

# PERSPECTIVES

Political analysis and commentary from Southern Africa

## Dear Reader

**O**n the 11th of May 2008, South Africa was shaken by the outbreak of a wave of violence characterised by an intensity and fierceness previously unknown in this young democracy and reminiscent of apartheid bloodshed.

According to police statements by the end of last month 62 migrants were murdered, while hundreds, including women and children, have been attacked, raped, and have had their houses and belongings looted or destroyed. The most severely affected groups are Africans from neighbouring states, such as Zimbabwe and Mozambique, but migrants from more distant countries, such as Nigeria and Somalia, as well as a few South Africans, have also been victims of attacks.

Within the country, up to 35 000 people have fled from their homes and are camping out in temporary shelters, churches and police stations. Thousands more have returned to their countries of origin. According to the Mozambican authorities, for instance, 26 000 people have crossed into Mozambique since the start of the unrest. During the second week of turmoil President Thabo Mbeki agreed to call in the army into the affected areas, to assist the South African Police force which could not fully contain the riot situation. While conditions have calmed down since, a new humanitarian crisis may now be unfolding as refugees in provisional reception camps struggle with inadequate shelter and supplies and brace themselves for the outbreaks of disease already reported in many areas.

Many people are now asking themselves what precipitated this massive outbreak of violence. What has led South African citizens to attack their neighbours, some of whom they had lived side by side with for many years? Were these attacks truly spontaneous, or were there warning signals that the

South African authorities should have heeded? How did dimensions of gender – and South Africa's high levels of gender based violence – play out in this tragedy and how did the violence impact on female migrants in particular?

This edition of *Perspectives* aims to engage with some of these pressing issues, as well as explore the means by which future outbreaks of violence could be prevented, and processes of social integration enhanced.

While South African government explanations of this outbreak have stressed the corrosive impact that decades of chronic poverty and lack of livelihood opportunities have had on South African communities, the articles presented on this platform make it clear that this cannot be the only explanation for the brutal attacks that we have witnessed. There is no doubt that a great deal of frustration – with the slow pace of substantive transformation since 1994 and insufficient improvements to the abhorrent living conditions of many – has made certain groups vulnerable to calls for mobilization around a 'scapegoat'. The ills of the townships – crime, unemployment, lack of housing, and even HIV/AIDS – have all been pinned onto 'foreigners'. The extent of the violence and the methods used to act against migrants, however, seem to indicate that socio-economic conditions may not be the sole cause for these attacks.

As Vincent Williams makes evident in his article, xenophobia is not only pervasive in South African society, but is also deeply rooted in the country's history. He notes that while the South African authorities have acknowledged signals of hostility towards foreign citizens in the past, timely and suitable actions across all levels of policy and legislation did not follow.

Romi Fuller's contribution shows that violence

against migrants cannot be separated from violence against women, which is chronically rife in South Africa. She draws attention to the fact that “violence is the norm in South Africa” and that, regrettably, the brutal acts perpetrated against migrants largely reflect how South African society deals with minorities and vulnerable groups.

Natalie Jaynes asks what the recent outbreak of violence means for the nation building process in South Africa and for the concept of the ‘Rainbow Nation’. She discusses how the concepts of “nation building” and ‘Rainbow Nation’ relate to each other and analyses where South African society stands with regards to the main pillars of nation building - reconciliation and identity. She argues that the Rainbow Nation concept is future oriented and demands on-going effort and vigilance.

Lack of contact and engagement between communities encourage stereotyping and

misconceptions of migrants and their impact on host communities, argues Zoe Nkongolo of NGO *Africa Unite*. In his article he recounts how two programmes that promoted interaction between local citizens and migrants worked to cultivate mutual respect and tolerance in Cape Town’s townships.

As local and international media coverage of this calamity wanes, it is our hope that the groundswell of solidarity of citizens and civil society seen in South Africa over the past weeks does not stop. Support, commitment and empathy from all sectors of society will be required to begin building the foundations of a genuinely tolerant and inclusive society.

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## Biography Vincent Williams

Vincent is based at Idasa (the Institute for Democracy in South Africa) and is the South African Project Manager of the Southern African Migration Project (SAMP). He has been involved in migration policy processes in South Africa and in the region since 1997 and has written extensively on various issues related to migration.



# Xenophobia in South Africa

## Overview and analysis

The recent attacks on foreigners in various townships around South Africa has forcefully brought to the fore the extent of xenophobia towards specifically black foreigners in South Africa. Xenophobia (defined as the ‘morbid dislike of foreigners’) is, however, not a new phenomenon in South Africa. The attacks on foreigners in South Africa

first received prominent and high-level attention when in 1998, the South African Human Rights Commission (SAHRC) and the United Nations High Commission for Refugees (UNHCR) convened a Consultative Conference and adopted the *Braamfontein Statement*, which argues the following:

*No one, whether in this country legally or not,*

*can be deprived of his or her basic or fundamental rights and cannot be treated as less than human. The mere fact of being an [alien] or being without legal status does not mean that one is fair game to all manner of exploitation or violence or to criminal, arbitrary or inhuman treatment. Foreigners in our midst are entitled to the support and defence of our law and constitution.*

*Our Constitution states that we seek to construct a society where "human dignity, the achievement of equality and the advancement of human rights and freedoms" are abiding values. The Bill of Rights confers certain rights to "everyone". These are the rights to equality, human dignity, the right to life, freedom and security of the person, and the right not to be subject to slavery, servitude or forced labour.*

*[The] manifestation [of xenophobia] is a violation of human rights. South Africa needs to send out a strong message that an irrational prejudice and hostility towards non-nationals is not acceptable under any circumstances. Criminal behaviour towards foreigners cannot be tolerated in a democratic society.*

In addition to the Braamfontein Statement and Plan of Action, the Consultative Conference also resulted in the setting up of the Roll-Back Xenophobia Campaign, primarily for the purpose of conducting public education and awareness programmes on the rights of asylum seekers, refugees and migrants in South Africa with a view to reducing negative perceptions of, and hostility towards foreigners.

