

The May 2008 Xenophobic Violence in South Africa: Antecedents and Aftermath

Goolam Vahed
Ashwin Desai

Abstract

This article revisits the May 2008 xenophobic attacks in South Africa in order to grapple with key questions around the causes of xenophobia in South Africa, measures that can be taken to address xenophobia and ways in which diverse but inclusive communities can be built. A particular focus of the article is how state institutions reinforce anti-foreigner sentiments especially against those at the lower end of the socio-economic ladder. In a context where poor South Africans are struggling to find work and find promises of service delivery empty, it is African foreigners with whom they live side by side who become the targets for anger and frustration. The challenge for those wanting to confront xenophobia is how to build coalitions that transcend foreigner/local boundaries. This is made difficult because foreigners tend to coalesce into tighter groups as forms of protection which only exacerbates their outsider status. The prognosis in the short term for movements confronting xenophobia is the struggle to change attitudes, build defence units against violence, while agitating for better living conditions and decent housing. This is a difficult terrain to organise in because there is the perennial danger that the struggle for a better life can translate into attacks on foreigners.

Keywords: xenophobia, racism, immigration, refugee camps, South Africa, state of exception

Introduction

Somalian Abdullahi Wehliye opened a shop in Phillipi Township outside Cape Town after losing his shop in neighbouring Khayelitsha Township during the 2008 xenophobic violence. Speaking to a reporter, as he served customers through a metal grill, Wehliye said that his new shop had been robbed seven times since opening in 2010. In 2012, his brother was killed during a botched robbery. Almost all 60 Somali shopkeepers in the neighbourhood have been robbed, mostly at gunpoint. Ward Counsellor Thobile Gqola said that in his area 60% of residents were unemployed, while foreign nationals owned over half the businesses. ‘The problem starts’, he said, ‘when it comes to business.’ Most of the violence in the area is directed at Somali-owned ‘spaza’ shops (Hiraan 2013).

In 2008, Somali shopkeeper Abdul Aziz Husein also faced a tough choice: stay in Dunoon to try and save his shop or leave to save his life. With the help of a neighbour, he escaped. ‘In five minutes’, he recalled, ‘my shop was empty. They even took the fridges.’ This was during the night of 22 May 2008, the same night that African National Congress (ANC) MP Lumka Yengeni was due to speak to the community of Dunoon in order to subvert possible xenophobic violence. The meeting never took place, due to a crowd of locals who went on the rampage. They killed one Somali man, injured many, looted shops, and displaced thousands. Husein returned to his shop but found that people were stoning it. He tried to reason with the agitated crowd, as many were his neighbours and customers, but was advised by the police that they could save his life, but not his goods, and that he should leave. He took refuge at the Blue Waters ‘camp’ in Strandfontein where ‘conditions were tough’. It was winter, the camp was near the sea and all he had to keep warm at night was one thin blanket. ‘It was a troubled life there.’ Hussein returned a few months later when locals pleaded with him to do so but still lives in fear of another outbreak of xenophobic violence.

Mohamed Osman, another Somali shopkeeper, is also based in Dunoon. He conceded that the local community did not like Somalis but patronised their businesses because they sold good quality merchandise at cheaper prices than elsewhere. He said, ‘every day’s a fight. Sometimes they say we have no stability. They say we must go home’ (Samodien 2013).

Samodien and Hiraan’s reports on which the above accounts are based were published to mark the fifth anniversary of the May 2008

countrywide xenophobic attacks that attracted international headlines. Ironically, barely two weeks later, there was a recurrence of these attacks. In the last week of May 2013, residents in Diepsloot, a township near Johannesburg, rioted against Somalis, while other incidents occurred in Booyens Park, outside Port Elizabeth. The trouble in Diepsloot started on the evening of Sunday, 26 May 2013 when a Somali shop owner, Bishar Isaack, allegedly shot dead two Zimbabweans after an altercation at his shop. Following his arrest, his shop was stoned and looted. Eighteen other Somali shops were looted and burnt down. In the wider Vaal area, police received more than a hundred complaints about looting of both local and foreign-owned shops. Reporter Siyabonga Sithole visited some of the shop owners after the violence (*City Press* 2 June 2013):

This week's violence left many foreign shop owners with nowhere to sleep. Some loitered at the local police station for three days, while others returned to their looted shops, some of which had been burned. Among them was Issa Jimale, who has run his shop in Diepsloot for three of the 16 years he has lived in South Africa. 'I have nothing, nowhere to go, and we sleep here at the police station without food'. His last meal was scooped up off the floor of his looted shop, situated two streets away from the police station. Nearby stood Pakistani shopkeeper Asim Nawaz, who has run his cell-phone and electronics shop in Diepsloot since 2007. He had to flee during the xenophobic attacks of 2008 and lost everything then. This time he has lost 'everything' again – between R45 000 and R50 000 in stock. 'It is difficult to build a shop like this from scratch because as you can see, the equipment is expensive', he said. 'Even if I were to come back and rebuild, it would take me eight months or more to recover'. Diepsloot's Ethiopian shop owners decried the looting, saying they did nothing to deserve it. 'We are a peaceful nation. We do not carry guns. We do not kill South Africans, but our shops are looted', fumed Desalegn Foge Gande, who moved to South Africa in 2004. He opened his grocery store in Diepsloot last year after fleeing attacks in Atteridgeville in 2011. The Ethiopian Community Association in South Africa said 80% of their members ran spaza shops or worked as door-to-door salesmen in townships. 'It has

become dangerous to conduct business in South Africa. We appeal to the South African government to protect us', said Fanna Dereje.

