on the ground. Some officials noted feeling as though they were being used by those at the top, for example, for the creation of statistics which will improve the manager’s image. This no doubt complicates the delivery and reception of directives, suggesting that even sound plans could be met with an a priori degree of scepticism. Officials reported that the relationship between their office and Head Office were often not perfect. Some reported getting terrible customer service, and experiencing major delays when requesting information or resources. The irony is that street-level officials themselves are responsible for delivering on the major Departmental initiative called “Batho Pele”, or “People First”, in their own interactions with the public.

Of course, socialisation which occurs within the organisation can also be counter-productive to the Department's stated ends. One official told me about how he was initially energised to get things moving at the Refugee office and to meaningfully help improve the place. He told me that after almost a year with the Department, however, he was beginning to wear out: "at Home Affairs, you find that you push and you push to get something done, but it just doesn't move. At the end of the day, you start to think that you should just not try to move things so much" (field notes 20/1/2009).

Ethnographic detail can be particularly effective in documenting how "official" policy and procedure can be commandeered. ISB officials are as much actors in such a field of practice as anyone. They of course have their office and Departmental rules and regulations as a compass of sorts, but these are not sufficient, given that they do not provide detailed instructions for the infinite possible cases which can and do present themselves. For example, an undocumented non-national is to be deported. But this rule becomes almost meaningless for Inspectorate officials when this person is a pregnant undocumented non-national, as I discussed above. Furthermore, Section 11 (1) (b) of the Immigration Amendment Act of 2004 states that a person applying for a visitor's permit must demonstrate that they have sufficient funds to remain in the country. As was noted above in the case of Dumisani and the Dutch backpacker, this can take the form of a signed note stating as much, or the official can demand three months of bank statements from the South African host, something which was also witnessed. Officials must use discretionary power to determine which level of scrutiny will be sufficient.

#### *A threatening, irrational public*

A conversation with a Refugee Status Determination Officer (RSDO) who entered the DHA in 2005 about what had changed in the Department is revealing of the kind of counter-intuitive perception of the public that can emerge:

- *What has changed in the Department?*

This place used to be a Centre of Excellence. Now it is not.

- *It's not anymore?*

No, definitely not.

- *Oh, so it's gotten worse you mean?*

Yes! Now there is too much corruption.

- *Oh really?*

Yes. Well, let's say since the beginning of this week [*it has improved*], but now we have the fingerprint machines. (Field notes 19/12/2008)

The fingerprint machines to which she was referring are part of a new biometrics system which will bar applicants who have been rejected asylum from returning to apply under a different name. This is to say that she was not telling me that the *officials* are corrupt, but rather the *public*. Remarkably, she used the term "corruption", which is specifically applied by the media, human rights organisations, and so on to the actions of *officials*, and applied it to the *public*. If we pursue this phenomenon further, we see many instances of this perceived instability, unpredictability, even danger of the populace. When asked about accusations in the media that DHA officials have taken bribes to marry South African women to non-national men who want to obtain a "spousal accompany" permit, officials roundly rejected the assertion. They said that it was rather the non-national, paying a South African woman to marry him. Migrants appeared to have almost limitless

capabilities in officials' discourse. Many Chinese have worked their connections at various levels of the Department to obtain documents of one sort or another, and are somewhat untouchable. One Inspectorate officer reported that before you can even drive a Chinese person to Lindela to be deported, you will receive a phone call from someone higher up in the DHA advising you to let her/him go. According to one RSDO, Nigerians simply avoid coming in altogether: "they have their own ways of becoming legalised, which are only known to them" (field notes 20/1/2009). Others from various countries allegedly employ other techniques, such as paying a South African to sign a form stating that the immigrant is the person's nephew.

Districts such as Hillbrow and Berea are said to be "full" of such "illegals". According to one official, you can find a Congolese brother and sister walking around Yeoville as a married couple, with a fraudulent marriage certificate (in French, he notes), forged in Yeoville itself. Additionally, DHA officials fret that South Africa is being exposed to weaknesses in outside legal regimes, or that officials' unfamiliarity with them is being taken advantage of. They were frustrated by the fact that weak institutional capacity in foreign states was undermining their own systems. This "mistrust of the populace" is pervasive at all of the offices visited, where many officials approach suspected undocumented non-nationals as "clearly guilty until being proven innocent".

The more general public can be elements of confusion and obfuscation, as well – that is, not only applicants and their intermediaries. Complaints are regularly filed with the Inspectorate, by South Africans and non-South Africans alike, as to the whereabouts of this or that company which is employing suspected undocumented non-nationals or even where non-nationals are residing. The Inspectorate officials must follow up on these (though there are areas such as Alexandra where officials will not go, for fear of their safety), however they approach them with a heavy degree of suspicion. Officials say that these complaints are *always* motivated by other factors than simply the desire to punish people who break immigration laws (a fact which seems to offend some officials as an insult to the importance of their work). Without fail, they say, there is some ulterior motive. This may be that the complainant was either fired or denied a job by the offending company; or the company is in competition with the complainant's own company.

