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# The Perception of African Migrants in Post-Apartheid South Africa

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Faculté des Lettres et Sciences Humaines

Année Universitaire : 2019/2020

Master Mention Lettres et Langues  
Spécialité recherche, monde anglophone

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Omar AKMOUM

Mémoire de Master 2

Sous la direction de : Dr Sandra SAAYMAN Maîtresse de  
conférences HDR en littérature sud-africaine

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*“A person with ubuntu is open and available to others, affirming of others, does not feel threatened that others are able and good, for he or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed.”*

Archbishop Desmond Tutu

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I also wish to thank the South African Department of Home Affairs, for the documents they provided me.

I am grateful to my mother and for support she provided during my research.

## TECHNICAL NOTES and ACRONYMS

**ACMS:** African Centre for Migration and Society.  
**ADF:** African Diaspora Forum.  
**AIDS:** Acquired Immunodeficiency Syndrome.  
**ANC:** African National Congress.  
**ART:** Antiretroviral.  
**ASGISA:** Accelerated Shared Growth Initiative for South Africa.  
**ATDF:** All Truck Drivers Foundation  
**AU:** African Union, previously known as the Organisation of African Unity.  
**BRICS:** Brazil, Russia, India, China, South Africa, economic developing countries.  
**COSATU:** Congress of South African Trade Unions.  
**DA:** Democratic Alliance.  
**DHA:** Department of Home Affairs.  
**EFF:** Economic Freedom Fighters.  
**FEDUSA:** Federation of Unions of South Africa.  
**FRELIMO:** the Mozambique Liberation Front.  
**GEAR:** The Growth, Employment, and Redistribution plan.  
**HIV:** Human Immunodeficiency Virus.  
**HDI:** Human Development Index.  
**ILO:** International Labour Organization.  
**IOM:** International Organisation for Migration.  
**IRIN:** Integrated Regional Information Networks.  
**JIPSA:** Joint Initiative for Priority Skills Acquisition.  
**MK:** Umkhonto weSizwe.  
**MPLA:** the People's Movement for the Liberation of Angola.  
**NACTU:** National Council of Trade Unions.  
**NDH:** National Department of Health.  
**NEDLAC:** National Economic Development and Labour Council.  
**NP:** Afrikaner National Party.  
**OAU:** Organisation of African Unity.  
**OECD:** Organisation for Economic Co-operation and Development.  
**OCHA:** United Nations Office for Coordination and Humanitarian Affairs.  
**PAIGC:** the African Party for the Independence of Guinea and Cape Verde.  
**PAC:** Pan African Congress.  
**SADC:** Southern African Development Community.  
**SADF:** South African Defence Force.  
**SAMWU:** South African Municipal workers' Union.  
**SANDF:** South African National Defence Force.  
**SLF:** Sustainable Livelihoods Foundation.  
**SPF:** Sisonke People's Forum  
**SWAPO:** the South West African People's Organisation.  
**RENAMO:** Mozambican National Resistance.

**RDP:** Reconstruction and Development Programme.  
**RSA:** the Republic of South Africa.  
**USA:** United States of America.  
**UN:** United Nations.  
**UNAOC:** United Nation Alliance Of Civilisations.  
**UNDP:** United Nation Development Programme.  
**UNHCR:** United Nations High Commissioner for Refugee.  
**ZAPU:** the Zimbabwe African People’s Union.

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## FOREWORD

I chose this topic of African migrants and refugees in South Africa as a result of my stay in South Africa 3 years ago. I met with various people, some of whom I innocently labelled as South Africans, but where they were in fact not South Africans.

Most of the immigrants I met in Durban were not South African but from Malawi (English speaking), Somalia (Arabic), Angola, Mozambique (Portuguese and Swahili), the Democratic Republic of Congo (French), Egypt (Arabic) and so on. When I sat with them, some spoke to me in French, I indeed had the impression of encountering the rainbow nation. So I observed them and remarked that the majority of them were living in groups, in bad neighbourhoods like Grey Street Complex in Durban. The Congolese, Angolans and the Somalis, every group lived among its ethnicity. There was the block of Congolese people, who were mainly manual workers; they worked as mechanics, for example. The Somalis and Egyptians were salesmen. As for the Nigerians, and Malawians, they worked in offices since English is their official language. Actually, all of them could speak Zulu and English, but the majority were also in the streets: South Africans and immigrants alike, trying to work, love and achieve their “African dream”, as one Nigerian put it. South Africa, from the African immigrant’s perspective, is the most successful country of the continent, it is part of the “BRICS”<sup>1</sup>. If they have gathered in South Africa it is because they believe in this country. “Mandela is not only South Africa’s president” one said, “he was also the president of all Africans because he cared for his people no matter the language, colour or religion”. And they believe in that ideal, which is why they have come. In fact, they would have preferred to stay in their country too, but they were massacred and lost many relatives during civil wars. “That is why we fled to South Africa to find a place, hope, opportunity, understanding but above all to live”<sup>2</sup>.

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<sup>1</sup> BRICS is an acronym for the 5 developing countries (Brazil, Russia, India, China, and South Africa) which are of a similar level to developed countries like Europe, Japan and the US.

<sup>2</sup> Conversation with an African migrant from the Democratic Republic of Congo (RDC) in Pietermaritzburg in mid July 2016.

## INTRODUCTION

Migration<sup>3</sup> is a major contemporary issue worldwide and usually involves two categories of countries, namely developed (industrialised) and underdeveloped or countries ravaged by war (they are often former colonies). From Latinos in the United States of America to the Africans and Syrians in Europe, migration has been and is still perceived by the USA and Europe as a Western social dilemma. However, it is not a problem only the Western world faces. Indeed, other countries experience this phenomenon, one such country being South Africa. The question of immigration and refugees in South African society is an atypical one and has its own characteristics, not only it is sensitive, but it also leads to controversy, and social to not say “racial” dilemmas in both the political and public sphere. In order to navigate and analyse those dilemmas, a contextual introduction of the contemporary migration crisis in South Africa must be made.

As said earlier, migration in South Africa has atypical characteristics. Most of the migrants since 1994 are Africans, and all did not migrate for the same reasons. Indeed, there is economic migration from Nigeria and Angola, to refugees from Malawi, the Democratic Republic of Congo and Zimbabwe because of wars and famine. It is then safe to speak about intracontinental migration here. However, for most African individuals exiled in South Africa, migration blends the two concepts as refugees and migrants are categorised as the same by the majority of South African society. This rush of migrants is principally due to the instability of South Africa’s neighbouring countries, as well as the symbols of success, security and economic stability which South Africa embodies in the eyes of the rest of Africa. After the fall of apartheid, which was a segregation system based on race and colour, established by the NP (National Party in 1948), Nelson Mandela with the support of the ANC (African National Congress) implemented a reconciliation policy embodied by the metaphor of the “Rainbow Nation”, in the words of the Archbishop Desmond Tutu. Thus all South Africans, previously classified as “black,” “white,” “coloured” and “Indian” are to live in unity as equals.

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<sup>3</sup> Oxford dictionary definition: “Movement of people to a new area or country in order to find work or better living conditions.”

One of the early policies of then President Nelson Mandela was to open the country's border by switching off the electrified fences during the open borders debate of 1994. This policy which had been implemented to open South Africa's economy to international trade, also had the effect of attracting immigrants<sup>4</sup> from neighbouring countries. Before and during Thabo Mbeki's presidency (1999-2008), the African Renaissance of South Africa was a trending opinion which claimed back an African culture and identity as well as joining the Pan-African concept and the ideal of an African Union. However, the South African economy was damaged for years due to the UN blockade during apartheid, and furthermore during the 2008 crisis. Corruption added to the whole, South African society has been affected by a series of social problems (employment, housing, security, prostitution and health with a rise of people contaminated by AIDS).

Consequently, the relationship between South Africans and migrants lead to major xenophobic riots on 12 April 2015 in Durban: 5 African migrants died, 300 foreign shops were looted and 2000 people were displaced. Recently there was a riot in Pretoria on 24 February 2017 and Johannesburg in November 2017<sup>5</sup>. Since the attacks are perpetrated especially on migrants and refugees from African decent other than South African, we might be inclined to use the term "Afrophobia"<sup>6</sup> instead of xenophobia. The government, however, chooses a neutral stance as it has a leadership position at the AU<sup>7</sup> and does not want to jeopardise its influence in the continent, nor want to go against the will of its own people. This shows the ANC's inexperience in the subject of migration as it is quite a young political active party. The question of migration in South Africa is therefore very delicate as it opposes two significant views of national entities: the government and the public view.

This dissertation makes use of official documents, as they are the main references on the subject. Nevertheless, we have only an informative explanation on the immigration crisis from the media and officials. And this will not help to understand the situation. A more

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<sup>4</sup> Immigrant in opposition to migrant implies a permanent will to stay in the new country.

<sup>5</sup> <https://www.sahistory.org.za/article/xenophobic-violence-democratic-south-africa>

<sup>6</sup> As pointed out by Dr Sandra Saayman in her article: ("Imagining the "other" – The Representation of the African Migrant in Contemporary South African Literature"), the terme "Afrophobia" was used by Achille Mbembe in *Le Monde* during the xenophobic riots of the 2015

<sup>7</sup> The African Union equivalent to the European Union without a Schengen type politics

academic and human approach on the subject needs to be developed and spread by intellectual and cultural means. To this end one can analyse the depiction of migrants in post apartheid literature, for instance. An efficient way to understand the humanistic approach on the subject is through literature, primarily through post-apartheid culture and literature that celebrates the fall of apartheid and the rebirth of South Africa. Its ideals are equality between “races,” unity, love and freedom of speech. However, post-apartheid literature also narrates the daily life of South Africans. A comparison between real events and fictional representations might seem unscientific to some. Yet all fictional works start from a real event or individuals, based on the experience which the author wants to deliver. Therefore, fictional characters represent real individuals, social movements, or social opinions. To justify my choice of using literary documents in a cultural study, I will state the idea of *The Experimental Novel*, by the French naturalist novelist and thinker, Emile Zola. He explains in this essay that the novelist should observe and represent as real as possible the environment and experiences of the reader, in order to “recognise and reform society’s troubles” (Zola 5).

I am eager to work on the dynamic of relationship and interactivity between the South Africans and the African immigrants, and how they are perceived, through the study of documents, novels and articles which describe, narrate, and picture, the exodus and feelings experienced by the different guests and hosts, in the country known as the “Rainbow Nation.” To analyse the African immigration as a social dynamic sensor in post-Apartheid South Africa, we shall focus on the representation of migrants through multiple contemporary documents, led by the question of xenophobia, AIDS and political manoeuvres. We shall perform a gradual study of the African migration problem, observing first the sources, the effects and the responses to present an accurate academic perception on the subject. Thus, we shall use the following outline to analyse the question of African migrants in South Africa. First, the question of Pan Africanism in opposition to national protection will be examined. In this segment, we shall analyse the economic plan of South Africa, the symbol of peace the ANC embodies, and the status of refugees during the Mandela years. Then, an observation must be made concerning the human capital of South Africa, leading to the Migration Act of 2002. Afterwards, we shall study the effects of such an act on the migrant and the South African society, through employment, development and health. Finally, we shall discuss the pressing subject of “Afrophobia,” and the ANC’s response on a matter which will define its future.

## **I National Protection opposed to Pan-Africanism**

Throughout its written history, South Africa has struggled to find its place as an African country in the African continent among its African neighbours. It was especially true during apartheid, with the National Party, which was mainly Euro-centric and was quite enclosed and opaque to any form of relations with newly independent African countries. The absence of relations with neighbouring countries was due to the image of civil war and instability the countries like Mozambique and Zimbabwe represented. The political instability of these countries generated a flux of refugees going south to the apartheid South African border. In order to respond to this migration crisis, in 1985 the SADF constructed a 3500 volt electrified fence which delivers a continuous current of 800 milliamps. According to official documents from the SADF and reports provided by the Department of Justice of the Republic of South Africa, the fence was implemented on 5 September 1985 and was overseen by the police till 1986 then by the army until 1994. These operations were infamously known as operation “INTEXO” and operation “LONGLIFE”<sup>8</sup> (Maj Gen B. Mortimer). Over 89 persons died trying to cross from 1986 to 1989, mostly women and children. This violent military action comes with the idea of national protection as the apartheid régime was already fragile and faced uprisings and UN resolutions. It was thought that allowing in migrants from countries which had gained independence, might have aggravated the state of unrest in South Africa. Thus the NP saw the refugees as a threat for the security of apartheid South Africa. However, since the ANC presidency, considerable efforts have been made to establish diplomatic relations and alliances with the African nations. After the election of Nelson Mandela, it is as if South Africa changed and was ready to embrace its Africaness. Slowly a more Pan-African vision of South Africa emerged. Pan-Africanism as a concept is the “advocacy of the political union of all the indigenous inhabitants of Africa”, yet the definition provided by Oxford dictionary is not entirely accurate as Pan-African movements are more flexible than a rigid concept. In fact, the movement in South Africa was more for awareness of the Africanity of South Africa and the idea of improving the continent's relations and eradicating its social and economic problems. But mostly, it is improving in the continent not improving with the continent. Measures were undertaken during Mandela's presidency towards this direction: Three months after the election, then President Nelson

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<sup>8</sup> <http://www.justice.gov.za/trc/hrvtrans/submit/sadf.htm>

Mandela switched off the electrical fences between South Africa, Mozambique and Zimbabwe. South Africa also joined the Organisation of African Unity on 6 July 1994, an institution that was created in 1963. The goal of the OAU, later known as the African Union, was to promote “Africa’s growth and economic development by championing citizen inclusion and increased cooperation and integration of African states” (<https://au.int/>).

Nelson Mandela undeniably represents the African struggle of the liberation movement since all African countries relate to the South African struggle in the fight against colonialism and racism embodied by his emblematic figure. Nevertheless, if the ANC showed the intention to be committed to the African continent, as well as to the South African citizens, the policies institutionalised and Pan-African symbols the country embodied would clash in the future over the migration and refugees case. Indeed, the new situations and choices of the Republic of South Africa which would generate the social dilemmas concerning the African migrant and refugees, since the government’s view and the people’s view differ on that topic. This first part of the dissertation is hence a factual, comparative and pragmatic overview on the South Africa choice of policies and projects implemented by the ANC and the presidency. Besides, this section is based on the cause and effect process going from apartheid times to Thabo Mbeki’s presidency. Using the past to comprehend the current South African perception of African migrants is relevant. It is through this guideline that we will study the economic and social plans of the ANC, the symbols of Pan-Africanism South Africa embodies, and the actual arrival of refugees within the country.

## **1. Economic Plan**

This first segment emphasizes on the economic aspect of South Africa before and during the migration crisis. The economic circumstances prior to Mandela's presidency and the financial policies taken by his government is primordial in the understanding of the context in which the question immigration emerged. Therefore, the aim of this dissertation is not to discuss South Africa Economic policies, but the question of privatisation and deregulation is fundamental to grasp the context in which African migrants will be perceived by South African society.

## A. Impact of UN Resolutions

One fact that has to be understood prior to the analysis of intracontinental migration is the fragility of post-apartheid South Africa. The country suffered extensively in social administration and economy during apartheid due to UN resolutions on the National Party government. The international resolution in mind is the United Nation Resolution 32/105 B adopted on the 14 December 1977 by the general assembly, which means by the 145 country members. One of the many clauses implemented during “Anti-Apartheid Year” (UN Resolution 32/105 B II) is the clause A.8:

All those Governments which have not done so should be urged to cease all kinds of collaboration with the apartheid régime in military, political, economic, cultural, and any other fields and to implement the corresponding decision and resolutions of the United Nations.

This harsh Resolution which was intended to sanction the apartheid régime had many effects on post-apartheid South Africa.

Indeed the sanctions that lasted from 1977 to 1994 crippled South Africa’s economy, impacting “white” and other racial groups alike, even if the NP had much more to lose. Though these resolutions were necessary and legitimate, when the ANC took office in 1994 with the first black president Nelson Mandela, they had to start rebuilding a country with a big handicap and gap compared to other countries which gained their independence and reconstructed their economy 20 sometimes 40 years before South Africa. One example which can illustrate this handicap is the exchange rates of the ZAR in comparison to the British Pound. As a matter of fact, 1£ equalled 1.38 Rand in 1976 but in 1993<sup>9</sup> 1£ equalled 5.03 Rand which means that the South African change rate depreciated by almost 72.6%. Although the NP voluntarily manipulated this depreciation in order to reduce inflation, the Growth Domestic Product, which was at 2.3% annual change rate in 1976, registered 1.2% in 1993. Even with a disparity of 1.1%, the National Party used its internal production and the depreciation of the Rand exchange rate to counter the sanctions.<sup>10</sup> Nonetheless, these economic indicators demonstrate how the UN resolutions were very effective in putting pressure on the National Party, but it also shows the difficulties that

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<sup>9</sup><https://www.poundsterlinglive.com/bank-of-england-spot/historical-spot-exchange-rates/gbp/GBP-to-ZAR-1976>.

<sup>10</sup> LEVY Philip I. “Sanction on South Africa: What did they do?” *Economic Growth Center*, Yale University, 1999.



the new South Africa had to withstand. Furthermore, this blockade had a snowball effect that damaged the situation even more. As a result, the crisis led to the relocation of several corporations and individuals, this process is called as Human Capital Flight or commonly known as “Brain Drain”<sup>11</sup>. Even in the early years of the New of South Africa, educated “white” people fled the country for fear of reverse discrimination and violence.

Note that even if the vision of the Rainbow Nation embodied by Madiba’s<sup>12</sup> Government was constitutionalised, the citizens had yet to reconcile and heal from the traumas of the past. It is for this purpose that the Truth and Reconciliation Commission was one of the very first projects to reconstruct South African society. Nonetheless, we shall focus on the brain drain and the changes it implies for South African social and economic reconstruction. Undeniably the flight of qualified “white” South Africans had effects on jobs and investment in many labour sectors. This affirmation can be seen as racist. After all, weren’t there other South Africans just as competent as “whites”? The answer to that is “not enough”. This situation is due to the “Bantu Education Act,” implemented by the NP in 1953. This Act had the objective to teach other “races”, manual labour or menial jobs that the government provided to them, and they prohibited so called “non-white” the applications to Universities, in order to submit them under their rule. Thus President Nelson Mandela inherited a nationwide recession and had to choose appropriate plans fit for the needs of the new South Africa *in illo tempore*. However, because of the capitalist paradigm of the world and the fall of communism, the UN members including South Africa were sceptical toward any sort of protectionist approach as countries which were to adopt protectionist policies were communist or labelled as such. Therefore Mandela’s decision on policies and plans to reform South African politics, economy, and culture were quite influenced by the global processes already in place like the World Trade Organisation. Those plans and policies adopted during 1994 will have big impacts on the African migration problem South Africa is facing nowadays. It is, in fact, the early phases of the ANC choices and government in terms of the economy which would decide the fate of migration in South Africa today.

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<sup>11</sup> Oxford dictionary definition: “The movement of highly skilled and qualified people to a country where they can work in better conditions...”