By the following Monday evening, the conflict had spread to Port Elizabeth's Booyens Park. Residents petrol-bombed police vehicles, blockaded roads with rocks and burning tyres, and burnt down Somali-owned shops. By Thursday, all the Somali shop-owners in the area had packed up and left (IOL News 31 May 2013). This description of the murder of a Somali man in Port Elizabeth is particularly harrowing:

An anonymous bystander in Booyens Park filmed the savage attack on Somali shopkeeper Ahmed Abdi. Abdi was chased down by local residents who have been attacking Somalis and looting their shops since Wednesday. The footage shows Abdi lying naked on the road and appearing to have already suffered a beating. A man in a light-blue shirt picks up a cement block and throws it on Abdi while a crowd cheers in the background. From the side a boy in school uniform - probably between the ages of 10 and 12 - runs and jumps on Abdi. Another boy - presumed older than the first boy - hurls a rock at Abdi's genitals. The two then stamp on the weak man who tries in vain to protect his head, which is kicked at least 20 times. Abdi is hardly moving by this stage. The final blow came when the young boy in the blue jersey picked up a rock from the victim's chest and smashed it onto his head (Censor Bugbear 1 June 2013).

The scale and intensity of violence in 2013 did not reach the levels of the 2008 xenophobic attacks. However, while government claims that South Africa has moved on from the 2008 attacks, which they portray as an aberration, the 2013 incidents show that attacks on foreign nationals are a feature of South African life and can be sparked at any moment. A report by journalist Nicklaus Bauer in the Mail and Guardian (28 May 2013) cited the following instances of major xenophobia-related incidents since 2008:

- June 2009: Business people from four of Cape Town's impoverished communities held several meetings to discuss ways of ridding their communities of foreign-owned shops.

- June 2010: A group of eminent global leaders called the ‘Elders’ claim xenophobia may erupt in South Africa after the Fifa 2010 World Cup as jobs become more scarce. Fortunately, this does not occur.
- October 2011: Alexandra-based group, the ‘Alexandra Bonafides’, call for foreigners to vacate Reconstruction and Development Programme (RDP) houses in the township within seven days.
- July 2012: More than 500 foreign nationals are displaced in xenophobic attacks at Botshabelo in the Free State.

In the same report, Gosiamo Choabi, national programme coordinator of Anti-Xenophobia Action South Africa, said that government was failing to attribute the violence to xenophobia, but rather treated it as part of the crime problem. In most cases, he said, it was ‘xenophobia disguised as crime - not vice versa’. He called for policy interventions: ‘We can’t stand by and simply say this is part of our crime problem. Foreigners are easy targets and are being victimised – we can’t sit by and do nothing.’

Many explanations have been put forward to account for these attacks. They include the absence of a clear immigration policy, porous borders, corrupt police and Home Affairs officials, socio-economic inequities in the country, and even the ANC’s poor service delivery record which is resulting in ordinary South Africans venting their frustration on foreign nationals.

This article revisits the May 2008 xenophobic attacks in order to grapple with some thorny questions. What are the causes of xenophobia in South Africa? What is required to fight xenophobia in South Africa and how can we build diverse yet inclusive communities? Is it possible to produce an alternative vision of an inclusive citizenship, just as South Africans did in 1994? Can points of similarity be found between refugees / migrants and locals? How do researchers / academics express empathy for foreign nationals, represent their experiences, and encourage them to make their voices heard, while at the same time taking cognisance of the circumstances of locals?

The 2008 Attacks – The Camps in Gauteng¹

River Road Camp

Following the May 2008 attacks, most of the refugees in Gauteng were herded by the authorities into makeshift camps. The River Road refugee camp overlooking Alexandra was one of many that became ‘home’ for a short while to foreign Africans who had been hounded out of various townships during the xenophobic attacks that swept South Africa. A visit to the camp in July 2008 revealed that it was fenced in and overlaid with barbed wire. Guards kept an eye on ‘inmates’², while access was closely monitored through a single gate. These images were made all the more troubling by the fact that the inmates had, until recently, been living within the very communities that had expelled them to these camps. In other words, they were not refugees who had directly escaped some foreign trauma to seek shelter at these camps but had been, by and large, neighbours, renters, commuters, consumers and, if not citizens, then, to all intents and purposes, fellow township dwellers.

Migrants and refugees, like many others in present day South Africa, occupy a liminal space between their homeland and what might become ‘home’. Their experiences of leaving their home countries and making their way to South Africa where they wait nervously, often surviving illegally on the margins, to be granted permanent residence and the rights enjoyed by citizens, locates them in a transient space physically and emotionally. Anthropologist Victor Turner, who has written widely on the concept of liminality, describes it as a stage of being between phases. While Turner was writing about rituals, the concept is relevant for foreign migrants and refugees who are no longer members of the countries from whence they came, nor yet members (citizens) of the group (South Africa) to which they

¹ Some of the research material on camps was drawn upon in Ashwin Desai, 2008. Xenophobia and the place of the refugee in the rainbow nation of human rights. *African Sociological Review*, 12, 2: 49-68 (particularly around pages 54-57).

² ‘Inmates’ is a term frequently used in the literature to describe refugees in camps.

aspire to belong: 'liminal entities are neither here nor there; they are betwixt and between' (Turner 1969: 95).

Many of the 'victims' of the May 2008 xenophobic violence were 'insiders', in the sense that they lived amongst South Africans but were regarded as 'outsiders' and treated as such during a particularly traumatic moment of crisis. Their camp experience was another moment of liminality that has come to mark the lives of foreign African refugees and migrants in South Africa.

Sibonile Mabhena left his homeland of Zimbabwe in 2004 at the age of 19 because he was 'starving'. On the night of 10 May 2008, a crowd, including his immediate neighbours, gathered outside his shack in Alexandra and chanted for him to 'vacate the shack immediately'. Sensing that his life would be in danger if he did not comply, he bundled what he could together and slept with his family in an open veld. The following day, he sent his wife and three year old child to Vereeniging while he went to sleep at his place of work, a panel beating business that belonged to a fellow Zimbabwean. On 12 May 2008 the business was attacked by people from Alexandra who, according to eyewitnesses, were brought there by taxi. Equipment was stolen while vehicles were stripped to their bare shells. The panel beating shop now serves as a makeshift parking lot for taxis. Sibonile arrived at the River Road camp without documents, family, home, or work.

