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## Stakeholder Dynamics and the Implementation of Immigration Policy: Insights from Durban Harbour

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### ABSTRACT

Immigration control at key ports of entry, such as Durban Harbour, does not occur in isolation; it is shaped by how well government agencies communicate, coordinate, and cooperate in practice. The researchers examined the dynamics of stakeholder management and inter-agency cooperation in the implementation of immigration policies at one of South Africa's busiest harbours. Using a qualitative case study design, in-depth interviews were conducted with senior officials from the South African Police Service (SAPS) to explore how stakeholder relationships influence policy execution. Although formal arrangements, such as Memoranda of Understanding (MoUs), Standard Operating Procedures (SOPs), and the Local Seaport Core Command (LSCC), are in place, the findings reveal persistent institutional silos, weak enforcement of collaborative frameworks, and limited accountability mechanisms. Agencies were found to prioritise internal organisational objectives over collective action, undermining the effectiveness of immigration policy enforcement. The researchers call for a national framework to strengthen inter-agency coordination and establish clearer operational roles for enhanced national security. The research contribution lies in offering empirical insights into how cooperation, or the lack thereof, shapes immigration governance, with broader implications for public management and stakeholder theory in complex, multi-actor environments.

### INTRODUCTION

Immigration remains a critical issue globally, with most countries struggling to curb the challenges associated with illegal immigration. While these challenges vary by country, what is consistent is the need for a coordinated approach among key state actors tasked with managing migration. In the South African context, concerns around illegal immigration have intensified in recent years, especially at strategic entry points such as Durban Harbour. These developments not only put pressure on national security frameworks but also challenge the collaborative capacity of state institutions. South Africa has 72 ports of entry, which are manned by the Department of Home Affairs (DHA), the South African Police Service (SAPS), the South African Revenue Service (SARS), the South African National Defence Force

(SANDF), and the State Security Agency (SSA) (South Africa, Department of Home Affairs, 2019). The Department of Home Affairs expresses the challenges in border control. As Mbiyozo (2018) states, South Africa is a major destination for migrants. Controlling immigration is mandatory for two main reasons, namely national safety and citizens' best interests in relation to resource allocation (Broderick, 2019). Precisely for this reason, the various law enforcement agencies are expected to operate in synergy for the effective implementation of immigration policies under the concept of "stakeholder cooperation and stakeholder management."

Although South Africa has well-established laws and structures to deal with illegal immigration, their effectiveness hinges on the strength of stakeholder cooperation and shared accountability.

Strong accountability mechanisms enable governments to effectively and efficiently attain their policy objectives. Alone do not implement themselves; their success depends largely on how effectively institutions engage, align, and respond to one another. At the centre of any immigration strategy is the need for government agencies to work together to formulate a collective response. This articulates the significance of stakeholder management and stakeholder cooperation in policy implementation. According to Shayanowako (2013), effective border management requires the cooperation of all relevant stakeholders. This article draws on the stakeholder theory to assess how stakeholder relationships and institutional cooperation shape the implementation of immigration policies at Durban Harbour. The study is anchored in qualitative interviews with law enforcement officials based at the port, particularly members of the South African Police Service (SAPS). It seeks to uncover whether existing institutional arrangements promote meaningful cooperation or simply reinforce the status quo. The Durban Harbour case offers important insights into the real-world governance of immigration in a complex, high-pressure setting. Through this lens, the study contributes to broader debates on public administration, inter-agency collaboration, and the conditions that support effective policy delivery in transitional governance environments.

## **METHODS**

To address the main research question, “What is the nature and extent of stakeholder cooperation and stakeholder management among law enforcement agencies in implementing immigration policies in South Africa, and how effective are these collaborations and practices?”, this study adopted a qualitative research design, recognised for its value in exploring complex human and organisational phenomena (Mohajan, 2018). Qualitative research, as Creswell and Creswell (2018) explain, enables researchers to understand how individuals or groups make sense of social problems. A single case study approach was employed, focusing on the Port of Durban, which allows for a context-specific understanding of events and their consequences (Ngulube & Ngulube, 2015; Creswell, 2014). Durban Harbour, one of Africa’s busiest ports, is segmented into areas such as the Point, Bat Centre,

Wilson’s Wharf, Maydon Wharf, Bayhead, and Island View. The port is a known hotspot for illegal immigration, particularly involving Tanzanian nationals attempting to stow away on vessels headed overseas. The South African Maritime Safety Authority (SAMSA, 2018) acknowledges the operational and legal challenges posed by stowaways at South African ports of entry, particularly Durban.