The initiative of the SAHRC and the UNHCR came in the wake of several attacks on foreigners in various parts of the country, including the following:

- ❑ Gangs of South Africans try to evict perceived 'illegals' from Alexandra township, blaming them for increased crime, sexual attacks and unemployment. The campaign, lasting several weeks, was known as 'Buyelekhaya' (Go back home).
- ❑ In 1997, local hawkers in central Johannesburg attack their foreign counterparts. The chairperson of the Inner Johannesburg Hawkers Committee is quoted as saying: 'We are prepared to push them out of the city, come what may. My group is not prepared to let our government inherit a garbage city because of these leeches.'
- ❑ 1998 – three foreigners are killed on a train travelling between Pretoria and Johannesburg in what is described as a xenophobic attack.

As early as 1995, a report by the Southern African Bishops' Conference concluded that 'There is no doubt that there is a very high level of xenophobia in our country .... One of the main problems is that a variety of people have been lumped together under the title of 'illegal immigrants', and the whole situation of demonising immigrants is feeding the xenophobia phenomenon.'

The conclusion that levels of xenophobia in South Africa are high was supported by a nationally representative survey conducted by the Southern African Migration Project (SAMP) in 1997 in which it was found that 25% of South Africans wanted a total prohibition of migration or immigration and 22% wanted the South African government to return all foreigners presently living here to their own countries. 45% of the sample called for strict limits to be placed on migrants and immigrants and 17% wanted migration policy tied to the availability of jobs. In the same survey, some 61% of respondents agreed that migrants put additional strains on the country's resources.

These xenophobic sentiments were confirmed in a similar survey conducted in 2006 in which respondents continue to consider foreigners to be a threat to the social and economic well-being of South Africa. In the 2006 survey, more than two-thirds say that foreigners use up resources such as water, electricity and health care destined for citizens. Two-thirds of respondents feel that foreigners from other African countries commit crimes and close to one half (49%) say that foreigners bring diseases such as HIV to South Africa. Thus, like in the 1997 survey, respondents in 2006 appear to continue to have a negative view of the impact of foreigners on the country and in fact it would appear that this view on certain issues has hardened with greater percentages saying foreigners take up resources meant for citizens.

Whenever there have been violent attacks on foreigners, many politicians and government officials have tended to downplay the significance of xenophobia, preferring to label such attacks as opportunistic crime and 'conflicts over resources'. While crime and resource conflicts clearly play a part in provoking these attacks, it is also apparent that the attacks are targeted primarily at black foreigners, which confirms the xenophobic and racist nature of the attacks. The argument is also made that these attacks are as a result of the anger and frustration of communities 'boiling over' suggesting that they have just taken place 'spontaneously'. However,

there is nothing spontaneous about these attacks. If anything, it appears that they are part of a well organised campaign that targets foreigners living in some of South Africa's poorest communities, using the argument that foreigners steal jobs, are involved in crime and are a drain on resources to whip up anti-foreigner sentiments that ultimately result in the kind of violence that we have been seeing.

Many political leaders and government officials appeared to be surprised that it was possible for xenophobic sentiments to be whipped up to the extent that it was during the recent wave of violence. However, prompted by their concerns regarding the increasing levels of xenophobia in South Africa, The South African Human Rights Commission and the Parliamentary Portfolio Committee on Foreign Affairs convened a public hearing in November 2004 and invited submissions from a variety of organisations and institutions. For the most part, those who participated in the hearing, including the Minister of Home Affairs, expressed their concern that unless measures were put in place to address the problem of xenophobia, it was likely to get worse rather than better. The hearing proposed a series of substantive measures to combat xenophobia, but it appears as if none of the proposed measures were ever implemented.

Importantly, the SAMP research suggests that while there can be no doubt about the high levels of xenophobia in South Africa, it is a 'latent' form of xenophobia. While most respondents generally expressed negativity and hostility towards migrants and migration, few are likely to act on their feelings. When asked about the likelihood of taking action against foreigners they thought were in the country illegally, 16% of the respondents indicated that they would get a group together to force foreigners to leave, whereas only 9% said that they were 'likely' to use violence and in this group, only 4% said that they were 'very likely' to use violence. However, as we have seen recently – it only takes one incident for 'latent' xenophobia to be converted into 'active' xenophobia.

Both the 1997 and 2006 SAMP surveys show that South Africans generally have little contact or experiences of interacting with foreigners, other than on a casual basis. This does not mean, however, that there are no South Africans who have first-hand experiences of being deprived of jobs, being victims of crime and so on, due to the presence of foreigners. These experiences cannot be denied. However, it

is when such experiences are generalised and thus unsubstantiated – all foreigners take jobs or commit crimes – that it becomes problematic.

What then are the factors that cause and/or contribute to xenophobia ?

### **Isolation**

Perhaps the most obvious, and this would be particularly applicable shortly after 1994, is the fact that South Africans still tend to see themselves as separated from the rest of the African continent and, combined with many years of isolation, do not easily identify with other Africans. Increased migrant and refugee flows to South Africa since 1994 has meant that foreigners are now much more visible, leading to the perception that South Africa is being 'over-run' by millions of poor, illiterate Africans. Unsubstantiated claims about the presence of 5 – 8 million illegal foreigners in South Africa contribute to this popular myth.

### **Relative Deprivation**

Simultaneously, South Africans continue to have high expectations of economic and social delivery following the advent of democracy. That these expectations have not been met in terms of the scale and rate at which might have been anticipated, is a fact that has been acknowledged. Many South Africans continue to be unemployed and poor, with little or no access to basic social, health and welfare services. It is also apparent that many migrants and refugees have been able to establish successful small businesses or trading operations; much more so than their South African counterparts. In the past it was possible to blame poverty and the lack of development on a government that was unrepresentative and illegitimate. This is no longer the case and, as happens in many countries across the world, foreigners are often scapegoated for taking away opportunities from South Africans.