Violence soon spread across Johannesburg and into the East Rand. In the Brazzaville informal settlement near Atteridgeville, Chamunorna Kufondada was beaten and set alight, the fourth person killed during attacks in the area, which culminated in 25 businesses being destroyed and 50 people injured (Sosibo 2013: 2). In the Madelakufa Section of Tembisa, a fight between two youngsters resulted in the death of one. When a sectional meeting was called to discuss the incident, the perpetrator was identified as a Mozambican (McBride 2008). Following the meeting on 18 May 2008, two Mozambicans were murdered. The first unidentified victim was stabbed 49 times while the second victim, Phineas Ndlovu, had barely arrived back from work when he was pulled out of his shack 'in front of his wife/girlfriend (44 years old) and their child (three and a half years old) and slaughtered while both his wife/girlfriend and child were watching' (McBride 2008).

Jonathan Crush, Director of the Southern African Research Centre at Queen's University, reported that 62 people were killed during the May 2008

xenophobic attacks across South Africa. According to official reports 342 shops were looted and 213 were gutted, while 1,384 people were arrested (Crush *et al.* 2008: 11). Loren Landau, Director of the African Centre for Migration and Society at the University of the Witwatersrand, notes that as a result of the violence:

the government's legitimacy and the post-apartheid order were called into question by a world watching horrific images of families fleeing from buildings and men who had been set alight. ... the essence of citizenship was at once revealed and subtly defined.... [The violence] exposed a demon: a society capable of horrific violence.... In this violence we see the imperative to exclude and the means of achieving that exclusion: hand-to-hand, street-level violence.

Many South Africans greeted the attacks with horror as they wondered how this could happen in a country with an international reputation for reconciliation whose people were dubbed by Archbishop Desmond Tutu the 'rainbow nation of God', in recognition of their seemingly 'miraculous' ability to overcome three centuries of racial division and oppression. South Africa is also widely acknowledged for its founding constitution and emphasis on human rights, supported by a relatively well-funded Human Rights Commission (HRC).

Whilst pursuing a strategy of fairly quiet diplomacy, the ANC government blamed unidentified 'Third Force' elements, a reason proffered by many anti-apartheid activists to explain the fighting between the Inkatha Freedom Party (IFP) and ANC in the run-up to the first democratic elections in South Africa in 1994. The most outlandish claim was probably that of the then Director-General of the National Intelligence Agency, Manala Manzini, who linked the violence to people seeking to disrupt the 2009 elections: 'We believe that as South Africa prepares for another national election early next year, the so-called black-on-black violence that we witnessed prior to our first election in 1994 has deliberately been unleashed and orchestrated' (M&G Online 23 May 2008). There was little acknowledgement that xenophobic violence has been a feature of post-apartheid South African society, a point that is taken up later in this article.

Glenanda Camp

Prior to arriving at the makeshift camps, most refugees had been living on the margins of the system, trying to get their children educated, earn a living and find shelter. This sometimes required that they change their appearance to blend in with the locals. Following the attacks, camp occupants who barely knew one another quickly united around issues such as schooling, defending the camps against attacks and food distribution. Turner's point that liminality produces *communitas*, that is, a feeling of comradeship (Turner 1982: 44), is relevant for camp inmates. While there was a broad division between those from Francophone and Anglophone African countries, for the most part, leadership within the camp represented all inmates.

The state's response to the plight of the refugees was harsh. At Glenanda, south of Johannesburg (Rifle Range Road camp), the state initiated a registration process for inmates to obtain temporary permits. The official notice to inmates left them with no choice: '[f]ailure to register [will] have negative consequences including the termination of assistance and protection by government, and may lead to your removal from the Republic of South Africa' (AI 11 2008). As Amnesty International (AI) noted, the consequences of camp residents' signing the 'Individual Data Collection Form' were not explained to them. One of the provisions was that those who registered could not apply for social grants, government housing, South African identity documents, or passports (AI 2008 11). This removed an important right as many of the residents of the camps, who had originally entered the country as refugees and asylum seekers, were entitled to register for social grants and could remain in the country for longer than six months. Afraid of losing these rights, many of the camp residents decided not to register (AI 2008: 11 - 12) and were consequently deemed to be 'troublemakers'.

On 16 July 2008, five unidentified men entered the camp and were confronted by inmates on security alert. The police arrived in force and in the ensuing stand-off, 23 inmates were shot by rubber bullets and some were charged with 'kidnapping' the five intruders. On 22 July, police re-entered the camp, forced inmates into waiting police vans and herded them to the notorious Lindela Holding Facility. Those with valid asylum-seeker or refugee permits were allowed to leave. They had nowhere to go and set up camp on the side of the R28 highway, using the opportunity to attract media

attention so that the state would not summarily deport them. On the fifth day, with around 400 inmates still on the roadside, the state acted decisively. Two hundred and eight men were arrested for contravening the National Road Traffic Act while women and children were taken to the Riet Family Guidance Centre (Algotsson 2000).

While in custody, the men were pressured to surrender their rights as refugees and asylum-seekers and sign affidavits expressing their desire to return to their countries of origin. They were promised that in return, charges against them would be dropped. They refused and on 6 August, they were transferred to Lindela and put through an 'accelerated asylum determination procedure'. As AI pointed out, this was done improperly as the men did not have legal representation and the consequences of signing the documents were not explained to them - it would terminate their refugee or asylum-seeker status and lead to deportation as opposed to voluntary repatriation (AI 2008: 19).

Lawyers for Human Rights (LHR) managed to consult with almost all the detainees but by the end of September, only 42 of 208 remained at Lindela. Most were returned to their home countries in defiance of the law (LHR 2008; in AI 2008). Scepticism amongst Glenanda inmates about the temporary permit, which allowed a lawful stay of up to six months, was to prove well-founded. Government authorities announced in August that the permit did not preclude the right of the authorities to deport inmates (AI 2008: 12). The Glenanda camp was closed at the end of September. Journalist Kanina Foss described the scene: 'It was a time for gathering possessions and wondering where the night would be spent... By mid-afternoon, large piles of packed belongings were the only indication that the plot of land on Rifle Range Road had been home to thousands of xenophobia victims for five months' (*The Star* 1 October 2008).

