



Humane Policies: A Sign of the Times

"The salvation of the human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and human responsibility."¹ – Vaclav Havel

1. Introduction

Spread over the weeks of March 2026, a number of interesting comments emerged in the public domain, centred on what Dr Naledi Pandor called "a more humane policy framework"² with regard to migrants and foreign nationals, and a sharper critique of the closely allied area of xenophobia. Indeed, 'humane' is a word used frequently by Pope Leo XIV with regard to the same demographic.³ A similar call for South Africa to be more engaged in international policy formulation, with an emphasis on a more humane policy framework, came from a conference at the University of Cape Town in March.⁴ It appears that the need for more humane policies amidst the plethora of exclusionary policies is a sign of the times.

In light of the above, it is useful to have a very precise benchmark for assessing the notion of a humane policy framework. Several exist, including this short but helpful definition proposed by the International Organisation for Migration: "Humane migration policies prioritize human dignity, rights, and safety over purely restrictive security measures, ensuring that both documented and undocumented migrants are treated with decency. These policies often focus on creating regular, safe, and efficient immigration pathways, while addressing the root causes of forced migration."⁵

2. A Keynote Address Sets the Scene

In a keynote address at the South African Human Rights Commission National Conference on Human Migration,⁶ former Minister Pandor made various notable points. They are of interest because, in a highly polarised and contested

environment where public utterances are equally polarised and often result in specific negative behaviour, it is important to examine narratives that defy the easy polarities and instead create a narrative that is not beholden to either extremes or expediciencies, but is more finely tuned to a human rights framework. There were strong signs of that more positive approach – different to the prevailing negative, punitive approach – embedded in her speech, and it is thus worth analysing.

Here are 12 key points she raised, each with a very brief explanation:⁷

- Migrants are scapegoats: They are unfairly blamed for broader government failures, structural economic issues, and poor service delivery.
- Illegal migration cannot be justified: Dr Pandor emphasized that "South Africa cannot belong to people who enter it illegally," making a distinction between legal and illegal migration.
- Against xenophobia: Scapegoating foreign nationals fuels xenophobia and undermines South Africa's historic commitment to African solidarity and unity.
- Upholding the law: While compassion is necessary, it cannot mean ignoring immigration laws, and illegal stays cannot be justified in a constitutional democracy.
- Weak administration, not just borders: The migration crisis is as much about weak domestic administration, corruption, and fraudulent documentation within South Africa as it is about border control.
- Contributions by foreigners: Many migrants contribute positively to the economy

by running small businesses, providing essential services, and creating jobs.

- Holding leaders accountable: She urged South Africans to stop blaming foreigners and instead hold local leadership accountable for service delivery challenges.
- Balanced migration policy: There needs to be a balanced approach that combines proper border management with fair, humane, and rights-based immigration systems.
- Global context of migration: Dr Pandor argued that migration cannot be managed in isolation; it is driven by global factors, including conflict and climate change.
- Role of Human Rights: South Africa's approach to migration must emanate from its Bill of Rights and international protocols.
- Need for professional oversight: Professional oversight authorities are required to report on the implementation of immigration policies to prevent corruption.
- Focus on structural solutions: Real solutions require addressing unemployment, improving the economy, and fixing state capacity, rather than just acting against migrants.

Of these twelve points, six are distinctly and definitively rooted in a strong human rights tradition, and can be regarded as constituent elements of any definition of a human rights framework. Some of the points might also be regarded as secondary, supportive elements. The high percentage of human rights indicators in Dr Pandor's list means that there are grounds for a more acceptable human rights framework and that they mark a move away from solely exclusionary, punitive frameworks for managing immigration processes. This marks a positive contribution to the discussion on a humane framework for migration policies.

