

## THE PARADOX OF MIGRATION AND THE INTERESTS OF THE ATOMISTIC NATION-STATES: THE SOUTHERN AFRICAN PERSPECTIVE

PJ Ngandwe\*

### SUMMARY

The "paradox of migration and the interests of the atomistic nation-states" interrogates the phenomenon of migration in general and in the Southern African Development Community in particular. The point of departure of the paper is the African Union and the Southern African Development Community's legal framework on migration, as read with the national legal instruments of the different member states. Its focal point is the *raison d'être* of this phenomenon of migration and the corresponding approaches and attitudes of the nation-states within which migration takes place *inter se*. This includes the psycho-social impact of migration. Internationally as well as regionally, States are concerned with issues of sovereignty, the preservation of the welfare of the citizenry, ensuring social cohesion social, cultural and economic development including job creation, and fighting against transnational organised crime, including terrorism. The theme of the paper is that whereas migration should form the bedrock of regionalism and globalisation, the negative attitudes of the nation-states to migration are more often than not at variance with the objectives of regionalism and globalisation.

The central question of the research is how states can discharge their duties and obligations *vis-à-vis* their nationals without perpetuating the bottlenecks to and the stigma that attaches to migration and thereby upsetting the international as well as regional integration objectives of the free movement of people. This is the issue that the paper is intended to explore. The main areas of concern are that the negative attitudes of the nation-states are manifested in the hostile treatment of migrants at

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\* Phazha Jimmy Ngandwe. LLB LLM (NWU Mafikeng). Senior Lecturer at the University of South Africa, College of Law in the Department of Public, Constitutional and International Law. Email: ngandpj@unisa.ac.za.

all ports of entry, including illegal or ungazetted points of entry, within the nation-states in general, and in their labour markets in particular. This research therefore explores the paradoxical nature of the duties and responsibilities of states within the migration and mobility discourse. The paper will conclude by making practical recommendations aimed at influencing policy and law.

**KEYWORDS:** Citizenry; globalisation; migration; mobility; regional integration; paradoxical; phenomenon; psycho-social; nation-states