While inmates of the camps had won a reprieve to keep the camps open until at least 20 November, Glenanda inmates accepted the equivalent of a month's rent from Unicef and UNCHR to leave early. Many could not return to their homes in Johannesburg and sought accommodation in the inner city amongst other African migrants, where they felt safer. Finding jobs was an entirely different issue.

Akasia Camp

One of those displaced by the May 2008 violence was Abdul, a twenty-two year old refugee, who was born in Kismayo, Somalia. Abdul was a child soldier who endured great hardship before he made the treacherous journey to South Africa to escape his life of ‘horror and sadness. I always used to see dead people in the streets’. Abdul stated that he did not enjoy a childhood as he was ‘carrying an AK since I was fourteen’. The bullet wound on his leg is testimony to his struggles. His seven year old brother was shot dead. In Somalia, he convinced a man from a local mosque to sponsor him so that he could get an education, but he failed to complete his course due to the ongoing conflict in the country. He hoped to continue his education in South Africa, but his primary task became ‘to save my life – to stay alive’. He was also confronted by the challenge of obtaining proper documentation. ‘Even when your papers are valid’, he said, ‘South African authorities will make it difficult for you to get anything done.’

Abdul runs a tiny ‘spaza shop’ amidst the flats in Newtown, Johannesburg, with his uncle, selling goods cautiously through a grated window. He has also been subjected to violence in South Africa. He is often robbed by locals but dares not report it for fear of being assaulted. ‘All you think about is how to make it not happen again. That's all you can do.’ He was once robbed of airtime and cash by a customer called Tshep who, ‘to this day, still comes to my shop. He smiles at me. He greets me. I greet him. He knows there's nothing I can do. I'm Somali. I have no rights. And the owner of the shop that we are renting, his son is a policeman! He knows what's going on and he does nothing about it.’ The worst moment of Abdul’s life came in May 2008, when around 800 Somalis were displaced by the violence and placed in a temporary camp.

According to Abdul, the Akasia camp ‘was in a bush, man, just a bush.’ He stayed there during June and July. Eight big tents were provided for the women while the men stayed in shacks made of boxes and blankets. It was the middle of winter and they had no ‘hot water [and] temporary toilets that they don't even clean. We had to go into the forest to ‘toilet’. It was zero humanity in those camps.’ While much is written about the role of volunteers in the aftermath of the violence, there is no mention of the role of the Somali Association of South Africa (SASA), mainly run by volunteers, which Abdul is a member of. He facilitates anti-xenophobia workshops in communities,

sponsored by the Nelson Mandela Foundation,³ an organization involved in a myriad of activities from research to raising money for a children's fund, with its primary focus on ubuntu, or reconciliation, and has worked hard to solidify networks with other refugees and local non-governmental organisations (NGOs). According to Abdul, due to the difficulties that they are experiencing in South Africa, Somalis are looking beyond clan and regional rivalries to build networks of support that not only traverse South Africa but move through Somalia into Europe and the United States.

Despite his situation, Abdul has no choice but to remain in South Africa. However, his life is one of fear, as the state and police are no help. According to Abdul:

The worst problem is the police. I am a member of the Community Policing Forum in three areas: Newtown, Brixton and Johannesburg. After one meeting I got a lift back to Mayfair. On the way, I saw a Somali guy being chased at night. He was carrying cash. The robbers knew he was going to buy stock for the next day. There's nowhere to go for help. They (police and other authorities) know that everybody there (8th Avenue in Newtown) is Somali and you don't deserve to be served. Same with the justice system – there's no pressure to pursue criminals or facilitate court processes. The attitude is: don't worry. It's only f---in' Mkwerekweres [derogatory term for foreigner]. The police watch incidents happen and don't do anything about it. In fact they also assault and rob people. You've got to pay money to them all the time.

Abdul bravely continues the fight to survive, deepening his networks with other Somalis and finding cracks in the system. Unfortunately, his story is not uncommon.

State Assault on the Camps

In its report on the camps, published at the end of September 2008, AI con-

³ This was set up in the aftermath of Mandela's one term presidency and was involved in a myriad of activities from research to raising money for a children's fund, with its primary focus on *ubuntu*, or reconciliation.

cluded that there was a concerted effort to force inmates to leave the country, particularly from July onwards. This was confirmed by the accelerated asylum system without procedural safeguards in Gauteng, which created the possibility of forcible return to countries where the person may be at risk of persecution (a rejection rate of 98%); misuse of criminal charges, unlawful detention and threats to deport individuals who failed to co-operate with administrative procedures at camps; obstruction of access to humanitarian, legal and other support organisations; threats of the premature closure of camps and a reduction in the level of essential services, including access to food (AI 2008: 2).

The South African Human Rights Commission (SAHRC) reported that by the end of June, children at the Blue Waters Camp were ‘unable to attend school because of a lack of transport... Residents have little contact with the outside world, and they have feelings of isolation and abandonment’ (SAHRC 2008: 6). The SAHRC was of the view that ‘the camps created to house non-nationals are inhumane’ and recommended that they be closed to minimise trauma and that non-national residents be either ‘reintegrated, repatriated, or resettled, based on their informed decisions’ (SAHRC 2008: 7). Fatima Hassan of the AIDS Law Project (ALP) said after visiting various camps that ‘the situation is worsening and it’s a deliberate ploy to make sure that people will be forced to leave the camps, that they will have no other choice’ (News24.com 18 September 2008).

Marti Weddepohl, camp coordinator of the Blue Waters camp near Muizenberg in the Western Cape, told reporters that the government expected her to make ‘things as unpleasant as possible - if not impossible - for the refugees to stay here and I can’t do it anymore.’ Weddepohl felt that she was expected to run ‘a concentration camp’. She painted a picture of sickness, disease and malnourishment: ‘Every day I see people with sores around their mouths and increasingly people have to be medically treated’ (*Mail & Guardian* September 26 to October 2, 2008).

