



Synthesis Report:

OVERVIEW AND PROSPECTS

by David Everatt

The
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Introduction: things fall apart¹

For fifteen years after democracy's birth, xenophobic violence was a barely reported but constant aspect of the South African landscape. Buried beneath the 'miracle' of the 'rainbow nation', it was like a sore tooth, a nagging, incessant but low-level continuance, which erupted in May 2008 in an orgy of violence that spread rapidly from Alexandra to other sites across the country ... and then seemed to have stopped almost as suddenly. Since then, violence directed against African migrants (legal and illegal, documented and undocumented, refugees, asylum seekers and migrants) – including murder, rape and robbery – has continued, but has returned to its side-bar one-liner status in newspapers and near-absence from the broadcast media.

It is argued here that a combination of deep structural social, economic and spatial inequalities, an on-going reliance on cheap labour, housing shortages, township retail competition, racism, a history of the use of violence to advance sectional interests and a traumatically scarred national psyche combined in early 2008 with a desperately low national mood as the economy seemed to be in free-fall and the ruling party was in the midst of factional splitting, to create ripe conditions for the xenophobic outburst.

And it is equally clear that the violence will recur. Since May 2008, it has continued anyway, in its earlier form - sporadic, poorly reported acts of violence, though no less murderous for that – and unless we move South Africa away from 'business as usual', it is reasonable to assume it will recur at scale as well.

As a result, the following assessment of the response of civil society to May 2008 and the fault-lines reflected by the attitudes that fed the violence, the violence itself, and the response of civil society, business and state, is thus not an academic exercise. Virtually every author concludes that violence against African migrants will continue and increase unless some profound socio-economic and attitudinal changes occur. This text thus sounds a loud warning bell to South Africa about our future.

¹ 'My thanks to Cathi Albertyn and Patrick Bond for their very helpful comments on an earlier draft of this chapter'.

And it does so not merely based on the opinions of the authors, but because of the views of ordinary South African citizens that informed the research.

Sitting in a focus group immediately after the May 2008 violence, an African male aged between 40 and 49, from Soweto, with a job and house, told the group: 'they were very lucky that the xenophobic attacks did not occur in Soweto, they should consider themselves lucky because if it had happened in Soweto things would be bad currently'. 'He is right', said the man next to him: 'You know that when Soweto sneezes the country catches a cold'.

'A sudden thunderstorm'?

Whether it is entirely accurate to describe the May 2008 violence, as Bishop Paul Verryn has labelled it, like a "sudden thunderstorm", even he seems to doubt – "The warning signs were very much in place before the full onslaught happened", he notes, suggesting it may have been shocking but was not unexpected – the thunderclouds had been building for a long time beforehand.² Use of the word 'xenophobic' is not uncontested. In his remembrance tribute, then President Mbeki stated:

As many were killed or maimed during the dark days of May, thousands displaced, businesses and homes looted, and homes and businesses destroyed by arson, I heard it said insistently that my people have turned or have become xenophobic.

The word xenophobia means a deep antipathy towards or hatred of foreigners. When I heard some accuse my people of xenophobia, of hatred of foreigners, I wondered what the accusers knew about my people, which I did not know.

Over many years, I have visited many parts of our country, both urban and rural, in all our provinces, and met many people from other countries, including African countries, who have not hesitated to announce their countries of origin....

Everything I know about my people tells me that these heirs to the teachings of Tiyo Soga, J.G. Xaba and Pixley Seme, the masses who have consistently responded positively to the Pan-African messages of the oldest liberation movement on our continent, the African National Congress, are not xenophobic.

² 'Foreword' to Hassim S., Kupe T and Worby E (ed.s) *Go Home Or Die Here: Violence, xenophobia and the reinvention of difference in South Africa* (Wits University Press, Johannesburg, 2008), p.i.

These masses are neither antipathetic towards, nor do they hate foreigners. And this I must also say - none in our society has any right to encourage or incite xenophobia by trying to explain naked criminal activity by cloaking it in the garb of xenophobia.

