

ADDRESSING SOCIAL COHESION AND XENOPHOBIA IN SOUTH AFRICA

IN SOUTH AFRICA, XENOPHOBIA IS TRIGGERED BY GOVERNMENT FAILURE

Because international population movements are complex and difficult to measure, South Africa unfortunately does not have official figures on the total number of foreign residents in the country aside from projections based on census data. Figures from the 2011 census and data collated by the World Bank and the United Nations suggest a current migrant population of between 1.7 million and 1.86 million people. According to the International Organization of Migration, the total migrant population in South Africa is growing, with migrants representing 2% of the population in 2000 to over 5.5% in 2015.¹

While most migrants in South Africa are economic migrants, millions of migrants have also sought asylum from political persecution and conflict in South Africa since the 1980s. In May 2015, the Department of Home Affairs (DHA) conducted an analysis of the National Immigration Information System (NIIS), which records data on refugees and asylum seekers. The analysis revealed that South Africa has issued 1,061,812 Section 22 permits (asylum seeker temporary permits), though only 78,399 permits are still active; it has also issued 119,600 Section 24 permits (formal recognition of refugee status permits), with 96,971 permits still active.²

According to the Human Sciences Resource Council, South African has one of the highest negative perceptions of foreign workers in the world.³ Notions that South Africa is being overrun by immigrants, however, are unfortunate perceptions that have no factual, demographic support. Reports from the Quarterly Labour Force Survey state that South Africans make up over 90% of employees in every sector.⁴ This suggests that xenophobia in South Africa is largely the product of scapegoating rather than legitimate

KEY POLICY MESSAGES

1. Inadequate service delivery and high rates of crime fuel xenophobic sentiment, while there is little social cohesion between foreign nationals and locals to mitigate violent attacks.
2. South Africa's national cohesion strategy focuses overwhelmingly on racial relations and post-Apartheid reconciliation in South Africa, as opposed to intercultural relations and xenophobic violence.
3. DHA's proposal of encampment for asylum seekers awaiting final verdict of their refugee claims would be both expensive and inhumane. Rather than detain asylum seekers, DHA should proactively address the management of economic migrants from the SADC region to South Africa.
4. The Department of Home Affairs (DHA) should develop a holistic integration policy based on global best practice that addresses the multi-faceted nature of migrant integration.

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Xenophobic violence in South Africa made international headlines in 2008, when anti-immigrant riots left at least 62 people dead, 670 wounded and more than 150,000

displaced.⁵ Since 2008, xenophobia remains entrenched in South Africa, periodically erupting into violent xenophobic attacks. In 2015, xenophobic attacks, spurred by the Zulu king's comments that foreigners "should pack their bags and go back home," left at least five foreign nationals dead and thousands displaced.⁶ Significant xenophobic incidents have also occurred in 2017, mostly in Gauteng and the Western Cape.⁷

Xenophobic violence occurs in South Africa's townships and informal settlements, perpetrated by its residents and directed against African foreign nationals living there. Most perpetrators are male. Victims include women and children, though they are predominantly other men. The overarching issue of violent masculinity in South Africa cannot be disentangled from xenophobic violence.⁸ The attackers often claim that foreigners are stealing jobs from South Africans or conducting activities that make their communities less safe, such as dealing drugs or facilitating prostitution. The attacks are usually triggered by poor service delivery and service delivery protests; criminal incidents between a foreign national and a local, where the local is injured or killed; or political opportunism, where local garner support by campaigning to kick out foreigners. The reality is that foreign nationals are a scapegoat for government failure: since the country's democratization in 1994, transformation has been slow and painful, with at least one fifth of South Africans still living in poverty⁹ and the country's unemployment rate at a 13-year high.¹⁰

POLICY RESPONSES ARE NEEDED TO ADDRESS SHORTCOMINGS IN GOVERNMENT'S STANCE ON MIGRATION

South Africa has one of the most progressive and inclusive Constitutions in the world, which provides for the rights of all who live in South Africa, not just citizens. In reality, those rights are poorly translated – not just for migrants, but for the millions of South Africans who continue to live in poverty, suffer from inadequate housing and lack access to basic services, including adequate basic education. For migrants, the clearest challenges in relation to adequate protection are getting proper documentation, accessing proper health care and accessing police services.

The Department of Home Affairs recently published White and Green Papers on International Migration in July 2017 and June 2016, respectively. These papers provide policy recommendations, which are implemented if legislation is amended. The legislation process for immigration in South Africa should conclude in March 2019. It is clear that the government's stance on migration is changing. The proposed policies would privilege international migrants with skills and capital in order to harness migration for development. While attracting and retaining high-valued migrants is laudable in theory, it appears to come at the expense of protecting more

What role do public figures and the media play in combatting or perpetuating stereotypes relating to migration and migrant communities?