These challenges are exacerbated by the enforcement of two separate legislative frameworks by different law enforcement bodies: the Merchant Shipping Act 57 of 1951 (regarding “stowaways”) and the Criminal Procedure Act 51 of 1977 (governing “trespassing”). When an unauthorised person is discovered aboard a vessel, the responsibility for their repatriation falls on the shipping company, often resulting in substantial costs and disputes over liability. The study used non-probability purposive sampling to select participants with in-depth knowledge of the subject (Lumadi, 2015, as cited in Okeke & van Wyk, 2015). The target population comprised SAPS officers in leadership positions stationed at the Port of Durban. Eight managers were selected based on their information richness concerning stakeholder cooperation and immigration policy implementation (Palinkas et al., 2015; Yin, 2018). Primary data were collected through semi-structured interviews guided by a pre-developed schedule, which provided structure while allowing flexibility in conversation flow (Saunders et al., 2016). The schedule was directly aligned with the study’s main research question and objectives.

Secondary data were drawn from official SAPS documents, including Standard Operating Procedures (SOPs), National Instructions, standing orders, communiqués, and memoranda, as well as academic literature, professional journals, government reports, and institutional publications (Gasa & Mafora, 2015, as cited in Okeke & van Wyk, 2015). Interviews were conducted both face-to-face and electronically (Mosera & Korstjens, 2018). Thematic analysis was employed to interpret the qualitative data, offering a structured means of identifying patterns within participant responses. As Feza (2015) in Okeke & van Wyk (2015) notes, thematic analysis seeks to uncover key themes within narratives. Maguire & Delahunt (2017) define it as a flexible method for recognising

repeated patterns across qualitative datasets. This study followed Braun and Clarke's (2019) six-phase model of thematic analysis, which supports systematic and analytic data interpretation.

## RESULTS AND DISCUSSION

This section presents the empirical findings derived from semi-structured interviews conducted with senior officials of the South African Police

Service (SAPS) stationed at the Port of Durban. The analysis focused on understanding the nature and extent of stakeholder cooperation and stakeholder management in implementing immigration policies within this high-security port environment. Using Braun and Clarke's thematic analysis framework, the data were systematically coded to identify recurring patterns and themes.

Table 1. Initial identified themes and codes

Themes	Codes
1. Organisational stakeholder	Organisational stakeholders share, rely on, and benefit from a particular organisation.
2. The importance of stakeholder engagement	Provision of expertise, skill, intelligence, and certainly resources. A source of information.
3. Challenges to stakeholder engagements	Non-cooperation Participation is not legally binding.
4. Stakeholder management	Stakeholder management structure – LSCC. Formal platform in the form of the LSCC.
5. Stakeholder management strategy	The Local Seaport Core Command structure. Three business forums
6. Stakeholder analysis	Multi-disciplinary committees. Having joint operations with the police. They share common interests. Police need their assistance, and they need police.
7. Communication channels	Holding joint meetings. Use of formal letters, emails, and phone calls. Implementation of joint decisions. Implementation of meeting resolutions.
8. Working relationship	Sharing common goals, information, and resources. Sharing of ideas. Working together to deal with common problems. Creating platforms for dealing with matters of mutual concern

Source: Primary Data (Author, 2023)

These themes reflect participants' lived experiences, institutional challenges, and perceptions of inter-agency coordination. The results are organised around key thematic areas that emerged from the data, providing insights into both structural and relational dimensions of stakeholder collaboration at Durban Harbour. In Table 1 below, the researchers analysed data by identifying and organising all the potentially relevant themes from the previously collated individual codes (Nowell et al., 2017; Majumdar, 2019; Braun & Clarke, 2022). The codes bearing similarities were sorted, analysed, and grouped together to form central themes (Majumdar, 2019). In searching for themes, the researchers utilised open coding, which allowed

for the development of codes and themes during the process. It was important that themes were identified for analysis so that meanings could be solicited and understood.

The Themes were predominantly descriptive, with some interpretive, that is, they described patterns in the data relevant to the research question. Eight themes, as presented in Table 1, were identified. The above themes were developed from the in-depth interviews conducted with the respondents, the literature review, and the theories arrived at through the process of triangulation (Noble & Heale, 2019). The aim was to address the research objectives. Table 1 displays preliminary themes and the codes. The codes represent the

phrases from the responses of the respondents. It was noted that some of the codes overlapped themes; for example, the sharing of resources fell in

both Themes 2 and Theme 8. In addition, themes were grouped with codes belonging to the same theme (Maguire & Delahunt, 2017).

Table 2. Themes After Refining

Themes	Codes
1. Organizational stakeholder	Organisational stakeholders share, rely on, and benefit from a particular organisation.
2. Stakeholder analysis	Multi-disciplinary committees. Having joint operations with the police. They share common interests. Police need their assistance, and they need police.
3. The importance of stakeholder engagement	Provision of expertise, skill, intelligence, and certainly resources. A source of information.
4. Stakeholder management	Stakeholder management structure – LSCC. Formal platform in the form of the LSCC.
5. Challenges to stakeholder engagement	Non-cooperation Participation is not legally binding.
6. Communication channels	Holding joint meetings. Use of formal letters, emails, and phone calls. Implementation of joint decisions. Implementation of meeting resolutions.