<sup>12</sup> “Madiba” is a clan name of which President Nelson Mandela is from. In South Africa it is courteous to use someone’s clan name to show respect.  
(<https://www.nelsonmandela.org/content/page/names>)

## B. GEAR

After coming into power in 1994, the main objective and focus of the ANC was the alleviation of poverty and to fix the deficiencies in social services across the country. As a result, the Reconstruction and Development Programme (RDP) was initiated to respond to the social and economic issues brought by apartheid. Over this programme, the government used the treasury to fund the creation of jobs in administration with civil servants to help structure and administer the country. The RDP also had the goal of providing housing and health care as the majority did not have decent living conditions and rights during apartheid. The principal goal was to lower inequalities and control the social and economic irregularities *ante* 1994. This procedure provided social security, strengthened the central power and prepared the citizens for the two years transitional period, where the Truth and Reconciliation Commission was carried out. Specialists like Dr. Alex Boraine<sup>13</sup> and Rev. Bongani Finca<sup>14</sup> agree on the fact that this period was vital in order to begin the new South Africa. Thus, during the ratification of the Constitution of the New South Africa in 1996, an ambitious economic plan with a structural policy named GEAR was introduced to establish the base of the South African economy, which aimed for long term results from 1994 to 2004. The Growth, Employment And Redistribution plan, GEAR for short, had as a target the creation of a self-sufficient liberal economy that could generate jobs and help the reduction of inflation and exchange rates, to ease and engender growth for the people who had suffered much during apartheid. The macroeconomic policy (GEAR) “aimed at the rapid liberalisation of the South African economy” (SAHO Mandela presidency §9). It might be interesting to analyse the terms “macroeconomic” and “structural policy”: macroeconomics implies a broad type of economic policy; structural policy means an economic modification through a long period of time. In opposition to cyclical policy: economy modification through a short period of time. However, if the new economic plan had three objectives (Growth Employment and Redistribution), the guiding line of these goals is liberalisation. The liberalisation of the South African economy suggests that the government will not be strongly implicated in the process. This can be displayed in the projection, “Growth, Employment and

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<sup>13</sup> Alexander Lionel Boraine was a South African politician, minister of religion and anti-apartheid activist. He joined the Truth and Reconciliation Commission.

<sup>14</sup> Rev. Bongani Finca is Commissioner of the Electoral commission of the Republic South Africa, and was a member of the Truth and Reconciliation Commission of 1995

Redistribution a Macroeconomic Strategy” published by the Department of Finance in 1994. Several actions made by the government went in that direction: relaxation of exchange control, strict deficit reduction goals, trade liberalisation and labour market flexibility.

The Department of Finance projection expressed a growth up to 6% by 2000 and a reduction of inflation 8.8% in 1994 against 7.4% in 2000; the two other objectives showed similar results. Indeed, employment was expected to increase by 3.9% in 2000 against -0.4% in the total employment sector, which is public jobs provided by the government. As for redistribution, it was supposed to improve by 10% in 2000. These statistical data display an optimistic projection for the post-apartheid South Africa, but the reality is something else entirely. An observation conducted by professor James Heintz, economist from the University of Massachusetts (published in the Political Economy Research Institute in 2003), demonstrates that although the economic growth of South Africa revealed a rise of 0.3% from 1994 to 2000 and a reduction of inflation 8.8% to 5.4%, the reality for employment and redistribution is quite contrary: employment declined by 2.3% in the formal sector and by 1.1% for the private sector. The economist gives it the name of a “Jobless growth” (e.g. Annex 1). Unfortunately, the redistribution project of the GEAR further increased disparities between poor (mainly black) and rich (mainly white) in terms of income: A survey provided by the *Income and Expenditure* surveys conducted by Statistics South Africa demonstrate that “...in 2000, the poorest 20 percent of households in South Africa received just 1.63 percent of all income, while the richest 20 percent of households received 35 percent of total income. Moreover, the extent of inequality has been increasing. In 1995, the poorest 20 percent of households received a larger share of total income 1.87 percent” (James Heintz 4).

The liberalisation and privatisation of South Africa helped generate growth and reduce inflation yet created further inequalities and unemployment. On the one hand, this seems paradoxical, but on the other, this was to be predicted as private investments are the ones which provide a certain limited quota of jobs. Jobs that are uncontrolled by the government, even if the government helps relieve the employment issues with some public jobs that become scarcer through the years, for the ANC continues to legate public assets to private companies.

### **C. Protectionism and Regulations**

Some economists state that if South Africa used a Protectionist economy which is the procedure of closing and shielding the economy from imports by taxing them, it would have allowed to improve the national industry and create more employment—and privatising the assets gradually instead of hastily for fear of deficit. Nevertheless, the post-apartheid South Africa in 1994 would not have withstood a Protectionist plan as it recently has been freed from the international embargo. In addition, if the new South Africa used Protectionism as policy, it would have allowed free exchanges but regulated the economic process inside. After all, Protectionism is not only about closing borders, but it rather is about regulations. At first, the ANC was anti-privatisation, and the NP was for it. During long debates, the regulation of privatisation became a political situation rather than an economical one. Representatives of the ANC were depicted as Marxist like “Jay Naidoo, the ex-head of COSATU, and the minister in charge of implementing the RDP was once described as, ‘looking like Satan, sounding like Marx, and acting like Mephistopheles.’ As minister he was described as a figure of flawless economic orthodoxy” (James Hentz 18). By January 1996 the ANC accepted privatisation, but the labourers and unionists did not: “The South African Municipal Workers’ Union (SAMWU), for instance, organised a ‘national anti-privatisation campaign’” in 1996 (James Hentz 19).

As displayed in the introduction, the aim of this dissertation is not to discuss South Africa Economic policies, but the question of privatisation and deregulation is fundamental to grasp the context in which African migrants will be perceived by South African society.

Moreover, the lower social class, predominantly “black” still endured unemployment as the liberalisation of trade and labour market coincided with the arrival of African refugees and immigrants in South Africa around the same time as the GEAR was implemented. Even Though the tertiary sector of activity is evolving, South Africa still relies on primary and secondary sectors as it is a country rich in primary resources (mining and agriculture). As we can see, GEAR calls for a neo-liberalist and conservative view of the economy. However, investors and corporations do not have the same goals and responsibilities a government has. The prime objective of private corporations is to reduce expenses and make a profit. Thus, African immigrants and refugees seem to be more convenient as they consent to be paid less, lowering the value of the global minimum wage.

South Africa, even with its low employment, is still better in terms of growth compared to other countries of the African Continent during the late 90s and the early 2000s. It was registered by the UNDP as the 144th in the world and 2nd in Africa through the Human Development Index (HDI) at 0.64 in 1996. Therefore, South Africa is very attractive to African migrants and seems like a politically stable country compared to their war-torn countries. However, this clash between migrants and lower-class South Africans over employment will be observed on a more significant proportion much later, after the “Migration Act of 2002”.

The truth is that the xenophobic violence and the immigration dilemma is not due to this economic plan only, but rather to the addition of simultaneous events and projects that are political, cultural and humanitarian.

## **2. The Symbol of Peace**

Throughout the many countries of the world, and the people who inhabit them, South Africa is known as the “Rainbow Nation,” a country that has healed from apartheid and racism. South Africa is the country where the people won but pardoned the atrocities committed against them—a strong Nation, which fought for its freedom since its colonisation in the 17th century. Although the United Nations helped with sanctions and blockades, South Africa would not have won its freedom if the people inside had not fought for it. Peace marches and demonstrations were the essential means used against authoritarian rule. One major organisation that helped the country stand is the African National Congress with emblematic leaders like Solomon Tshekisho Plaatje,<sup>15</sup> and Albert John Luthuli.<sup>16</sup> However, apartheid did not respond to protest by debates, but rather with violence as the Sharpeville massacre<sup>17</sup> of 1960.

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<sup>15</sup> Solomon Tshekisho Plaatje was one of the founding members of the South African Native National Congress, which later became the ANC.

<sup>16</sup> Albert John Luthuli was the president of the ANC in 1952 and won the Nobel Peace Prize in 1960 for his non-violent struggle against apartheid.

<sup>17</sup>The Sharpeville massacre was a shooting perpetrated by the police on 7,000 demonstrators in Transvaal, killing 69 people and injuring 180 others.

## A. ANC in Exile and Pan-African Consciousness

The ANC and other congresses like the South African Democratic Congress, the Coloured People's Congress, the South African Indian Congress, and the South African Communist Party were forced into exile in neighbouring African countries in April 1960. Headquarters were established in Zambia as it gained its independence in 1962. During that period, over "15 000"<sup>18</sup> South African refugees went to Botswana and Zambia. After warning the apartheid government, that if it did not cease the oppression on other racial groups, the ANC would resolve to military actions of sabotage and guerrilla warfare. Thus, the *Umkhonto weSizwe* meaning the "Spear of the Nation" in Xhosa, was created as a paramilitary branch of the ANC in 1961.

Nonetheless, instead of discussing the guerrilla warfare between apartheid and MK (*Umkhonto weSizwe*) and the hundreds of civilians killed in the middle, because of segregation, we must concentrate on the role the MK had in other African countries in term of alliances and support. Those alliances prove that the African National Congress has through the exile of its leaders accumulated a Pan-African experience and conscience. It is the implication of the ANC through the MK that would create deep relations with neighbouring African countries and put post-apartheid South Africa as a mediator for peace and draw the image of an Africa-friendly nation. The ANC already had exchanges with regional countries. However, the congress did not fully embrace the Africanist idea advocated by the Pan-African Congress. For instance, at the Accra conference of 1958 in Ghana, the ANC delegation explained that African nationalist ideas were not in adequacy with South Africa's social and economic context:

Although its ideology implied 'a recognition of the concept of African Nationalism', because of the unique economic, social, and political history and racial set-up in South Africa, the ANC explained that it had been 'progressively developing the concept of an all embracing "Africanism"'. For this reason, the ANC argued, the 'liberatory organisations and movements which hold diverse political and social theories and principles', although united in the

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<sup>18</sup> Lewis H Gann, "Hope for South Africa?" Hoover Institution Press, Stanford University, 1991 p.30

common anti-imperialist and anti-colonial struggle, should not be forced 'to adopt a common ideology and philosophy'.<sup>19</sup>

Because of the ANC's multi-racialism as composed of different racial groups, the PAC was not keen to approve the South African Congress. Note that the Pan African movement was very violent and against other "races" like "coloured", "Asian" or "white": "Rejecting multi-racialism as 'a pandering of European bigotry and arrogance' and 'a method of safeguarding white interests', the PAC aimed at a 'government of the Africans by the Africans, for the Africans', which would not guarantee minority" (Ariana Lissoni 6).

The ANC would still join forces with regional movements and create connections enabling the congress to earn legitimacy and join in the future a more pacific Organisation of African Unity.

Therefore, the ANC instead of working with the PAC preferred to reach outside. The exiled officials of the ANC in neighbouring countries were composed of 5 main figures, namely Joe Slovo the chief strategist, responsible for the guerilla warfare within and out of South Africa; the ANC secretary-general Alfred Nzo; the Commander of *Umkhonto weSizwe* Joe Modise; Ruth Mompati and the national executive member, and the person responsible for foreign affairs and relations, the next to be president after Nelson Mandela, Thabo Mbeki. It should be noted that Mandela stayed in South Africa to supervise the situation from within but was imprisoned in 1962. This group of five people, instead of focusing all their attention on South Africa, helped to stabilise and form a military alliance with neighbouring colonised countries like Angola and Rhodesia (later known as Zimbabwe). Because it was thought that having a strong and stable countries which knew the hardship of colonisation would most certainly help the ANC in its fight against apartheid. Thus in 1967, the ANC contributed to an unsuccessful war in Zimbabwe, and 1969 fought for the Angolan war of independence (1969-1974). The participation of the ANC through the MK in military independence wars in Southern Africa created notoriety and a bond between the African National Congress and the continent. The

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<sup>19</sup> Notes for Delegates to the All African People's Conference to be held in Accra, Ghana, December 1958, Issued by the ANC. Available at: <http://www.anc.org.za/ancdocs/history/boycotts/accra58>

first conference of solidarity of liberation fighters of Southern Africa, organised by the World Peace Council 1969, resulted in the legitimisation of 6 parties which were seen to have authority over their countries the “Authentic Six.”<sup>20</sup>: the People’s Movement for the Liberation of Angola (MPLA), the South West African People’s Organisation (SWAPO), the Zimbabwe African People’s Union (ZAPU), the African Party for the Independence of Guinea and Cape Verde (PAIGC), the Mozambique Liberation Front (FRELIMO), and the African National Congress (ANC) represented by Thabo Mbeki. Across these relations and alliances, a sense of Pan Africanism developed, and many countries helped by ANC were now grateful and were returning the favour through smuggling and delivering arms and bombs for guerilla in South Africa like the ZAPU in 1967<sup>21</sup>. Other countries like Zambia and Angola provided camps for military training in 1974. Thus, the ANC was seen as a pro-African government and sympathetic to all of Africa’s ethnic groups. The time flow emphasises this sentiment of South African congeniality: since South Africa was the last country in Africa to fight against colonialism until 1994, the other countries of the continent witnessed the struggle.

Moreover, the Pan African shift from a military to a cultural movement across Africa in the 90s is worth indicating. Thus, Nelson Mandela to Africa symbolised the Pan African struggle and culture for Africans. By extension, the ANC and the citizens of the Republic of South Africa were perceived to be sympathetic to the movement, even more after the election of Nelson Mandela who ordered electric fences with neighbouring countries to be switched off.

## **B. Stability**

Another situation which is seen as favourable by future African migrants is the South African stability compared to other neighbouring countries. In fact, of all the members of the “Khartoum Alliance,”(DREYER, Ronald 60) all of them embarked on the communist system of leadership which created animosities among citizens and after elections resulted in civil wars (Angola 1975-2002; Namibia 1994-99; Zimbabwe dictatorship 1987-2017;

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<sup>20</sup> DREYER, Ronald (1994). “Namibia and Southern Africa: Regional Dynamics of Decolonization, 1945-90”. London: Kegan Paul International. (p 59)

<sup>21</sup> Thomas, Scott (1995). “The Diplomacy of Liberation: The Foreign Relations of the ANC Since 1960”. London: Tauris Academic Studies. pp. 200–202



Mozambique 1977-92; Guinea Bissau 1998-99). The only congress that became stable by creating a coalition and slowly adapting to governance was the ANC. President Nelson Mandela worked with F. W. De Klerk to find the best outcome possible to reconcile the people of South Africa, and it was a success. If Pan African ideals of South Africa are attractive to African people, its stability makes it even more appealing.

A matter that had to be considered is the apartheid's plan to prevent "coloured," "Indian" and "black" South African to learn of the ANC actions in neighbouring countries and the alliances they made. The objective was to keep South Africans in the dark over the independence movements abroad, in order to negate any public disorder or threat to the power other than the MK.

An address regarding the 1972 plans of the South African government to abolish the right of appeal against decisions brought by the State Publications Control Board, effectively ridding writers of a means to combat the rulings of government-appointed censors. The censorship in South Africa at this time caused a breakdown in communication between the sections of a people carved up into categories of colour and language. (Nadine Gordimer 151)

Gordimer's quote on censorship in apartheid South Africa is relevant, as it shows how the State Publications Control Board censored all defiant publication against the NP rule. Furthermore, Nadine Gordimer also notified that the State Publications Control Board chooses publications according to categories of people. Meaning that there are "black", "coloured" as well as "white" newspapers, and the news is chosen according to "race". Therefore, not all people knew about the ANC's effort abroad, or if they were, it was from the perspective of the National Party.

Thus, when the ANC takes leadership in 1994 and establishes diplomatic relations with African countries, the people see it as a normal process which is made with other countries. The Pan African concept among the majority of South Africans was not as strong as in neighbouring countries. Only learned people and executives knew of the liberation movement and the bond created during apartheid times. The "African Renaissance"<sup>22</sup> launched by Thabo Mbeki in 1998 aimed to embrace the Africanness of

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<sup>22</sup> Ajulu, Rok. "Thabo Mbeki's African Renaissance in a Globalising World Economy: The Struggle for the Soul of the Continent." *Review of African Political Economy*, vol. 28, no. 87, 2001, pp. 27-42. *JSTOR*, [www.jstor.org/stable/4006691](http://www.jstor.org/stable/4006691). Accessed 28 Feb. 2020.

South Africa and face the major struggles of Africa. During the four early years of ANC governance, the citizens of South Africa had compassion towards African refugees and migrants that came, as long as they did not enter a competition regarding jobs and housing with them.

Although we previously said that the hasty open border plan was a factor for social issues in coming years, the ANC knew that and chose a diplomatic approach that will keep the South African citizens at ease, prevent too much expenses because of the recession and bring some refugees as a token of goodwill for future relations and investments with neighbours. The African National Congress, therefore, juggled between internal affairs and its position among the Pan African community. However, a weak point remains to this day that could cost the ANC its presidency: “The final results put the ANC on 57.5%, the first time the party’s share has fallen below 60% in national elections since the country’s first free polls in 1994.”<sup>23</sup> This weakness is the refugee and migration policies.

### **3. Refugees and Illegal immigrants**

An essential notion which needs to be understood is that the terms refugee, immigrant, migrant and illegal migrant, are not merely categories given by the host country. That is to say that the exiled individuals have no control over their situation or identity as displaced people. According to the label they are given, those individuals are treated differently by the government. However, the population perceives refugees and immigrants as the same. Consequently, to understand exactly what a refugee is, a differentiation between an illegal immigrant and a refugee needs to be made.

An illegal immigrant is a person who entered a country without notifying the customs or without any identification document. A refugee is a person who is forced to leave his or her country, not by choice but to escape persecution or natural disaster. Thus based on the Human Rights Charter, this person has the status of refugee and has the right to aid.

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<sup>23</sup> Jason Burke “ANC celebrates South African election win – now the work begins”  
The Guardian ,Johannesburg 11 May 2019

It should be pointed out that some illegal immigrants in South Africa also left war and persecution and had no choice but to leave. Many illegal immigrants, after entering a country clandestinely seek the status of refugee. Some refugees also do not have identification documents.

### **A. Legal Differentiation**

Although illegal immigrants were crossing the border since the electric fences were switched off in summer 1994, the ANC's first experience with dealing and organising the status of migrants was not an easy task. The government would find many complications in the categorisation of those migrants. The transitional years left the border control and immigration policies unrestrained. The only admission to South Africa was through the migrant worker category. Indeed, after the controversial Aliens Control Act of 1991<sup>24</sup> (criticised by the Human Rights Watch for denying access to refugees) left by apartheid, the new regime continued it until 2002 since African migration was not perceived as a priority. The Alien Control Act is also pertinent as the term "Alien" was used extensively by officials and the media to refer to African immigrants. However, the term "Alien" will be analysed in the third part of the dissertation, as what interests us here is the Aliens Control Act's implication in the legal differentiation between refugees and illegal immigrants.