I know that there are some in our country who will charge that what I have said constitutes a denial of our reality.³

Whether or not it was ‘xenophobic’ – a point repeatedly rejected by Mbeki and most of his fellow African National Congress (ANC) leaders, who insisted it was “naked criminal activity”⁴ - or ‘Afrophobic’ or ‘negrophobic’ as others have tried to explain it (see below) – seems rather trite in the face of the murder, rape, injury, theft and displacement that resulted, as it is in the face of the massive popular mobilisation spear-headed by civil society organisations (CSOs) in the face of dithering, bickering and lethargy from the state and its officials. We return to the issue below, but we should be clear from the outset: all the evidence and research data indicate that Mbeki was indeed in denial about ‘his’ people. As this book reminds us, survey after survey, focus group after focus group, have shown deeply xenophobic attitudes rising steadily over time. Ordinary South African citizens despite the heroic anti-apartheid struggle, but surely unsurprising in the context of segregation and apartheid – are deeply uneasy about ‘other’ Africans. These ‘others’ may be from Limpopo, or the rest of Africa. Mbeki counterposed the pan-African visions of Soga, Xaba and Seme, and his own biography, as evidence in support of his assertion that

...I will not hesitate to assert that my people are not diseased by the terrible affliction of xenophobia which has, in the past, led to the commission of the heinous crime of genocide.⁵

Yet ordinary citizens were as definite in asserting the reverse, as the following sequence (taken from a focus group of unemployed men from Olievenhoutsbosch) illustrates:

R; Unemployed citizens don't have food to eat but foreigners are sure that they are going to get three meals a day; they are provided with breakfast, lunch and supper whereas we have to struggle on our own to feed our families.

Government is using the taxpayers' money to feed foreigners at the expense of its people.

³ Address of the President of South Africa, Thabo Mbeki at the National Tribute in Remembrance of the victims of attacks on foreign nationals, Tshwane: <http://www.info.gov.za/speeches/2008/08070410451001.htm> accessed 24/3/2010.

⁴ *Ibid.*

⁵ *Ibid.*

R: I don't think that the xenophobic attacks will never happen again; it is going to take maybe ten years to address the various issues surrounding foreigners, xenophobia will take a long time to be addressed in South Africa.

Government is talking about reintegrating foreigners back to the communities that chased them away in the first instance. These people are not originally from South Africa; they come from various countries, I think that the only solution is for government to deport them back to their countries. The government must commit itself to taking these people back to their own countries; that is where they belong.

R: Government must introduce a system through which it will control foreigners because at the moment they come and go as they please. Foreigners are taking our jobs and houses from us; most of them own houses and businesses in the township. They can afford to do all these things because they are employed whereas we are unable to afford the basic things.

R: Foreigners can afford to buy stands and build houses because they have jobs.

R: I want to add something; every foreigner who is employed has robbed a South African of that job and every foreigner who does not work commits crime.



Where Verryn is spot on in his metaphor is in the sudden outburst of the violence and its equally sudden cessation, just like a Highveld thunderstorm (which also implies its inevitable return, of course). Like spring or autumn showers, low-level violence aimed at African migrants preceded and followed the storm, and anti-foreign sentiments had been evident from before the 1994 democratic elections and grown in intensity during the years thereafter. But the May 2008 outbreak was a massive eruption which threw into relief many of the fault-lines of South African society, and provided an opportunity for civil society to play a leading (and creative) role in mobilising funds and people and public opinion, directly intervening to save lives, help the injured, reunite families, challenge and shame the state and politicians into something resembling action, liaise with the international community, organise itself into more relevant structures, get closer to citizens, and generally remind us of its former power as a major player on the South African landscape.

While politicians argued and their parties squabbled, civil society in its truest form – community-based organisations, social movements, faith-based organisations, workers, unemployed people, school-children and students, shop-keepers and any number of citizens from all walks of life, working alongside the non-governmental organisations (NGOs), threw their energies, money, goods and beliefs into helping the victims of the violence. Could it potentially be a new dawn for the civil society sector, once so powerful in South Africa, with its tradition of humanism, of ubuntu? Did the massive mobilisation of goods and services – and the politicisation of a whole new generation including, critically, children and youth – suggest that civil society organisations might be able to regain some of the gains lost since 1994? That question motivated this study at a time when faith in the new democratic government of South Africa was wobbly, at best.