3. Another Angle: A Contextual Starting Point

Coming at the discussion from a different angle, but a no less interesting one, was an opinion piece in the Daily Maverick by Temba Dlamini, in which he claims that the word 'xenophobia' is one that does too much work. He argues that "South Africa does not have a simple xenophobia problem but a poverty problem, a labour problem and a state failure problem, all of which are being collapsed into a single,

convenient word – xenophobia." A fractured, economically driven conflict is reduced to one word – xenophobic.⁸ He points out that most South Africans do not broadly reject foreigners: "We worship together, study together, build businesses together. Across cities and campuses, foreign nationals are part of the everyday fabric of life. There is no widespread national hostility that defines ordinary interaction. The tension emerges somewhere far more specific: below the headline."⁹ He goes on to say that it is "in the informal settlements, townships and economically strained urban edges – places where survival is already contested – [that] the dynamics shift." "What we are witnessing is not simply hatred of the 'other'. It is something far more uncomfortable: a collision between the poor in a system that has left too many people with too little."¹⁰

Mr Dlamini continues: "Foreign nationals make up roughly 5% of South Africa's workforce – yet they are blamed for a crisis created by a labour market that cannot absorb its own people, and an informal economy built for survival, not prosperity. They are a visible presence in certain sectors, particularly informal trade, where they account for about one in five workers. But they do not dominate the labour market nationally. The imbalance is not numerical. It is structural. Migrants are more likely to operate informally, and more likely to accept lower wages. In a labour market already under strain, this creates a powerful incentive for employers."¹¹ "Across sectors like construction, hospitality, security and informal trade there are employers who deliberately hire undocumented or highly vulnerable foreign workers. Not out of generosity, but out of calculation. Lower wages. Fewer protections. Less resistance. Minimal compliance with labour law." "Calling this 'xenophobia' without qualification is not only analytically weak. It is politically useful. It shifts attention away from structural failure and redirects it towards interpersonal conflict. It frames the problem as moral deficiency among the poor, rather than systemic breakdown across the economy. The result is a kind of public theatre. We condemn the violence – rightly. We call for tolerance – understandably. But we leave untouched the conditions that produced the conflict in the first place."¹²

In light of this analysis, Mr Dlamini argues that the first order of business is to right this scenario before we can begin to construct a more humane

set of policies. He proposes:

“Here is what makes the four interventions required not merely desirable, but inescapable: every year we delay them, the same conflict will return. Not because South Africans are uniquely hateful, but because the structural conditions that produce the conflict remain perfectly intact.

A serious industrial policy targeting job creation in construction, informal trade and entry-level services is not optional – it is the only way to relieve pressure in the zones where conflict ignites. Rigorous enforcement of the national minimum wage and Basic Conditions of Employment Act, with penalties substantial enough to make labour arbitrage unprofitable, is not bureaucratic detail – it is the direct removal of the incentive that drives displacement. A functional immigration system capable of processing and managing migrant labour transparently is not a concession to nativism – it is the only way to protect both foreign nationals and local workers from the exploitation that currently pits them against each other. And investment in community-level mediation infrastructure in high-tension areas is not soft policy – it is a pressure valve in a system that currently has none.”¹³

Here we have two not so much competing, but rather complementary, narratives that should be read side by side in the quest for a more humane policy framework for mobile communities. Dr Pandor reminds us that a human rights framework is an absolute *sine qua non* which categorically moves us away from the dominant exclusion and punishment framework. Mr Dlamini inserts the realistic dimension that, while unresolved economic issues, poorly supervised labour law and wage controls are routinely ignored, these will always undermine any humane way of looking at migration issues because the root causes will persist. He thus reminds us of the importance of a properly weighed up, intellectually verifiable, understanding of context in policy formulation.

4. A Critical Faith Angle to the Discussion

Pope Leo XIV has frequently demanded that migrants and refugees be treated humanely,¹⁴ based on the recognition of each person’s dignity and not on their immigration status. This reflects

a different starting point in the debate than most other starting points. Catholic Social Teaching offers a very distinct approach to migration policy by centering on the inherent dignity of the human person, rather than solely on national sovereignty, economic utility, or security concerns. While most state policies focus on enforcement and selection, church teaching has long tried to balance the right of nations to control borders with a moral obligation to welcome and protect the vulnerable. The categories of those regarded as vulnerable have expanded to include, for example, victims of gang violence or domestic violence and those who move involuntarily due to climate change and environmental breakdown. This in turn expresses itself in the following principles that are regarded as core to any policy formulation:

- The right not to migrate (right to remain): CST emphasizes that the primary option should be for people to live in dignity in their own country. Migration should be a voluntary choice, not a forced necessity due to poverty, conflict, or injustice.
- The right to migrate: CST upholds that when individuals cannot find adequate work or safety in their home country, they have a natural right to migrate to support themselves and their families.
- Prioritizing human dignity over legal status: CST holds that migrants do not lose their human dignity, and thus their fundamental rights, simply because they are undocumented. It opposes policies that criminalize migration or create ‘shadow economies’ that exploit workers.
- The ‘social mortgage’ of goods: CST argues that the world’s goods are intended for all people, not just citizens of a specific nation. Therefore, wealthier nations have a moral obligation to accommodate migrants when possible.
- Focus on family unity: CST explicitly opposes immigration policies that separate families, arguing that the right to family life is a fundamental human right that must be respected by border management systems.
- Solidarity and the ‘global family’: CST rejects the idea that national borders should limit moral responsibility, advocating for a ‘culture of care’ and treating migrants as

brothers and sisters rather than burdens.

- **Integration over exclusion:** CST promotes the integration of newcomers into society, encouraging policies that foster welcome, protection, promotion, and integration.

A close reading of both the expansion of the list of vulnerable groups and the principles which the faith community brings to the discussion, shows a paradigm shift, a move from a polar understanding of the migration phenomenon to a more inclusive understanding of the debate and a more expansive understanding of the basic moral standpoint. This provides a more humane moral construct which hold the project together with minimal partisan and divisive positions.

5. Closing Remarks

These three voices raised in the past days

offer us important contributions to creating a different culture and more humane way of being a neighbour to each other. This reflects in the particular contributions these civil society voices bring to the discussion, especially as they amplify otherwise marginal voices and bring lived experience and specialised knowledge to the table, thus making policy more grounded in day-to-day experiences. This includes taking the voice of the faith community seriously and not merely as a 'soft voice' in the deliberations. They bring the experience of being on the ground, of already having informal experience of what policies propose, and are often the custodians and practitioners of new ideas, regarded as outside the box because they are less beholden to political processes and have original starting points for reflection. Thus these three voices, while needing to be examined critically, could be seen as facilitating a new, value-based foundation for policies regarding mobile communities.

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¹ <https://www.goodreads.com/quotes/84795-the-salvation-of-this-human-world-lies-nowhere-else-than>

² <https://www.ecr.co.za/news/news/pandor-south-africa-cant-build-humane-migration-policy/>

³ <https://m.youtube.com/watch?v=oo77beJ3gIQ>

⁴ <https://www.news.uct.ac.za/article/-2026-03-18-calls-for-sa-to-enter-global-migration-debate>

⁵ <https://tinyurl.com/e6j8yb7n>

⁶ <https://www.youtube.com/watch?v=-9cfo2BILgo>

⁷ <https://m.youtube.com/watch?v=oo77beJ3gIQ>

⁸ <https://www.dailymaverick.co.za/opinionista/2026-03-27-xenophobia-is-a-lazy-diagnosis-south-africas-real-crisis-is-below-the-breadline/>

⁹ <https://www.dailymaverick.co.za/opinionista/2026-03-27-xenophobia-is-a-lazy-diagnosis-south-africas-real-crisis-is-below-the-breadline/>

¹⁰ <https://www.dailymaverick.co.za/opinionista/2026-03-27-xenophobia-is-a-lazy-diagnosis-south-africas-real-crisis-is-below-the-breadline/>

¹¹ <https://www.dailymaverick.co.za/opinionista/2026-03-27-xenophobia-is-a-lazy-diagnosis-south-africas-real-crisis-is-below-the-breadline/>

¹² <https://www.dailymaverick.co.za/opinionista/2026-03-27-xenophobia-is-a-lazy-diagnosis-south-africas-real-crisis-is-below-the-breadline/>

¹³ <https://www.dailymaverick.co.za/opinionista/2026-03-27-xenophobia-is-a-lazy-diagnosis-south-africas-real-crisis-is-below-the-breadline/>

¹⁴ <https://m.youtube.com/watch?v=WJl87RZB8ug>