Due to neighbouring countries entering in civil wars like Mozambique (1977-92), the flow of immigrants streamed in. One interesting point is that the National Party was, in fact, responsible and against independentist movements in neighbouring countries. Mozambique is one example: The South African Defence Force helped the Mozambican National Resistance (RENAMO), against the communist Front for the Liberation of Mozambique (FRELIMO) from 1977 to 1992. Besides the context of the Cold War and anti-communist cause, the apartheid National Party also wanted to undermine the FRELIMO since it backed nationalist parties that were in exile in Mozambique like the ANC and South African Communist Party. According to Stephanie Schwarts, specialist

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<sup>24</sup> Aliens Control Act, 1991 [], 1 October 1991, available at: <http://www.refworld.org/docid/3ae6b5100.html>

on post-civil war migration and assistant Professor of International Relations at the University of Southern California:

In 1980-81, Remano with the help of the South African military, began a bloody campaign of destabilization against the Frelimo regime, which would escalate in a full-scale civil war. To complicate matters, the Frelimo government allowed the African National Congress (ANC), an organisation ardently opposed to the apartheid regime in South Africa, to take up residence in Mozambique and launch sabotage campaigns into South Africa. (Schwartz Stephanie, 38)

It would be righteous for the New South Africa to help and welcome immigrants from Mozambique, as they welcomed South African immigrants. But South Africa did not recognise them as political refugees since that category was not existent. In order to distinguish migrant workers and asylum seekers, the ANC for the first time established an amendment in 1994 that accepts political asylum (Aliens Control Act 1991, Amd 1994). However, because of South Africa's ineffectiveness to administer the amendment and assess the situation in the field, a repatriation programme followed in 1996 with minor regard to the refugees' circumstances:

South Africa only began accepting individual applications for political asylum in 1994. A policy designed to recognize former Mozambican refugees for the purposes of a repatriation program became the (awkward) basis of the asylum procedure up until April 2000. (Handmaker, Jeff 2)

Thus, as soon as the new constitution was ratified and the prospects of a harsh reconstruction of South Africa's economy and employment evaluated, the Minister of Home Affairs, Chief Mangosuthu Buthelezi worked on dealing with the illegal immigrants problem. As reported by the Department of Home Affairs annual report of 1996, 180 713 illegal immigrants were repatriated from South Africa to their country of origin: 83% of them to Mozambique, 12% to Zimbabwe and 2% to Lesotho. Eighty-nine thousand seven hundred forty-six were exempted and granted permanent residency. Although this political move was unexpected, it carried its weight as it officialised the migration problem. From there Mangosuthu Buthelezi announced in June 1996 a migration policy in order to have control over the flux of people entering South Africa. Official policy is fundamental for the government as the illegal immigrants whose real

status is unknown have no excuse to give the law. That strategy will enable the government to clarify its conduct to the UN while still allowing South Africa to deport more “illegal immigrants” to their respective countries. The main problem prior to 1996 was that African migrants had no official documents which provided and protected their new identity. “This meant limiting access to a legal status and documentation, including through asylum, and organising waves of arrests, followed by mass deportations of undesirable foreigners” (Didier Fassin, Matthew Wilhelm-Solomon, Aurelia Segatti 8). By giving some of them an ID, it would be easier to implement laws against illegal immigrants and reduce the presence of migrants into the country without breaking any international laws. It is more accurate to say that the Amendment of 1996 created “illegal immigrants” instead of locating them. The following quotation from the same article summarises our reflection:

The 1991 Aliens Control Act was merely amended in 1995 and 1996 (Handmaker 1999). These amendments were not intended to give more rights to migrants or to render their lives easier but to add higher hurdles to their legal entry or presence in the country in a time when it was becoming a privileged destination for Africans fleeing war or poverty. While official discourses and governmental practices were about nation-building and national sovereignty, the imagined community of suffering embodied in the hearings of the Truth and Reconciliation Commission celebrated South Africans who had been victims of the apartheid regime. (Didier Fassin, Matthew Wilhelm-Solomon, Aurelia Segatti, 9)

## **B. Identification Act: Migrants vs Citizens**

Nonetheless, the policy proved to be effective on the regulatory aspect as the Department of Home Affairs received 201 609 applications by the 23rd November 1996. One hundred seventy-five thousand seven hundred fifty-five people were allowed to stay permanently in 1997, including 124 073 citizens from the Southern African Development Community (SADC). In order to not jeopardise the Pan African alliance of South Africa, the DHA operated closely with SADC. Of the people allowed to stay, 51 504 of them were in South Africa before the implementation of the constitution. Those people worked in mines and were granted residency via the agreement between the National Union of Mineworkers, President Nelson Mandela and Chief Mangosuthu Buthelezi in November 1995. Thus, the report states that:

In terms of the announcement, citizens of SADC states in South Africa who complied with certain conditions could, for a certain period only, apply for exemption from repatriation and acquire permanent residence. [Department of Home Affairs annual report 1996, 34].

This means that South Africa did not allow newcomers but allowed those who were already inside (if from the SADC) a chance to ask for an exemption from repatriation. Indeed, the following year a Draft Green Paper<sup>25</sup> on International migration going in that direction was published by DHA. The paper proposed that the new immigration policy should be enforced more effectively, but should be rights-based, the “government action should be restrained in favour of the rights of unauthorised immigrants.”<sup>26</sup> It also declares that “until there was greater economic parity in the SADC region, it would be premature to open up South Africa’s borders for the free movement of people”. Therefore, a series of policies will be implemented to assure South Africa with an opaque control of the border. In fact, the department of Buthelezi reduced the number of land border posts from which goods are imported and exported from “52 to 19 posts”. The number of international airports allowed to clear international flights was reduced from “36 to 10” [The Star 13 October 1997]. Even though these policies came under the National Crime Prevention Strategy,<sup>27</sup> one of the aims was to regulate the inflow of illegal immigrants in the country. All these policies occurred during May 1997. The date is crucial here as we can see through that how the government was very concerned about illegal migration. This concern comes after the publication of the Identification Act of April 1997; it was through this act that citizens would be identified as the new South Africans, after the fall of apartheid. In that regard, the head of the DHA during an interview claimed that “it was imperative that illegal immigrants did not have access to social services paid for by the taxpayer.” The introduction of a new national identification system, “would discourage illegal immigrants from using fraudulent identity documents and would make social services largely inaccessible to them” [The Star 30 April 1997].

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<sup>25</sup> Green Papers are consultation documents produced by a Department. The aim of this document is to allow people both inside and outside Parliament to give the department feedback on its policy or legislative proposals.

<sup>26</sup> Department of Home Affairs, Draft Green Paper on International Migration, Government Gazette no 18 033, 30 May 1997

<sup>27</sup>The National Crime Prevention Strategy was founded in 1995 and had the proactive objective of preventing crime from occurring.

If the distinction among asylum seekers and illegal Immigrants is blurred and not recognised, the Identification Act now opposes citizens to African migrants. However, one must not think that before the Identification Act, African immigrants had the same rights as citizens and that there was no act differentiating between them. In fact, the Citizen act of 1995<sup>28</sup> acted as legal proof. Still, according to Minister Buthelezi, immigrants used fraudulent documents which enabled them to gain the same status as citizens. Therefore, the introduction of the Identification Act in 1997 provided clearance and biometric justification which can rarely be compromised.

This distinction is further emphasised through the Refugee Act of 1998, which is an amendment of the Aliens Control Act 1991. In this amendment, the term “citizen” is opposed to refugees. Although these Acts and policies seem to be incumbent to the political sphere, it had a real and profound incidence on South Africa’s society.

Conversely, in government officials’ public speeches and in the media, immigration was represented in negative terms of peril and otherness. This perception translated into the generalization of the term “alien,” the criminalization of “illegals,” the stricter policing of borders, the harsher enforcement of the law within the country, and the multiplication of abuses against undocumented migrants and asylum seekers (Human Rights Watch 1998). Using and shaping the trivialization of xenophobia within society, the Department of Home Affairs gradually imposed its restrictive and repressive vision of immigration across governmental activity and society at large. This meant limiting access to a legal status and documentation, including through asylum, and organizing waves of arrests, followed by mass deportations of undesirable foreigners. (Didier Fassin, Matthew Wilhelm-Solomon, Aurelia Segatti 9)

The accumulation of policies such as the Aliens Control Act, under “National Crime Prevention Strategy” (Rauch, Janine 5) suggests a tricky comparison between immigrants and criminals. The media conveyed speeches by officials on immigration in conformity with the policies to the society. The debate on regulation and migrants distinction occurring in the context of the Identification Act was the very spark that ignited inclusivity and xenophobia in South Africa. In a speech to the National Assembly made on the 17th of April 1997 by Minister Buthelezi stated that:

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<sup>28</sup> The South African Citizenship Act (No. 88 of 1995) provided for the acquisition, loss and resumption of South African citizenship after the fall of Apartheid.

With an illegal population estimated at between 2.5 million and 5 million it is obvious that the socio-economic resources of the country, which are under severe strain as it is, are further being burdened by the presence of illegal aliens.<sup>29</sup>

Statements such as this one created fear among South African and African immigrants alike. However, the causes of this fear are different but intimately linked to the will of bettering one's life. On the one hand, the South African citizen, especially the black citizen, after much struggle during apartheid (being at the lowest position of the South African social strata), feared that he would still have to endure poverty. On the other hand, the African immigrants being illegal, or an asylum seeker feared deportation. It is this fear of competition with the "other" that eventually manifested in xenophobic violence.

Hence, the first established migration policies in South Africa, even though controversial, permitted to generate an organised categorisation of individuals on its soil. The government can now differentiate citizens and migrants on one hand and asylum seekers and illegal immigrants on the other hand. Nonetheless, migrants kept entering the country even if the migration policy had its results as "176 351" undocumented immigrants were repatriated in 1997, which is 2% less than the year before. (DHA annual report 1997).

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<sup>29</sup> Minister of Home Affairs, Minister of Home Affairs, Introductory Speech: Budget Debate, National Assembly, April 17, 1997.



## II Human Capital Factor

African immigration to South Africa, although triggered by civil war and social unrest in neighbouring countries, is deeply linked to the search of a stable economic prospect. Therefore, it is imperative to deal with the question of work competitiveness between immigrants and locals, as South Africans tend to accuse African immigrants of stealing jobs. A brief observation on the issue was made in the segment treating the subject of South Africa's early economic plans. Nonetheless, this part will aim to gain deeper insight into the notions which revolve around labour and its repartition among citizens and African immigrants in the paradigm of perception of African migrants in post-apartheid South Africa. Thus, the examination of labour allocation, following the fall of the previous regime, should be guided by a concept of capacity which will be designated as "skills."

It is through skills that individuals are more competitive than others. After the rebirth of South Africa into the "Rainbow Nation," the government fought inequalities and injustices by dint of social measures such as the Truth and Reconciliation Commission. This fight's purpose was to change inequality factors which relied on "race" into social classes and skills. The same schema was followed for jobs, as during apartheid "black" South Africans or "Africans" as the National Party called them, were not allowed to do particular types of jobs because of racism. However noble the task was, the challenge of changing inequalities in terms of functions would be and still is arduous, not on the basis of "race" but on the question of skills. In fact, this notion of skills shares historical links with "racial categorisation" which date back to the "Bantu Education Act," and even before apartheid. It is, therefore, primordial to observe the question of human capital during apartheid, to understand the advancement of skilled labour system implemented by the Republic of South Africa. Furthermore, the labour repartitions and skills in apartheid South Africa is not a deviation from the African migration predicament as they are linked and would lead to the very accusations made by South Africans today labelling them as "job thieves."

Human capital is an economic term which means "the skills, knowledge and experience of a person or group of people, seen as something valuable that an organisation

or country can make use of."<sup>30</sup> The apartheid regime allocated skilled labour to "white South Africans", whereas unskilled labour and manual labour was allocated to "black South Africans". The need for unskilled labour was in demand during the whole 20th century as the mining industry culminated during that time.

The country seeking cheap labour established many laws which forced the hands of "black South African" to work in gold and diamond mines.

In view of the problems associated with the sufficient supply of unskilled labor in especially the mining industry, the government of the day instituted (coercive) measures in order to encourage labor migration. The introduction of hut and poll taxes forced African people to supplement their subsistence economic activities with money earned by selling their labor (Viljoen, 1994:5). Another measure encouraging labor migration was legislation instituted by the state, such as the Land Acts (Act 27 of 1913 and Act 18 of 1936) that declared squatter farming illegal and thus placing restrictions on the farming activities of African people, that ultimately led to the collapse of African agricultural production (Gelderblom and Kok, 1994: 71). (Smit Ria, 534).

The impoverishment of the "black South African" enabled the companies to lower wages in the mining industry and to prevent "black" communities from being self-sufficient. These dictates, such as the Land Act and the Bantu Education Act, were the origin of the unequal post-apartheid society we have now, be it economically or socially. Nevertheless, if this allows us to understand why there are so many inequalities between South Africans today, it does not explain why we have a competition between South Africans and African migrants. The response to that resides in the South African recruiting agencies for mining corporations. These recruiting agencies had a one only goal which was providing the cheapest labour possible. Although those agencies were present in South Africa's rural areas or in "Bantustan territories"<sup>31</sup>, they were also present in other African countries. Professor Ria Smit explained in her article:

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<sup>30</sup> Definition provided by Oxford Learner's Dictionaries:  
<https://www.oxfordlearnersdictionaries.com/definition/english/human-capital?q=human+capital>.

<sup>31</sup> "Bantustan" also known as Black state were 10 territories designated as pseudo national homelands for "black" Africans originating from that region. It was created to limit and enclose black south africans to prevent their movement in the country. Although those territories were located in South Africa, the "black" individuals living there were denied South African citizenship.

"Another factor that pulled African men into the migrant labor system was the existence of recruiting agencies such as the Witwatersrand Native Recruiting Corporation (Omer-Cooper, 1987: 170). These agencies were hired to recruit African men as cheap labor from both the South African rural areas and countries bordering South Africa, such as Mozambique, Swaziland, Lesotho and Botswana (Head, 1995: 96; Matlosa, 1995: 6),"(Smit Ria, 535).

However, mining was not the only field which required a cheap, low-skilled workforce. The agricultural sector, especially during the late 20th century, developed and needed a workforce. Thus, many contracts were granted to African migrants, even though the majority of those migrants were not in South Africa to seek labour. One example can be that of Mozambicans who fled the civil war, which was supported by the South African government. However, in the NP's crafty way of doing things, Mozambican migrants were not acknowledged as refugees, hence pressuring them to be enrolled in low-skilled jobs in rural areas and the city for manual labour (Pieter Kok, John Oucho, Derik Gelderblom, Johan Van Zyl, 81). This rejection in the acknowledgement of asylum seekers came under the Alien Control Act.

The exploitation of African immigrants and "African" locals, by apartheid, is not to be seen as different types of exploitations. Of course, the situation of African migrants from neighbouring countries and that of Africans from the so-called "Bantustan," are not the same in term of ethnicities society and history, meaning that both had respective circumstances and environments which they had to overcome: Africans from "Bantustan" against apartheid and African immigrants against the exceptional situation at home (civil wars or drought).

Nevertheless, from the standpoint of labour conditions in apartheid South Africa, many similarities could be observed between them. African locals who would later be South African citizens of the RSA and African migrants, were allowed for two years contracts in low-skilled jobs, by mining, construction or agricultural cooperatives. Following the end of the contracts, the workers would return to their countries and homelands and ask for a second one. According to the Secretary of Bantu Administration and Development in a circular distributed in 1967:

It is accepted government policy that the Bantu are only temporarily resident in the European areas of the Republic, for as long as they offer their labour there. As soon as they become, for some reason or other, no longer fit for work or superfluous in the labour market they are

expected to return to their country of origin or the territory of the national unit where they fit in ethnically if they were not born or bred in the Homeland. (Micheal Savage 195)

Therefore, one could say that Zulu, Xhosa and other Ethnic groups of South Africa had the same status as Mozambicans or Zimbabweans. Some are African migrants within South Africa and others from neighbouring countries.

Moreover, A system of pass laws which permitted the holder of a work passport to enter European areas was given to workers be it from “Bantustans” or foreign African countries. In order to get a permit, one had to have a job, whether it was in the cities for women or in factories for men. Hence, influx regulation through the pass books “have been used to control the freedom of movement of the African population and to circumscribe their access to labour markets in both urban and rural areas” (Savage Michael, 2).

While they stayed in apartheid South Africa, “black” people from “Bantustan” or neighbouring countries lived in the same compounds in terrible conditions. For instance, Lwandle single-sex hostel<sup>32</sup> had six people living in one room. Furthermore, the location of those hostels is also relevant as they were situated in segregated areas. Since there was not enough room in the hostels, workers built slums which are referred to as townships. Locals and foreigners inhabited those townships, just like the labour compounds. These comparable features between African migrants and local migrants in situation and quest for labour could be seen as the origins of the job competitiveness between South Africans and African migrants after the fall of apartheid. The competitiveness for labour was further emphasised by the opportunistic view of corporations which established the two years contract and circularity of jobs between locals and foreigners to lower wages and maximise profits.

The apartheid government’s and employers’ preference for ‘a temporary, oscillatory migrant system rather than a permanent indigenous labour force in order to minimise labour costs and welfare expenses’, along with the mix on the gold mines of a few skilled workers and a large number of unskilled African labourers, necessitated recruitment to supplement the supply of indigenous labour (Adepoju 1988). For decades during the apartheid era the contract labour system dominated the lives of labourers, who were recruited by employment agencies in

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<sup>32</sup> Lwandle single sex hostel was a migrant labour house for agricultural “black” workers near Cape Town.

Botswana, Lesotho and Swaziland (BLS) as well as from Malawi, Mozambique and Zimbabwe, on two-year contracts, and housed in appalling conditions in single-sex hostels (Taran 1991), (Pieter Kok, John Oucho, Derik Gelderblom, Johan Van Zyl, 39).

Still, the apartheid regime did not give African immigrants access to documentation, even though they worked in South African corporations. This is principally why after the fall of apartheid; they were so many “illegal” immigrants as they were not given migration papers such as visas or refugee cards. Hence the subsequent events and Amendment we analysed previously about the Alien Control Act and Identification Act of 1997.<sup>33</sup>

Although the use of African migrants by apartheid had a real incidence on South Africa’s social and economic structure in the labour system until 2002, the hate speeches and riots targeting them should not be observed as an objective sought by apartheid to undermine the relations between African locals and foreigners. The purpose was viciously practical to create competitiveness and to diminish losses, which would raise production and profit, without any care about the strains and negative effects it had on the workforce. Thus, past governmental applications by apartheid were not the only cause for the hostile perception South Africans have on African migrants today but are constituents of the broader equation.

Upon the rebirth of the Republic of South Africa until 2002, the labour system for foreign African migrants did not fundamentally change. Corporations and cooperatives still relied on African migrants' vulnerability. Nevertheless, the political atmosphere of the late 1990s brought changes to the identity of African migrants—previously just migrants with no documentation; they became documented or illegals.

This period also shows the rise of animosity toward African immigrants as deportations were massively applied in the context of the Identification Act.

If the deportations were justified by a concern for the reconstruction of South African society, the labour market was targeted as well.

The concern was to put South Africans to work so that they could engage in the new society. Therefore, deporting foreign African migrants seemed a practical choice since the apartheid regime did not give them documentation, and eventually depended on their cheap labour. We hence observe new oppositions in the labour forces; a post-apartheid one, which remains focused on the concept of skill.

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<sup>33</sup> Refer to part 1 chapter 3

The evolution of labour force will be analysed here, with the notion of regulations which are different from apartheid. A shift from low skilled to skilled labour leading to the first Immigration Act of the RSA in 2002 could be noticed. A key figure in that evolution is the Congress Of South African Trade Union (COSATU) which is quite contradictory in its stance on African migrant labour system.

## **1. Workforce**

Following the ANC's arrival to power, the situation changed for African migrants. Previously coveted for being undocumented, and employed because of that, they are now forsaken for the same reason. It is crucial to recall that those immigrants, although not bearing documentation, are refugees who were denied their rights, and hence forced to work to live. For the majority of them did not arrive after the fall of apartheid but were in South Africa before. An interesting point here is that foreign African refugees and black South African both suffered from the same racist laws.

### **A. Cheap Labour**

The transitional period, from 1994 to 1996 and going up to the year 2000, was very difficult for migrant workers as they had no clear administrative prospect. Still, the labour force continued to work in low-skilled jobs provided by the mining and agricultural industry, even though they were subject to mass deportation. The debates about the Identification Act of 1997 and the Refugee Act of 1998, put the African immigrants in a position of visibility. Therefore, the black African immigrants were exploited on three different scales. The first level is by the government which seeks to redefine the South African society. The second is by corporations and recruitment agencies which used the migrant's vulnerability to exploit their cheap labour. Lastly, African immigrants are also the focus of the population's hate (materialised into xenophobia) as they perceive them as a potential threat to their citizen's rights and labour. According to an article published in the *Third World Quarterly*:

Migrant workers are often preferred as cheap labour with limited, if any security and meagre pay. In other words, profits and other benefits for capital are the fruits of the exploitation of migrant workers. At a state level the celebratory open citizenship for all South Africans is masking the second parallel process that is occurring: the ‘rainbow nation’ is being built on the exclusion of the black African ‘other’, the Makwerekwere.

( Nicos Trimikliniotis, Steven Gordon and Brian Zondo, 1331)

## **B. Brain Drain and Skilled Immigrants**

The late 1990s and early 2000s, although focalised on African migrants already present in South Africa, saw an increase of post-apartheid immigrants both in numbers and diversity.

Previously coming from mainly SADC, illegal and legal African migrants during the Mandela years came from a wide range of countries. From Somalia in the east to the DRC in the west and even Egypt in the north, the Republic of South Africa seems to attract migrants from all over the continent. With this post-apartheid wave of immigrants coming from the SADC and all the African Union, a shift could also be observed by the economic purposes and skills of these new African immigrants. Indeed, the employment sectors that are usually enrolled by immigrants are the mining and agricultural industries; to be fair, these industries still provided work permits to immigrants till the early 2010s. However, diversification of jobs and enterprises initiated by African immigrants could be noted. This diversification shows how the adaptability and skills displayed during the South African economic growth period up to the year 2008.