Source: Primary Data (Author, 2023)

Table 2 above represents a changed table of themes after the review phase. It also shows reduced themes from the initial eight preliminary themes of phase 3 to the final six themes after phase 4. After going through the entire data set, the researchers eliminated some themes and merged others. This was informed by the codes as they related to the objectives of the study. Codes relating to Themes 4 and 5 were identified as carrying the same pattern. For example, the Local Seaport Core Command structure (LSCC) appeared in both themes. Theme 4 was consequently eliminated, and theme 5 was left intact. Furthermore, after scrutiny, the researchers felt that theme 8, “Working relationship”, was a subtheme of theme 7 “, Communication channels”. Maguire and Delahunt (2017) correctly state that themes should be organised and distinct from each other. For that reason, theme 8 was also eliminated and codes thereto incorporated into theme 7. Eight (08) operational commanders, sector commanders, and relief commanders had to respond to fifteen (15) similar questions, which address the research objectives of the study. The responses suggested that they all knew about SAPS Durban Harbour’s organisational stakeholders. Respondents would either define what an organisational stakeholder is,

or they simply identified organizations in the harbour that they viewed as organisational stakeholders. Insofar as stakeholder cooperation results revealed phrases such as “sharing of information, resources and ideas”, “integration of activities”, and “the joining of hands and creation of platforms to deal with issues of mutual concern” were used frequently across all eight respondents.

It was also found that in creating stakeholder cooperation, ORS: Durban Harbour was instrumental in the formation of the Local Seaport Core Command structure (LSCC) and joint formulation of contingency plans. However, ORS: Durban Harbour did not have a dedicated stakeholder management office to help ORS: Durban Harbour inculcate long-term sustainability and development of stakeholder relationships and trusts (Varmus, Kubina, Koman & Ferenc, 2018). Governing stakeholder cooperation with their key organisational stakeholders to ensure that the loyalty strategy is implemented ORS: Durban Harbour was a signatory to numerous memorandums of understanding, and standard operating procedures (SOPs) with guiding principles like the ISPS Code, the Merchant Shipping Act, 51; the Immigration Act, 2002, and the South African Constitution, 1996, binding to

stakeholders to work together. The existence of a formal stakeholder management strategy was expressed through ORS: Durban Harbour's chairing of stakeholder meetings, that also included in the ORS: Durban Harbour's yearly calendar in terms of organisational business plans and objectives.

When two or more organizations with differing rules of engagement exist, challenges are bound to exist. Challenges that negatively affected organisational stakeholder cooperation at Durban Harbour included the lack of interest from other stakeholders, as observed from the irregular attendance of stakeholder meetings and non-participation during these meetings. There were no consequence management measures to ensure compliance. Time management was also identified as a challenge. In addressing these challenges, respondents identified the LSCC, MoUs, and SOPs

as measures. However, there was consensus on the failure to implement these measures.

### **Thematic Analysis**

Thematic analysis was employed to interpret the qualitative data gathered from interviews with senior SAPS officials based at Durban Harbour. Guided by Braun and Clarke's (2019) six-phase framework, the analysis aimed to identify recurring patterns and themes that illuminate the dynamics of stakeholder cooperation and management in immigration policy implementation. Through iterative coding and comparison, four dominant themes emerged, reflecting both institutional and relational dimensions of inter-agency engagement. These themes are presented below, each supported by illustrative quotations from participants to capture their lived experiences and perspectives within the operational context of the port.

Table 3. Thematic Analysis

Theme	Description
Role Ambiguity in Stakeholder Cooperation.	Confusion about agency leadership and mandates.
Fragmented Coordination and Siloed Operations.	Agencies operate in silos despite formal forums.
Legislative Misalignment and Operational Conflict.	Conflicting laws hinder joint action.
Symbolic Collaboration and Weak Accountability.	Meetings lack enforcement or practical outcomes.

Source: Authors' Construction (2025)

### **Role Ambiguity in Stakeholder Cooperation**

A central theme emerging from the data is the persistent ambiguity regarding stakeholder roles and mandates in the enforcement of immigration policies at Durban Harbour. Participants consistently described operational confusion between the South African Police Service (SAPS), the Department of Home Affairs (DHA), and private port stakeholders, particularly when undocumented migrants or stowaways were involved.

"There is a lack of clarity on who does what, and that is a problem. Sometimes we act outside of our mandate just to get things moving," explained Participant 3. This role confusion leads to a fragmented operational environment where overlapping responsibilities are left unresolved, delaying responses and weakening policy implementation. Despite the existence of coordination structures such as the Local Seaport Core Command (LSCC) and formalised memoranda of understanding (MoUs), participants reported that

these instruments are often not operationalised effectively. Stakeholder Theory, as advanced by Freeman (1984), posits that organizations must acknowledge, engage, and manage the interests of multiple stakeholders who are affected by or can affect the achievement of organizational goals. In the context of immigration enforcement, stakeholders such as SAPS, DHA, shipping companies, Transnet, and the South African Maritime Safety Authority (SAMSA) each have legitimate interests, yet their competing mandates and differing degrees of influence contribute to governance complexity. The theory highlights that when stakeholder roles are unclear or their interests are not aligned, cooperation becomes symbolic rather than functional.