### **Nation-Building**

The SAMP survey results show that, while South Africans tend to hold negative views about each other, the nation-building project has had some impact on their collective views towards foreigners. Almost without exception across racial and income groups, attitudes towards foreigners are negative and steeped in stereotypes, reinforcing the perception that "they do not belong". Thus, by virtue of not being South African citizens, foreigners are barred from a range of

economic, social and welfare benefits in a process that has been described as “excluded by nation building”.

### **Public and Official Discourse**

Many of the beliefs about foreigners are based on ignorance and/or hearsay. Sweeping generalisations are made about foreigners without any apparent evidence or knowledge, and it is only when confronted with actual evidence to the contrary, that some South Africans are willing to reconsider their views. For many South Africans, Africa continues to be the ‘dark continent’, and they have very little knowledge of, or interest in the countries and cultures that exist beyond the Limpopo, or indeed in getting to know their fellow Africans living in South Africa.

In 2000 and again in 2004, SAMP did an analysis of print media coverage of cross-border migration in South and Southern Africa’s major English-language newspapers, drawing on more than 1,200 clippings about migration between 1994 and 1998 and a further 950 clippings about migration between 2000 and 2003. In sum, the SAMP findings suggest that coverage of international migration by the South African press has been largely anti-immigrant and unanalytical. Not all reporting is negative, and newspaper coverage would appear to be improving over time, but the overwhelming majority of the newspaper articles, editorials and letters to the editor surveyed for this research were negative about immigrants and immigration and extremely superficial in nature – uncritically reproducing problematic statistics and assumptions about cross-border migration.

While not blaming the media as the cause of xenophobia, the report concludes that at best, the press have been presenting a very limited perspective of cross-border migration dynamics, and in the process leaving the South African public in the dark as to the real complexities at play. At worse, the press have been contributing to xenophobic sentiments in the general public by weaving myths and fabrications around foreigners and immigration.

In the context of the above, comprehensive anti-xenophobia programmes need to incorporate and/or make an impact on the following (this is not in any particular order):

### **Legislative and Policy Frameworks**

In addition to the human rights framework established by the Constitution and Bill of Rights, immigration

and refugee policy and legislation must directly address the question of xenophobia, broadly in terms of the orientation of policies and legislation, and specifically in terms of mechanisms to prevent and counter xenophobia.

### **Human Rights Education**

‘Migrant and refugee rights are human rights’ – consistent with the thrust of current anti-xenophobia programmes, the rights of refugees and migrants, and the need to respect and protect those rights must feature prominently.

### **Data and Information**

Given the levels of ignorance and misinformation about migration and migrants, there is a crucial need for ongoing research. However, research should not be limited to questions about the extent and impact of migration, but should also focus on the attitudes of citizens towards migrants. This will help focus anti-xenophobia interventions in the medium to long-term.

### **Public and Official Discourse**

While there have been some achievements in terms of beginning to change the public discourse about migration – at least to the extent that the use of terms such as ‘illegal aliens’ is now less prevalent, the media, government spokespersons and opinion-makers need to be continually challenged when they make unsubstantiated statements about the impact of migration. As has become apparent from the speech made by President Mbeki at the opening of parliament in February 2001 migrants can, and do, make a contribution to the development of South Africa – this message has to be conveyed more strongly. Broadly, the emerging discourse must challenge the notion that migrants are responsible for the hardships suffered by South African citizens.

### **Opportunities for interaction**

One of the factors that contributes to ongoing xenophobic attitudes is the lack of interaction between migrants and refugees and citizens. Experience has shown that those citizens who have had opportunities to interact with migrants and refugees in a meaningful way, are less likely to be xenophobic. These processes of interaction, however, will only succeed if they are specifically constructed to allow for dialogue and meaningful interaction. By implication, this means that such interaction cannot

just be coincidental, but needs to be organised and facilitated.

### Going beyond the debate(s)

Much of the current anti-xenophobia work is focused on attempting to shift the debate(s) about migration. The starting point is usually in response to the belief held by South African citizens, that millions of poverty-stricken, illiterate migrants and refugees are invading the country and competing unfairly for access to social, welfare and economic opportunities. However, it is well known that many migrants and refugees bring with them significant entrepreneurial and other skills and expertise. Many are also well qualified academically. The problem is that South Africans are not easily persuaded to change their perceptions, based simply on what they are told about the profiles and potential contribution of migrants and refugees. Thus, the value that migrants and refugees add, and in particular, the extent to which they can make a difference to the lives of South Africans, needs to be demonstrated in a concrete manner.

### Peer Education

The results of the SAMP surveys showed that the majority of respondents were very negative towards migrants and migration in general, but that there were no readily identifiable characteristics that were exclusive to people who are xenophobic. Xenophobic attitudes were more or less equally widespread across racial groups, income levels, gender and so on. However, there was also a significant minority who was not xenophobic and supported the development of a more liberal immigration policy in South Africa. This prompted the question – why are some people **not** xenophobic? Does it have to do with a particular set of experiences, beliefs or value system?

The fact that there is a cadre of people who are not xenophobic provides an important opportunity for building a “movement” of peer educators that can operate in a number of different settings. The significance and value of such activities is clearly demonstrated by the achievements of some community-based organisations that have adopted this approach.

### Establishing a network

There are a number of initiatives and activities, aimed at reducing levels of xenophobia, that are already underway. It is critically important that these initiatives be coordinated in a more substantial

manner than is currently the case. This is not to propose the creation of a new organisation, but rather the establishment of a formalised network of “anti-xenophobia” or more broadly, migrants and refugee rights organisations and activities.

Reducing or eliminating xenophobia is not just about human rights education and awareness, but also fundamentally about changing attitudes and behaviour. At the core of counter-xenophobia strategies and programmes should be the understanding that attitudinal and behavioural change is brought about by two factors: Firstly, by making it possible for an individual to understand how his or her attitude or behaviour, whether implicit or explicit, may be harmful (emotionally, psychologically and sometimes physically) to others. The second and related factor has to do with the social environment in which the individual finds her or himself. If the environment does not condone discriminatory attitudes or behaviour, it makes it more difficult for an individual to continue with such practices. Thus, while counter-xenophobia programmes need to be directed at individuals and communities, it is equally important that a policy and legislative framework should be developed that effectively ‘outlaws’ xenophobic attitudes and behaviour.