The media and public figures are responsible for unfairly portraying migrants as criminals who are overwhelming the country. As stated above, South Africa needs to figure out how to hold local politicians accountable for inflammatory remarks. Where remarks lead directly to violence, the person may be guilty of a hate crime – but only in the most serious cases involving criminal behaviour and violence. Human Rights Watch warns, "The expression of controversial ideas or opinions, no matter how offensive, when made without incitement to violence should be regarded as legitimate exercises of the constitutionally and internationally protected right to freedom speech."¹¹

At the same time, organizations like Africa Check and Xenowatch are publishing more accurate statistics on migrants in South Africa; ALPS Resilience recently wrote an article on the positive effects that migrants have on the South African economy, which was published in *Business Day*.¹² Reports and articles of this nature must be leveraged in order to combat the damaging effects of "fake news."

vulnerable groups of migrants, in particular asylum seekers and refugees.

Advocates and civil society need to work together with lawmakers to dispel myths about migrants in South Africa while informing parliament of the economic and social benefits of migrant integration. The following section outlines the three key policy shortcomings that will need to be rectified, along with recommendations for policymakers, in order to achieve a safe and tolerant environment for migrants in South Africa.

1. The government does not have a clear, holistic integration policy for the integration of migrants into South Africa society.

The lack of clear policy and corresponding policy implementation has meant that many communities have not had proper preparation for the influx of migrants into their communities. In some places, this lack of preparation has contributed to discrimination and attacks on foreigners.¹³

DHA's proposals for an integration policy outlined in the White and Green Papers on International Migration do not reflect a holistic approach to integration. Integration is not only a legal issue but also an economic, social and cultural process. Key findings from the UNHCR's study of integration in the EU revealed that employment,

language and housing were key concerns of migrants.¹⁴ While providing migrants with valid and recognizable documentation is certainly an important first step in the integration process, documentation can only go so far in ensuring the integration of migrants into South Africa's health system, educational institutions and labour markets. With regard to community integration, too much emphasis is placed on migrant communities when it is the host communities who are the perpetrators of violence. Locals need to be adequately prepared to host migrants. **Activities that increase problem-solving dialogue between the two groups and provide opportunities for them to jointly address the issues facing their community are paramount.**

POLICY RECOMMENDATION

It is paramount that integration policies and social cohesion interventions now become proactive as opposed to merely reactive. The DHA, together with other departments in the South African government, should take the publishing of the Green Paper on International Migration as an opportunity to **develop an integration policy based on global best practices.** Global best practices regarding the integration of immigrants include developing a multi-stakeholder approach across government. A multi-stakeholder approach should alleviate some of the pressure put on the DHA, which is overburdened with its duties even without having to develop and implement a comprehensive integration policy.

The DHA's 2015 Strategy for the Integration, Repatriation and Resettlement of Refugees (SIRRR) makes mention of partnering "with the Department of Arts and Culture (DAC) in conjunction with Cooperative Governance and Traditional Affairs (COGTA) and Justice and Constitutional Development (DoJ & CD) to develop a short training intervention for refugees that addresses South African laws, rights, responsibilities, customs, social etiquette and history."¹⁵ The Green Paper should elaborate more on this, as well as the mapping of refugees to "identify the locations of where social cohesion interventions should occur and educational campaigns for the local community to be conducted."¹⁶

2. South Africa's national cohesion strategy focuses overwhelmingly on racial relations and post-Apartheid reconciliation in South Africa, as opposed to intercultural relations and xenophobic violence.

The strategy was published in 2012 and is based on the concept of Ubuntu and its principles of social humanism, interpersonal care and commitment to the greater social good.¹⁷ The Department of Arts and Culture's recommendations for strengthening social cohesion at the

community-level focus largely on strengthening inclusive citizenship through civic education programs. Community conversations around social cohesion and active citizenship create an awareness of issues and can successfully deliver information regarding Constitutional rights; however, they do not create opportunities for sustained dialogue between locals and foreign nationals to address xenophobia as a barrier to social cohesion.

POLICY RECOMMENDATION

On 7 and 8 February 2018, the South African Human Rights Commission (SAHRC) held a two-day national hearing on social cohesion and xenophobia. It invited government, civil society and concerned individuals to contribute comments on issues and interventions pertaining to the social inclusion of migrants in South Africa. ALPS Resilience, along with several other commenters, advised the SAHRC to challenge the Refugee Amendment Bill [B12-2016] and pressure the South African government to implement its National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance.

3. The proposed amendments to South Africa's Refugees Act 130 of 1998 would run counter to global best practice.

South Africa currently follows the global best practice of non-encampment. The DHA's proposal of encampment for asylum seekers awaiting the final verdict of their refugee claims would be both expensive and inhumane. A conservative estimate of the cost of detaining each asylum seeker is likely to be between R36,000 and R71,000 annually.¹⁸ It is important to keep in mind that, currently, an asylum claim can take a decade to process due to an overburdened and under-resourced system at the DHA. Instead of spending money on detention, which will be costly, money should be invested in a better refugee status adjudication process to avoid this problem.

Though South Africa's current policy regarding asylum seekers is certainly outdated, it is correct in putting the asylum seekers – not the state – as the primary actor in the asylum seeker's care. Many asylum seekers already have family in South Africa who can provide care. For those who do not have family here, South Africa has a strong civil society to help asylum seekers without high costs to the state.