During the last week of September, the infamous Red Ants, a private security company known for its ruthless approach to evictions, forcibly removed tents from the Akasia camps in Gauteng, using coercion and intimidation. Their methods included ‘removal of identity cards from residents, removing their property including clothes, arresting residents for ‘trespassing’ and then withdrawing the charges after a weekend in detention’

(*Mail & Guardian* September 26 to October 2, 2008). On 6 October 2008, the Red Ants effectively destroyed the Klerksoord refugee camp, north of Pretoria. Hundreds of women and children were left without food and shelter. Bishop Jo Seoka of the Tshwane Faith Forum described the withdrawal of food and water as inhumane and called on South Africans to treat migrants and refugees justly, 'Foreigners are human and their dignity must be protected by all of us by treating them as we would like to be treated if we were in that situation' (*The Citizen* 8 October 2008).

The Makings of a Xenophobic Environment

The violent 2008 xenophobic attacks were generally greeted with shock by South Africans. However, numerous studies showed that xenophobic attitudes had deeply penetrated South African society. These studies also revealed that organs of state like the police had strongly embedded xenophobic attitudes.

Politicians themselves made reference to high migration figures and these sentiments coalesced with metaphors in the media which invoked terms such as 'floods' and 'waves' when referring to African migrants. While the dawn of democracy removed the last vestiges of apartheid, this did not signal openness to African migrants. During December 1994 and January 1995, African foreigners were attacked in Alexandra and their homes were destroyed when their neighbours marched to the police station to protest against them. The mobilisation was named 'Operation Buyelekhaya' ('go back home') (Minnaar & Hough 1996: 188-99). In Olievenhoutbosch near Pretoria in Gauteng, groups of South Africans attacked foreign Africans living in the Choba informal settlement in December 2005, burning their shacks and looting their businesses. Over the next two years, 'attacks on foreign nationals escalated in their brazenness and brutality.' During 2007, more than a hundred Somali nationals were killed and many businesses and properties were looted and burnt (Crush *et al.* 2008: 21).

The May 2008 attacks did not take place in a vacuum. Surveys have regularly pointed to strong xenophobic attitudes. A 2006 survey by the South African Migration Project (SAMP) found that 50% of those surveyed supported the deportation of foreign nationals, including those living legally in South Africa; 75% were against increasing the number of refugees; and

50% supported refugees being placed in border camps (Crush *et al.* 2008). The SAMP carried out another survey using the same set of questions and reported in June 2013 that 50% of South Africans want foreign nationals to carry their identity documents on them at all times; 63% support electrified fences on the country's borders; 50% believe that migrants should not receive police protection without proper documentation; 41% support mandatory HIV testing of refugees; 30% want a total ban on all migration to the country; and 14% believe that all migrants enter the country to commit crime (Crush 2013).

Physical attacks on foreign nationals are often accompanied by a heightened language of hysteria and a demeaning 'Othering' of African migrants. The most obvious manifestation of this is 'normalisation' of the word *Makwerekwere* which, as Francis Nyamnjoh, an anthropologist based at the University of Cape Town points out, refers to 'one who also hails from a country assumed to be economically and culturally backward in relation to South Africa... In terms of skin pigmentation, the racial hierarchy ... *Makwerekwere* are usually believed to be the darkest of the dark-skinned, and even to be less enlightened' (Crush *et al.* 2004: 39).

While xenophobic sentiments against African immigrants are pervasive at various levels of South African society, what distinguished the May 2008 attacks were their breadth and scale. Thousands of foreign Africans were displaced: approximately 15,000 Mozambicans were forced to leave the country in a convoy of buses, while thousands of others sought sanctuary in camps and makeshift shelters.

Policing and Xenophobia

An HRC study of police methods in 1999 revealed that 'there was substantial failure of law enforcement officers to comply with even minimal requirements' of the law (HRC 1999: xx). This is the case, for example, regarding people's ability to provide identification to law enforcement officers. South Africans are not required to carry identification documents (IDs) and police policy has been to accompany individuals to retrieve their IDs 'if an officer suspects that they are illegally in the country but they allege they have valid documents' (HRC 1999: xxi). The HRC found that people were usually not afforded this opportunity and were instead arrested

immediately; when an ID was produced it was sometimes torn up (HRC 1999: xxvi).

It appears that from the top down, police believe that they can act with impunity against foreign Africans. An AI report dated 3 March 2010 on attacks on Ethiopian refugees in Siyathemba Township, 80 kilometres south east of Johannesburg made the following observation regarding police attitudes:

Over 130 adults and children were affected by the violence on 7 and 8 February [2010]. They lost their livelihoods when an armed crowd of several hundred people looted and destroyed their shops. The South African Police Service (SAPS) failed to prevent the violence from escalating and delayed seeking emergency back-up from organized police units with crowd control capacity.... In South Africa there is a persistent culture of impunity for crimes committed against refugees and migrants. For this reason they are particularly vulnerable to attack. Xenophobic attitudes amongst South Africans, including police and immigration officials, fuel the violence.

Roni Amit, a senior researcher at the Centre for African Migration and Society at the University of the Witwatersrand in Johannesburg, attributed part of the blame for xenophobia to 'ineffective' policing. There were reports of police officers standing idly by as mobs looted and burnt down Somali shops. Hussein Omar, a spokesman for the Somali Association of South Africa told reporter, Darren Taylor: 'In some areas the police are doing nothing and the criminals are just moving freely, while the traders can identify who comes to [attack] them, how they look and all that, and we're not seeing the police doing anything.' Amit added:

Unfortunately the South African police aren't taking a very effective stance in terms of their response. These shops will be looted and the police will view their responsibility as saving lives but not saving property. [Foreigners] get intimidating letters saying 'leave your shops by a certain day or else' and the police don't respond to that. Or they'll respond by ordering the migrants to leave their shops and this just reinforces the efforts of the people who are attacking the

migrants' businesses. They feel they can attack the migrants and it's legitimate because nothing is being done to stop them (in Taylor 2012).