However, it is not coincidental that the recent attacks on foreigners occurred primarily in informal settlements – South Africa’s most impoverished communities. It is also not helpful to deny that anger and frustration about their squalid socio-economic have driven many to blame and attack asylum seekers, refugees and migrants as the cause of their misery, however misguided and ill-informed such attacks may have been. In addition to acknowledging and addressing the problem of xenophobia, there is also a vital need to pay attention to the socio-economic and political factors that have and continue to contribute to high levels of xenophobia, including the failure of state and community institutions to intervene in and mediate the conflict between different interest groups and communities.

## Biography

### Romi Fuller

Romi is currently a project manager in the Transitional Justice Programme at the Centre for the Study of Violence and Reconciliation (CSV), overseeing the Violence and Transition Project. Prior to that, she was a researcher in the Gender Programme at CSV, specialising in sexual violence research. Romi has a BA (Honours) from Rhodes University, as well as a Senior Status BA and a Masters in Women's Studies from Oxford University. Before joining CSV she worked as the Managing Editor of the academic medical ethics journals *Bioethics* and *Developing World Bioethics*.



# Double Jeopardy

## Women migrants and refugees in South Africa

### Introduction

Against the backdrop of the pervasive culture of violence in South Africa, 'it is ironic that xenophobia has been represented as something abnormal or pathological. Xenophobia is a form of violence and violence is the norm in South Africa. Violence is an integral part of the social fabric'.<sup>1</sup> Violence against migrants/refugees and violence against women are two forms of violence that are viewed with horror by the general public and outside world but are, in fact, normalised ways in which South African society interacts with minority and vulnerable groups. The double jeopardy that faces refugee and migrant women is just that: they are at the intersection of these two groups that are so vulnerable to exploitation, abuse and violence.<sup>2</sup>

While reports in the media have described the brutality of the attacks on foreign nationals that have swept South Africa in May 2008 – which have included people being beaten, stabbed, torched and dispossessed of their belongings and homes – there has been little consideration paid to the double

jeopardy that renders women especially vulnerable in this deepening crisis. While the perpetrators of the xenophobic violence in South Africa have not differentiated on the basis of gender or age in their attacks on migrants and refugees, there is a gendered perspective to xenophobia which can easily be overlooked in the midst of the horror.

### The Nature of the Conflict

While violence against women is mostly perceived to be domestic or private in nature, the Rome Protocol and the International Criminal Court have recognised sexual violence in conflict situations (motivated by a woman's nationality, ethnicity or religious views) as a weapon of war, which can be prosecuted as such, thus legitimising the concept of sexual violence as a political tool. One may ask, however, what constitutes a 'conflict setting' within which violence against women can be escalated to a priority crime? Certainly, it could be argued that the wave of recent xenophobic violence in South Africa – leaving more than 50 people dead, injuring hundreds more and displacing thousands, in which the government has had to deploy the army to reinforce a police force unable to cope with the magnitude of the violence – does constitute a conflict situation (albeit localised and target-specific). The line between political and criminal violence in the current situation in South Africa is blurred: while

1 Harris, B. (2002). *Xenophobia: A New Pathology for a New South Africa?* In Hook, D. & Eagle, G. (eds) *Psychopathology and Social Prejudice*. Cape Town: University of Cape Town Press.

2 Migrants and refugees are, by their very status as foreigners, vulnerable to xenophobia (the attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity).

the violence perpetrated against foreign nationals is political in as much as it is motivated by dynamics of inclusion and exclusion, access to resources and nationalist identities, it also provides a space for opportunistic criminal violence. The violence against women that has formed such an integral part of the xenophobic violence has complex roots in both the political and criminal spheres.

In addition, violence against women in such a situation straddles the public/private divide. Domestic violence that may occur as a result of the heightened atmosphere of violence, or rape that occurs as a result of xenophobia, tends to be demarcated as happening within the domestic or private realm. This has implications not only for women's access to justice, framing the recourse that women seek following such a violation, but also for processes of peace-building and reconciliation, from which women may be excluded if they do not see themselves as victims of politically motivated crimes.

### The Burden of Care

In violent conflict situations, women represent a relatively easy target: they often lack the physical capacity to fight back and may render themselves defenceless by considering the protection of their families and possessions a first priority. As a result, women have not been exempt from the common assault and beatings that have been inflicted on foreigners in the townships. In addition, the fear that accompanies a position of defencelessness can strip a woman of her agency and perpetuate her status as a helpless victim.

'Woman' (and the associated categories of wife, mother and daughter) is a social position that comes with a range of expectations and investments: women are the traditional carers of their families, with the responsibility to feed, clothe and provide shelter for their children. As such, xenophobia targets women and children because they are central to making settlement happen: while migrant men may be seen by a host population as transitory, women and children denote a more permanent move and the laying down of roots. Migrant and refugee women in the townships have been disproportionately affected by the recent xenophobia, not only because the violence has played out on the site of their bodies (through beatings and rape), but also because the violence has been directed towards their homes (through burning and looting), which in many cases is symbolic of a woman's family and is perceived as a place of safety and security. In

many societies, womanhood is seen as inseparable from motherhood, and motherhood becomes a central part of a woman's identity. Ingrid Palmary explains that, 'as a result of the social meaning of motherhood, [a woman] has a particular experience of violence, trauma, loss and social belonging ... her distress at being unable to provide meaningfully for her child is acute'<sup>3</sup>. Many migrant and refugee women have been responsible for protecting their young children from the violence, which has entailed displacement to temporary shelters or places of safety where there is insufficient access to food, blankets and sanitation. Migrant and refugee women in South Africa tend to emphasise socio-economic needs and trauma over mental ones and, as such, may depict the primary way in which they are targeted as by having their possessions taken from them.<sup>4</sup>

The above is exemplified by two poignant examples:

*Filizarda Mbanza, found sitting against a wall cradling her three-month-old baby, told UNHCR visitors that she fled her shack on the outskirts of Germiston last Saturday when her neighbour shouted that a crowd whipped up by xenophobia was approaching. 'I was terrified! My husband was at work and I was alone with the baby. What was I to take from our shack? The warnings were drawing closer and I was in a panic. I had to get out there before my baby and I were attacked', Mbanza recalled. Strapping the baby to her back, Mbanza followed other fleeing families to the nearest police station. The police took them to the Germiston Community Hall. 'I don't even know how I arrived here. My mind was just in turmoil. My husband, was he still alive? My house, my goods ... I am just broken hearted,' the dazed woman said.<sup>5</sup>*

*As a woman it's really painful, because normally when you think in African culture, a mother is a mother to everybody ... but here we do not have the opportunity because everybody is strange to you. ... I think as mothers we suffer a lot, because the mother is like the heart of the house and when you try to bring to feed ... to feed the body, and everything come to the heart, it's painful; but you did try to knock there, you were refused, the whole family suffers. The children, the family, the whole family suffer.<sup>6</sup>*

3 Palmary, I. (2005). *Engendering Wartime Conflict: Women and war trauma*. Violence and Transition Series, December.

4 Ibid.

5 UNHCR distributes aid to South Africa's xenophobia victims, Date: 21 May 2008: UNHCR News Stories

6 Unpublished interview with a Rwandan refugee woman, 2008.

## Sexual Violence

Many migrant and refugee women in South Africa would have already experienced sexual violence, in their home country and/or during their journey to South Africa. Furthermore, some women would have been forced to exchange sexual favours with border officials for permission to enter the country. A Rwandan woman, living in South Africa for 10 years, explained to researchers at the Centre for the Study of Violence and Reconciliation (CSV) that, 'I noticed that in Home Affairs ... when you are a woman they have a tendency of trying to take you to a situation where they would say that we would extend your paper, but you must accept to sleep with me, to be my friend'.<sup>7</sup>

Now there have been reports of migrant and refugee women being raped as a result of anti-foreigner sentiment in the midst of the general perpetration of xenophobic violence. Systematic rape is often used as a weapon of war in 'ethnic cleansing' – although South Africa is not at war, it can be argued that the current situation is a 'conflict situation' and in a conflict situation the sexual violation of women can erode the fabric of a community in a way that few weapons can. Rape cuts across cultures in terms of male domination, and rape in conflict situations serves to dominate and tame not only the women survivors who are its immediate victims, but also all the men that are socially connected to them by delivering the message that they are not strong enough to protect their women. From this point of view, rape in war or conflict is a means of committing genocide, by destroying a particular group or nation's identity. The shame that women experience following sexual violence may render women increasingly isolated and unable to talk about the rape – this is exacerbated in conflict situations, where displacement breaks down social relationships and serves to undermine social support as an important source of healing.

In a country where sexual violence is pervasive in everyday life, it is difficult to distinguish how many rapes have been motivated by xenophobic attitudes and how many rapes have been perpetrated because the general atmosphere of violence and lawlessness has allowed for it. This speaks again to the double jeopardy of migrant and refugee women; rape can be used to punish and humiliate women from different nationalities and ethnic groups as a political tool of xenophobia; and rape can be perpetrated as an act

of criminal violence against a woman because of her gender, under the guise of xenophobia. Unfortunately, probably most of the xenophobia-related rapes are unreported because migrant and refugee women are fearful of the police: firstly, as migrants or refugees in an environment where the police have a reputation for complicity in corruption, intimidation and abuse of foreigners; and secondly, as women in a society where the victims of sexual violence are often treated with scepticism and suffer secondary victimisation at the hands of police officials. Jonathan Crush of the Southern African Migration Project (SAMP) supports this view when he explains that in a study conducted by SAMP, police officers were particularly accused of destruction of travel documents, excluding women from legal assistance, protection and basic services, and soliciting bribes and sex from immigrant women.<sup>8</sup>

### "They're Taking Our Jobs and Our Women"

A common justification for the xenophobic violence offered by perpetrators and public alike is, "they're taking our jobs and our women".

Harris refers to Tshitereke's psychological interpretation of scapegoating in conjunction with the socio-economic realities of contemporary South Africa as one framework through which to understand the current xenophobia. She reminds us that 'the psychological process of relative deprivation rests on social comparison. This takes place at the level of jobs, houses, education and even women, such that foreigners are scapegoated for taking our jobs, taking our houses and stealing our women. Politics, economics and patriarchy impact on the scapegoating process.'<sup>9</sup>

Migrants are increasingly targeted as the scapegoats for all manner of domestic problems facing societies today, particularly unemployment, crime, and limited access to services. In reality, many migrant and refugee women in South Africa have limited employment opportunities and are often at the bottom of the labour market. Many of these women hold jobs in free trade zones, the informal economy or unregulated sectors. As such, their access to state services such as health, education and justice is also limited, especially if they are undocumented migrants or illegal immigrants. Women migrants in South Africa stated that they were often met with

7 Ibid.

8 Crush, J. 2007. *Voices from the Margins: migrant Women's Experiences in Southern Africa*. SAMP.

9 Harris, B. (2001). *A Foreign Experience: Violence, Crime and Xenophobia During South Africa's Transition*. *Violence and Transition Series*, Vol. 5, August.

xenophobic attitudes, received substandard medical treatment, were overcharged for services, or were directly turned away from hospitals and clinics. A number of them were of the view that city hospitals in Johannesburg were least likely to offer treatment to migrants.<sup>10</sup> Women often will have moved to South Africa because of political repression or economic hardships in their home country and, rather than being a burden on the state, are entrepreneurial and resourceful people who want to improve their own lives and the lives of their families.

However, it is not only migrant and refugee women who have been vulnerable to the xenophobic violence. South African women have been cited as a site of conflict between South African nationals and foreign nationals. Black South African men have accused foreigners of “taking our women”. This speaks directly to the pervasive ideology of patriarchy in South Africa, which is so entrenched that women are broadly perceived as possessions that can be “owned” by different groups of men. Sexual violence is well documented in South African research as a means to control and punish women: rape is therefore used against South African women as a means of controlling or curbing their agency in choosing foreign men and as a punishment for their waywardness. Many writers have commented on the ways that women’s bodies and sexuality are central to the construction of ethnic and national identity: as such, refusing such gendered norms by preferring a foreign man disrupts projects of nationalism and can be the basis of violent assault. This means that South African women marrying foreigners are vulnerable to attack and to sexual violence.