Placing the asylum seeker herself/himself – as opposed to the state – at the centre of her/his own care is also essential for supporting the dignity of the asylum seeker. First, there is much empirical evidence showing that detention – even for short periods of time – can negatively impact mental and physical health in the long run.¹⁹ Second, detention of asylum

seekers conflates seeking asylum with criminality when the act of seeking asylum is not at all unlawful. Seeking asylum is found in Article 14 of the Universal Declaration of Human Rights, which is referenced in the Refugees Act. Conflating asylum seeking with criminality will have a negative impact not only on the seeker's dignity, but also on society's impression of them and thus could promote further hostility and xenophobia against asylum seekers.

POLICY RECOMMENDATION

The proposed shift from a global best practice of non-encampment to encampment is interpreted as an effort by the DHA to stem the flow of low-skilled economic migrants from SADC, many of whom make false asylum claims in order to attain the right to work. Rather than detaining asylum seekers, and stripping them of the right to work, it would be better to address the real issue: the management of economic migration from the SADC region to South Africa. The Green Paper put forward three options for dealing with the currently unmanageable flow of economic migrants, including a **permitting regime for economic migrants from neighbouring SADC countries**. This regime should be introduced as soon as possible. Without a solution to this the problem of economic migrants, those economic migrants will continue to manipulate the asylum system to the detriment of both the state and true asylum seekers.

NOTES

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2. Green Paper on International Immigration in South Africa, Department of Home Affairs, 21 June 2016, page 30.
3. Citizenship, Violence and Xenophobia in South Africa: Perceptions from South African Communities, Human Sciences Research Council, Pretoria, 2008.
4. Green Paper on International Immigration in South Africa, Department of Home Affairs, 21 June 2016, page 27.
5. Economic Migrants in South Africa: Health, Gender and Development, International Organization for Migration, Switzerland, 2013, page 18.
6. Kate Wilkinson, "South Africa's xenophobic attacks: are migrants really stealing jobs?" The Guardian, 20 April 2015.
7. Alexandra Hiropoulos, Xenophobic Attacks 2017, Xenowatch, 7 March 2017.
8. Rebecca Davis, "Analysis: How South Africa's violent notion of masculinity harms us all," Daily Maverick, 10 May 2017.
9. Khadija Patel and Azad Essa, "No Place Like Home: Xenophobia in South Africa," Aljezeera, 2015.
10. Sunita Menon, "SA's unemployment rate hits a 13-year high," Times, 1 June 2017.
11. Wendy Isaack, "South African Move on Hate Speech a Step Too Far," Human Rights Watch, 21 February 2017.
12. David Bax and Chad Capon, "How migrant entrepreneurs play a role in easing lives of SA's poorest," Business Day, 19 December 2017, <https://www.businesslive.co.za/bd/opinion/2017-12-19-how-migrant-entrepreneurs-play-a-role-in-easing-lives-of-sas-poorest/>.
13. Green Paper on International Immigration in South Africa, Department of Home Affairs, 21 June 2016, page 70.

14. UNHCR, "A New Beginning: Refugee Integration in Europe," (2013): 9.
15. DHA, "Strategy for the Integration, Repatriation and Resettlement of Refugees," (2015): 14.
16. Ibid.
17. A National Strategy for Developing an Inclusive and a Cohesive South African Society, Department of Arts and Culture, 7 June 2016, page 5.
18. These figures are drawn from: Mthembu Salter et al 'Counting the cost of securitising South Africa's Immigration Regime' (2014) at p. 12; https://assets.publishing.service.gov.uk/media/57a089d-240f0b652dd000416/WP20_Mthembu-Salter.pdf. The DHA has indicated that the cost per detainee per day at Lindela Repatriation Facility is R99.41. It is important to consider that asylum seekers will require more involved care and more comprehensive services due to refugee law.
19. Filges T, Montgomery E, Kastrup M, Jørgensen, "The Impact of Detention on the Health of Asylum Seekers: A Systematic Review" A-MK. Campbell Systematic Reviews 2015:13; Cleveland, J. and C. Rousseau (2013), 'Psychiatric symptoms associated with brief detention of adult asylum seekers in Canada'. Canadian Journal of Psychiatry, 58 (7), pp.409-416; Sultan A. and K. O'Sullivan (2001), 'Psychological Disturbances in Asylum Seekers Held in Long Term Detention: A Participant-Observer Account', The Medical journal of Australia, 175(11), pp.593-6.

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ABOUT ALPS RESILIENCE

ALPS Resilience was founded in 2015 to serve communities negatively impacted by conflict and displacement by drawing from the best practices of emergency humanitarian relief, development aid and law enforcement. We focus on the issues of forced migration and violence prevention, including the prevention of violent extremism. ALPS Resilience works primarily with the Somali diaspora in South Africa, promoting integration and self-reliance through activities that provide free adult education, promote access to services and foster social cohesion.

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