As Participant 5 stated, "We attend meetings, but there's no follow-through. Everyone goes back to doing things their way". This reflects what Mitchell, Agle & Wood (1997) conceptualise as stakeholder salience, the degree to which stakeholders are given priority in decision-making

based on power, legitimacy, and urgency. At Durban Harbour, certain stakeholders (e.g., DHA) may hold legal authority but lack operational presence, while others (e.g., SAPS) bear the brunt of the work without the corresponding mandate or resources. This imbalance results in role ambiguity and weakens the collective response to immigration challenges. The issue also points to gaps in stakeholder mapping and engagement planning, both essential tools within stakeholder theory (Bryson, 2004). Without clearly defined roles, agreed-upon protocols, and accountability structures, collaboration risks becoming performative. Instead of coordinated action, stakeholders operate in silos, shifting responsibility and delaying enforcement actions, especially in high-stakes situations such as the discovery of stowaways.

"There's no joint operational plan. You just wait and see who reacts first, then follow their lead," lamented Participant 1. The theme of role ambiguity reveals the absence of a shared stakeholder framework that clarifies expectations and operational boundaries. Applying Stakeholder Theory highlights the urgent need for a coordinated stakeholder management strategy at Durban Harbour, one that recognises power asymmetries, aligns interests, and institutionalises roles within immigration enforcement.

### **Fragmented Coordination and Siloed Operations**

The second dominant theme arising from the interviews was the lack of coordination among stakeholders involved in immigration enforcement at Durban Harbour. Despite the existence of formal platforms, such as the Local Seaport Core Command (LSCC), participants described a working environment characterised by institutional silos, limited information sharing, and poor integration of operational procedures.

"All departments are busy with their own work. There's no central coordination unless something serious happens," stated Participant 4. This fragmentation impedes the effective implementation of immigration policies, particularly in high-pressure situations such as the management of stowaways or undocumented arrivals. Respondents highlighted that collaboration often occurred on paper but failed to translate into practical cooperation, with departments defaulting to internal mandates and avoiding joint operations.

Stakeholder Theory provides a useful lens for understanding this fragmentation. According to Freeman (1984), stakeholder engagement requires not only identifying relevant actors but actively managing their relationships to create shared value. In this case, while the major institutional stakeholders, SAPS, DHA, SAMSA, Transnet, Port Health, and private shipping companies, are known, their interrelations are weakly managed, leading to parallel operations rather than joint efforts.

"Sometimes DHA is not even informed until after an incident is resolved. It defeats the whole point of collaboration," added Participant 6. From a theoretical standpoint, Mitchell et al. (1997) stress the need to assess stakeholder salience to prioritise engagement and communication. The findings suggest that no stakeholder is taking a lead coordination role, nor is there a mechanism to hold parties accountable for sustained collaboration. The result is a governance vacuum, where interdependence is acknowledged but not acted upon. This also reflects what Bryson (2004) terms incomplete stakeholder alignment, where stakeholder goals, values, and operational cultures diverge, resulting in policy drift and fractured service delivery. At Durban Harbour, this misalignment is exacerbated by power dynamics; some agencies have operational control but lack legal authority (e.g., SAPS), while others hold statutory responsibility but are seldom present on the ground (e.g., DHA).

"In theory, we all report to LSCC, but in practice, everyone goes back to their own turf," explained Participant 7. Furthermore, the absence of a shared inter-agency framework or integrated digital systems for information-sharing weakens strategic decision-making. Without coordinated situational awareness, stakeholder responses become reactive and inconsistent. This supports Freeman's view that effective stakeholder management must move beyond identification to genuine engagement and alignment of interests. In conclusion, the theme of fragmented coordination reveals a critical weakness in stakeholder management at the operational level. Using Stakeholder Theory, it becomes evident that the port lacks a central coordinating body or policy champion that can mediate interests, facilitate trust-building, and institutionalise collaborative routines. Strengthening this coordination requires more than

meetings; it necessitates a redesign of governance structures, clarity in stakeholder roles, and mechanisms for mutual accountability.

### **Legislative Misalignment and Operational Conflict**

A recurring frustration among participants was the challenge of navigating conflicting legal mandates that govern immigration enforcement at the port. The Merchant Shipping Act 57 of 1951 and the Criminal Procedure Act 51 of 1977 were frequently mentioned as sources of confusion, particularly in cases involving stowaways or undocumented individuals found aboard vessels.

“We’ve had cases where nobody wants to accept the person found on board. The shipping line argues it’s not their fault; we say it’s Home Affairs’ issue,” stated Participant 2. This lack of legislative institutionalisation creates both operational and relational tensions among stakeholders. Agencies interpret and apply laws differently, often leading to delays in repatriation, legal disputes, or cost-shifting battles between the state and private shipping firms. Participants described a legal “grey zone” where jurisdiction is ambiguous and policy guidance is either outdated or inconsistently applied. From a Stakeholder Theory perspective, this legislative misalignment reveals a failure to manage institutional interests, risks, and obligations in a coherent manner. According to Freeman, organizations must not only identify their stakeholders but also anticipate and resolve conflicts that may arise due to overlapping authority or diverging priorities. In the context of Durban Harbour, this means recognising that legal frameworks are not neutral instruments; they shape power relations and influence how stakeholders perceive their duties.