Purpose

The focus of this book is not xenophobia *per se*; nor is it the migrants, refugees and others who were the focus of so much rage; nor is the state. Rather, the focus is on the intersection that the ‘thunderstorm’ – the causal high-pressure systems – provides, between understanding South Africa’s post-apartheid trajectory, and the conditions, role and prospects of civil society. Some saw May 2008 as a watershed that could be built on to catapult civil society back to the power and prominence it enjoyed during the anti-apartheid struggle, but most particularly in the 1990-94 interregnum; others regard such a notion as hopelessly romantic. The Atlantic Philanthropies funded this wide-ranging research project, involving multiple institutions and authors, in order to better understand what happened in different parts of South Africa; what roles civil society played; if and how coalitions and other forms of united action worked; what gaps were missed; and what is needed to make civil society a strong, permanent feature of the socio-political landscape rather than merely a powerful crisis-response sector. This in turn can only occur when grounded in a sober assessment of the economic, social and political conditions in which the violence occurred, as well as a blunt assessment of the state of civil society today.

This book is based on primary research in different parts of South Africa.⁶ It is qualitative, and makes no claim to national representivity – we have no work on the Eastern Cape, for example, where attacks on Somali shop-keepers were early signals of the later crisis (and where they have continued unabated). That said, more than three-dozen case studies have fed into a substantial synthesis and book-length overview authored by a mixture of prominent commentators, academics and activists. We deliberately include the voices of migrants and *migrant civil society* within the country (absent

⁶ Amisi, B., Bond, P., Cele, N., Hinely, R., ka Manzi, F., Mwelase, W., Naidoo, O., Ngwane, T. and S. Shwarer. 2009. *Xenophobia and Civil Society: Durban's Structured Social Divisions*; Desai, A. 2009. *Responding to the May 2009 xenophobic attacks: A case study of the Gift of the Givers*; Dube, N. 2009. *'Many shades of the truth' The Ramaphosa case study*; Everatt, D. 2009. *'The violence that was just the beginning...': Views on 'foreigners' and the May 2008 violence expressed in focus groups staged at the time*; Friedman, S. 2009. *One Centre of Power: The ANC and the Violence of May 2008*; Hlwatshayo, M. 2009. *COSATU's Responses to Xenophobia*; Jara, M. and Peberdy, S. 2009. *Progressive humanitarian and social mobilisation in a neo-apartheid Cape Town: a report on civil society and the May 2008 xenophobic violence in Cape Town*; Kirshner, J. Phokela, C. 2009. *Khutsong and xenophobic violence: Exploring the case of the dog that didn't bark*; Ngwane, T. 2009. *Xenophobia in Bottlebrush: An investigation into the reasons behind the attacks on African immigrants in an informal settlement in Durban*; Ngwane, T. and N. Vilikazi. 2009. *Social Movement Responses to the Xenophobia: A Case Study of the Soweto Electricity Crisis Committee, the Anti-Privatization Forum & the Coalition Against Xenophobia*; Nyar, A. 2009. *'Business as Usual': Understanding the response of the corporate sector to xenophobic violence*; Phakathi, S. 2009. *The Response of Churches to the Violence of 2008*; Sinwell, L. and Podi, N. 2009. *Towards Addressing the Root Causes of Social Tensions: Evaluating Civil Society and Local Government. Case studies for Atlantic Philanthropies*.

from virtually every other narrative). And we include a critical, progressive review of civil society in South Africa in 2010.

This collection, therefore, is both overdue and makes a considerable contribution to debate. All the participants agree that it is only through debate, based on primary data and rigorous analysis, that we can hope to shake some sections of civil society from a post-1994 torpor and re-ignite the energies that made the sector so important in South Africa, and in the world, in the defeat of apartheid.

What happened? And why?

In May 2008, any lingering, wistful hopes for the ‘miracle’ of the post-apartheid ‘Rainbow Nation’ were immolated. The wave of violence ripped across Gauteng and then spread like uneven wildfire across the country, with patches spared, but with sufficient viciousness to leave 62 dead, almost 700 injured, and hundreds of thousands displaced from their homes country-wide. While the violence was mainly directed at foreign-born African migrants, it included ‘Shangaans’ – South Africans from Limpopo in particular, who failed linguistic tests such as knowing the isiZulu word for ‘elbow’ (*indololwane*). This was a gruesome re-creation of the infamous pencil test of the apartheid regime, which was used to separate those who would live a white life (with their smooth hair) from those whose hair condemned them to the life of a black non-citizen in white South Africa.