Omar cited instances where the police ordered Somali traders to close their shops in the evenings, the most profitable time for business, while South African-owned shops remained open. If Somali shop owners refused, the police tear-gassed them. Local government officials and the police also harassed Somalis with threatening letters and by-laws that targeted them specifically. Despite multiple incidents, Amit added, 'there are almost no prosecutions' (Taylor 2012).

The language of demeaning African immigrants is not confined to the townships but is evident in the media, and in parliament and state institutions, particularly the South African Police Services (SAPS). For example, Western Cape Police Commissioner, Arno Lamoer 'bemoaned the number of foreign nationals arriving in Cape Town.' Patel (2012) notes sarcastically that 'he was of course not referring to the American backpackers paying their way through Cape Town by waiting tables at Cape Town's more swanky spots' (Patel 2012).

As part of the fabric of South African society, SAPS members are likely to share the prejudices of their fellow citizens as they deal with migrants and refugees on a continuing basis, which possibly exacerbates their biases (Hall *et al.* 1978: 49). Many observers believe that this explains the 'barbaric' incident on 26 February 2013 when Mido Macia, a 26 year old taxi driver and Mozambican national, was handcuffed by police officers to their van and dragged for several hundred metres through the streets of Daveyton, a township east of Johannesburg. He was later found dead in a police cell. The state charged nine police officers for his murder only after widespread domestic and international outcry.

Immigration Officials and Xenophobia

It is known that officials in the Department of Home Affairs and at various points of entry into South Africa tend to 'drag their feet [about the treatment of foreign migrants], partly because of political sensitivity over the rights of foreigners' (Murray 2003: 453). Immigrants seeking refugee status are

initially given the status of asylum seekers and it could take up to six years for applications to be processed by Home Affairs (Harris 2001: 14). Turner's concept of liminality is captured powerfully in this waiting game, as refugees live in limbo, unsure what is to become of them. Between 2002 and 2008, around 30,000 people applied for asylum per annum (Vigneswaran 2008: 5). There is a massive backlog in processing applications at Home Affairs and thousands are unsure whether they will ever be attended to.

Home Affairs spokespersons often reinforce the perception that African immigrants overwhelm South Africa, thus denying a better life for South Africans. The Department of Home Affairs 1999 White Paper accused migrants and refugees of weakening 'the state and its institutions by corrupting officials, fraudulently acquiring documents and undeserved rights, and tarnishing our image locally and abroad' (quoted in Harris 2001: 20). The White Paper also introduced the idea of local communities becoming involved in the 'detection, apprehension and removal of 'illegal aliens'.' In introducing the Bill to Parliament, the Minister of Home Affairs was quoted as saying that South Africans who considered themselves 'good patriots', would 'report' illegal (many activists prefer the term 'undocumented') immigrants (Valji 2003: 11). After the 2008 attacks, government spokesperson Cleo Mosana advised that failure 'to take action against illegals would be setting a bad precedent' (Sosibo 2011). Williams rightly reflected more than a decade earlier that 'it is likely that the actions of South Africans will not be limited to mere reporting. There is a danger of South Africans taking the law into their own hands, even considering it their patriotic duty to take action against 'illegal aliens' (1999: 2). This forecast came to fruition in 2008.

An indication of the deep-seated prejudices against foreign Africans is also provided by the example of immigration officials at O.R. Tambo International airport who refused 125 Nigerians entry into South Africa in early March 2012 for alleged possession of fake vaccination cards. The passengers were deported. This sparked public outcry in Nigeria and the Nigerian government retaliated by turning away 131 South Africans. The government was forced to apologise to Nigeria and institute new immigration procedures to end the diplomatic row. South African immigration officials now require a foreign ministry official's consent before turning away large groups of travellers. Nigeria's Foreign Minister, Ashiru accused the South

African authorities of targeting Nigerians: ‘What you see playing out is what we call xenophobia by South Africans against all Africans - not just Nigerians - including even those from their neighbouring countries’ (African Spotlight, <http://africanspotlight.com/2012/03/south-africa-unveils-new-immigration-measures-as-nigeria-accepts-apology/>).

The backlash against foreigners in South Africa in 2013 prompted a number of appeals from African leaders to protect their citizens in South Africa. The Prime Minister of Somalia, Mr Farah Shiridon, sent an open letter to President Zuma: ‘I appeal to the government of the Republic of South Africa as a matter of urgency to intervene and contain this unnecessary and unfortunate violence against Somali business communities’ (*Business Day Live* 4 June 2013).

Landau makes the critical point that unlike citizens, in the case of non-nationals, ‘exclusion is both bureaucratically institutionalised and socially legitimate.’ It is not only the physical marginalisation such as imprisonment and denial of services that counts, but also ‘the nationalist discourse evoked to legitimise and explain them’ (2011: 8). State policy is designed to protect advantaged insiders and its bureaucrats are trained to do so. This desire to control explains South Africa’s reluctance to embrace the policy imperative of the Southern Africa Development Community (SADC) to facilitate the free movement of people.

Coordinated Elimination of Foreign Nationals?

Roni Amit attributes part of the blame for xenophobic attitudes to indirect consent from those in authority. Many Somalis interviewed by Amit believe that influential political and business figures support the violence against them (in Taylor 2012). For example, former National Police Commissioner, Bheki Cele announced that foreign-owned ‘spaza’ shop owners had ‘economically displaced’ South Africans and warned that locals could ‘revolt’ unless things changed (Taylor 2012).

In *New South African Review* 1, Landau, Polzer and Kabwe-Segatti (2010: 225) make the point that in areas witnessing group-based violence against foreign nationals:

There is a culture of impunity that makes people who attack foreign

nationals feel that there will be no negative consequences for them.... There is a political vacuum or competition for community leadership so that unofficial, illegitimate and often violent forms of leadership emerge. Such leaders then mobilise residents of the area against foreign nationals in order to strengthen their own power base.

While those in authority may not condone violence per se, inflammatory statements can influence locals to believe that it is acceptable to attack foreign nationals. According to Landau (2011: 1), in many townships across South Africa ‘community leaders have continued to issue threats, and draft ultimatums demanding that foreigners get out. Where words are not enough, business associations and gangsters kill foreign shopkeepers, residents and other purported competitors.’