What is new perhaps is the scale and diversity of the origin of present-day immigrants, bringing their skills, enterprise and drive, and eager to explore prospects in Africa’s most buoyant economy. Motivated, adaptable and less scornful of menial work, immigrants not only take on jobs that most locals loath, they also accept lower wages which locals scorn, prompting charges by labour unions that these immigrants depress wage levels (The Economist, 2 September 2000: 19). (Pieter Kok, Derik Gelderblom, John Oucho, 40).

This opportunity for African immigrants was possible at the expense of the South African “brain drain.” The “brain drain” is the emigration of qualified, and trained population from a country. The reason, among many others, for this emigration, is the

fear of unstable prospects and security after the transition from apartheid to the New South Africa. It is relevant to say that most of those stating this justification are the ones who benefited from the system beforehand. Among them, “white” people who supported the apartheid regime but also others who did not. Nevertheless, the emigration had negative impacts on the economy and employment. Following this mass emigration out of South Africa, the government recommended several plans to improve the economy, such as the RDP and GEAR. What it meant for African immigrants was that South Africa would focus on skilled workers and professionals from all over the world, including African countries. From maintenance, services and trades work to professionals and managing sectors, South Africa was desperately in need of skilled labour.

Other emigrants, attracted by higher wages in developed countries, consisted mostly of engineers, accountants and doctors. The shortage of local doctors has forced the South African government to recruit foreign doctors from Africa, especially from Zimbabwe, [...] to fill empty posts, especially in the under-served rural areas (Johns 2001; Adepoju 2003a). (Pieter Kok, Derik Gelderblom, John Oucho, 41)

### **C. Precarious Contracts for Unstable Status**

The immigration policies and debates occurred with this notion of brain drain in mind. Although in need of human capital, the ANC was very restrictive in giving permits and visas to immigrants. In order to enter legally one has to have documentation attesting his skills, promises of employment by South African agencies, and a bank account. The duration of the stay in South Africa had to be specified and often concurred with the duration of the contract of employment; going from one to two years, up to four years after the legislation of the Immigration Act 13 of 2002. This prospect was for immigrants who applied and entered through South African administrative agencies. For those who immigrated illegally for economic purposes or as asylum seekers, their presence was seen as undesirable. There was and is only one way for a refugee to get a formal job in South Africa. The procedure is to gain refugee status first. However, to obtain the status, the asylum seeker is in a race against the clock. The application for refugee status is costly and often targeted by corruption from officials. While the applicant is assembling his file to get refugee status, the authorities could at any time deport him or her for the absence of documentation and therefore being an “illegal immigrant.” The duration of the permit



is six month and has to be renewed. Thus, one who was a refugee yesterday could be illegal tomorrow.

The period of six months is also problematic as hiring agencies tend to give stable jobs to applicants with one year permit of residency. For all others, the categories available to them were precarious or informal jobs, “the asylum seekers had to renew their permit every six months, an operation so costly in terms of both time, owing to the queues, and money, because of the need of bribe, that many were ultimately deterred.”(Didier Fassin, Matthew Wilhelm-Solomon, Aurelia Segatti, 4). Besides, amid the end of the contract of employment, many who came legally decide to stay.

#### **D. Informal Trade**

South Africa passed new immigration legislation in 2002, acknowledging that border control cannot totally stop illegal migration to South Africa. This law depends mainly on requiring employers to ensure that their employees have the proper documentation to work in South Africa. This approach concentrates on regulating those who take jobs with a wage-paying employer, and is less concerned with illegal migrants who work on their own account, such as in informal trading. (Barbara A. Anderson, 100). By informal trading, the circumstances of spaza shops is a pending issue which enters into that category. After menial and short term employment contracts, many African immigrants, who chose to stay in South Africa legally or not, resolve to open businesses and services in order to make a living. One of the two most common informal enterprises present in the townships is the spaza shops. The spaza shop is a neighbourhood grocery store. With the "shebeens"<sup>34</sup>, they constitute the centre of the economic environment of the townships. Auto-entrepreneurial type of jobs tends to allow (if the project works) a quicker path to earning a social and economic status. Between the 2000s and 2008, a trend shows a rise of spaza ownership by African immigrants. This trend reached a milestone in 2016 where foreign-owned spazas exceeded South African owned, in terms of numbers in certain cities.

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<sup>34</sup> Shebeens are private houses or clubs in which they sell alcohol. They were prohibited during apartheid. Now the shebeens are informal licensed drinking place in the townships.

A survey conducted by Sustainable Livelihoods Foundation in 2016 demonstrated that from Delft Cape Town to Durban in 11 sites, the total of spaza owned by foreigners was 541 against 510 for South Africans. 236 of the 541 spazas were owned by Somalian, 149 by Ethiopians, 48 by Mozambicans and 28 by Zimbabweans<sup>35</sup> (e.g. Annex2). While this might be representative of the places where the survey was done, it is not for the whole country and does not mean that they were more neighbourhood groceries owned by African immigrants instead of South Africans in the country.

In the last ten years, the spaza sector has witnessed the rise of foreign ownership, principally by migrants from the rest of Africa, but also by Bangladeshi and other South Asian migrants (Charman et al. 2012). This change of ownership has impacted on township life in several ways, and is often cited as one reason behind the xenophobic attitudes and attacks evidence in South Africa, especially since 2008. (Piper Lawrence, Charman Andrew 333)

The presence of foreigners in low skilled factories and the small businesses of proximity in the townships generate high visibility of African immigrants in a variety of labour sectors which the local South African come across in his or her daily life.

## **2. Immigration Act of 2002**

In order to organise and grasp all potential flaws of the system, especially regarding work migration, the government indulged into the creation of the first post-apartheid Immigration Act. Entitled the Immigration Act 13 also referred to its date of implementation Immigration Act of 2002. It should be highlighted that this law is still applied to 2020 as it was amended several times, the last draft being in progress for 2020 regarding the Critical Skills List.

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<sup>35</sup> The survey was established by the authors under the supervision of the Sustainable Livelihood Foundation which is a relevant research agency.

## **A. A Restrictive Bill**

The 12 March 2002 a White Paper<sup>36</sup> on migration was drafted with the concern of accepting inside the country only skilled labour and contract workers. A shift from low skilled to skilled labour can be observed onwards. The motive for this change is the brain drain added to the employability ratio of African immigrants in the primary sector of labour, such as the mining and agricultural industries. The South African government aimed to ensure employability of locals in those sectors and bring skilled foreign assets for sectors where there was a lack of workforce. In the preamble, a description of the goals informs that "the Immigration Act aims at setting in place a new system of immigration control which ensures that [...] the contribution of foreigners in the South African labour market does not adversely impact on existing labour standards and the rights and expectations of South African workers."

The first part of the preamble connected to all the listed sections, uses the word "control" in it and shows that although the White Paper promotes skilled labour entry and tourism, it is still focused on restrictions. According to Professor Barbara A Anderson:

The new law (Immigration Act No. 13) has been criticised for not addressing emigration, with some people thinking that emigrants should reimburse the state for their education. It has also been criticised for making the bureaucratic barriers to skilled potential migrants from elsewhere in Africa very difficult to overcome, resulting in the immigration of only a few skilled workers (Bernstein, *The Star*, 10 October 2002). Yet others have criticised the White Paper on Migration as being too concerned about the brain drain and contend that its magnitude has been exaggerated (Southern African Migration Project 2001a: 12). (Barbara A Anderson 101)

## **B. Xenophobic Assumptions**

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<sup>36</sup> White Papers "are issued by the Government as statements of policy, and often set out proposals for legislative changes, which may be debated before a Bill is introduced. Some White Papers may invite comments." Definition by the United Kingdom Parliament.

Moreover, the restrictive policy seems to concur with the negative South African view of African immigrants. Professor Anderson highlights a concomitance between the measures taken by the state and the rise of the HIV epidemic. "Since the beginning of the AIDS epidemic, some people's feelings about temporary workers from elsewhere in Africa have become more negative, as international migrants have been seen as a conduit into the country for the HI-virus (Chirwa 1998; Hunt 1989)."

Of course, the issue is broader than that. If other aspects influenced the Immigration Act, the primary reason was to prevent competition between South Africans and African immigrants in the employment market.

Apartheid had prevented "black" South Africans from acquiring some skills which were labelled inadequate for them. Hence the majority of "black" South Africans represented a low skilled labour force in direct competition with immigrants in primary sector industries. The Immigration Act 13 came as a part of the gear chosen to put South Africans to work and improve their skills. Nevertheless, the Act and the mediation of it by platforms emphasised the xenophobic sentiment, which was already existing. The policy faced much criticism. Therefore to avoid the Act from being misinterpreted an amendment in 2004 insured that the "civil society is educated on the rights of foreigners and refugees."<sup>37</sup>

The amendment showed the government intent to not fall again into a dual perception of immigrants—one which opposes immigrants to the national interest like in the Identification and Refugee Acts. In a review for the Agence Française de Développement, Professor Landau and Professor Segatti, two major South African-based scholars on the subject of immigration in the Republic of South Africa, put forward the fact that the:

subsequent amendment to the Act in 2004, and various statements by officials from President Mbeki downwards. At least at senior levels of policy-making, there is a clear recognition that a more nuanced policy on migration is necessary and that this should be based on an appreciation of the role of migration in regard to South Africa's society and economy in the largest sense, and not merely to certain sectors such as agriculture and mining. (Aurelia Segatti, Loren B Landau 30)

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<sup>37</sup> Available at: [http://www.dha.gov.za/IMMIGRATION\\_ACT\\_2002\\_MAY2014.pdf](http://www.dha.gov.za/IMMIGRATION_ACT_2002_MAY2014.pdf)

The amendment focused on making the list of skilled immigrants of 2002 more selective. 2004 was also the time where the Accelerated and Shared Growth Initiative for South Africa (ASGISA for short) was mandated. This plan aimed at reducing poverty and unemployment of South Africans by 2014. A branch of the plan is the Joint Initiative for Priority Skills Acquisition (JIPSA). As indicated in the acronym, the organism seeks to increase the number of skilled individuals through different intermediaries from the DHA and the amended Immigration Act to the Department of Basic Education and formation of South African's skill. The amendment of the Immigration Act 13 is in some way, complementary to the JIPSA.

JIPSA is led by a committee of relevant ministers, business leaders, trade unionists and experts in education and training. Its purpose is to identify what skills are needed and to seek solutions. These may include creating special training programmes, and bringing in retired persons or South Africans who are currently living outside the country, 'drawing in new immigrants where necessary' according to the government.(Aurelia Segatti, Loren B Landau 49)

### **C. Conflicts and Debates: Factors for Amendments**

Still, the Immigration Act 13 is a selective law like most immigration acts are around the world. Selectivity is not an issue, as a country needs to keep track of the influx of locals and foreigners who are migrating in and out of it. Whether it is for educational, economic or touristic purposes, it helps the government to have a clear vision to administer the country effectively. In the Immigration Act 13 case, if the content seemed reasonable, the form of delivery was not. This is why amendments are a necessity. The Immigration act of 2002 is an evolving law which keeps adjusting its contents and aspects depending on the social and economic contemporary requirements. For instance, a publication of a draft on the readjustment of Critical Skill List which will reduce the categories of skills entry was to be published in 2020. This means that the critical skill work visa will be harder to get.

One relevant notion is the debate prior to the Immigration Act rather than the document itself, which means the elaboration process of the Green Paper<sup>38</sup>. Green Papers set out for discussion, proposals which are still at a formative stage. It is often at that stage that the bill's proposal is lobbied or opposed by unions and corporates.

During intragovernmental prospection with several Departments, which might be concerned by the Green Paper, the soon to be Immigration Act 13 unveiled a conflict of interests between the DHA and the Department of Labour on the question of Immigrant workers. The DOL was backed by Trade Unions and the Department of Home Affairs by its concern to stop illegal migration.

The conflict itself does not help our research, but the topic and the parties involved give us access to a new perspective on African immigrant workers. This point of view comes from Trade Unions which weigh considerably on industries and employment. It is partially because of the Union's pressure that the Immigration Act 13 saw its first amendment in 2004.

### **3. Trade Unions**

We can see that although the policy focuses on immigration control, there are broader motives to the Act which are related to employment, housing, economy and healthcare. Whatever the motives are, the drafting of an Act should be consulted and debated with all representatives who are impacted by the law, be it administrators, civilians, corporates or organisations such as Trade Unions.

#### **A. The DHA and Trade Unions: The Negotiation Process**

In regard to the employment and workforce aspects of the Immigration Act 13, the Trade Unions and the Department of Labour denounced the fact they were not counselled during

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<sup>38</sup> According to the United Kingdom Parliament the “Green Paper is set out for discussion, proposals which are still at a formative stage.”

the NEDLAC negotiations of 1999, and the inhuman approach by the DHA on the question of illegal immigrants which was repetitive and put out of context.

The accusations came after the National Economic Development and Labour Council of November 2001, during the negotiation concerning the White Paper on international migration. A delegation of Trade Unions composed of the Congress of South African Trade Unions (COSATU), the National Council of Trade Unions (NACTU) and the Federation of Unions of South Africa (FEDUSA), accused the DHA of not having negotiated the bill at NEDLAC of 1999 during the Green Paper elaboration. The DHA denied it, stating that the negotiations took place two years ago.

The NEDLAC process began in mid-2001 with much confusion generated by the Department of Home Affairs (DHA). The DHA has repeatedly attempted to block negotiations on the Bill by claiming (incorrectly) that the Bill had been negotiated at NEDLAC at the same time as the 1999 *Draft White Paper on International Migration* (the White Paper). However, as the NEDLAC report on the White Paper reflects, the agreement was to table the Bill at NEDLAC only once the parliamentary process on the White Paper had been completed. However, the White Paper has never been finalised. Despite this, a decision was taken to initiate discussions on the Bill at NEDLAC when it was introduced into Parliament. (Joint Submission of COSATU, NACTU and FEDUSA 2002)

The Trade Unions implies an apparent attempt by the Department of Home Affairs to put them under a *fait accompli*. Nonetheless, the Trade Unions argued for a more lenient Bill towards the low skilled immigrant workers. Jeopardising the talks by discussing the Bill during the White Paper process instead of the Green Paper, and having the NEDLAC meeting occur at the same time as the parliament deliberations were clearly meant to force the hands of the Trade Unions.

In order to understand the situation, we should dive into a bit of judiciary concept which defines the terms, White Paper and Green Paper.

In accordance with the United Kingdom Parliament which invented the terms, a Green paper is an administrative proposition belonging to a Department that issued a concern for a debate on a particular subject. Several councils then discuss the subject to see if it is eligible or not to become a Draft White Paper. Once a Green Paper becomes a Draft White Paper it falls upon the government's responsibility and not the Department which

proposed it. After passing by Parliament, the Bill becomes the White Paper which everyone has to obey. Nevertheless, the Act can be commented on and submitted to change via amendments. The amendment of the Immigration Act 13 in 2004 was in part the result of the Submission quoted previously.

## **B. Immigrant Workers a Selective Perception**

Two main points which the manoeuvre of the DHA wanted to evade was the section on migrant Labour market and the section on illegal migrants primarily African immigrants, as the conflict between the Trade unions and the DHA reside around the SADC paradigm. After the NEDLAC dispute, the Trade Unions delivered a submission which addressed those points. In the introduction of that Submission, the Trade Unions claimed that "We believe that immigration policy is a key component of social and economic development both in South Africa and more broadly within the Southern African region."

Although the Trade Unions defend the condition of cheap labour immigrants from the Southern African region, they display a harsh stance against "skilled" and "illegal" immigrants.

The perception of African immigrants from the Trade Union's point of view is, hence, contradictory and relies extensively on the interest of the Unions. This paradox between a pro-immigrant and an anti-immigration stand point reveals that the Trade Unions are, themselves, selective of their opinions.

Demand for low skilled labour fuels the pro-immigrant stance, whereas the Trade Unions oppose high skilled labour migration.

It is worth noting that today the approval entry of immigrant workers is very selective, but the Immigration Act 13 was less so in its initial creation. Thus the pro or anti-immigration stance of the Trade Unions is more nuanced than an inflexible perspective.

As observed previously, the Department of Home Affairs limited access to the low skilled African immigrant labour force while encouraging skilled immigrants to come to South Africa because of the brain drain. The Trade Unions invited the DHA to be more selective



of the skilled immigrant and more comprehensive towards low skilled labour. This was the reason why the Trade Unions were opposed to the Immigration Act since it removed restrictions for skilled foreigner while applying it for menial migrant workers.

The immigration legislation in South Africa is heavily focused on removing restrictions and obstacles in previous legislation that prevent skilled labour from working in South Africa. Organised labour criticises this openness, claiming that this focus is detrimental to local workers and local skill development. (Nicos Trimikliniotis, Steven Gordon and Brian Zondo 1333)

Trade Unions advocate for more restrictive entry of skilled labour as they may obstruct South African workers from jobs. They hence urge for a stricter list of entry for immigrant talents and the improvement skill development of citizens. Notice that this is a gradual plan to keep the labour market functioning while preparing South Africa to overcome the brain drain. This idea undoubtedly allowed the enabling of the JIPSA of 2004 as well as the Critical Skill List update of 2004.

Furthermore, the Trade Unions, COSATU in particular, show a sympathetic view toward low skilled African immigrants as they are, if legal, part of unions as well. In a declaration to the DHA, COSATU stated that the:

'working people of Southern Africa are not the enemy of South African workers. The interests of South African workers are inextricably linked to the interests of our brother and sister workers in the surrounding region.' Immigration policy is therefore conceived of as a potential threat not only to South African workers but to all the workers of Southern Africa. (Nicos Trimikliniotis, Steven Gordon and Brian Zondo 1332).

Another position worth being analysed is the Trade Unions' unwavering resentment toward employers of illegal immigrants. Rather than accusing the illegal immigrants, COSATU focused on the corporations which were involved in hiring them. The point is that by ceasing to provide jobs to illegal immigrants, they would consider coming legally and corporations would ensure worker's rights.

The enemy of the migrant labour system is, under this logic, the employers of 'illegal' migrants who become the causal factor behind the erosion of workers' rights. Rather than target the 'illegal' migrants themselves, the trade unions advocate heavy penalties and more

extensive enforcement mechanisms to prevent the practice of employing 'illegals'. (Nicos Trimikliniotis, Steven Gordon and Brian Zondo 1332)

Moreover, during the NEDLAC discussion's labour organisation denounced the DHA's proposal of being too concerned about illegal immigration and the brain drain. The initial Immigration Act suggested a strong resentment of illegal immigrants from Africa in particular. The critics by COSATU and the Department of Labour condemned the implicit negative view of immigrants that the DHA conveyed through the Draft White Paper. The fear was that by extensively discriminating against illegal immigrants in the Bill, the sentiment would spread to legal immigrants in an already xenophobic environment.

COSATU accused the former, and its policy proposals of a xenophobic 'preoccupation with illegal migration [which] results in a failure to provide a coherent immigration policy and in certain respects the avoidance of issues'. It argued that such a preoccupation would 'further engender paranoia, which will then make it difficult to have a rational and humane approach to illegal migration. (Nicos Trimikliniotis, Steven Gordon and Brian Zondo 1332)

### **C. Illegal Immigrants the Trade Unions Contradiction**

Perhaps the most intriguing standpoint vis à vis of the Immigration Act 13 by the Trade Unions is the clause 4.4.7. The section promoted the notion of re-regulation of illegal immigrants as legal workers and would provide a stock of workforce available to employers in conformity with their needs and durations. The clause meant that illegals could become legal workers for a short term. Temporary migrant workers were the baseline system during apartheid. It should be known that as we explained in our segment on Workforce temporary migrant workers were responsible for the creation of the first illegal African immigrants in South Africa. It was also the situation before the Immigration Act from 1994 to 2002. immigrants would come legally work for a short period of time, then either go home or stay illegally. Nevertheless, what the clause encouraged was to reuse the illegal immigrants as a legal labour force. The defenders of that idea claimed that it would reduce illegal immigrants in the country while providing the labour markets with temporary workers who could be later unionised. Still, the Trade Unions were against that section of the Bill which caused them to be criticised as being contradictory. Denouncing illegal immigrants and their hiring by companies, on the one

hand, and denying a juridical path for legalising and giving worker's rights to them on the other hand.