There was of course a context in which the violence occurred. This is important: actual flare-ups often resulted from petty and quite localised moments – as Dube shows in her Ramaphosa case study, a criminal gang comprising South Africans and Mozambicans turned on each other while arguing about how to divide their spoils, and the resulting fight and murder of a gang member triggered a savage wave of violence in the entire area. It could do so because of the broader context, which made the incident – laughable in any other situation – a highly flammable trigger event.

By May 2008, the national mood had reached its nadir. The xenophobic violence occurred at a moment when frustration peaked over spiralling interest rates, recent electricity black-outs endemic in the major centres, soaring oil and food prices, worsening unemployment, increasing complaints (and protest) about poor service delivery and ubiquitous crime. Those looking to the ruling party for leadership found it to be deeply split between the incumbent but distant national President Mbeki and a disparate group clustered around his opponent and ANC President Jacob Zuma, himself having been tried and acquitted on charges of rape and still facing charges for alleged corruption. The electricity blackouts in particular shook the confidence of ordinary citizens of all races, suggesting – in characteristically South African fashion – simultaneously arrogant and fearful - that we may indeed be living in ‘just another African country’ instead of an imaginary First World space where services run uninterrupted, smoothly and affordably. More affluent South Africans of all races spoke increasingly of emigration; and those less well-off blamed ‘foreigners’ for taking ‘their’ share of the national cake: jobs, houses, consumer sales and even women.

Everything came to be blamed on foreigners, as I describe in a later chapter drawn from focus groups being conducted at the time (focusing on socio-political issues⁷). Unemployment was blamed on

⁷ Thanks are extended to the client who commissioned the groups, and gave us permission to re-analyse them for this project without cost, while asking to remain anonymous.

foreigners undercutting locals; lack of housing occurred because foreigners bribed officials; lack of services resulted from the same, which saw foreigners jump to the front of the queue; there were no small-scale market entry opportunities because foreigners had taken them; foreigners were selling drugs to 'the youth' who were increasingly beyond their parents' control; foreigners were committing crime; the ANC government, with its mistrusted exile leadership, was seen to be 'soft on foreigners'; and on and on went the list of complaints.

The focus groups provided a window through which one can see the process of 'othering' foreigners reach its peak as they were accused of 'killing our nation'⁸. Mbeki valiantly argued that '[t]hose who have eyes to see' would see that only better-off foreigners with 'property to loot' were targeted; those with shops were attacked⁹; that criminals were out to make a fast buck at the expense of foreigners. This surreal attempt at attributing xenophobic consciousness to class analysis – blaming the victims by mistaking their terrible desperation and extremely hard work for parasitic wealth – is contradicted by the focus groups (which make no claims to representivity but still tell us volumes about prevailing attitudes). According to sentiments expressed openly in these groups, foreigners are morally bankrupt, they 'make babies with our sisters and then run away after that', they were 'sucking on our system'¹⁰, 'these guys from outside ... commit crime'¹¹, 'they are the ones who commit so much rape'¹², and 'they sell everything we want to sell'.¹³ To add insult to injury, in the midst of tough economic and political times for South Africans, by comparison with other parts of Africa 'this is heaven on paradise for them ... they are living like kings' – this last remark sounding closer to the way Mbeki chose to understand the violence and attitudes to foreigners.¹⁴ In over 20 focus groups of all races and classes, just one individual found something positive to say. For the majority in groups staged before May 2008, the response was clear: 'If we could work together ... we could fight off these foreigners and drive them home'.¹⁵

And lest we come to see it as a momentary aberration, in a second phase of groups that were staged in August/September 2008, most respondents were clear that 'for now it is silent but it is going to happen again' (African female 30-39 from Olievenhoutsbosch), and our renowned *ubuntu*¹⁶ seemed in short supply: 'I want to add something' said an African male from Olievenhoutsbosch, 'every foreigner who is employed has robbed a South African of that job and every foreigner who does not work commits crime'.