Gender relations between South Africans are marked by physical violence. Research conducted by the Centre for the Study of Violence and Reconciliation (CSV) suggested that because of high levels of violence operating between South African men and women in the domestic sphere, South African men are represented by foreign men as ‘brutes’ who do not respect the rights of women. Foreign nationals argued that it is largely for this reason that South African women prefer foreign men. The underlying suggestion is that foreign men respect women and are not violent towards them. This point testifies directly to the strong culture of violence that operates within ordinary South African interactions. The South African accusation that ‘they steal our

women’ comments not only on a strong patriarchal social order, it also connotes a hostile, negative attitude towards foreign men. A constant threat of violence rests within this attitude.

### The Trauma of Migrant and Refugee Women

*After being threatened with rape and losing her home on May 19, Ntokoze Msebele, a Zimbabwean national, told Human Rights Watch that she now fears local residents, but is equally fearful of returning to Zimbabwe: ‘It is hell there. There is no food, no work. At least in South Africa I had work. But what our future is here now, I do not know. The mobs took everything I have. We know now that we are hated in Alex’.*<sup>11</sup>

This story articulates how many migrant and refugee women in South Africa have been subjected to compounded trauma in recent weeks. Many migrant and refugee women are in South Africa after having fled conflict-zones, sexual and domestic violence, and political and/or economic repression in their home countries. This initial trauma is compounded by the insecurity and violence they now face in South Africa. Interestingly, Palmary points out that women often do not see their violations as part of political conflict but instead tend to view them as personal or domestic violations. As explained above, the fact that women see their violations as domestic rather than political means there is a very real possibility that women may be left out of reconciliation and justice mechanisms in their home and host countries. In addition, this means that the resistance and resilience that women do show to the violence perpetrated against them in conflict settings is seldom acknowledged and often played down as ‘private’ or ‘domestic’ violence.<sup>12</sup>

### Addressing Women’s Specific and Urgent Needs in the Current Situation

The following points are concrete steps that can be followed to alleviate the problem of xenophobia, as it relates to women:

- Ensure that the Department of Social Development takes swift action to ensure that all those affected by xenophobic violence have the material support that they need including food, shelter, and emergency supplies;

<sup>11</sup> Human Rights Watch (2008). South Africa: Punish Attackers in Xenophobic Violence. Available at: [http://hrw.org/english/docs/2008/05/23/safric18935\\_txt.htm](http://hrw.org/english/docs/2008/05/23/safric18935_txt.htm)

<sup>12</sup> Palmary, op. cit. note 3.

<sup>10</sup> Crush, op. cit. note 8.

- ❑ Ensure that the Department of Health takes immediate action to provide medical and psycho-social services to women who have been subjected to sexual violence, including access to post exposure prophylaxis (PEP) to prevent HIV infection;
- ❑ Issue a clear message that further sexual violence against women will be punished to the full extent of the law;
- ❑ Publicise and make clear the roles and responsibilities of the Refugee Relief Board and the counter-xenophobia unit within the Department of Home Affairs;
- ❑ Urgently develop and implement coordinated action plans with UN agencies and civil society organisations working with migrants and refugees in each of the nine provinces. These plans take into account and respond directly to the gender sensitive needs and rights of women, and accompanied minors;
- ❑ Fast track the prosecution of perpetrators of xenophobic violence to ensure that critical witnesses are available to testify;
- ❑ Use government resources and media channels to launch a nationwide anti-xenophobia campaign in print, radio, television and internet media;
- ❑ Set up an urgent inquiry into the root causes of the xenophobic violence;
- ❑ Provide immediate training to all police and immigration officials on the rights of non-South Africans and hold accountable any official who fails to carry out their duties in accordance with their mandate;
- ❑ Effective implementation and enforcement of immigration laws to ensure the protection of non-South Africans and South Africans alike; and
- ❑ Enact legislation and measures that will ensure the prevention, combating and punishment of hate crimes and speech.<sup>13</sup>

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<sup>13</sup> Taken from the One in Nine Campaign Press Release on the xenophobic violence.

## Biography

### Natalie Jaynes

Natalie is a project leader in the Reconciliation and Reconstruction Programme at the Institute for Justice and Reconciliation, a Cape Town based non-profit organization that works in the field of transitional justice both in South Africa and in other African countries. She heads up a project called 'Building an Inclusive Society' that brings together various interest communities with a view to reconciliation and nation-building through dialogue. Jaynes holds a post graduate degree in Theology and is completing a masters in Transitional Justice at the University of Cape Town.



# The state of nation building in South Africa in light of the recent xenophobic attacks

When looking at the public and private response to the recent spate of xenophobic attacks that have occurred across South Africa, one is struck by its incoherence. Like a boxer that has received an almighty blow to the head, South Africans have been stumbling around, punch-drunk, to make sense of something that caught the country by complete surprise. In its wake, some have called it the death of the Rainbow Nation; others have more cautiously suggested that this is a timely reprimand to a nation that has strayed from its accomplishments of the early nineties. Most do, however, agree that it has shattered any pretence, which many South Africans have still harboured, about our exceptionality as a moral beacon of the world.

An important challenge for the country in the coming months and years would be to establish exactly where it finds itself in terms of nation-building after the rude awakening of the past month. Can we still be so presumptuous to claim that we are, in the words of Archbishop Emeritus Desmond Tutu, the Rainbow Nation of God?

In trying to make sense of these questions it may be useful to look at the question of nation-building through the lens of two of its building blocks – reconciliation and identity. While the task of nation-building has been defined and debated extensively, most definitions give prominence to the concepts of identity and reconciliation, as critical components.