It is the movement's opposition to temporary workers programmes (programmes that would allow South African employers to recruit workers from the SADC region) that is the most striking example of this contradiction. The White Paper (para. 4.4.7) and the Green Paper advanced the notion that the 'provision must be made to meet . . . labour supply requirements when there is agreement to proceed'. This White Paper suggestion is basically that the labour demands of workers whose conditions of employment do not comply with the prevailing conditions should be satisfied through a legal and regulated system rather than ignored and fulfilled through illegal means. COSATU criticised the government for opening itself up to the possibility of a two-tier or multi-tier labour market. (Nicos Trimikliniotis, Steven Gordon and Brian Zondo 1333)

Although contradictory, the perspective of the Trade Unions is understandable. Relying on this tier system of temporary migrant workers, who by extension are temporary legal workers, would lower the wages, deprive South African of part-time jobs and increase the flow of illegal immigrants as they would see an opportunity through this law.

The opposite is also debatable as the Immigration Act prevents low skilled migrant labour from entering the country, the legalisation of already present illegal immigrants would deliver an affordable workforce to industries.

Thus Trade Unions seem to mix their vision of immigration with their struggle with employers. "COSATU perceives xenophobia as an 'irrational' and 'artificial' phobia created and spread by employers to divide workers;" (Nicos Trimikliniotis, Steven Gordon and Brian Zondo 1333). Nonetheless, despite the restrictive stance on skilled labour migration, it should be pointed out that Trade Unions are somehow a balance between citizens and non-citizens legal workers advocating for their rights during governmental talks such as the NEDLAC. Consequently, the discussions and submissions allowed to improve labour and immigration Acts even nowadays as they keep participating in the meeting, the last one took place in 2019.

### III The Rise of Xenophobic Violence

The rise of xenophobia versus “Afro-phobia” in particular, is the subject of post-apartheid cultural studies today, even more so after the recent riots of March and September 2019<sup>39</sup>: “A 22-year-old man was shot dead and two others injured after more than 100 people stormed tuck shops in Kenville outside Durban on Sunday.”[Times Live 25 March 2019] and “rioters in and around Johannesburg targeted immigrants from other African countries this week, torching their shops and leading to at least 10 deaths” [The New York Times 5 September 2019]. However, as we saw previously, the appearance of violent xenophobic movements among South African citizens is not a recent one, it starts from the birth of the New South Africa and the fall of Apartheid. The transitional period was susceptible as the constitution was ratified in 1996, and the new identification documents were distributed to the citizens in 1997. Therefore, “undocumented” citizens and undocumented migrants (asylum seekers or not), had similar footing and the government had to handle and differentiate between them to manage the society they inherited from the last authoritarian regime. Nevertheless, in the process of identifying legal immigrants from illegals and asylum seekers (going from 1993 to 2002, and 3 acts plus five amendments), the government used terms and criteria like “aliens” and “criminals”:

South Africa’s redefinition of the boundaries of citizenship and belonging is based on the creation of a “new other”; the “non-citizen”, the “foreigner”, the “alien”.<sup>1</sup> Intolerance, bordering on xenophobia, has intensified dramatically since 1994.<sup>2</sup> Violence against foreign citizens and African refugees has become increasingly common and communities are divided by hostility and suspicion.<sup>3</sup> In 1997, the Southern African Migration Project (SAMP) set out to document the character and extent of xenophobic sentiment in South Africa. (Jonathan Crush and Wade Pendleton 4)

Those labels were communicated to citizens by the media and officials with a seemingly innocent intention to convey the news and evolution of the laws of the Republic of South Africa. Unfortunately, after the Identification Act of 1997, discrimination was and still is rampant as more migrants arrive from African countries and the government fails to strengthen the economy and security with neo-liberal policies. This failure of the “South

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<sup>39</sup> Riots on 25th of March in Durban and the 1st to 5th of September 2019 in Johannesburg and Gauteng.

African renaissance” is seen as the fault of migrants. Many forums and political groups vent this sentiment through speeches and posts. For instance, a statement published by the Sisonke Peoples Forum on its platform : “Enough, is Enough, on selling of drugs, on property theft, and on our work taken by foreign nationals”<sup>40</sup>. The SPF is one of the many groups which deliver similar statements to disenfranchised South Africans, even prompting them to take action.

Thus for the majority of poor South Africans, the problem of jobs and housing is a matter of competitiveness against “black” foreigners. For more than two decades, a profound resentment against African migrants has rooted itself in the hearts of South Africans. Words like *Kwerekwere*, *Grigamba* and *Kom van ver* which mean “Africans who are not South Africans” or “people who come from far”, those words exist in multilingual South Africa from colonial times. However, they did not achieve such a degree of connotation and filth as we can see today. Indeed, (*Ma*)*Kwerekwere* has evolved from someone who is black as coal in terms of complexion to someone who has a “pungent smell.”<sup>41</sup>

The marginalisation of these negative substantives reflects the hate and racism against African migrants. Amid the generalisation of difficulties facing South Africa, the African migrant is perceived as the reason. If he is unemployed he is illegal or criminal, if he has a job, he is the reason why a South African does not have one. If you have AIDS, it is because of the immigrants. In the eyes of Afrophobic South Africans, everything seems to lead to African migrants from Economy, Security to Health Care and Politics.

The resentment culminated in a series of riots in 2008 that started in the Township of Alexandra in the suburbs of Johannesburg, eventually spreading to Cleveland, Diepsloot, Hillbrow, Tembisa, Primrose, Ivory Park and Thokoza<sup>42</sup>. The victims of those riots were primarily Zimbabweans, Malawians, and Mozambicans but also South Africans who befriended or were married to African immigrants: out of the 62 killed

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<sup>40</sup> Ferial Haffajee and Chanel Retief, “Migrants’ forum claims police were warned of impending xenophobic attacks”, *the Daily Maverick*, 4 September 2019

<sup>41</sup> Documentation available at:

<https://thoughtleader.co.za/mandelarahodesscholars/2008/05/15/on-makwerekwere>

<sup>42</sup> Barak Barry, “Anti-immigrant Violence in Johannesburg” *The New York Times* 19, May 2008

during the riots 21 were South African citizens<sup>43</sup>. Similar mobs killed, destroyed and looted African immigrant's houses and shops nationwide (Western Cape, Mpumalanga, the North West Province And the Free State Province). On top of the 62 killed 47,000 people were displaced and 600 were wounded. It was only after the intervention of the police and army that the situation calmed down. In Gauteng and Western Cape, the United Nation High Commissioner for Refugee (UNHCR), after helping 42 000 refugees in 95 camps, assessed that by 30 May:

thousands of refugees and asylum-seekers from Zimbabwe, Somalia, Ethiopia and other African countries, whose homes were destroyed and businesses looted, and burned. There are presently more than 128,000 registered refugees and asylum seekers in South Africa, coming from a wide variety of countries.

Many African migrants fled South Africa to their country of origin or a third host country. The victims were in such distress that the government stated that there would be no forced reintegration of immigrants nor deportation<sup>44</sup>.

Other Afrophobic attacks and riots arose in 2009 and 2013, resulting in the death of three Somali immigrants in Cape Town, triggering "Anti-xenophobic" protestations in South Africa and abroad<sup>45</sup>. Even if the government, after each attack, condemned xenophobic violence, nothing has been done to take proper action against this scourge. And the result is more riots on the 18th of April 2015 in Durban and Johannesburg where seven migrants died but unlisted victims in official casualty documents, generated a conflicting debate about xenophobia and criminality<sup>46</sup>. Some South African officials like State Security Minister David Mahlobo negate or are sceptical about speaking about xenophobia in the crimes committed against African immigrants. The reason is because other ethnic groups and immigrants were targeted in the riots. Indeed, South Africans and immigrants from the Asian continent figure among the casualties. This perspective is just as relevant as the arguments claiming the relentless offences on African immigrants.

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<sup>43</sup> "Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa" International Organization for Migration (IOM), Regional Office for Southern Africa P.O. Box 55391, Arcadia, 0007, Republic of South Africa

<sup>44</sup> Molefe, Mazola, "No 'forced reintegration' for immigrants" *The Sunday Times* June 10th 2008

<sup>45</sup> "Somalis march in Cape Town against South Africa attacks" *BBC News* 7th June 2013

<sup>46</sup> Ferreira, Emsie, "Sithole murder not xenophobic: Mahlobo" *Independent Online* 28th April 2015

Humanitarian platforms such as The New Humanitarian<sup>47</sup> and academic scholars like Professor of political science Achille Mbembe from the University of Witwatersrand and Professor of philosophy Rothney Tshaka from the University of South Africa tend to mainly focus on the “Afrophobic” side of the problem. For instance, Professor Tshaka states in an article published on the University of South Africa’s that:

Xenophobia is fear of the other; Afrophobia is fear of a specific other—the black other from north of the Limpopo River. If foreigners generally were the main target, those who are anti-foreigner would no doubt have sought out all foreigners and made it known that they are not welcome in this country,<sup>48</sup>

Nevertheless, if “Afrophobia” should not be referred to, how can we justify the use of terms like *Makwerekwere*? The presence of Asian immigrants from Bangladesh and Pakistan among the victims of riots is just as horrible as the ones orchestrated toward African immigrants. One does not invalidate the use of “Afrophobia” but adds it to another xenophobic movement targeting Asian immigrants instead. However, blindly accepting bilateral opinion on the xenophobic events of South Africa neglect South Africa’s complexity, as regions and cities have not the same immigrant composition. Grahamstown in the Eastern Cape is an example, in October 2015, five hundred people were displaced, and three hundred shops and houses looted, the majority of them being immigrants of Asian descent<sup>49</sup>. A similar outbreak sparked in Tshwane in 2016.

According to Professor Loren B Landau a South African research chair on Migration and the Politics of Difference at African Centre for Migration & Society, University of the Witwatersrand, Johannesburg:

Activist and academic accounts of the violence have also been incomplete and often unconvincing. Blaming everything from a 'culture of violence', 'negrophobia', neoliberalism, poor service delivery, and the lack of border control, most explanations falter when faced with empirical or logical interrogation: Unless we accept a binary view of race dividing the

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<sup>47</sup> The New Humanitarian is a news agency on humanitarian issues, it was formerly known as Integrated Regional Information Network (IRIN) which is a project founded by the United Nations Office for Coordination and Humanitarian Affairs (OCHA).

<sup>48</sup> “Afrophobia versus xenophobia in South Africa” full argument available at: <https://www.unisa.ac.za/sites/corporate/default/News-&-Media/Articles/Afrophobia-versus-xenophobia-in-South-Africa>

<sup>49</sup> KJ, Van Rensburg, F Mthonti & M Erskog “Xenophobia in Grahamstown: ‘We are not leaving!’” *The Daily Maverick* 29th of October 2015.

world into 'white' and 'blight', negrophobia cannot explain regular attacks on Chinese and South Asians. Nor does it help us understand why citizens of Swaziland and Lesotho were left alone and some South Africans targeted. (Loren B Landau, 4).

This observation is relevant, and should be developed further as a concluding argument, because the subject of the dissertation is specific to the African immigrant predicament amidst all the xenophobic riots which occurred in South Africa. Be that as it may, the study does not deprive the complex environment which nuance the perception South African have about the immigration crisis in general.

Riots aside, the only official demonstration against immigrants was held in Pretoria on the 24th of February 2017. The demonstration, though organised at first, quickly changed into a mob after a petition was given to the government: “Nelson Mandela Foundation accuses authorities of ‘giving permission for march of hatred’ after demonstrations in Pretoria” [*The Guardian*, “South African police use force to disperse anti-immigration protesters”]. This whole back and forth between xenophobic violence and the condemnation of it, continued until the 2019 riots prior to the presidential election in March 2019 in Durban,<sup>50</sup> and post Cyril Ramaphosa’s election in Johannesburg from the 2nd to 6th of September 2019. The Gauteng violence emerged after a protest against the affectation of Nigerian immigrants as truck drivers<sup>51</sup>.

The rise of xenophobic violence against African immigrants is not a fable but a real situation which was and still is nourished by the public view.

The public perception of those refugees and immigrants originates in the unsuccessful attempt to heal from Apartheid and overcome the social and economic challenges the Republic of South Africa faces. The arrival of African immigrants alongside the Identification act, the Recession and the HIV pandemic focused the eyes of South Africans on immigration instead of governance. The outcome of the government’s inability to control this crisis or to manipulate it, shows that the paradigm of African immigrants in South Africa is actual, and a vector for debate and committed academic works from writers, filmmakers, and cartoonists. This part will observe and analyse the

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<sup>50</sup> BHENGU, Cebelihle, “Malema, Ramaphosa & Dlamini-Zuma condemn Durban xenophobic attacks” *The Sunday Times* 1st of April 2019

<sup>51</sup> “Hundreds of Nigerians to take free evacuation from South Africa” *Reuters* the 10th of September 2019.



causes and machinations (wanted or not), which produced the perspectives around African migrants and the horrific violent riots of the two last decades.

## **1. Public Perception**

Public perception is to be understood as opinions from different social participants who compose South Africa. From South African citizens, and African immigrants of all social classes, to associations, the media and cultural platforms, the question of xenophobia is complex. In that regard, the South African perception of African migrants is multi-layered, diverse and revolves from the social to the cultural aspect of the conflict.

Overall, the public perception, much like that of the government, is rather derogatory of the African immigrants. And thus, from the very start of the new South Africa. During a speech at the national assembly about budget appropriation, the minister of Home Affairs Mangosuthu Buthelezili made a remark on immigrants which implied quite a vehement vision of them. He claimed that:

If we South Africans are going to compete for scarce resources with millions of aliens who are pouring in South Africa, then we can bid goodbye to our Reconstruction and Development Programme. (National Assembly, August 1994)

The speech explicitly states that immigrants are the reasons, or would be the reason for the failure of South Africa's economic and social future.

### **A. The Foreign Aliens**

The term used to qualify immigrants is the word “aliens,” which is not per definition a derogatory denomination. In fact, the term “alien” can be seen as the academic designation to mention foreigners. “Alien” is used mainly in law nomenclature around Anglophone countries. For instance, the term is defined in the South African Citizenship Act of 1995 as follows: “(i) “alien” means a person who is not a South African citizen; (xviii).”

If the use of the word “alien” is legitimate when we speak about foreign immigrants, the extensive re-use and repetition of the term by the media and locals amidst the discussion

about the Aliens Control and Refugee Acts, had the effect of familiarising and displacing it out of context. “Alien” which should be applied to all foreigners is marginalized by South African society referring essentially to foreigners from Africa. In an attempt to denounce the misuse of the term “alien” Johnathan Shapiro a South African cartoonist displayed a sketch under his artist name Zapiro in the Sunday Times the 16th of June 2008<sup>52</sup>. The cartoon’s title is “The (Xenophobic) “South African” Map of Africa.” In it, we can see almost half of the map is referred to as “aliens” like “Some alien” for Somalian, “Zambalien” for Zambian we also have the word “Makwerekwere” describing Mozambique (e.g. Annex 3).

Another example of a critic of the misuse of the term "alien" and African immigrants, in general, is the science fiction film *District 9*. The film was directed in South Africa by Neill Blomkamp. Although fictional, the film is very committed in its criticism of the country's xenophobia. It draws a parallel between immigrants and extraterrestrials who are confined in district 9 an area where the government placed them. After twenty years the aliens are to be deported to refugee camps. The film, which aired one year after the riots against immigrants of 2008, plays with the word "alien" by giving a shape to the actual marginalised term by South African society. Something interesting is that in the film the South Africans refer to the aliens as "prawns" because of their appearance, just like African immigrant "aliens" who are referred to as *Makwerekwere*.

A parallel can also be made between District six<sup>53</sup>, which was a residential area in Cape Town where black and coloured people lived, and *District 9*.

In the removal of the aliens from District 9, the authors might draw a comparison between the apartheid forced removal of "black" South Africans and the new government who displaced immigrants to refugee camps outside the cities like Durban and Johannesburg<sup>54</sup>.

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<sup>52</sup> Zapiro was introduced to me via Dr Sandra Saayman in her article “Imagining the “other” – The Representation of the African Migrant in Contemporary South African Literature” p 75. The cartoon is available at <https://www.zapiro.com/080616st> .

<sup>53</sup> “Distrik Ses” observed a forcible relocation of people of colour from a residential area in Cape Town to a designated outskirts zone of the cities by the apartheid regime.

<sup>54</sup> Refer to the introducing part of the Rise of Xenophobic Violence.

## **B. A Highly Visible Minority**

Although African immigrants represent minorities, they are highly visible to South Africans. The words or pictures used to display a situation, or a community be it bad or good suddenly confers a sudden interest to an audience, even more so if the speaker or broadcaster is related to the public. In the case of African immigrants, the governments and media by talking about them create awareness. One of the key notions in mediation is this creation of visibility. This visibility is, in fact, essential in the freedom of speech process and enables to deliver representation to all constituents of a society. In fact, it is primordial for the different means of communications to discuss such situations and communities. Society would not be aware of the hardships of African immigrants if the media were not conveying them.

Nevertheless, the issues reside in the perspectives which surround the debates about African immigrants. As much as distrusted the media is, it is only but a platform for people to convey their opinions. This means that the issue resides in the individuals who convey their views on African immigrants, and the ones who receive them. Hence the several perspectives revolving around this topic like every topic are subject to interpretation. From the officials like Buthelezi who interpreted the empirical states from the HSRC<sup>55</sup> about the presence of illegal presence of immigrants on South African soil, to the audience opinion on successful African foreigners who opened legitimate businesses introduced through documentaries and reports on the media. The one thing we can agree on is that the predicament of African immigrants has no clear frame as everyone seems to have their own angle of vision. An example of the latter can be a Senegalese restaurant owner in the Maboneng area in Joburg. He was presented in a report on migrants in South Africa by Deutsche Welle News in 2014. Although this is an example of a success story, when we contrast it with the spaza shops and other businesses owned by the African immigrants in townships, which their statues are not evident in term of legalisation, the disenfranchised South Africans tend to feel disposed of what might have been an opportunity for them.

The interpretations are mainly pejorative as the economic and social conditions of South Africans is critical, and the administration failed many times to improve employment and housing structures. Overlapping these conditions and the visibility of

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<sup>55</sup> Available at: <https://www.hrw.org/legacy/reports98/sareport/Adv2c.htm>

African immigrant (visibility enhanced by the proximity between locals and black foreigners in the townships), discontent appear among those who have been yearning for ameliorations since the fall of apartheid.

In certain cases, whole parts of cities (e.g. Hillbrow in Johannesburg) have been appropriated by black African migrants-derogatorily referred to as Makwerekwere ... The new migrants largely come in as long-distance traders, asylum seekers, students, professionals, entrepreneurs, traditional healers and pastors of mostly Pentecostal churches.( Nicos Trimikliniotis, Steven Gordon and Brian Zondo, 1331)

### **C. Justified Criminality?**

In another documentary, a South African interviewee justifies xenophobia by saying:

You go to Johannesburg right now, every corner you go to, it's a foreign person that's working there. That foreign person who is working, it's a job for a South African who was supposed to be working there. South African's now, they are dependent on crime money and money from government. It's not that people do not want to work, the people do want to work, but there are no jobs there because the foreigners are taking our jobs. So obviously we gonna rob them.(Deutsche Welle News, 4 September 2019)

Although the words of the interviewee give us insight into the motives which lead South Africans to be so violent against African immigrants, they are also transparent on the ways used to react to them. The word "rob," especially informs on the nature of the struggle that encompasses the migration problem, the notion in mind here is criminality. Indeed, the riots involve the looting and the burning of African immigrants and their valuables:

South Africans woke Monday to shocking front-page images of a man in flames, one of several victims to be burned alive. Several newspapers reported that onlookers in the

township of Reiger Park, east of Johannesburg, laughed as the man rocked in agony. (LA Times 2008)

Furthermore, African immigrants are constantly victims of assaults and robberies on regular bases aside from the riot outbreaks. Reports on that are relatively scarce as the victims usually do not have documentation or fear deportation from the police. Most of the time, the police also indulge in that kind of lucrative activity by forcing African immigrants to choose between paying bribery or facing deportation. Sometimes they are just accused of selling drugs without any proof. As illegal African immigrants and refugees do not possess the proper documentation, they become easy targets for law enforcement. According to the Inter Press Service<sup>56</sup> news agency in an article on the African refugees in South Africa in 2005, the Minister of Home Affairs Nosiviwe Mapisa-Nqakula, currently Minister of Defence, stated that those acts from the police were "unacceptable and disgraceful." A representative of the Association of Congolese Refugees Jean-Marie Juamoto told the IPS that:

If government officials were to talk openly and courageously like Madame Mapisa-Nqakula, there would be fewer problems for refugees in South Africa," [...] "But as we know, making a statement is one thing and implementing it is another. We'll see what the minister will do to stop the police from harassing and soliciting bribes from refugees.(Moyiga Nduru)

Nevertheless, corruption did not stop, and law enforcement kept bribing African immigrants, and keep doing it even today. Of course, immigrants are not the only targets of bribes, South Africans too. Still, the status or rather the lack of status of African immigrants makes them easy targets.