And finally, it is worth noting that attitudes have not changed over time. In late 2009, the Gauteng City-Region Observatory (GCRO) commissioned a large sample survey in the Gauteng city-region (which includes the whole of Gauteng province and key economic footprints beyond its borders but

⁸ African male 40-49, Soweto (in a group that was staged some months after the May violence).

⁹ Mbeki 'Tribute' *op cit*.

¹⁰ African women, 36-45, Johannesburg suburbs.

¹¹ African male 26-35, Ivory Park.

¹² African female 50-59, Orange Farm.

¹³ African male, 36-45, Alexandra, April/early May 2008.

¹⁴ White male 26-35, West Rand.

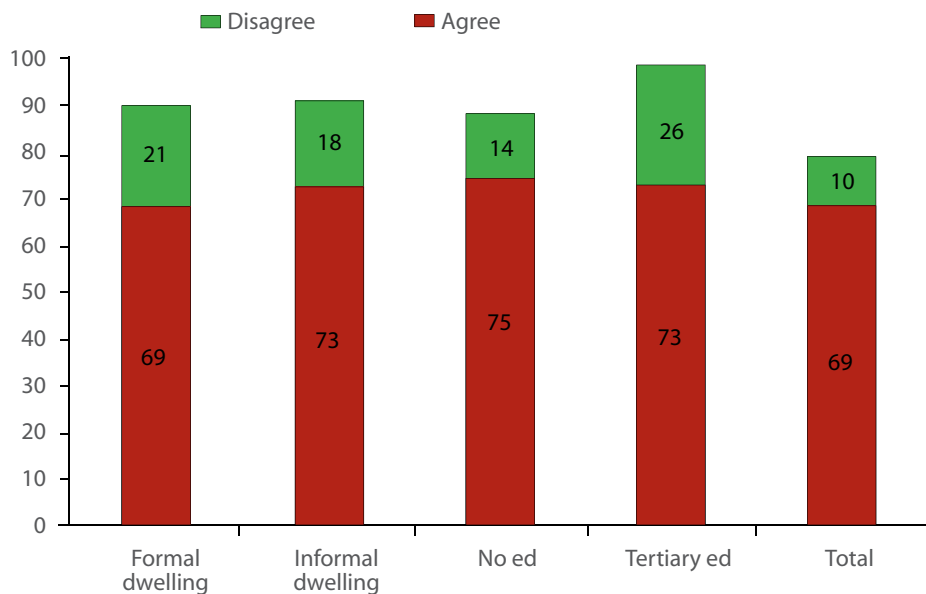
¹⁵ African male, 36-45, Alexandra, April/early May 2008.

¹⁶ The notion that I am because you are – our common humanity ties us all together.

which are fully integrated into the Gauteng economy, such as Sasolburg or Rustenburg). During the survey, respondents were given a 5-point scale (from strongly agree through agree, a neutral mid-point to disagree and strongly disagree) with the statement: 'Foreigners are taking benefits meant for South Africans'. The statement is a Likert item, in which deliberately provocative statements are read to respondents, who respond against a scale permitting more nuanced analysis.

Figure 1: 'Foreigners are taking benefits meant for South Africans' (all respondents) (Source: GCRO Quality of Life survey, 2009)

A shocking 69% of respondents agreed or strongly agreed with the statement. As the graph makes clear, there was no significant difference between those living in a house and those in shacks, or those with a degree and those who had never been to school at all. Across the race/class divide,



one thing seemed to unite respondents, namely their dislike of foreigners. We can argue that this does not equate with xenophobia, that the question could have been better phrased, and on and on, but the bottom line remains: South Africans, black and white, do not seem to like black African migrants.

Given the massive psychological damage done by South Africans to each other – under colonial rule, segregation and apartheid, and in the violence of 1990-1994 – it is surely not surprising to find that people capable of enormous bravery in support of noble ideals are also capable of more base motives, and that they can harbour suspicion of 'others' from whom they were insulated and taught to look down at? 'Everything I know about my people tells me [they]...are not xenophobic', pleaded Mbeki. Perhaps there were things about 'his people' he chose not to look at sufficiently closely; but any decent research effort will uncover the deep-rooted hostilities towards black foreigners that lie close to the surface of most South Africans.