Both reconciliation and national identity are

loaded terms and require careful explanation. Falling under the banner of nation-building, reconciliation is about previously divided groups learning to live together in a spirit of respect and dignity. National identity denotes a collection of symbols that help individuals to relate to one another on an equal footing. These definitions are by no means conceptually exhaustive but can be used as tools in taking stock of South Africa's nation-building task.

### Reconciliation

Scepticism concerning the use of the term Rainbow Nation is not something that has emerged only now in the wake of the xenophobic attacks. Some, like political analyst Adam Habib, have already cautioned very early after the advent of democracy against the application of the rainbow metaphor without carefully looking at its underlying political assumptions.<sup>1</sup> He argued that it ran the danger of perpetuating a disproportionate focus on racial reconciliation, as opposed to all the other social schisms that have been ingrained by four decades of apartheid. It is therefore very simplistic to try and interpret the violence of apartheid solely in racial terms.

Indeed the entire apartheid ideology was based very strongly on presumptions about race and the need for separate development of South Africans of

<sup>1</sup> Adam Habib, "Myth of the Rainbow Nation: Prospects for the Consolidation of Democracy in South Africa", *African Security Review*, volume 5 No. 6, 1996.

different racial backgrounds. Although it therefore caused immeasurable damage to relations between South Africans from different racial and cultural backgrounds, the structural damage, caused the economic disenfranchisement of black South Africans, continues to be apartheid's most stubborn legacy. The rainbow metaphor therefore almost becomes obscene, if one fails to understand and confront the much deeper economic realities that underlie it.

While this argument is often made at the meta-level as it relates to an entire society, it might serve as well to extrapolate this to the personal level in order to understand that it has a tangible impact in terms of fear, insecurity, but also anger. Without the eradication, or at least alleviation, of their condition of poverty, there is absolutely no incentive to reconcile with other citizens regardless of their race. When a struggle has deteriorated from one focussing on subsistence to one that aims merely for survival, as it has for many in recent months, social cohesion, and by implication, national reconciliation becomes a casualty.

This is an important perspective that should not be ignored when we try to understand what has happened over the past month. While racism still plagues South Africa, most South Africans don't regard it as the primary source of division anymore. As successive rounds of the Institute for Justice and Reconciliation's SA Reconciliation Barometer Survey have shown, economic inequality now tops that list. Of course the two intersect, but the economic component now seems to be carrying far more weight than that of race.

In terms of recent events Chairperson of the South African Human Rights Commission Jody Kollapen has cautioned that it is unrealistic to seek to address xenophobic sentiments amongst communities without addressing the economic dimensions and competition for resources.

This is not to suggest that an either/or approach to reconciliation and nation-building should be followed. Racial reconciliation has been, and continues to be, a necessary priority. This was particularly the case in the immediate aftermath of the political transition. But perhaps there has not been enough urgency about the way in which we addressed the question of economic redress since 1994. In 2008 we have been reminded quite forcefully of this.

The contours of this kind of expanded approach to reconciliation have yet to find clear articulation in South African civil society. Some groundwork has

already been done in the recommendations made in the Truth Commission's Final Report in terms of individual and community reparations. While these recommendations for reparations are in no way sufficient in terms of addressing the systemic economic injustice of apartheid; they are a start. To date these recommendations have not been addressed and the President's Fund which was set up for this purpose remains largely untouched.<sup>2</sup> Perhaps civil society engagement around these recommendations could open up the necessary space for broader public discourse on this issue.

Making reconciliation relevant in 2008 means that the political and social legacy of apartheid cannot be divorced from its economic legacy. The implication of this broadening exercise is that reconciliation becomes a more inclusive process encouraging "individuals [to] think and work beyond 'me and my future', to embrace a concern for 'we and our future'".<sup>3</sup>

## Identity

A 'concern for we and our future' brings the question of identity to the fore. Simply put the concept of identity refers to how we see ourselves in relation to others and the wider community. National identity denotes a collection of symbols that help individuals to relate to one another on an equal footing.

Immediately following the negotiated settlement there emerged a discourse around the need for a South African national identity. While there were some critics, the general sentiment was positive and significant efforts were made to sketch a unifying national identity that would serve the aims of nation-building. Archbishop Tutu's metaphor of the Rainbow Nation was accompanied by a range of other symbols. National sports teams, the new flag and anthem and a whole 'proudly South African' campaign carried marks of what it meant to be South African. The public broadcaster adopted the slogan 'Simunye – we are one' and South African Breweries advertised Castle Lager with the slogan 'One Beer, One Nation'.

The sceptic may argue that these symbols reflect nothing more than marketing opportunism. Even so, the cumulative effect of these symbols was something however superficial, that all could point to as 'South African'. This kind of national identity worked well

2 See 2006/07 President's Fund Annual Report [http://www.doj.gov.za/reports/other/2006-2007\\_ANR\\_Presidents%20Fund.pdf](http://www.doj.gov.za/reports/other/2006-2007_ANR_Presidents%20Fund.pdf).

3 Charles Villa-Vicencio, "Reconciliation" in *Pieces of the Puzzle: Keywords on Reconciliation and Transitional Justice*. Charles Villa-Vicencio and Erik Doxtader (eds.), Cape Town: IJR. 2004:8.

at a particular point in history and contributed to the task of nation-building.

In 2008, many of these unifying symbols have either lost their novelty or have disappeared altogether. Interestingly, the Rainbow Nation metaphor still captures the South African imagination. This has been apparent in the cartoons that have recently employed this metaphor.<sup>4</sup> Although these cartoons use the Rainbow metaphor as a reminder of the country's failings, it is nonetheless significant that this metaphor still serves as a popular symbol.

Alex Boraine (co-chairperson of the South African Truth and Reconciliation Commission) offers helpful direction in reflecting on the Rainbow Nation symbol and hence also the question of identity in post-apartheid South Africa. He suggests that when Archbishop Tutu invoked the image of the Rainbow Nation, he was not employing a "language of fact, but of faith" thereby challenging society "To become what it is called to be. This image embodies a promise of what is possible in the future".<sup>5</sup>

If we follow Boraine's line of thought then Tutu's Rainbow Nation is linked to an understanding of identity that is decidedly future oriented. A national

identity as the Rainbow Nation is about what we could become.