Moreover, the option of either pay or leave forces the migrants to endeavour into informal or even criminal kind of work. Thus from fear of deportation and the need for money, many immigrants tend to gather in an organised manner based on their ethnicity. Communities tend to stick together for security, however, the situation is so critical that a form of organised crime emerges. South Africans label all African immigrants as criminals. It is evident that this is not true for all immigrants but because of the felony of some, locals label the communities as criminals. Common misidentification is that

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<sup>56</sup> Inter Press Service is a global news agency based in Rome Italy, which focuses on the Social political and economic analysis of countries from the Global South.

Nigerians and Tanzanians are drug dealers. It is, therefore, essential to explain why African immigrants, mainly illegals and refugees, tend to give in to such practices.

It is accurate to say that if not for informal jobs and regrettably criminal acts like thievery or drug dealing, many undocumented African immigrants cannot afford to survive in South Africa. Even for well-intentioned ones who seek honest jobs, are compelled by others in the same situation to behave delinquently.

In a documentary titled “Pay Back Time<sup>57</sup>” produced by Nicole J Turner and presented in the Special Assignment segment of the South African Broadcasting Corporation in 2003, a Nigerian interviewee stated that:

If they should put jobs for the foreigners, countless of us here foreigners would be working. If they would be any, you are living! If there is any, you are living from that! There is a lot of us involved in a lot of crimes in this country just because they have nothing to do (Nicole J Turner).

The environment where the African immigrants live, be it in the townships or the complexes like Hillbrow in Johannesburg, is so hostile for both South Africans and African immigrants that criminality had to evolve into an organised manner. An example which summaries well the arranged character of these crimes is the forging of identification documents.

The documentary reports the situation of Nigerian immigrants in Hillbrow and debates the notion of criminality which is perceived as a trait owned by them. In the report, a connection is made with the SANDF's operation crackdown of November 2001 where the Mimosa Hotel was raided and closed. The hotel was a base of operation for drug trafficking and prostitution, and was principally inhabited by African immigrants. The words used to qualify the raid was “Crime don't Pay.”

For that reason, among others, the government established illegal immigration under the NCPS.

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<sup>57</sup>Although “Pay Back Time” is a hostile phrase, it is an expression used by African immigrants to justify their claim for hospitality from South Africans that they helped during the resistance against apartheid.

“Some of the programmes identified in the original NCPS – like gun control, vehicle crime, corruption, juvenile justice and victim empowerment – had been conceptualized or implemented. New projects had been added, mainly by the Ministers (who were facing increased public pressure and a series of crises in the criminal justice system). These included security systems at prisons to reduce escapes, investigations into bail administration, management of the awaiting trial prisoner population, border control and illegal immigration, drug abuse, gangs, domestic violence, and school safety.” ( Rauch Janine 5)

Although Hillbrow, like other dangerous areas in the whole country, is regularly raided to erase criminality, (the last one being on the 10th of August 2019) it does not mean that the criminals are only African immigrants. They are victims of crimes as well. One of the most pertinent cases of criminality against African immigrants is that of spaza shops. Between 2010 and 2015, in a survey<sup>58</sup> conducted by South African researchers and the SLF highlighting criminality rates on spaza shops by nationalities, South African owned spaza shops registered an incident rate of 62% against 92% for Somalians and 74% for Ethiopians. Other African nationalities had an average of 48% of criminal incidents. It should be mentioned that Bangladeshi spaza shops were the most affected by criminality with a ratio of 111% (e.g. Annex 4). As the content of the thesis is African immigrants in South Africa, it does not change the fact that xenophobia also targets Bangladeshi and other Asian immigrants. The incidents compile several categories, from theft to murder. Thus 2.8% of the criminal act against Somalian spazas of the 92% were murders, while there was none committed of the 111% of Bangladeshi spazas (Piper Lawrence, Charman Andrew).

The fact that African immigrants are living in impoverished neighbourhoods affected by the ailments of society, they are targeted by sting operations like the "Fiela-Reclaim" created in 2015 by the SANDF after the xenophobic attacks, is just but a window which enables us to see in which environment African immigrants live.

“Operation Fiela, which means ‘sweep’ in Sesotho, is a multi-disciplinary inter-departmental strategy aimed at ridding the country of illegal weapons, drug dens, prostitution rings and other illegal activities.”[South African Government News Agency, 8 July 2015].

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<sup>58</sup> The survey relies on a census provided by the SLF locating 11 sites, which means that the survey is not representative of the whole country.

Among the operation's missions, as quoted above, is the removal of prostitution from the country. The subject of prostitution is often linked to African immigrant women. Nevertheless, they experience temporary, skilled and informal jobs, like African immigrant men. The same goes for immigrant men as they are involved in the prostitution rings.

#### **D. Women's Immigration Experience**

It should be evident that this paper on the perception of African immigrants in post-apartheid South Africa refers to all African immigrants whether they are refugees, asylum seekers, legal or illegals, as well as men, women or children. They all undergo discrimination. Therefore, when "African immigrants" is mentioned, it should be observed as a general designation which regroups all the categories indicated except when the category is referred to specifically. However, all these categories are not discriminated against equally. Indeed, the African immigrant experience in South Africa is not the same for everyone. We saw it through status and class; it is also valid for gender.

The reasons for women migration in South Africa are security, economic and social prospects. The African immigrant predicament is usually seen as a masculine one. When it comes to female immigrants, the primary perception South Africans have of them is that they are prostitutes. As this is true for some female African immigrants, it is not for all of them. African women are skilled and educated workers.

"A significant proportion of educated women, single and married alike, have migrated alone to developed countries in search of greener pastures(Adepoju 1991b).[...] These women are migrating independently to fulfil their own economic needs and many professional women, especially nurses, teachers and doctors, have been recruited from Nigeria,... and Zimbabwe to work"(Pieter Kok, John Oucho, Derik Gelderblom, Johan Van Zyl, 37)

Just like men, women follow the same schematic in the domain of asylum seekers or job applications. The same laws restrict them, from the refugee Act of 1998 to the Immigration Act of 2002. Nonetheless, the conditions around the laws of the country and



the unspoken rules of the cities impact women differently than men. In the case of illegality or refugee status, women work in informal sectors which are highly unequal. Therefore, the migration status affects women's work environment, the area where they live in and the environment of that area. Each status confers a range of incidents, in terms of frequency, going from insults to murder passing by the most frequent crime done on female immigrants: Rape. This does not mean that South African women are not afflicted by these atrocities, but being a foreign woman in the townships increase the risks of rape. According to an article published by the Institute for Security Studies:

"Women's migration pathways and experiences are distinctive from those of men and involve greater exposure to violence. Globally, 80% of trafficking victims are women. Woman migrants are at heightened risk of sexual violence, exploitation, forced labour, abuse and health vulnerabilities. They are more likely to work in less regulated and less visible sectors."(Aimée-Noël Mbiyozo, ISS).

The informal type of work many illegal and refugee women end up doing are illegal trade, services such as maid and waitress or prostitution. In the Townships or complexes where African immigrants live in groups the environment is quite hostile, people survive through thievery and drug trafficking. Hence it is recurrent for women, who do not have papers, to survive through begging and prostitution.

In an article published in *Current Anthropology* by Didier Fassin, Matthew Wilhelm-Solomon, and Aurelia Segatti shows that African immigrant women tend to behave according to the environment in which they live. By concern of adaptivity, women tend not to report the crimes for fear of violence from gangs and arrestation from the police. The voice of illegals or asylum seekers women are thus prone to silence.

We were told that, on the second story, *tsotsis*, or gangsters, hid their loot, mostly composed of cellphones and laptop computers. Residents of the building, most of whom were working in the informal sector, while others survived through begging or sex work, were afraid to report crime for fear of retribution from the criminals but also, for the undocumented, for fear of being arrested themselves. (Didier Fassin, Matthew Wilhelm-Solomon, Aurelia Segatti 2)

This article of 2017 is more of an investigation which focuses on four African refugee women who live in one of the complexes in Johannesburg.

Overall, women in South Africa follow a schematic specific to the broader migration experience of African immigrants. Professor Belinda Dodson, in her article on women migration to South Africa, disclosed six key observations. First, immigration to South Africa is still dominated by men. Men migrate for economic prospects, as women have a more extensive range of purposes comprising social prospects as well. Women tend to migrate in urban areas as their job relies on human relations, Men, on the other hand, migrate to areas where there is menial work such as mines. Women immigrants with work permits abide by the laws and are less inclined to become illegal immigrants. Men are present in the formal economy, while women are much present in informal sectors or retail trade. Finally, both genders recognise that the impacts are generally negative in the pros and cons rating of the migrant experience in South Africa (Belinda Dodson, 2).

Perhaps the reason why African immigrant women are perceived as prostitutes is because of the HIV epidemic. South Africans believe that foreign women are the primary source of the epidemic, even though men as well can transmit the virus.

### **E. AIDS Epidemic a Foreign Disease**

Prior to analysing the influence of AIDS on South African perception of African immigrants, a contextual overview of the disease in South Africa must be made.

Acquired Immune Deficiency Syndrome, commonly known as AIDS, is a disease contracted after contamination by Human Immunodeficiency Virus (HIV). According to the World Health Organisation “HIV can be transmitted through unprotected sexual intercourse (vaginal or anal), and oral sex with an infected person; transfusion of contaminated blood; and the sharing of contaminated needles, syringes, surgical equipment or other sharp instruments. It may also be transmitted between a mother and her infant during pregnancy, childbirth and breastfeeding”.<sup>59</sup> Although AIDS in South Africa Has many victims, it is only one factor of xenophobia among criminality, jobs and housing. Nevertheless, the importance of the HIV factor must not be overlooked. Many

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<sup>59</sup> <https://www.who.int/features/qa/71/en/>

cited articles and books previously include a segment on AIDS, not because South Africa has the highest infection rate in the world (around 7.7 million South Africans living with HIV according to UNAIDS Data 2019), but because the perception of African immigrants is intrinsically linked to AIDS for South African citizens.

Many South Africans believe that it came with immigrants. AIDS was present in South Africa during apartheid times. The first death from AIDS in South Africa occurred in 1985<sup>60</sup>. Since we showed how the apartheid regime was very in control of his borders, the suggestion that AIDS came first through immigration is unlikely. In fact, the initial appearance of AIDS was in the Democratic Republic of Congo and Central Africa in the 1940s.

The first waves of migration from those countries arrived in South Africa after the President Mandela presidency. Furthermore, South Africa registers, as we explained earlier, a large number of contaminated people. Far more than any other African countries. Although immigration might have helped the spreading of the virus, it would be false to assume that the full provenance of the disease came from African immigrants. The groundless connection between HIV and African immigrants took different proportions from 2005 to 2008. The reason for that was the sudden rise in asylum application reaching 171 000 applicants in 2007 (the world's largest number of applications). The number of applications coincided with an estimation of the "330 000 HIV related deaths" the year before (Lewandowsky Stephan, Mann Micheal E et al.).

Moreover, the president's choice to deny the Human Immunodeficiency Virus implication on the Acquired Immune Deficiency Syndrome, allowed the disease to spread through his whole presidency, which means that during eight years the government was quite lenient with its proposed measure to treat AIDS. Indeed the National Department of Health advised its citizens to use lemon juice and beetroot to treat AIDS instead of Antiretroviral Therapy. This refusal or incapacity to see the health crisis generated unnecessary victims. If South African citizens could at least go to the hospital and procure treatment, immigrants were negated access to certain drugs or medical service.

"In South Africa, public sector provision of antiretroviral therapy (ART) was initially restricted to holders of South African identity documents. Such policies have also been implemented in other countries, partly in the belief that 'high mobility amongst these

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<sup>60</sup><https://www.sahistory.org.za/article/hivaids-south-africa-timeline-1940s-2009>

categories of people [displaced and homeless people] prohibits good adherence.’(K. MCarthy, M F Cherish et al.)

The mismanagement disabled the proper assessment of the real number of cases in the country, as the ones stated earlier were estimations. Furthermore, the denial of immigrant access to medical treatment as well as asylum seekers who do not have papers implied that they were not included in the statistical assessment.

After the reshuffling of the government following the overturn of 2008, the NDH allowed antiretroviral therapy to legal immigrants too.

AIDS is then by social concern, just like unemployment and criminality, a scapegoat which South Africans label as the "other" African's disease.

The presumption by locals that African immigrants were the cause for the rise of HIV cases, where in fact the government denial of the scourge and the indecisiveness to take action, was and still is misplaced. The film *District 9* epitomises this feeling with the main character Wikus Van der Merwe being slandered by his colleagues and the media for having had intercourse with an alien which was the cause for his transformation into a “prawn.” Evidently, the reason had nothing to do with sexual relations between humans and aliens. Nonetheless, the director and producers through the film implied the general feeling of South African society assumptions on the relationship between HIV/ AIDS and African immigrants. Thus, immigrants are victims of exposure to HIV/AIDS but are also victims of xenophobia with arguments relative to disease, which was influential in the riots of 2008.

Besides the emphasis on the negative image South Africans already have of African Immigrants, we have insight into another aspect of discrimination against them, which is social service.

African immigrants and immigrants in general, are often discriminated against in the domain of public services such as educational and medical facilities. In an article published in the Agence Francaise de Developpement Professor Segatti and Professor Landau claim that:

Discrimination, ignorance about migrants’ rights, and poor record-keeping mean that many migrants—international and domestic—are unable to access social services where they live.

The long-term economic and social consequences will be felt by both individuals and the communities in which they live. As discussed below, this is particularly evident regarding responses to HIV/AIDS. (Wa Kabwe-Segatti Aurelia, Landau Loren B 41).

## **F. Immigrants Contribution**

The denial of social services to African immigrants comes from yet another assumption by locals and the government; that they do not contribute to the South African economy in order to benefit from public help.

In his 2004 State of the City speech, Johannesburg's Executive Mayor reflected a widely held sentiment when reporting that, 'While migrancy contributes to the rich tapestry of the cosmopolitan city, it also places a severe strain on employment levels, housing, and public services.'<sup>36</sup> The concern here is not so much with those from outside South Africa as with those from within who are more likely to drain than augment the lifeblood of those already rooted in the city (Landau 221).

The terms such as "severe strain" used by Amos Masondo, ANC Mayor of Johannesburg from 2000 to 2011, implies that the immigrants are only a source of deficit regarding the social welfare system. This means that immigrants do not provide economically for their social services but instead avail themselves from the welfare services of locals. If we assent with ex-mayor Masondo's statement, it would mean that immigrants are only figurative extras who only render the country's population more diverse.

The South African society's disapproval of grants and administrative aid to immigrants is further emphasised by the lack of social services available to them both in quantity and quality. Even citizens do not all have the same access to basic social services such as electricity and water supplies, let alone Child Support Grants or Unemployment Insurance. The reasons for that is first that South Africans are uninformed or misinformed about the social services available to them; Second is the deliberate administrative mismanagement and corruption, starting from civil servants to top-ranking officials. According to a monograph published in the Institute for Security Studies, there is "an estimated loss of about R1,5 billion a year through corruption (and maladministration) in the delivery of social grants," (Reddy Trusha, Sokomani Andile, 19).

Thus, the South Africans' disappointment weighs considerably on the arguments against allowing immigrant access to, in their opinion, an already saturated social welfare system.

The government is mainly at fault as it is the one who has to provide and enable access to those services for all South Africans. Like its citizens, the government from 1994 to 2004 was very sceptical about giving social services to African immigrants whether they were legal or not. Needless to say that legal immigrants had some accessibility, but they were limited. For instance, some health treatments were denied to them as we saw previously with the Antiretroviral Therapy for HIV/AIDS.

As social services function through tax collections, the question which keeps coming back is; do African immigrants contribute to South African's economy in order for them to enjoy the same services as locals? In a report published by the Organisation for Economic Co-operation and Development in collaboration with the International Labour Organization on the immigrant's contribution to South African's economy, found that:

Immigrant workers make a significant contribution to the South African economy (for a definition of immigrant workers, see Box 1.2). Immigrants are well-integrated into the labour market in terms of employment and unemployment rates, and in general do not seem to displace native-born workers. The contribution of immigrant workers to GDP is estimated to be close to 9% in 2011, and just below their share in employment. Nevertheless, immigration is raising income per capita in South Africa, while immigrants also make a positive net fiscal contribution (OECD/ILO, 24).

The GDP's contribution of 9% refers only to immigrant workers in formal sectors. As a result of which, informal and undocumented workers, as well as asylum seekers and refugees, were not counted in the contribution.

To have a balanced perspective on the inclusivity of all migrants in the contribution process, we shall focus on the number of African immigrants present in South Africa in 2011. According to Statistics South Africa, there were approximately 2,2 million foreign immigrants. Of these immigrants, 75,3% were from the African continent, and that included document and undocumented migrants. Whether undocumented contribute or not, can unfortunately not be calculated nor is it relevant in term of inclusivity of African

immigrant's contribution, since the individuals allowed to social services are the documented ones.

Furthermore, African immigrants who endeavoured into the entrepreneurial process in 2018 were included in the 25% of self-employed immigrants (The World Bank Group, 43). It has been highlighted that African immigrants were and are factors for South Africans' employment. In an article titled "African Immigrants in South Africa: Job Takers or Job Creators?," Professors from two universities of Western Cape investigated a trend which indicates that African immigrants provide employment to South Africans. Of the 120 entrepreneurs interviewed nationwide, 98 employed South Africans instead of immigrants (e.g. Annex 5).

29 out of the 40 (73 per cent) interviewed African immigrant entrepreneurs from Nigeria prefer to employ South Africans, as do also 36 out of the 40 (90 per cent) interviewed African immigrant entrepreneurs from Somalia. A significant number, 19 out of the 20 (95 per cent) interviewed immigrant entrepreneurs from Senegal and 14 out of the 20 (70 per cent) other African immigrant entrepreneurs from various African countries prefer to employ South Africans. The total number of interviewed African immigrant entrepreneurs who employed South Africans is 98 out of 120 (82 per cent). (Kalitanyi Vivence, Visser Kobus, 387)

However, the level of contribution put forward by academics is not seen by the masses. Even the government who has access to data, fails to value the benefits of immigrant's contribution to its economy. By "value" We don't mean that the government denies the 9% GDP's contribution, but we will see later, in the section on Government's Manipulation, that the government doesn't treat immigrants correctly to not say unjustly.

Instead of noticing the contribution made, the South African society focuses on the controversial movement of money made by African immigrants, which the efflux of their wages back to their home countries.

For many, especially migrants in irregular situations, remittances are in kind, not cash, and are channelled through informal rather than formal banking systems. Other migrants spend part of their savings to buy goods to be sent or taken home. In South Africa, for instance, Mozambican bus drivers and visiting friends are conduits for delivering goods items and

money to the migrants' homes (The Economist, 2 September 2000: 20),(Pieter Kok, Derik Gelderblom, John Oucho, 39).