In many parts of South Africa, migrants face the persistent and daily threat of violence. Writing in the *Sunday Times* a few months after the attacks, Victor Khupiso observed that ‘on Friday nights in Ramaphosa squatter camp, it’s time for what locals call their “Kwerekwere-Free (Foreigner-Free) Society’ campaign”’. Gangs of young people spread out over the camp to hunt down foreigners. One of the youngsters told Khupiso that he could ‘proudly say foreigners had decided to leave our area because they know what would happen to them if they are found. They would burn. Hell is waiting for them. We have stored some tyres’ (*Sunday Times* 26 July 2008).

The experiences of those who were displaced by the May 2008 attacks are instructive in terms of how difficult it is for foreign migrants to survive in their adopted country, South Africa. Francisco Nobunga, who fled the Ramaphosa shack settlement in Ekurhuleni during the attacks, returned to his dwelling and his South African born wife, Sylvia Nosento, but was killed three weeks later. He produced a South African identity document as demanded by his attackers but, fatally, it contained his Mozambican address (*The Star* 22 July 2008).

However, the problem does not rest solely with local communities. Some of the proposals made by academics and researchers to address xenophobia are cause for concern. An HSRC study, for example, called on the government to restrict RDP housing to South Africans and move foreign migrants to private accommodation or house them in temporary

accommodation in designated areas until they are able to move into private residences (HSRC 2008: 9-10). Rather than solving the problem, this is likely to lead to further ghettoisation of African immigrants as most are too poor to acquire private rental housing.

While South Africa has one of the most liberal constitutions in the world, the question is whether or not it provides protection for immigrants and refugees. In light of the xenophobic attacks, Nyamnjoh questioned the ‘purportedly liberal, South African constitution’ because it leaves little room for the rights of migrants, as citizenship is ‘defined narrowly around the rights, entitlements and interests of nationals ... [This] is clearly at variance with all claims that South Africa is building a “culture of human rights”’ (Nyamnjoh 2006: 4041).

Nyamnjoh argues that instead of being protected, migrants are subjected to police brutality, deportation and violence from fellow South Africans. It may be argued that the problem in South Africa is that the creation of a culture of human rights requires massive funding to feed, house, provide health care and provide social grants to all South Africans, including immigrants, in a context of massive underemployment and a small tax base. While the obligation of citizenship has huge financial and legal implications, this is no comfort to those who are victims of xenophobic attacks.

A Coalition of the Willing?

There is no magic wand to solve the problem of xenophobia against foreign Africans in South Africa. One important constituency in the fight against xenophobia is township residents who, while forming key social movements to unite in service delivery protests, also operate in an environment of scarce resources in which African migrants are seen as competitors. Strong xenophobic attitudes persist even amongst members of social movements. Noor Nieftagodien of the University of the Witwatersrand, for example, has recorded that the Alexandra Homeless Youth and Families (AHYF), an organisation that began as a radical voice in the struggle for housing, ‘began to direct their anger against local foreigners and vowed not to allow them in their houses’ (Nieftagodien 2008: 73).

Resentment against migrants is deep-seated. In June 2012, Songezo Mjongile, provincial secretary of the ANC in the Cape, told a journalist that

it was ‘unnatural that almost all shops in townships are owned by foreigners.... It creates tension.’ Loyiso Doyi, a member of a retailers’ association in Khayelitsha Township in the Cape felt that foreign nationals were parasites since they did not ‘empower locals as they employ their own. There are over 600 foreigner spaza shops in Khayelitsha. Can you imagine how locals could survive? They are killing locals’ (in Taylor 2012).

Pointing to these local developments and broader economic prescriptions, Trevor Ngwane observes that South Africa’s historically uneven economic development and the commodification of the basic essentials of life inherent in neoliberalism have intensified competition for scarce resources (2009).

For many ordinary South Africans, the citizenry of the country does not constitute all who reside within its borders, but those who reside in localised entities such as Diepsloot or Booyens Park. This is what they seek to defend. It is in these localised spaces that they want to exercise their economic and political rights and keep out ‘illegitimate others’. Foreign nationals have no guarantee of protection just because they have documents legitimising their stay in South Africa. Many township residents do not want to share the little they have with foreign nationals irrespective of whether they are legitimately or illegitimately in the country. Judging by various comments in the media and on call-in programmes on radio, their concept of citizenship is a normative one that should bestow on them the fruits of their decades-long struggle against white minority regimes - jobs, houses, basic services, education, amongst others. As Patrick Craven, spokesperson for the trade union federation, the Congress of South African Trade Unions (Cosatu) stated:

The demons of violence and of xenophobia frequently appear in community service-delivery protests. While we must condemn such violence, especially the destruction and looting of foreign-owned businesses, schools and libraries, we must understand people’s frustration at the quality, or even absence, of basic services in poor areas (*Business Day Live* 30 May 2013).

While there are some counter-tendencies in civil society who assist foreign migrants in times of need, ‘the message of love and tolerance’ of these

organisations and the middle and upper classes who denounce xenophobic violence, 'will have little traction', if, as Suren Pillay (2011) points out, 'it is not accompanied by a political struggle against structural violence that places vulnerable people in situations of poverty and inequality, and leads them, sometimes, to do awful things to each other.'

This brings us to workers who, like many township residents, believe that migrants are taking their jobs or reducing wages where jobs are available. Many African migrants are employed as low wage casual labour, some illegally. As Reitzes and Simpkins point out, 'one reason why foreign migrants enjoy a competitive advantage is because their unprotected status makes them more exploitable' (1998: 22). This brings foreign migrants into competition and conflict with organised labour as well as unemployed South Africans.

Organised labour should take seriously the idea of uniting with organisations of African immigrants in an anti-xenophobia movement to petition for the legalisation of African migrants who are illegally in the country in order to reduce the likelihood of them taking low paid work. Speaking at a seminar hosted by the University of the Witwatersrand's African Centre for Migration and Society on 10 May 2013 to commemorate the May 2008 xenophobic violence, ZwelinzimaVavi, the (suspended at the time of writing) general-secretary of Cosatu, said that the exploitation of foreign workers by South Africa businesses and farmers was increasing xenophobic tensions.