The problem with using future oriented lenses to view identity and reconciliation is that these concepts can take on utopian dimensions in the sense that it is impossible to 'arrive' at these goals. Similarly, overly procedural definitions can misguidedly sketch reconciliation and identity formation as a 'how to' exercise and a premature end point can be reached once all the correct blocks have been ticked off.

One of the insights that the Institute for Justice and Reconciliation has come to appreciate in its work relating to national reconciliation, is that it requires a very delicate balance between 'goal' and 'process'. This opportunity for introspection that the events of the past month has offered, reminds us that transitional justice requires momentum in order to yield significant gains. The analogy of peddling on a bicycle - one needs to keep peddling in order to move – comes to mind.

While we wrestle with what it means to be the Rainbow Nation in the midst of our own violence against each other – we would do well to again draw on the wisdom of Archbishop Tutu who has told us that the price of true freedom is eternal vigilance.<sup>6</sup>

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4 One example can be found at [http://www.madamandev.co.za/archive.php?text=rainbow+nation&do\\_search=1&search=vanilla&start=0](http://www.madamandev.co.za/archive.php?text=rainbow+nation&do_search=1&search=vanilla&start=0).

5 Boraine, A. (2000). *The Language of Potential. After the TRC: Reflections on Truth and Reconciliation in South Africa*. W. James and L. v.d. Vijver. Cape Town: David Philip Publishers: 73-81.

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6 "Real Leadership", Harold Wolpe Memorial Trust Tenth Anniversary Memorial Lecture. 23 August, 2006.

## Biography

### Zoë Nkongolo Tshikaya

Zoë is an engineer by training and came to South Africa from Zaïre (now the Democratic Republic of Congo) 14 years ago. He has been involved in lobbying and advocacy for the rights of migrants and refugees since then. In 1995, he was a founding member of the Cape Town Refugee Centre and he was the founder and chairperson of the Refugee Committee of Cape Town 1995-99. From 1998-2002, Zoë was Senior Program Manager for Integration and Community Development at the Cape Town Refugee Centre and in 2002/03 started the organisation 'Africa Unite' that brings together South Africans and refugees around capacity building for conflict resolution, human rights, peace, arts and culture. Africa Unite has since established branches in Cape Town (Manenberg, Gugulethu, Langa) and Boland areas.



# Counter-Xenophobia strategies

## Two practical examples

The recent xenophobia attacks on foreigners which happened countrywide clearly indicate that most South Africans continue to blame asylum seekers, refugees and migrants for their socio-economic difficulties. It is also unfortunate that young people were at the forefront of these violent and unprovoked attacks. Part of the reason for the attacks is that the successes achieved by migrants and refugees have led to resentment and jealousy amongst the locals, instead of them welcoming the entrepreneurial activities of migrants that could benefit locals and migrants alike.

In response to these and related problems and dynamics in local communities, *Africa Unite*, a community based organisation in Cape Town, has initiated two programmes to encourage mutual respect and tolerance, interaction and co-operation between citizens and foreigners.

### Human Rights Peer Education Training

For the past seven years, Africa Unite has been recruiting youth (citizens and asylum seekers/refugees) from different communities to participate in a Human Rights Peer Education training programme. The training covers the following topics:

- General introduction to human rights and human

rights education

- International and national statutes protecting and promoting human rights.
- Migrants and refugee rights in SA
- Understanding xenophobia
- Facilitation skills

Throughout the workshop participants are encouraged and provided with some of the skills to go back to their communities to conduct similar workshops. Over the years, peer educators have conducted workshops in schools, churches, mosques and in the communities in which they live. These workshops are conducted in the local languages such as Xhosa, Afrikaans, Swahili as well as French for refugees and have substantially contributed to an increased understanding of human rights generally, and the rights of asylum seekers, refugees, and migrants specifically in the places where workshops have been held. We also know that some of our peer educators have been at the forefront of defending and preventing attacks on refugees and migrants during this troubled period.

In 2007, 25 Human Rights Peer Educators were trained by Africa Unite and they have cumulatively reached 1 600 people through the workshops that

they have conducted. Many of them also use local media like community radios and newspapers to raise awareness about the plight of migrants and refugees. Currently, some of our peer educators are heavily involved in negotiating with community leaders and other youth organizations so that the refugees who have been displaced can go back to their homes.

Our realization is that once the youth grasp human rights concepts, they begin to look for the realisation of these concepts in their lives, communities, families, and places of work. If more youngsters understand their rights and the rights of others we will have less youth in prisons and crime rates will go down.

### **Sisonke Saving Scheme**

As the Human Rights Peer Educators reached out to people they brought back reports of dire poverty and helplessness amongst the youth. In response, Africa Unite initiated *Sisonke* where local people can learn entrepreneurship skills from the migrant and refugee communities.

At *Sisonke*, locals and refugees save money together in order to inculcate a culture of savings, and the savings are then invested in small informal income generating projects in which refugees and locals work together and share the benefits.

This initiative started in 2005 and this year we entered into a partnership with the South African micro-finance apex fund (SAMAF) an initiative of the South African Department of Trade and Industry. Part of the agreement between SAMAF and *Sisonke* is that the latter must recruit at least 1 200 new members who later benefit from micro-loans between the amount of R2 000-R10 000. Recently the members of *Sisonke* held a strategic planning meeting and their new vision is to be a leading, credible Financial Institution in Africa, providing access to finance for the previously disadvantaged.

It has become apparent to us that one of the factors that contribute to ongoing xenophobic attitudes is the lack of interaction between locals and refugees. Experience has shown for example that those citizens, who have had opportunities to interact with migrants and refugees in a meaningful way, are less likely to be xenophobic. These processes of interaction, however, will only succeed if they are specifically constructed programmes to allow for dialogue and meaningful interaction. This means that such interaction cannot just be coincidental, but needs to be organized and facilitated. The above are examples of activities undertaken by Africa Unite that demonstrate the value of interaction and co-operation.

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