Although African immigrants, indeed, tend to send money back to their home countries, they are accused of taking the money out of South Africa to send to their respective nations. The biased opinion that immigrants are thieves has reached a far greater proportion with the outflow of liquidity to neighbouring countries. Hence, South Africans are robbing the economy. Whatever the accusations, money which is earned by immigrants is mainly spent in South Africa.

Nevertheless, African immigrants tend to save money to send back. However, it is not by choice. The social and economic environment of immigrants with high exposure to risks unemployment after work permits expire, deportation or just xenophobia alone, generates a fear of losing what they had gained. These conditions do not allow a tranquillity of mind in which African immigrants might consume and settle within South African society in a thriving way. Taking another perspective, the outflux of African immigrants' money does not benefit them as well, since they fled those countries in the first place. The African is thus stuck living neither in his host country nor his home country, never truly enjoying the fruits of his/her labour.

To respond to the question regarding contribution, we can say that not every African immigrant contributes to the South African economy, however, only those who do enjoy limited social services.

## **2. Political Manoeuvres**

Across the coincidental events which the African immigration crisis revolves around, like the falling of Apartheid, the 2008 recession and the AIDS epidemic, another process that enhances xenophobia is the political manipulation.

The correlation between xenophobia and political manoeuvres in and outside the ANC is worth noting once pieces of evidence are drawn. Under no circumstances, we are establishing relations between the appearance of “Xenophobia” and the government, but



rather the role the government had and still has in contributing in the rise of xenophobic movement and violence toward African immigrants.

Considering a government involvement in the social dilemmas of its citizens might be useful if the end-goal is to resolve problems or quell violent dissent. However, the political manoeuvres and strategies of South African constituents, ministers and political parties tend to use the social disorder for their agendas. Nevertheless, xenophobia cannot be seen as the ultimate objective of South Africa's political sphere. Indeed, due to South African foreign policies in Africa, there can not be complications about pan-African ideals, which are already very sensitive in RSA.

Nonetheless, the South African riots against immigrants general and African immigrants in particular, are very violent. A survey produced by Xenowatch<sup>61</sup> under the jurisdiction of the African Centre for Migration and Society (ACMS) at the University of Witwatersrand, shows that from 1994 to 2018 around 529 xenophobic incidents, 309 death, and 901 assaults were reported as well as over 100,000 immigrants displaced and 2,193 shops were looted<sup>62</sup>.

The point is that South Africa's political sphere keeps juggling between support and condemnation in the African immigration case. This ambiguity is the subject we will demonstrate through this part, focusing on the use of xenophobic atmosphere by politicians for their quest to power and elections.

### **A. 2008's Overturn**

When xenophobia is discussed, scholars frequently tend to bring up the riots of May 2008. One might ask why this date, in particular. After all, there were several violent acts perpetrated on African immigrants prior to that date: The seven immigrants murdered in

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<sup>61</sup> “Developed by the African Centre for Migration & Society (ACMS) at the University of Witwatersrand, Xenowatch is a tool to monitor xenophobic threats and violence across South Africa” (<http://www.xenowatch.ac.za/about-xenowatch/>)

<sup>62</sup> MLILO Silindile, MISAGO Jean Pierre “Xenophobic Violence in South Africa: 1994-2018 An Overview” *The African Center for Migration and Society*, March 2019 (p.3)

2000<sup>63</sup>, the evictions and looting of Zimbabweans settlement in 2001<sup>64</sup> and the killing of 26 Somali refugees in 2006<sup>65</sup>. All these xenophobic crimes, among many others, testify the atrocities committed against African immigrants by South Africans. Nevertheless, the reason why 2008 is always referred to, is due to the magnitude of the riots, which were simultaneous, nationwide and shockingly violent.

Furthermore, the AIDS/HIV epidemic, which kept putting South Africa as the country with the most cases in the world, and thus since 2007, including 2008, plunged the country in a series of health crises. Adding the worldwide financial crisis of the same year and the political unrest within the ANC to the whole; these emergencies led indirectly to the overturn of 2008 when Thabo Mbeki was forced to resign his presidency. The direct cause we know is, of course, the juridical and political infighting which led to the division of the ANC between Jacob Zuma's faction and the president's. Losing his endorsements, the ANC National Executive Committee decided to no longer support him as president leading to his resignation in September 2008.

Following the decision of the national executive committee of the African National Congress to recall President Thabo Mbeki, the President has obliged and will step down after all constitutional requirements have been met,' said the statement (David Beresford, *The Guardian* 2008).

Although the end of Thabo Mbeki's second mandate was short and difficult, his initial one was very positive, with the integration of the country to the BRICS, the influx of foreign direct investments<sup>66</sup> as well as the launch of the African Renaissance in South Africa. It must be said that after the debates revolving around the Refugee Act and Immigrant Acts and the xenophobic movement that came with it, the condition of immigrants had improved under Mbeki's presidency. This can be seen through the amendments of the Immigration Act of 2004, the increase of legal immigration from the

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<sup>63</sup>IOL. "Xenophobic attacks: seven die in one month." *Independent Online*. 2 August, 2000

<sup>64</sup> NDABA, Baldwin. "Raging mob evicts Zimbabweans, burns homes." *Independent Online*. 22 October, 2001

<sup>65</sup> MANGXAMBA, Sivuyile. "Somali's turn to HRC as murder toll soars." *Independent Online*. 25 August, 2006

<sup>66</sup> Foreign Direct Investment is "the act of a person or organization from one country investing in a business in another country." Definition from Oxford Dictionary

SADC and the relations the country had with its neighbours in the continent. In fact, South Africa mediated several strife in the continent: in Burundi<sup>67</sup> and the DRC<sup>68</sup> for instance. The president also oversaw the transition of the OAU to the AU during that period<sup>69</sup>.

Thabo Mbeki launched the African Renaissance which claims back an Africa identity, and promotes a “post-nationalist agenda that takes the African regions seriously, calls for the revitalisation of Africa’s cultural ideas, and promotes a new political culture” (Elias K Bongmba, 291).

However, as we saw previously claiming an African culture does not mean embracing a pan-African identity. The use of the terms post-nationalist agenda is very important here as we will observe a shift in South African politics after the president's resignation.

Jacob Zuma’s campaign and arrival to power put the ANC on a new trajectory from liberalism towards populism.

During Jacob Zuma’s election as head of the ANC back in 2007, the people enjoyed him very much as a populist and nationalist candidate. He made his speeches in Zulu and Xhosa and vowed to alleviate lower-class South African with opportunities and development programs. To get their support, Zuma used the many issues existing under Mbeki’s presidency to his advantage. The nature of Jacob Zuma’s campaign with the “100% Zulu Boy” shirts and the appropriation of the MK song *Umshini Wami*<sup>70</sup> which was a military song during apartheid shows the ANC’s choice to return to the past instead of moving forward. This subject is very interesting and should be developed in another paper. Still what matches our study is the fact that supporters of Jacob Zuma sang the military song during riots of 2008. Of course, this does not mean that ex-president Jacob Zuma endorsed those acts. However, his denial of the xenophobic nature of these acts, shows that he either failed to state his position on foreign immigrants correctly:

Some victims also see a Zuma factor in the violence: one listener told 702 Eyewitness news this week that Zuma was to blame for the current spate of xenophobic attacks. “When he was

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<sup>67</sup> The Burundi civil war of 1993-2005

<sup>68</sup> The Second Congo War of 1998-2003

<sup>69</sup> Durban Inauguration of the African Union in 2002: South Africa's President Thabo Mbeki at the inauguration declared that. "The time has come to end the marginalization of Africa."

<sup>70</sup>

campaigning to become president of the ANC, he said he would get rid of all the foreigners,” the caller said (The Mail & Guardian, 2008).

Or indirectly encouraged the anti-migrant resentment:

Despite having been presented as a minor figure in the coverage, Zuma’s role has been hotly debated in South Africa, as has the “Zuma factor” in the riots. Reports have circulated of rioters singing Zuma’s controversial trademark song, “Bring me my machine gun.” Some of the shacks that were demolished were tagged with pro-Zuma graffiti, and Zuma’s rallies have often taken on a decidedly ethnic character, with his supporters wearing “100% Zulu Boy” T-shirts. In his recent court appearances, where he was acquitted of rape and still faces trial for corruption, he has frequently referenced his Zulu background. His leadership of the ANC has brought up all sorts of anxieties about the party’s past and future. Some in South Africa fear he will jeopardize the non-racial and nonethnic nationalism that the ANC was built upon (Kerry Chance, Slate).

## **B. Xenophobia: Parties’ Voting Cost**

The ANC is not the only party with politicians who use the people discontent against foreigners for their agenda. Immigration becomes a must in every candidate’s programme with no thought about the consequences of their race to power. Instead of diving into the intricacies of each party or associations, like with the ANC, we shall concentrate only on the discourse held on immigrants.

Among the parties involved in the race to political power, the Democratic Alliance, which is the official opposition party to the ANC, does not hesitate to embrace the disenfranchised plea against immigrants, if not on the national level at least on the regional one. The resentment toward illegal immigrants can be observed through the comments of ex Johannesburg mayor Herman Mashaba as he states that the government do not do enough to fight against illegal immigration:

I have engaged national government for over two years and with three different ministers of home affairs. I have found no support arising from these efforts. I have come to the view that illegal immigration will not be treated with any level of importance until a different party occupies the Union Buildings (Mpofu Roland, 2019).

Although the EFF is already known for its xenophobia and hate speech toward white and coloured South Africans, the hate speech has spread toward immigrants. However, the method used to deliver an anti-immigrant opinion is rather interesting. Indeed, the Economic Freedom Fighters besides supporting Vusi Khoza, a xenophobic criminal, as its representative for the premier of KwaZulu-Natal in 2014<sup>71</sup>, chooses to endorse forums which have participated in violent riots against immigrants.

In order to understand the reflection, we shall return to the riots of September 2019 when forums and associations such as the Sisonke People's Forum and All Truck Drivers Foundation organised protest against foreigners which became out of control and claimed the lives of seven African immigrants and the looting of many stores (Ferial Haffajee, Chanel Retief). The xenophobic attacks were, hence, to be predicated as the ATDF targeted foreign truck drivers in August 2019:

Groups of people claiming to be South African truck drivers have thrown gasoline bombs at trucks and shot at, stoned, stabbed, and harassed foreign truck drivers to force them out of the trucking industry. Many foreign truck drivers have lost their jobs, despite having valid work permits, or have been unable to return to work due to injuries or damage to their trucks. Some of the attackers claimed affiliation to the All Truck Drivers Foundation (ATDF), an association of local truck drivers (Human Rights Watch, 2019).

The link that we can draw between the ATDF and the EFF is that the foundation asked for Julius Malema's party support for their protest against foreign immigrants truck drivers in February 2020. The Economic Freedom Fighters gave it to them through sharing ATDF's protest video on their Twitter official account on 28 February 2020<sup>72</sup>.

The fact that the DA and the EFF have ties to anti-immigrant movements does not mean that they have prompted it. The immigration resentment is more of the public trend to which parties connect to gain votes. Nevertheless, by doing so, they encourage

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<sup>71</sup> Vusi Khosa was convicted during a xenophobic attack in Albert Parc Durban where a Zimbabwean and Tanzanian immigrant were killed. Available at: <https://www.iol.co.za/news/politics/effs-kzn-man-has-criminal-past-1663164#.Uy0Y3vmSzy4>

<sup>72</sup> @EEFSouthAfrica. "All Truck Drivers Foundation (ATDF) Umhlangano wabashayeli waseMzansi have arrived." Twitter. 28 Feb, 2020. 10.11 a.m

xenophobia. It is a vicious circle which instead of calming the issues emphasizes its ignition.

The dilemma for the two parties is renewed interest in the ANC after the popular Cyril Ramaphosa replaced Zuma as president last year and pledged to crackdown on corruption. That's left both the DA and EFF seeking ways to gain voters' attention three years after municipal elections handed the ruling party its lowest share of the vote since it took power in 1994 (Sguazzin Antony).

### **C. Behind the Condemnations**

The embrace of an austere viewpoint on immigrants by political parties in order to gain votes shows that the South African society gives in more and more to xenophobia. The reason for that is the government incompetence and failure in providing a solution to the two-decade-long problem. If proper solutions had been established, we would not have had that much repetition of riots. The fact is that the ANC as the government party keeps playing a game of commendation while negating the xenophobic nature of the riots against foreigners, and taking measures against immigrants in general and African immigrants since they represent the majority of immigrants in South Africa. This pattern can be spotted through several xenophobic riots.

Indeed let us take the example of the riots of April 2015. From the 11 to 19 April 2015 a series of attacks sparked in Alexandra Johannesburg and Durban. The attacks resulted in seven deaths, one Ethiopian, a Mozambican, a Bangladeshi a Zimbabwean and three South Africans; at least this is for the official records. There were many other casualties which were not listed, among them, a Mozambican named Emmanuel Sitole who was stabbed and used as a symbol of later demonstrations against xenophobia. Following the hate crimes and lootings, "the Kenyan government announced it would repatriate its citizens in South Africa to safety, after Malawi's government began returning Malawians to their home country" (Ferreira Emsie). Other countries such as Nigeria interrupted diplomatic relations with South Africa.

Despite all this, the government denied the xenophobic nature of the riots and labelled the surge as acts of basic criminality. To be more specific xenophobia is the "strong feeling

of dislike or fear of people from other countries.”<sup>73</sup> Through the oxford definition, the riots of 2015 are verified and match the descriptions of violent xenophobic acts committed against African and Asian immigrants. The South African government failed to call what those acts actually were:

Following the attacks, the government set up an ad hoc committee, whose members included politicians Ruth Bhengu and Tekoetsile Motleshuping, to investigate violence against migrants. During community engagements at the Jeppe and Alexandra police stations, the committee emphasised that the attacks they were investigating were “criminality” and not xenophobia (Jan Bornman, April 2019).

The condemnation is, thus, that of criminal acts deprived of any object despite thievery. The process does not end here as now the government prepares actions to take against the repetition of these crimes. After a Zimbabwean couple was murdered in Alexandra on 21 April 2015, the Minister of Defence dispatched the SANDF to catch the culprits. The reliance on the SANDF introduces the tool used by the government to prevent “criminality”: Operation Fiela-Reclaim<sup>74</sup>.

Nevertheless, instead of taking action to protect immigrants, the Operation as we saw previously targeted immigrants of informal sectors. The response of the government is hence focused on the victims of xenophobia in the place of the ones who perform hate crimes. According to Sally Hurt in the Daily Maverick:

The government and most recently ANC secretary-general Gwede Mantashe, have insisted that Operation Fiela-Reclaim is not designed to target foreigners. But just after the Operation launched earlier in May, over 700 foreigners were arrested in Johannesburg – 200 of them in one weekend (Sally Hurt).

It was to be expected as a government which fails to identify xenophobia would not respond to it.

This pattern of xenophobic denial, criminality condemnation, and actions against immigrants can also be seen during the riots of September 2019. Durban and Johannesburg saw a bloody weekend on 3 September, 12 individuals were killed, and

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<sup>73</sup> Oxford Dictionary definition of Xenophobia

<sup>74</sup> Refer to the part on Justified Criminality?

hundreds of immigrant shops looted. Despite the fact that the casualties were foreign African national victims and South African assailants. The government refused to use the term xenophobia again:

Minister of Defence and Military Veterans Nosiviwe Mapisa-Nqakula insisted the violence wasn't xenophobic after she briefed the justice and security cluster ministers in Parliament following the 12 murders. "South Africa is not a xenophobic country" (Jan Bornman, Sep 2019).

The xenophobic attacks of September came after the election of the ANC's president Cyril Ramaphosa the 8 May 2019, who used anti-immigrant rhetoric to gain him and his party the presidency. He said during his campaign that "everyone just arrives in our townships and rural areas and sets up businesses without licenses and permits. We are going to bring this to an end. And those who are operating illegally, wherever they come from, must now know" (Deutsche Welle).

According to Professor Landau, in an interview with the Deutsche Welle he stated that: The ANC has "started to look for scapegoats, look for excuses – and migrants are a convenient excuse," he said (Kate Hairsine, 2019).

#### **D. Repercussions and Struggle**

Subsequent to the umpteenth xenophobic attacks, African Countries took severe actions against South Africa. Those actions had the objective of condemning the ANC government or protecting their respective citizens. Tanzanian suspended flights to South Africa, Madagascar and Zambia refused to send their football teams. Pop culture icons from all around the continent denounced xenophobia. Nigeria recalled its ambassador and other African countries pulled out of the World Economic Forum<sup>75</sup> meeting in Cape Town, out of dissatisfaction. There was the boycott of South African companies and products as well as riots against South African immigrants (Julie Turkewitz, 2019).

The same article in The New York Times state that "the only time we've seen this type of cooperation of African countries in terms of backlash," said Tunde Leye, a partner at

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<sup>75</sup> The World Economic Forum is an International Organisation for cooperation between private and public sectors. Available at: <https://www.weforum.org/>



the Nigerian political research firm SBM Intelligence, “was in terms of support of the anti-apartheid movement.”

On the African cooperation’s repercussions on South Africa, Zapiro produced a cartoon in which president Cyril Ramaphosa is confronted by a Nigerian envoy. In it, Zapiro bases his cartoon on a factual statement by the president that there were not just Nigerian victims. Zapiro thus depicts the president justifying that “South Africans are equal opportunity xenophobes!” (e.g. Annex6).

Although the backlash seemed effective at first, the government would still take actions against immigrants in 2020 during the Covid-19 epidemic. In an article provided by the Daily Maverick the argument that the government is using the epidemic as an opportunity to get rid of immigrants. In fact, Minister of Small Businesses Development announced that:

relief funding would be made available to help businesses through this challenging period came as a lifeline for fearful employers, and employees.

But it came with a catch: Only if your business is 100% South African-owned and only if it employs at least 70% South Africans (Kelle Howson, Darcy du Toit, 2020)

It seems that the government condemnation of criminality against foreign nationals, especially against African immigrants, is hypocritical as the government keeps employing Anti-immigrants actions not only illegal ones but legal as well since they are denied relief funds.

The only conceivable deduction of the government activity is that the aim is the end of the riots with the “*Fiel*”<sup>76</sup> of immigrants from the country. If there are no immigrants, there is no xenophobia.

In opposition to the government, mainstream figures have been vocal against xenophobia, Neil Blomkamp and Jonathan Shapiro are not the only ones denouncing it. Trevor Noah mentioned the subject in his 2017’s show “It’s My Culture” about a trend of xenophobia rising up when Bafana loses to another African team. The pop music singer

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<sup>76</sup> “*Fiel*” means the verb “Sweep” in Sesotho. Used as a critic of the Operation in this context.

Sho Madjozi said in her twitter account that the “The reason we have bad leaders is because we want bad answers. We want people to say “foreign nationals are completely innocent” or to say “foreign nationals are completely responsible for crime”<sup>77</sup>.

Finally, the last episode of the “Queen Sono” series on Netflix denounces xenophobia through a scene where an African immigrant taxi driver states that South Africans are calling him *Makwerekwere*.

These new perspectives show that the cultural and artistic domain of South Africa is committed in the fight against xenophobia.

Moreover, an organisation known as the African Diaspora Forum has been very vocal about xenophobia. The ADF was created in 2008 after the xenophobic attacks of May. The goals of the forum are the representation of African immigrants’ concerns and conditions as well as the mediation between the migrants and the government. It is clear that the ADF has been very effective in organising the struggle against xenophobia and governmental prejudices on African immigrants. Since its foundation, the organisation rallies African immigrants from 36 nations and is at the forefront of the debates with the government. Among its objectives the ADF wants to:

To facilitate and develop relationships, exchanges and mutual understanding between South Africans and non-South African residents in South Africa (in particular, but not exclusively, through the organisation of pan African cultural events; through the participation in civil society organisations at the local level – such as community policing forums, civics, street committees, etc.) (African Diaspora Forum).

This objective, in particular, reminds the concept of Ubuntu. Ubuntu is a Zulu term which translates to “I am because we are.” The term often designates Humanist values inclined to the other. The South African based philosophy is often used to respond to the inhuman treatment of African immigrants.