Although officials are socialised by "internal" and "external" factors which establish "the sly client" as a dangerous object, officials themselves help create and reinforce this image, for example by spatialising, dehumanising, criminalising, or pathogenising immigrants. Perhaps in response to the cunning which officials appear to associate with foreignness, migrants are spatialised through a discursive relegation to abject spaces. One prime example of this is "the Bush". Because the Crown Mines Refugee office building is not large enough to accommodate the high number of applicants it receives, asylum seekers must first queue in an unused industrial lot down the street, before being taken into the building. The area has almost no shade or protection from the elements and is said to foster many access problems for asylum seekers who are pushed out of the queue, assaulted, or abused by security guards who demand a bribe for good queue-positioning. By terming it "the Bush", officials have created a discursive space which is wild, untamed, and primitive (that is, temporally *distant*). One RSDO pushed this even further, referring to it as "the jungle", a term which suggests the classically stereotyped "Africa" of Conrad's "Heart of Darkness"—one of chaos, darkness, and danger. Immigrants are also spatialised in the sense that their "outside" status often conjures up tropes of invasion and occupation of "the inside". One RSDO said that if you just approved everyone, it would be havoc in South Africa because of all the people. Use of the terms

“floods” and “waves” are also indications, in addition to the common notion that non-South African men are “stealing our women”, which likens non-nationals to sexual predators, marauders, or even sly “implanters” of foreign seed.

Migrants are also mystified through dehumanisation or objectification. An Inspectorate official told me about how on one occasion some deportees escaped or bribed their way out of being deported, saying that “we had sixteen dockets but only eight bodies”. That “dockets” should equal “bodies” is significant, and hints at the “docket culture” described by Hornberger (2007), where the work of attending to individual cases can convert actual socio-legal situations involving members of the public into lifeless “units”, the less desirable of which can be dumped on officials as a reprimand or initiation. People can indeed start “piling up”, as one RSDO told me in reference to time pressures in his work. Such language conjures images of carcasses or refuse, either smouldering in a mound or even smothering the Department. Categorisation can also be a form of dehumanisation. Here, it will suffice to provide an evocative image from “the Bush”: The front of the queues for “newcomers” is the curb of Milky Way Avenue. The first person in line bears a piece of cardboard with the name of her/his country of origin haphazardly scrawled onto it (“Moraco” was one), worn around the neck with a piece of kitchen twine. It is a pathetic and degrading act, yet nevertheless must be a prize as well, given the fact that this is the only person who can be truly said to have a specific place in the queue (and the first place at that), given the fact that everyone behind is subject to the pushing and shoving that could displace the unlucky or timid asylum seeker backward.

The criminalisation of applicants is another way that officials contribute to the magicalised public. Presumption of guilt of course does this, as do the interrogation-style interviews done at the Inspectorate and Refugee Offices. Most notable here, however, is officials’ invocation of a Simmelian logic, that the stranger is one who can act outside the realm of accepted behaviour by virtue of her/his ‘outsiderness’ (Simmel 1950). Many officials from all the offices visited decry that because the South African government does not have the fingerprints of undocumented non-nationals on record, they can commit crimes without being traced. One RSDO thus said that one of the “weak spots” of the Department was that the RSDO’s cannot tell if someone is here for “killing Rwandans”, because the DHA does not have access to those databases. That is, he says, they are unable to keep out those applying for reasons of “prosecution and not persecution”, a tag-line which he said was taught to him at a Departmental training workshop. And finally, what might be called the pathogenisation of migrants is also an example of officials’ role in constituting a dangerous object. One RSDO, when asked about the challenges of his job, declared that health issues were foremost, something mentioned by others as well. He said that they are not given enough vaccinations by the Department, given their close contact with asylum seekers from all over the world. Oddly—though perhaps indicative of the potential irrationality of these fears—the illness he feared contracting was malaria. Another RSDO, when asked the same question, said that a negative aspect of his job was that the “working conditions here are bad”. When asked what he meant, he cited his exposure to disease.

The previous section calls for two remarks. First, these perceptions of the public as threatening and irrational are certainly not specific to Home Affairs and can be found in other sectors of public administration. However, they are certainly reinforced enormously by the kind of public Home Affairs officials face and the type of legal culture that surrounds the legitimacy or illegitimacy thereof

of foreigners' presence in South Africa.<sup>16</sup> Second, following from the previous element, these mechanisms of reification and demonization of the public are widely shared by immigration officials worldwide and not emblematic of some specific South African construction of the alien (see for instance Spire, 2005). What we were interested in showing is the role they played in the specific context of the reform. These deeply entrenched perceptions of both the surrounding institutional context and the public emerge as so many stumbling blocks in fostering a positive sense of mission based on the legitimacy of the leadership's official objectives and on an adequate organizational response. Instead, the DHA's top-level officials are most of the time full of contempt for the lower-level officials who see themselves caught in a web of constantly changing "systems" they struggle to grasp and manipulate and a public whose presence in the country is in the first place illegitimate and can therefore only be understood as a threat to South Africa's modernisation endeavour.