But where Mbeki may guide us, if we are observant, is that xenophobia, Afrophobia or negrophobia are overwhelmingly symptoms of a deeper malaise, the hang-over of dispossession, violence racism, intolerance, and the use of force to settle disputes. This has been 'the South African way' for centuries,

and has bequeathed to those living in the present a deeply scarred national psyche. Without genuine, deep-seated healing – which is coupled to genuine redistribution and the reduction of inequality – no progress is conceivable. Xenophobia is a reflection of the deeper damage done to us.

The point was made strongly by a group of women speaking in a recent focus group convened by the GCRO, to discuss service delivery protests and when and why they turn either violent and/or xenophobic. Speaking to a room of strangers, knowing they may be watched from behind a viewing mirror, the women told us of their experiences living in Tokoza in the early 1990s:

R: Our kids and those who fought were never treated; now they should be taken for counselling to get rid of that horror, because we saw horrible things like a person burning right in front of your eyes or hacked in front of you, so we still have the trauma and we never had counselling to help us

R: We used to hide our kids in the wardrobes; we took our sons and hid them because when the fighting broke out they would come and check if your child is a boy or girl, if it was a boy they would grab him by the leg and swing him head first to the wall...

R: In front of you...

R: Right in front of you; so we never had counselling to rid us from what we saw¹⁷

The irony was complete: the women live in the former single-sex hostel which had been the epicentre of the ANC/Inkatha war, and is now a set of family units. 'Development' has happened – but the damage remains. The point is clear: government has done some remarkable work in meeting basic needs, but any number of roads, taps, telephones, toilets and the like – critical as they are – will not heal the psychological scarring afflicting so many South Africans. And while we are not advocating individual therapy for 45 million people – desirable though that might be! – creative solutions are required to address these complex, messy issues that are far more resistant to easy solutions, budget votes and outsourcing.

¹⁷ Quotation supplied by GCRO, taken from a focus group of Tokoza residents, September 2009.

Civilised and uncivilised society?

There is a debate within this book about civil and uncivil society, the latter being organised and semi-organised community-based groups who undertake ‘illegal’ action for ‘legitimate’ reasons, such as re-connecting electricity to the houses of poor people disconnected as a result of their inability to pay, or rioting against corrupt councillors. In this important debate, there is a clear appeal to a higher moral authority – services for the poor – and a sense that state failure requires an unprecedented degree of pressure against authorities, rather than mere warlordism and opposition to “rules of the game” that are considered illegitimate from start to finish. The debate surfaces in a number of the papers in this book, and should carefully be followed, given how many recent “service delivery protests” move from burning a councillor’s house or municipal library to looting an immigrant’s shop.

But there is a parallel debate about how to understand what ‘civil society’ meant in the context of the May 2008 violence, and of on-going deeply uncivil attitudes to foreigners. As economic and political instability swirled around citizens in May 2008, they broke in two ways. On the one hand, citizens – including political and civic organisations – had been blaming ‘foreigners’ – by which they meant black, African migrants – with a terrifying verbal ferocity in focus groups and on film¹⁸ that was soon reflected in the savagery meted out to African migrants – and some South Africans with darker skin or Limpopo origins and accents – just days after the focus groups ended. Mbeki and some of his leadership colleagues may have firmly believed that these were all criminal acts – hence their initial reaction that a ‘third force’ must be behind the attacks – but that perspective proved no more sustainable than the same claim made by Inkatha in the 1990s (i.e. that there was a plot to kill their leaders while setting them up to take the blame). Such a ‘third force’ would require a major degree of co-ordination, communication and resources, which have never been identified. Nonetheless, Mbeki was unequivocal in his view:

“The dark days of May which have brought us here today were visited on our country by people who acted with criminal intent. What happened during these days was not inspired by a perverse nationalism, or extreme chauvinism, resulting in our communities violently expressing the hitherto unknown sentiment of mass and mindless hatred of foreigners – xenophobia.”¹⁹

But while citizens were engaged in murder and looting, other citizens rose to defend, protect and help foreigners – those who were already victims, those who were displaced, and those who were simply foreign and thus potential victims. South Africans savagely attacked foreigners, stole their goods, raped women, and behaved in every degrading way that they accused ‘foreigners’ of doing. Members of political organisations, social movements, churches, civic associations and other organs of civil society, as well as ordinary citizens, took part in the violence, or stood by cheering or laughing as it occurred.²⁰ And yet many of their fellow citizens, members of those same organisations, rose

¹⁸ See the Anti-Privatisation Forum protesting against ‘foreigners’ in the film ‘Affectionately known as Alex’ (Filmmakers Against Racism, 2008).