Business is taking advantage of foreign nationals, especially illegal ones, to use them as a buffer against South African workers. This forces workers into a 'race to the bottom' in terms of wages and working conditions. It creates insecurity and anger. Mass unemployment creates conditions for the demon of xenophobia, which we remember today, five years after the disgraceful episodes when worker fought worker, African fought African

Vavi insisted that problems such as xenophobia, corruption, and gender-based violence are rooted in unemployment, poverty, and inequality. He urged South Africans to stop blaming workers from other African countries for these problems and, instead, to work to address the 'capitalist system of

production, distribution, and exchange' (Vavi 2013). The paradox in the post-apartheid period, which Vavi referred to, is that the economic policy adopted by South Africa opened borders to trade (but not to workers), which resulted in South African companies moving production to foreign countries where labour was cheaper. This led to the shedding of many manufacturing jobs.

Given that most migrants are not legalised and hence do not have access to basic services and grants, denying those who are deemed 'illegals' of the opportunity to earn a living may well exacerbate problems such as crime and violence. This is not to suggest that employers should disregard the law and illegally hire foreign migrants. Rather, it is time that the state finds creative solutions to the problem. One possibility is to legalise migrants and afford them the protection of labour legislation, and offer amnesty to long term residents.

There are precedents for such measures. At the beginning of the democratic transition, a flexible approach was taken on the question of South African citizenship. Migrant workers who entered South Africa legally before 13 June 1986 were regarded as 'ordinary residents' and received voter registration cards and South African IDs (Harris 2001: 22-23). Following the 1994 election, amnesty was granted to some foreign miners working on contract in South Africa, as well as Mozambican refugees living primarily in the rural areas of the country near the Mozambican border (Crush & Williams 1999: 2-3). This represented flexibility that went beyond indigeneity as a basis for citizenship.

Conclusion

How should South Africans respond to xenophobia in the short term and close the gap between migrants and citizens? Writing about liminality, the anthropologist Victor Turner postulated that rather than focusing on the anxieties of those who appear to be neither 'here nor there', as appears to be the case with refugees and many migrants, liminality provides the possibility to reorganise society and therefore has potential for 'future developments and societal change' (1982:45). Sociologist Mathieu Deflem also observed that liminality provides observers and participants with an opportunity to 'reconsider their situation and undertake a revolutionary re-ordering of the

official social order,' including moral and legal rules, social structures, and individual roles (Deflem 1991: 11).

The key issue is whether, given the current socio-economic climate, this is possible or likely, or whether it is simply academic idealism. Is the scenario painted by Turner and Deflem a realistic possibility? There is a strong and powerful sentiment in the country that 'the law is the law' and that 'illegal is illegal'. Should laws be determined only by practical concerns or should humanitarian considerations influence decision-making? An approach that focuses solely on the 'law' will not resolve the crisis around foreign migrants in South Africa. At various points in South Africa's history, white women, Africans, Indians, Coloureds and those who did not own property were denied full citizenship rights. Yet they were eventually granted such rights. Granting undocumented or illegal migrants full citizenship may seem inconceivable at this point in time, but it should be remembered that laws are social constructions and attitudes can change.

While the presence of foreign migrants, legal and illegal, appears difficult to manage economically, politically, and socially, these individuals cannot be eradicated as a group. Several measures can be implemented. Landau, Polzer and Kabwe-Segatti suggest that in the short term, steps should be taken to 'strengthen local conflict resolution mechanisms such as conflicts over scarce resources, maintain respect for the rule of law and reduce vigilantism by effectively and publically prosecuting perpetrators, and supporting and monitoring accountable local leadership' (2010: 226).

However, such measures alone will not get to the root causes of the problem. Government needs to improve service delivery, as xenophobic attacks are often directly or indirectly related to frustration over poor service delivery. Xenophobia attracts support in poor, under-educated and economically stressed areas. In the comments made in the media by ordinary South Africans following xenophobic attacks, a point made repeatedly is that government only listens when people become violent; in other words, such attacks are an expression of popular democracy and the 'will of the people'. As Landau (2011: 3) puts it, the 'politically entitled by an economically deprived citizenry took on the obligation to alienate and exclude those standing in the way.'

Xenophobic attacks also demonstrate the need for government and even the private sector to conceive of programmes that address economic

deprivation and development in South Africa as well as in the region, as the country will continue to receive migrants and refugees fleeing neighbouring countries for political and especially economic reasons. This will continue to exacerbate existing tensions between ‘locals’ and foreign Africans, whether legal or illegal.

A final point to consider is that restricting immigration into South Africa is unlikely to solve a problem that is an international one, as witnessed in Mexicans’ attempts to enter the United States, Indonesians trying to enter Australia, Bangladeshis making their way to such faraway places as Brazil and South Africa, and North Africans trying to make their way to Europe. When over 400 people drowned in one week in October 2013 when the ships taking them to Europe capsized, the Maltese Prime Minister Joseph Muscat made a plea: ‘We cannot allow the Mediterranean to become a cemetery.’ The problem of illegal immigration is a consequence of global interactions affecting low wage workers everywhere, and is unlikely to be resolved at the national level while dominant global economic institutions are enthusiastic about the mobility of capital but not labour.

Like the poor and the marginalised of this new global world, xenophobia is going to be with us throughout the twenty-first century. Most organs of civil society are geared to mitigating its effects rather than ending xenophobia. Given the increasing unemployment rate and deepening inequality in South Africa, xenophobic attitudes are likely to persist and increase. The task of those confronting xenophobia is thus mainly a defensive one in order to prevent attitudes from turning into violence. In the short term, it is hard to see how to turn this around.

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Goolam Vahed
Associate Professor
Department of Historical Studies
University of KwaZulu-Natal
vahedg@ukzn.ac.za

Ashwin Desai
Director
Centre for Sociological Research
University of Johannesburg
ashdesai1@gmail.com