As Participant 6 explained: “There’s no clear policy on who does what once someone is caught onboard. We improvise based on who’s available and willing.” This kind of improvisation exposes gaps in the policy design and enforcement architecture, weakening stakeholder coordination. Salience, determined by power, legitimacy, and urgency, shapes which stakeholders drive decisions (Mitchell, Agle, & Wood, 1997). In cases of legal ambiguity, stakeholders often retreat to their narrow mandates, avoiding accountability and thereby intensifying coordination failures. Moreover, this theme illustrates what Bryson (2004) describes as

the risk of value dissonance, when stakeholders operate under different legal and organisational logics, they are unlikely to pursue aligned goals unless mechanisms exist for harmonisation. At Durban Harbour, these mechanisms are absent or underdeveloped, leading to what one respondent called:

“A standoff disguised as protocol.” “The shipowners don’t want to incur repatriation costs. We don’t want to detain unnecessarily. It becomes a standoff,” explained Participant 5. This regulatory mismatch not only delays the resolution of immigration violations but also undermines trust among stakeholders. Without a shared legal framework or at least an interpretive consensus, collaboration remains shallow and inconsistent. The theme of legislative misalignment and operational conflict articulates the need for coordinated policy reform and joint stakeholder legal briefings. Through the lens of Stakeholder Theory, it becomes clear that addressing immigration enforcement challenges at ports like Durban requires legal instruments that enable, not obstruct, inter-organisational cooperation.

### **Symbolic Collaboration and Weak Accountability**

The final theme that emerged from the analysis relates to the superficial or performative nature of stakeholder collaboration, accompanied by weak or diffused accountability mechanisms. While formal structures such as joint task teams and Local Seaport Core Command (LSCC) meetings exist on paper, participants widely expressed that these platforms often amount to symbolic compliance rather than genuine cooperation.

“The meetings happen, but implementation is a problem. What we agree on is not always followed,” reflected Participant 7. Such sentiments suggest that while collaboration is formally institutionalised, it lacks substantive commitment or operational traction. Respondents noted that decisions taken in meetings were rarely implemented consistently, and there was no mechanism to hold agencies accountable when agreed-upon actions were not executed. From the perspective of Stakeholder Theory, this reflects a breakdown in stakeholder governance. Freeman (1984) argues that meaningful engagement requires more than consultation; it demands a strategic alignment of interests, responsibilities, and

accountability among actors. When stakeholders engage in symbolic acts of cooperation to maintain appearances or comply with policy requirements, without genuine power-sharing or clear roles, collaboration loses its value.

As Participant 4 stated: “There’s no standard way of dealing with undocumented foreigners on vessels. We make decisions based on who’s around and available.” This finding aligns with what Mitchell et al. (1997) refer to as the selective recognition of stakeholders, where only those perceived as urgent or politically powerful are listened to, while others are marginalised or ignored. At Durban Harbour, smaller operational stakeholders, such as ground-level port security or local immigration officers, are often excluded from strategic planning processes, despite being directly involved in implementation. Bryson (2004) emphasises that collaboration requires shared authority and mutual accountability, both of which were found lacking in this case. The absence of performance monitoring tools, joint standard operating procedures (SOPs), or feedback loops contributes to a culture where no single actor takes ownership of immigration outcomes.

“If something goes wrong, there’s always finger-pointing. No one takes responsibility because it’s never clear who should,” observed Participant 1. This absence of accountability is not only operationally detrimental but also erodes trust and legitimacy between stakeholders. According to stakeholder theory, effective governance systems must recognise all relevant actors and assign clear obligations to ensure that stakeholder interests are not only heard but also acted upon. Where that fails, as in the case at Durban Harbour, collaboration becomes ritualistic rather than transformative. In conclusion, this theme exposes a deeper institutional malaise, a culture of symbolic collaboration that undermines the very goals of coordinated immigration enforcement. Stakeholder Theory reveals that unless stakeholder roles are matched with real authority and accountability mechanisms, governance efforts risk remaining trapped in cyclical discussions with little practical impact.

### **Collaboration of Public Organizations**

Collaboration among public sector entities, as well as with private organizations and civil society, has become increasingly essential in achieving

effective service delivery. As Jones et al. (2001) aptly argue, public organizations can no longer operate in isolation if they are to respond meaningfully to complex social challenges. The growing interdependence between sectors calls for institutional arrangements that support joint planning, shared responsibility, and mutual accountability. In particular, the integration of modern technologies can play a catalytic role in enhancing collaborative governance by enabling seamless communication, information sharing, and coordinated service delivery across institutional boundaries.