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<sup>77</sup> @ShoMadjozi. “The reason we have bad leaders is because we want bad answers.” *Twitter*. Johannesburg. 4 September. 2019. 2.53 a.m.

### 3. “Afrophobia” a Debated Concept

The question of denomination of the violent surge against African immigrants in South Africa is trending and a fiercely debated subject among scholars, politicians and organisations. It is therefore essential to draw delimitations between those denominations. As mentioned previously, one of the predominant designations is “Afrophobia”. This term is approved or disapproved by key participants in the resolution of the xenophobic environment in South Africa. The dissertation will take the perspectives of three participants like the South African government, the United Nations Organisations, and scholars. In the process of finding a solution, one can agree that the first step is to locate the problem. Thus, it is fairly difficult to suggest possible solutions if we can not concur on the problem: Is it criminality, “Afrophobia,” or phobia against migrants in general? Whatever, the problem might be, it is clear that following our analysis of the perception of African immigrants in post-apartheid South Africa, there is no singular problem which revolves around this contemporary challenge.

#### A. Afrophobia?

When it comes to denomination, the stance of the United Nations is not against the use of the term “Afrophobia” to label the xenophobic riots in South Africa. Although the UN does not claim it explicitly, it tends to push toward this aspect of the terminology. Indeed, the UN makes use of events and publications through proxy organisations to denounce “Afrophobia”. In an article titled “Briefing: South Africa’s “Afrophobia” problem” written by *The New Humanitarian*, formerly known as IRIN, a project founded by OCHA, in the segment “How common is xenophobia?” xenophobia is clearly referred to as Afrophobia:

What occurs in South Africa can more accurately be described as Afrophobia – an intolerance towards other black Africans.

It is manifest in the daily insecurity of living as a foreigner in the country, and the menace implied by the whisper of *amakwerekwere* – a pejorative label reserved specifically for African foreign nationals.

Afrophobia has gathered pace since the end of apartheid and the arrival of migrants from beyond the southern Africa region. [The New Humanitarian, 11 March 2020]

Here the “Afrophobia” is to be understood as the heart of causes for xenophobic attacks committed on “African foreign nationals”. To justify its claim the journal provided the derogatory word “*amakwerekwere*,” which is employed only on African immigrants.

Another recognition of the term “Afrophobia” by one of the UN platforms is the annual “Plural+ I am a migrant” award, given during the Youth Video Festival on Migration, Diversity and Social Inclusion. This event is organised in collaboration between the United Nations Alliance Of Civilisation (UNAOC) and the International Organisation for Migration (IOM). The award of 2017 was granted to Sophie Kanza, Louise Kanza and Stuart Williams African immigrants from South Africa, for their short film entitled “#Singabantu (We Are Humans)”. In the platform, the synopsis reads “African Immigrant youth, living in South Africa, recite common Afrophobic slurs and stereotypes associated with their different nationalities. The video ends with a message calling for African unity.”<sup>78</sup>

If the perception of South Africa as an “Afrophobic” society is mainly imparted by Africans or other nations, South African scholars back this appellation too. There are, in fact, many South Africans of all social classes and functions who sympathize with African immigrants, some of whom paid this support with their lives during the xenophobic riots. In a book published in 2008 titled “Go Home or Die Here”, several thinkers provided an overview and analyses of the xenophobic violence which happened the same year. Of the many scholars who collaborated in this work, two treat the notion of “Afrophobia” or “Negrophobia”. Professor Pumla Dineo Gqola from the University of Fort Hare explains that “no matter how glossed over it was in the media. It is not simply xenophobia, but specifically negrophobic in character. No one is attacking wealthy German, British or French foreigners in Camps Bay or anywhere else in South Africa.” (Pumla Dineo Gqola, 213). The quotation claims that there is a polarized view about foreign nationals in South Africa, which treat “Black” and “White” (European) foreigners differently. The same observation is made by Andile Mngxitama<sup>79</sup> in the paper. He states

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<sup>78</sup> Available at: <https://pluralplus.unaoc.org/18-25-age-category/we-are-human/>

<sup>79</sup> Andile Mngxitama is a South African politician, member of the Economic Freedom Fighters (EFF) at the time of the publication, he created a party in 2015 called Black

that “There are no white kwerekweres in our country. The events of the last three weeks are not caused by xenophobia; ‘negrophobia’ is a more accurate term.” (Andile Mngxitama, 197). In A previous segment we also provided a reference from professor Rothney Tshaka finds similar answer to justify the use of the term “Afrophobia”:

“The funny thing is that Greeks and Bulgarians and others come to South Africa and by virtue of their white skin are seen as contributing. The perception, wrong or right, is that they can be of some benefit, unlike the non-South African black foreigner. It is for this reason that I prefer to speak of Afrophobia instead of xenophobia.”<sup>80</sup>

The observations made by those scholars lead the way to a dual view of immigrants with African foreigners which are discriminated against, and European immigrants who are left alone.

## **B. A Shared Experience**

Following the analysis of this dissertation and the references we were able to use, we can state that accepting a binary view on the topic of xenophobia in South Africa would not be objective and fair to the overall problem at hand.

If we should base our thoughts on the xenophobic events from 2008 to 2019, it is obvious that the main targets are foreign nationals from Africa.

Nevertheless, our investigations have allowed us to have a much clearer view of the subject. How can we speak about Afrophobia when we have several victims who are Asians immigrants? The example of Grahamstown in 2015 demonstrates that Pakistani and Bangladeshi immigrants had experienced xenophobia as well. Beside the punctual riots, Asian Immigrants from China and elsewhere suffer from crimes the whole year from arson, robberies, to rape and murder. To reiterate the Piper, Charman survey

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First, Land First (BLF) which was canceled in 2019 amidst racial controversy against white people.

<sup>80</sup> “Afrophobia versus Xenophobia in South Africa,” refer to the footnote 39 for further information

on criminal incidents against spazas owned by foreigners, Bangladeshi owned spazas register a higher rate of criminal incidents than African owners and that from 2010 to 2015 (e.g. Annex 4). Are we to speak of an Asiaphobia in South Africa then?

Blaming everything from a 'culture of violence', 'negrophobia', neoliberalism, poor service delivery, and the lack of border control, most explanations falter when faced with empirical or logical interrogation: Unless we accept a binary view of race dividing the world into 'white' and 'blight', negrophobia cannot explain regular attacks on Chinese and South Asians. (Loren B Landau, 4)

As different ethnicities and foreign nationals from different continents compose South Africa's immigrant, and they experience the same xenophobic violence; it is absurd to claim that xenophobic acts are Afrobobic or Asiaphobic. Perhaps why scholars and people claim that there is Afrophobia in South Africa is because they perceive the attacks from their personal backgrounds and traumas.

Xenophobia is the term which should be used as all migrants are foreigners, and the definition says that xenophobia is the "strong feeling of dislike or fear of people from other countries." Asserting that South Africans dislike or fear migrants is more accurate to say. However, the fear does not reside in the migrant factor nor the racist one. The true fear resides in the threat of further economic competition in an already unequal South African society. According to professor Jonathan Crush: "There is enormous suspicion that refugees are not genuine, and there is significant fear that migrants are an economic threat."

## CONCLUSION

There seems to be no unambiguous perception of the African immigrant in post-apartheid South Africa. The notion of it evolves through time and changes through the needs and struggles of South African society. Therefore the image of African immigrants is intrinsically linked to the social, political and economic environment in which they live. From 1994 to 1999, African immigrants, with an emphasis on illegal ones, were perceived as undesirable aliens. Their presence coincides with the early development and economic policies, which the ANC implemented to renew South African society. The debates about the Identification Act of 1997 officially opened the clash between citizens and immigrants. The early labelling of African migrants as the same, without categorisation into refugees or migrant workers by South African government as well as the lack of administrative documents was instrumental for the rise of a unilateral type of behaviour towards those categories of immigrants. African immigrants are, of course, more diverse and are composed of refugees, asylum seekers, migrant workers, documented and undocumented migrants. While the government tolerates migrant workers from the SADC because of the brain drain, other immigrants are not and face deportation. Those deported are often asylum seekers who seek refugee status.

The South African society, amidst its fight to improve its livelihood and struggle against economic inequalities, finds itself in a comparative reasoning process between them and African immigrants. Competition is thus not an unfamiliar feeling among locals. Competition is perceived as existent between middle-class South Africans and migrant workers. At the same time, poor locals compete with informal migrant workers and asylum seekers.

African immigrants, although they seem to be job takers in a high unemployment rate system, are often self-employed and entrepreneurs who provide jobs for locals. According to Stats SA, 9% of the annual GDP of South Africa is thanks to immigrants contributing to the economy. However, the general perception by locals is that African immigrants steal their jobs and housing spaces in the townships and elsewhere. The African foreign national becomes demonised, and the scapegoat for all negative situations South Africans find themselves in. From the HIV/Aids epidemic deaths to the Recession of 2008, everything seems to be the immigrant's fault in the eyes of South African society. This

resentment of the foreign national culminated in a series of xenophobic riots which murdered, looted and displaced thousands of immigrants.

A controversial explanation of those acts as Afrophobic attacks is a more and more claimed argument in South Africa's xenophobia paradigm. Indeed, the derogatory usage of *Makwerekwere* as an insult specific to African immigrants, and the majority of victims of xenophobic acts are immigrants from Africa. This shows that Afrophobia might be a legitimate answer. However, the immigrants' composition in South Africa does not comprise only Africans but Asians as well. Asian immigrants figure among xenophobia's victims in the same way African immigrants are. This appropriation of xenophobia to one community is due to the fact that although a minority, the majority of immigrants in South Africa are Africans - around 75%.

African immigrants perception in South Africa is thus not bound to colour or "race," but rather to the economic threat it symbolises. This also shows that the problem is more profound as the promises of the State over the Gear, the RDP and ASGISA programmes failed to improve employment and housing. Corruption by the government, estimated to 1.5 billion Rands a year is a more accurate source for the divide and turmoil in contemporary South Africa. The observations we have made on the correlation between xenophobia and presidential and regional elections reveals that the South African political sphere feeds on the negative opinion of immigrants by locals for their own agendas. This means that instead of improving the bond between citizens and non-citizens, the government emphasises the unfavourable perception of African immigrants by South Africans.



# ANNEX

## Annex 1:

### Economic and social indicators, South Africa, 1994-2002

	1994	1995	1996	1997	1998	1999	2000	2001	2002
Economic growth	3.2%	3.1%	4.3%	2.6%	0.8%	2.0%	3.5%	2.8%	2.9%
Inflation rate	8.8%	8.7%	7.3%	8.6%	6.9%	5.2%	5.4%	5.7%	8.8%
Real prime lending rate	6.8%	9.2%	12.2%	11.4%	14.9%	12.8%	9.1%	8.1%	6.0%
Exchange rate (R/\$US), year end	R3.54	R3.65	R4.68	R4.87	R5.86	R6.15	R7.57	R12.13	R8.51
Budget deficit/GDP	5.1%	4.5%	4.6%	3.8%	2.3%	2.0%	2.0%	1.4%	2.1%
Rate of accumulation of fixed capital	0.8%	1.3%	1.7%	1.9%	2.0%	1.0%	0.8%	0.9%	n/a
% pregnant women with HIV/AIDS, median urban	6.0	9.0	13.5	14.9	19.2	21.0	24.3	n/a	n/a
% pregnant women with HIV/AIDS, median non-urban	6.7	8.3	16.3	18.1	21.3	23.0	22.9	n/a	n/a
Growth rate: private sector employment	-0.9%	0.5%	-2.6%	-2.5%	-4.4%	-1.3%	-2.0%	-1.4%	n/a
Growth rate: total formal sector employment	-0.4%	-1.1%	-0.7%	-1.7%	-3.5%	-2.0%	-2.7%	-1.6%	n/a
National income per capita (R1995)	R13 586	R13 656	R13 961	R13 987	R13 759	R13 641	R13 789	R13 862	n/a

Sources: South African Reserve Bank; International Monetary Fund, *International Finance Statistics*, CD-ROM; South African Department of Finance, *Budget Review 2002*; UNAIDS "Epidemiological Fact Sheets on HIV/AIDS and Sexually Transmitted Diseases: South Africa", 2002 Update. Note: The growth rate for 2002 is based on the trend over the first three quarter; the inflation rate on the first 10 months; and the prime lending rate on the first 6 months.

Source: Accessed through James Heintz. "Out of GEAR? Economic policy and performance in post-apartheid South Africa." *PERI*. 2003

## Annex 2:

### Distribution of spaza shops in the sample

	Number			Row total			Column total		
	South			South			South		
	African	Foreign	Total	African	Foreign	Total	African	Foreign	Total
Delft South, CCT	91	89	180	50.6%	49.4%	100.0%	17.8%	16.5%	17.1%
Imizamo Yethu, CCT	7	53	60	11.7%	88.3%	100.0%	1.4%	9.8%	5.7%
Ivory Park, JHB	72	146	218	33.0%	67.0%	100.0%	14.1%	27.0%	20.7%

KwaMashu, DBN	112	14	126	88.9%	11.1%	100.0%	22.0%	2.6%	12.0%
Overcome Heights, CCT	9	13	22	40.9%	59.1%	100.0%	1.8%	2.4%	2.1%
Phillipi, CCT	104	64	168	61.9%	38.1%	100.0%	20.4%	11.8%	16.0%
Seawinds, CCT	18	15	33	54.5%	45.5%	100.0%	3.5%	2.8%	3.1%
Sweet Home Farm, CCT	34	9	43	79.1%	20.9%	100.0%	6.7%	1.7%	4.1%
Tembisa, Ekurhuleni	49	83	132	37.1%	62.9%	100.0%	9.6%	15.3%	12.6%
Vrygrond, CCT	0	2	2	0.0%	100.0%	100.0%	0.0%	0.4%	0.2%
Capricorn, CCT	14	53	67	20.9%	79.1%	100.0%	2.7%	9.8%	6.4%
	<b>510</b>	<b>541</b>	<b>1051</b>	<b>48.5%</b>	<b>51.5%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

Source: Piper, Lawrence. Charman, Andrew. And the Sustainable Livelihoods Foundation.

### Annex 3:

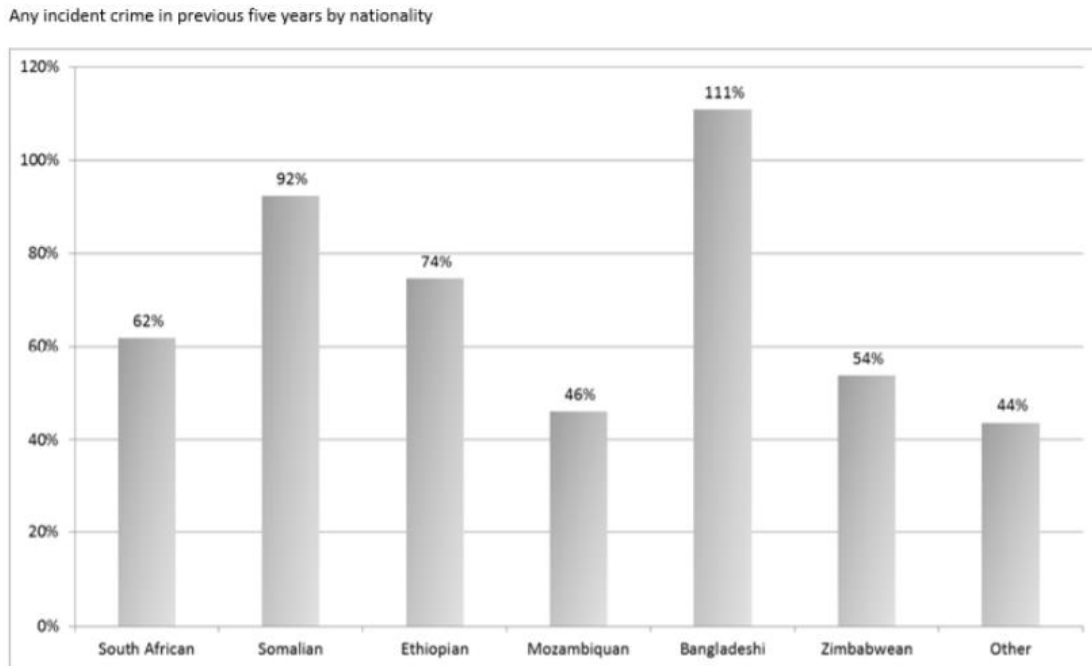
#### The (Xenophobic) 'South African' Map of South Africa



Source: Zapiro. 2008. Available at: [www.zapiro.com](http://www.zapiro.com)

**Annex 4:**

Spaza Crime Rates by nationalities 2010-2015



Source: Piper, Lawrence. Charman, Andrew. And the Sustainable Livelihoods Foundation.

**Annex 5:**

Employment creations by African immigrant entrepreneurs for unemployed South Africans

Preference in employment	Origin of African immigrants entrepreneurs									
	Nigeria N= 40		Somalia N= 40		Senegal N= 20		Other* N= 20		Total N=120	
	F	%	F	%	F	%	F	%	F	%
South Africans	29	73	36	90	19	95	14	70	98	82
Foreigners	2	5	2	5	0	0	1	5	5	4
Both	9	23	2	5	1	5	5	25	17	14
<b>TOTAL</b>	<b>40</b>	<b>100</b>	<b>40</b>	<b>100</b>	<b>20</b>	<b>100</b>	<b>20</b>	<b>100</b>	<b>120</b>	<b>100</b>
N: Number of respondents					F: Frequency					

\* The group of countries designated 'other' comprises Cameroon (6), Tanzania (5), Angola (4), Zimbabwe (2), Rwanda (2) and Morocco (1).

Source: Vivence, Kalithanyi. Kobus, Visser. "African immigrants in South Africa: Job Takers or Job Creators?" SAJEMS, NS 13. 2010

Annex 6:

Foreign Fallout



Source: Zapiro. 2019. Available at: [www.zapiro.com](http://www.zapiro.com)

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## **The Perception of African Migrants in Post-Apartheid South Africa**

Post-apartheid South African society is now more diverse than it ever was. Its title of “rainbow nation” seems hence to be well deserved. The Republic of South Africa is composed of citizens from different ethnicities and immigrants from other countries, among which a majority from the African continent. Nevertheless, although South Africa is a cosmopolitan country, the social environment in which citizens and immigrants live is marked by resentment and xenophobic violence, that reveals a much darker side of the rainbow. As the primary victims of xenophobia, from 2008 to 2019, are foreign nationals from Africa, it is relevant to analyse how they are perceived by South African society. The study is a gradual observation of several aspects which forms South African’s opinion on African immigrants. It tackles the social, economic and the public perception of the subject, as well as its political dimension.

**Keywords :** Immigration ; Refugee ; Immigration Act 13 ; Identification Act ; Xenophobia ; Pan-Africanism ; African National Congress ; Migration studies ; Corruption.

## **La Perception des Migrants Africain en Afrique du Sud post-Apartheid**

La société sud-africaine post-apartheid est plus hétérogène aujourd’hui qu’elle ne l’était hier. Son surnom de « nation arc-en-ciel » semble donc bien lui convenir. La République d’Afrique du Sud, est composée de citoyens de différentes origines et de migrants venus d’autres pays, notamment du continent africain. Toutefois, bien que le pays soit cosmopolite, la vie sociale entre immigrants et citoyens est marquée de rancœur et de violence xénophobe qui divulgue une face cachée de l’arc-en-ciel bien plus sombre qu’il n’y paraît. Comme les principales victimes de xénophobie, de 2008 à 2019, sont en majorité des immigrants d’origines africaine, il serait pertinent d’observer comment ils sont perçus par la société sud-africaine. L’étude se veut progressive, explorant plusieurs aspects de l’opinion sud-africaine envers les immigrants africains, allant de la perception socio-économique à la perception civile, en passant par l’aspect politique du sujet.

**Mots-clés :** Immigration ; Réfugiée ; Loi sur l’Immigration No 13; Loi sur l’Identité ; Xenophobie ; Pan-Africanisme ; African National Congress ; Etudes Migratoire ; Corruption.