## Conclusion

As this paper relies only on work conducted within the Immigration Directorate of some DHA offices, we shall refrain from generalising its conclusions to the entire Department or even less so to the rest of South Africa's public service. However, some modest lessons can be drawn from the analysis conducted so far. First of all, the South African DHA and its Immigration Directorate have inherited extremely powerful institutional legacies from the previous regime in terms of staff profile, work ethics and organizational patterns. These legacies have been largely overlooked in the first part of the post-Apartheid period due to the IFP/ANC rivalry occupying centre stage and a belief that only legislative and policy reforms were necessary. The durable ineptitude of the DHA to perform satisfactorily its migration control mandate in many respects has eventually led to the conclusion that structural institutional reform was necessary. This occurred, however, thanks to a combination of contextual South African and international elements. At the national level, the thrust for reform benefitted from a change in departmental leadership which took place at a time when the transformation of the South African public sector had already undergone a major paradigm shift: from depoliticised scientific management under Apartheid to the NPM service delivery-oriented paradigm. However, although the DHA leadership was clearly open and in demand for NPM organizational methods, the originality of the South African case is that, as opposed to African countries which have gone through these externally imposed public sector reforms, the DHA and the SA Government retained a considerable level of direction and appreciation. Yet, despite these rather enabling conditions for the reform plan, a closer examination of day-to-day work at DHA offices reveals the limitations of the TS implementation so far.

Firstly, and despite the clear identification by management of cultural aspects as key to changing practices, enormous divides between top and lower level officials continue to inform their relations.

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<sup>16</sup> As it is beyond the scope of this paper to explore fully institutional legacies, we recommend the forthcoming chapter written by Jonathan Klaaren, "'Anti-Citizenship and The Dark Side of the Law', in L. Landau (ed.) *Exorcising The Demon Within: Xenophobia, Violence, and Statecraft in Contemporary South Africa* (Wits University Press, 2010) (forthcoming) in which he shows how territory as a cultural product of citizenship regulation over time in South African history has durably shaped and continues to influence officials' perceptions of legitimate belonging.

Widespread contempt at the top level for undertrained, unproductive bureaucrats still dominates while lower level officials conceive their management as unreachable and management's plans for the DHA as illegible. More broadly, a sense of being lost in institutional instability prevails among officials on the ground, perturbed by constantly changing regulations, IT systems, management personnel and performance targets. The introduction of these as part of the TS reform has even resulted in exacerbating this sense of underachievement. This divide between lower level officials and management is not clearly addressed in the TS Strategic plan and does not seem to have resonated as a key dimension during the various analytical phases that have taken place since 2007.

Secondly, the absence of a shared vision of institutional mission between the different components of DHA staff is reinforced by representations of the public among lower level officials which contribute in many varied ways to overemphasizing the illegitimacy and the threatening dimension of migrants' presence in South Africa. This not only hampers the development of "an efficient and secure service to all [DHA] clients" (Mapisa-Nqakula, 2008b), not even to mention a "caring, compassionate and responsive" one (DHA motto), but it is also in complete contradiction with the current move towards "an effective management of migration [as] an imperative given [South Africa's] need for scarce skills and for regional development" (Msimang, 2008: 7).

Compared to other developing countries in Africa and to the rest of the South African public service, structural factors are not prevalent determinants explaining the difficulties in reforming the DHA. It is not to say for instance that major understaffing and poor training are not significant factors, but rather to see them as the results of limited commitment from management to change and improvement. Borrowing from Grindle's analytical framework (1997), the paper has argued that if some intentions of the TS and of previous transformation initiatives did address some of the core problems (such as recruitment and performance expectations), these however missed out on one crucial dimension—the creation of a shared sense of mission—and did not perceive the problematic managerial style dominating the institution. In doing so it increased most officials' sense of institutional instability and antagonism with the public, two points which prevent the learning processes which have actually taken place from spreading beyond certain individuals and certain sections of the Department. The recent change in Department leadership following the 2009 presidential elections contains elements of continuity with the Deputy-Minister and Director-General having been renewed in their positions. However, the policy review under way should seriously take into account that general sense of instability before considering new radical transformation of policy and legislation.

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**List of interviews & transcripts referenced (All interviews were conducted by Colin Hoag in confidentiality, and the names of interviewees are withheld by mutual agreement)**

1. Interview with Admissions official, June 26, 2008.
2. Interview with Refugee Affairs official, November 14, 2008.
3. Interview with Refugee Affairs official, December 11, 2008.
4. Interview with Refugee Affairs official, December 11, 2008.
5. Interview with Refugee Affairs official, December 19, 2008.
6. Interview with Refugee Affairs official, January 15, 2009.
7. Interview with Refugee Affairs official, January 20, 2009.
8. Interview with Refugee Affairs official, February 3, 2009.