More recent scholarship affirms that complex service delivery environments, especially those involving border management and port operations, necessitate multi-actor cooperation. According to Voets et al. (2021), effective public service delivery increasingly depends on inter-agency collaboration and the strategic deployment of Public-Private Partnerships (PPPs). These partnerships serve not merely as cost-sharing arrangements but as governance mechanisms that pool institutional capabilities and align operational mandates. Durban harbour provides a salient case in point. As a key node of economic activity and migration control, it is home to a complex ecosystem of stakeholders, including private logistics firms, state-owned enterprises such as Transnet, and public sector organizations like the South African Police Service (SAPS) and the Department of Home Affairs. Effective coordination among these entities is not only desirable it is indispensable for the systematic implementation of immigration and border control policies.

As Bryson et al. (2015) observe, the success of collaborative arrangements hinges on more than institutional presence; it requires trust, clarity of roles, and shared objectives. In the absence of these conditions, even well-intentioned partnerships can become tokenistic or dysfunctional. This study adopts this understanding of collaboration as both a structural and relational construct, one that must be actively nurtured to support integrated governance in high-stakes public service environments such as Durban Harbour.

### **Public Management and Immigration: A South African Perspective**

Issues of migration in South Africa are the responsibility of the Department of Home Affairs



(DHA). It is responsible for a host of duties such as the provision of refugee status, immigration, and emigration (South Africa, Department of Home Affairs, 2002). The DHA's administrative and policy authority places it at the centre of immigration control, yet its effectiveness depends on coordination with other actors such as the South African Police Service (SAPS), the Department of International Relations and Cooperation (DIRCO), and civil society organizations (Segatti, 2011). The role of government is to provide services to its citizens; however, Section 7 of the Constitution stipulates that every person in the country must be afforded the basic human rights of dignity, equality, and freedom (South Africa, 1996). Consequently, the government has a responsibility to provide the same services to immigrants in the same way it does to South Africans. This legal mandate highlights the constitutional tension between inclusive human rights protection and the practical challenges of state resource management. The argument would then be based on who gets priority between citizens and foreigners in the country.

The White Paper states that it is only the Department of Home Affairs that is legally authorised to allow people to come and go in and out of the country. It should keep records of who enters the country and for what purposes. The number of illegal immigrants in the country remains accounted for (Mbiyozo, 2018; Mabudusha, 2014; Wotela & Letsiri, 2015). Yet, scholars have criticised the DHA for inadequate border control systems and poor coordination with local municipalities, leading to weak enforcement and data inaccuracy (Handmaker & Klaaren, 2019). It becomes difficult to provide services when the recipients of those services are unknown. Considering that the population of the country stood at 58 million in 2018, the national budget must cater to an unknown number of additional people. Resources are strained, and competition for those resources becomes rough, hence xenophobic attacks. These tensions point to a broader policy implementation dilemma, where rights-based frameworks clash with institutional capacity and political will (Ranchod, 2020).

### **Stakeholder Management and Immigration Matters**

Interdepartmental cooperation requires well-articulated stakeholder management. The policing

of illegal immigrants needs a coordinated effort from all relevant stakeholders. There are various other departments that are involved. They include, among others, the Department of Agriculture, National Transnet Port Authority, private security, and other stakeholders such as the shipping agencies. Gomes & Gomes (2015) aptly state that a stakeholder can both be an opportunity and a threat. Therefore, an analysis of each stakeholder is important before further engagements. Each stakeholder must bring the positives during cooperation. Even the Department of Home Affairs (DHA) acknowledges the importance of cooperation in international migration issues. Savage et al. (1991), as cited in Pavao and Rossetto (2015), caution organizations against ignoring the interests of stakeholders, thereby overlooking their potential for cooperation.

According to Voets et al (2021), stakeholder inclusion and collaboration form the core of stakeholder management in the public sector. Gomes and Gomes (2015) reaffirm this idea by stipulating that the era of new public management forced governments to make room for private sector business practices to help deliver improved public sector services. Hawrysz and Maj (2017) further contend that organizations benefit from stakeholder management in one way or the other. Feldman and Khademian (2001) contend that globalisation and modern society's ability to scrutinise government performance have necessitated even more flexibility and accountability by the government. This view is supported by Hawrysz & Maj (2017), who state that organizations cannot blame stakeholders when things go awry in their quest to realize organizational goals. Flexibility and accountability are viewed in the context of adapting to the demands of globalisation and the formation of partnerships and stakeholder cooperation (Pjerotic, 2017). Hawrysz & Maj further advise that achieving flexibility and accountability requires them to be transparent and display ethical conduct. In addition, organizations need to take into cognisance sustainable development, stakeholders' expectations, compliance with existing legislation, and alignment with international standards of conduct. According to the DHA, "interdepartmental cooperation is essential to effectively manage international migration to achieve security and

economic objectives” (South Africa, Department of Home Affairs, 2019).

### **The Role of Stakeholders in Government**

The role of stakeholders in government starts with the identification of government agencies, classification and engagement with stakeholders, and taking into cognisance their demands, differing access to resources, and resistance to political pressure (International Labour Organisation, 2015). Tullberg (2013) posits that being a stakeholder in the organisation means benefiting mutually and contributing to its outputs. The International Labour Organisation (ILO) Report (ILO, 2015) emphasises that governments need partnerships that are based on complementarity of skills, capacities, and intentions; a solid understanding of respective responsibilities; agreed-upon indicators of success; and transparency. Consequently, effective cooperation also requires a joint effort towards capacity building; a renewed focus on the process; social dialogue; and a strong emphasis on monitoring, evaluation, and frequent adjustments. Building internal capacity and providing continuous skills development for public servants are critical to the effective performance of organs of state.

It is in the context of effective cooperation that border management draws its strength. Shayanowako (2013) explains that efficient border management requires the cooperation of all border management agencies. According to him, this border management cooperation takes place at three levels, namely the intra-agency level, inter-agency level, and international (cross-border) level. The Interpol’s Customs-Police Cooperation Handbook (CPCB) (2018) highlights four priority areas for cooperation. These are intelligence, risk analysis, and targeting, interdicting, and investigation. These areas lead to increased efficiency and effectiveness of law enforcement agencies.

### **South Africa’s Immigration Control Measures**

Illegal immigrants cross a country’s border without following legal processes. According to the High-Level Panel 2017 Report (South Africa, Office of the Presidency, 2017), it is the duty of the Department of Home Affairs (DHA) to manage the immigration system so that national security is not compromised. Whether one calls it control measures or the countering of illegal immigration (Wotela & Letsiri, 2015), South Africa is a signatory to regional, continental, and international

protocols and procedures put in place against illegal immigration. This is a mammoth task considering that the country is a major destination for African migrants of all classes – tourist, study, business, economic, irregular, and asylum seeking (Mbiyozo, 2018).

Mbiyozo argues that current policy measures are “restrictive” and can only “negatively” impact African migrants. His analysis of policy is restricted to African migrants only. Migration is an international phenomenon. In Europe, for example, there have been “calls for reducing and containing irregular migrant flows and addressing the ‘root causes’ of forced migration dominate the European policy discourse” (Dick & Schraven, 2018). Hiropoulos (2017) observes that in South Africa, there is a widely held belief that migration of foreign nationals into the country is both rampant and illegal. She alludes that the government has resorted to the arrest and deportation of undocumented migrants. However, deportation does not seem to help the situation as more and more immigrants find their way back into the country in the blink of an eye. According to her, the deportations are often in contravention of South Africa’s domestic laws and international legal framework.

The Inter Parliamentary Union (2015) contends that in many cases, undocumented persons are simply expelled without being able to defend themselves in accordance with due process. While acknowledging the Department of Home Affairs as the custodian of immigration laws, however, she points to other stakeholders such as the South African Police Service, the Department of Justice, and the Department of Health as role-players in the implementation of the immigration act. South Africa has been forced to adapt to the new developments brought about by globalisation. Faced with mounting pressure from civil society and other groups for South Africa to develop a comprehensive policy framework that is non-discriminatory and Afro-centric, the country is currently developing legislation that is development-oriented, whilst promoting orderly, regular migration (Mbiyozo, 2017).

This study is premised on the stakeholder management theory as the primary theoretical framework for determining how to implement immigration policy effectively. Other related

theories forming the theoretical framework of the study are stakeholder-agency theory (Gomes & Gomes, 2015), organisation-stakeholder fit theory (Bundy, Vogel & Zachary, 2018), fairness theory (Sims & Kramer, 2015), and the theory of the common good (Hussain, 2018). According to Lamidi (2015), a theory helps provide a significant area of knowledge. According to Harrison et al. (2015), stakeholder theory insists on fairness, honesty, and generosity to all relevant stakeholders. With new developments in public management, whereby the business practice is brought into government programmes, effective stakeholder management is crucial in order to combine valuable resources for organizations to remain effective and competitive (Bridoux & Stoelhorst, 2022).

Chigona et al. (2010) argue that stakeholder theory is applicable both in the private sector environment and in the public sector. In their opinion, stakeholder theory is even more relevant when strengthening government-citizen relationships. It is categorised into the normative, descriptive, and instrumental approaches (Chigona et al., 2010; Best, Moffett & McAdam, 2019). It is through these approaches that the research problem is premised. Organizations at Durban harbour possess different skills and resources. With immigration complexities being real, these organizations need cooperation to share such resources to address illegal immigration and the threat to national security. Stakeholder theory, therefore, lays the foundations for working together in fairness, honesty, and generosity for the common goal of dealing with illegal immigration.

The first objective of the study sought to explore the nature and extent of stakeholder cooperation and management among law enforcement agencies at the Port of Durban. According to section 41(1)(h) of the Constitution of South Africa, Act 108 of 1996, all spheres of government and all organs of state within each sphere must co-operate with one another in mutual trust and good faith (South Africa, Constitution, 1996). This principle forms the basis of the concept of stakeholder cooperation and management insofar as the implementation of immigration policies. The results show that there is a level of stakeholder cooperation at the port of entry in Durban. Literature revealed that South Africa's borders are regarded as porous because of the lack of

cooperation among the different departments and government agencies manning these borders (Letlape, 2021). Tullberg (2013) posits that stakeholder theory advances that organizations need each other for success. Bundy et al. (2018) note that it is up to individual stakeholders to determine how cooperation is to be structured. The International Labour Organisation (2015) shares the same opinion that managing migration cannot be a one-man show; it needs to be a multi-stakeholder effort. Durban Harbour, therefore, has the LSCC as a platform for forging cooperation.

The second objective was to determine whether stakeholder cooperation strategies form part of organisational business plans and objectives. According to the results, there were a number of Memoranda of Understanding (MoUs) determining ways of mutual cooperation. To ensure the success and sustainability of cooperation strategies, ORS: Durban Harbour includes these strategies in its organisational business plans and objectives. In ascertaining how law enforcement agencies identify and manage their stakeholders. The results confirmed that respondents were able to identify ORS: Durban Harbour's stakeholders and had a better understanding of what a stakeholder is. This is in line with the three levels of stakeholder management, as identified by Freeman's stakeholder theory. These levels are the rational level, the process level, and the transactional level. Vorster et al. Marais (2014) postulates that the rational level encapsulates the processes of stakeholder identification and classification.

The fourth objective of the study was to identify challenges associated with stakeholder cooperation in relation to effective immigration control in South Africa. Literature review showed that South Africa has 72 ports of entry categorised as seaports, land ports, and airports (South Africa, Department of Home Affairs, 2019). According to the South African Department of Home Affairs (South Africa, Department of Home Affairs, 2017), challenges in border control are generally more acute at sea borders and land borders than at airports. The results point to a lack of interest and commitment by some stakeholders, as manifested in irregular attendance at stakeholder meetings and non-participation during these meetings. In addition, another challenge was that participation therein is not legally binding. As a result,

enforcement of compliance is difficult to implement. The results on recommendations on measures aimed at enhancing stakeholder cooperation and relations among law enforcement agencies ranged from full utilisation of social networks and having clearly defined “punitive” measures.

#### *Stakeholder management*

It is therefore recommended that individual agencies draft and develop stakeholder management strategies that will detail how they aim to manage their stakeholders. An effective and formal stakeholder management process is critical in achieving stakeholder needs and satisfaction. This will help the organisation know and communicate matters of importance to its stakeholders. Consequently, divisions and differing opinions can easily be identified, and solutions worked out mutually.

#### *Stakeholder communication*

It is important to strengthen cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication. The stakeholder keeps others informed of activities, participates in the exchange of information, and answers queries swiftly. Communication tools have never been easier with modern technologies such as Instagram, Twitter, Facebook, and WhatsApp. It is recommended that stakeholders utilise social media as a means of strengthening communication among them.

#### *Stakeholder participation*

It is important that all stakeholders fully participate in meetings and other operations. Full participation requires that individual stakeholders commit to memoranda of understanding and other mutually entered into platforms.

#### *Dedicated stakeholder relations offices*

The issue of the non-existence of dedicated stakeholder relations offices on many of the stakeholders’ sites contributed to the discoordination of operations at the Port of Durban. This was evident when law enforcement agencies sent different people to meetings. If responsible for such duties, it would be much easier to conduct fruitful meetings and therefore come to better decisions.

#### *National strategy on stakeholder cooperation*

The government must develop a national strategy on stakeholder cooperation and ensure that

coordination is centralised for standardisation and uniformity. The national strategy should further ensure that there is compliance with stakeholder cooperation. It should also detail the consequences of non-compliance by respective organizations.

The Constitution of the Republic of South Africa, 1996, advocates for intergovernmental relations (IGR) with the cooperation of the three tiers of government. Interdepartmental cooperation has never been made a government strategy. Further research should focus on investigating new models of promoting cooperation among different government departments. Such cooperation is even more necessary among law enforcement agencies in regard to national security and border control. Research should also investigate the possibility of ways of developing a national strategy on public sector stakeholder cooperation and management.

## **CONCLUSION**

The researchers found that there was a basic level of stakeholder cooperation and management at the Port of Durban. However, there were challenges faced by the SAPS in maintaining the cooperation. Literature review revealed that there must be compatibility between an organisation and its stakeholders in terms of organisation-stakeholder fit. Through the study, it was determined that there were memoranda of understanding (MoUs) signed by the SAPS, SARS, TNPA, and the Department of Home Affairs Immigration Office. It was found that law enforcement agencies, as a collective at the port of Durban, did have a measure of stakeholder cooperation strategies in place, even though not effectively implemented. The researchers found that research respondents did not have a problem identifying their stakeholders. Respondents also mentioned having a working relationship, joint operations, sharing of resources, and a common understanding of the tasks as important elements of stakeholder management.

In conclusion, the study however, found that there was insufficient commitment to and implementation of stakeholder cooperation and management by organizations operating at the port of Durban. Immigration policies and strategies could thus not be implemented effectively. Compliance within stakeholder cooperation and strong multi-stakeholder operations would tighten loopholes currently existing in border control.

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