¹⁹ Mbeki ‘Tribute’ *op cit*.

²⁰ The most famous image of the time sees a Mozambican man burning to death while school-children in neat uniforms look on, laughing.

to the challenge of stopping violence, helping victims, litigating to force the state to act, soliciting donations, offering humanitarian assistance, and shaming their political leaders. Were these both acts of civil society, more or less civil? We return to this question below.

Civil society was at the heart of responding to the humanitarian crisis, while the state seemed torn by contradictory responses from different spheres and leaders, the Tripartite Alliance²¹ dithered and bickered, the ruling African National Congress (ANC) leadership in many areas seemed frozen into immobility but in others acted swiftly to stop violence (compounding the notion of a deeply fractured, rudderless party), and the private sector (here meaning the larger corporate entities) made a lot of noise but did little more. Civil society – individuals and organisations – filled the gap. Humanitarian relief, advocacy, lobbying, litigation, taking statements, treating injuries, providing massive amounts of goods (blankets, food and so on in a cold winter) and a range of other interventions were provided by faith-based organisations, trade unions, social movements, non-profits and the general public.

Coalitions sprang into existence in different provinces – analysed in detail in this book – to draw in new individuals and organisations, build on the strengths of existing NGOs (in particular), and maximise impact. Some 5 000 people marched against xenophobia in Johannesburg – led by the ‘independent left’ social movements and with the ANC and COSATU notably absent – while shops donated food, workers at small businesses gave food and blankets, and school children held all-night vigils to raise money and goods for displaced people. Police stations in many areas were swamped with donations, as were churches, many located scores of kilometres away from the violence itself.

For some, all this activity was mere dressed-up white racism – affluent whites and former activists rode on a wave of moral high-ground-ism fuelled by criticism aimed at their black compatriots who, despite democracy, self-evidently remained heathen savages, as television sets showed to a global audience.²² Other commentators were less interested in whites generally but reserved especial scorn for *former* activists emerging from 15 years of gluttonous feeding at the democratic trough to march again, blinking in the rays of the sun. This remarkable attempt to extract something unedifying from a moment generally regarded as the largest and most significant mobilisation of the public and of civil society since the voter mobilisation of 1994 and public participation in constitution-making of 1995-6 is jarring. For the first time in over a decade, South Africans of all races – thousands of them, all over the country – were working together for a noble ideal of equality and solidarity, but their treatment at the hands of some commentators is quite breath-taking in its mean-spiritedness.

The first substantial work to look at the May 2008 violence was a volume published by the University of the Witwatersrand, following a colloquium on ‘Violence and Xenophobia in South Africa in late May 2008. It is remarkable how some contributors to the volume *Go Home Or Die Here* who looked at civil society, felt the need to single out for scorn the actions of civil society – ‘middle class civil society’²³ for one author, ‘former radical activist[s]’²⁴ for another, ‘white liberals’ who were ‘mobilis[ing]

²¹ Comprising the ruling African National Congress, Congress of South African trade Unions (COSATU) and South African Communist Party (SACP).

²² A point made by at least one of the participants during a research workshop for this project.

²³ Landau L. in Hassim S., Kupe T and Worby E (ed.s) *Go Home Or Die Here: Violence, xenophobia and the reinvention of difference in South Africa* (Wits University Press, Johannesburg, 2008),

²⁴ Pillay D. in Hassim *et al* *Go Home op cit.*, p.97.

assistance for the refugees, not entirely altruistically'²⁵ for a third, 'the lapsed left of yesteryear [which had] come out of the woodwork. The golf course can wait until later'²⁶

Landau sought a reasonable explanation, namely that while South Africa seemed to be becoming more equal and tolerant, former activists could take a back seat, but were spurred to action by the violence of May 2008; but even he goes on to warn that it was the 'nativism' at the heart of the violence threatening middle-class (white and Indian, in this instance) privilege that was the catalyst. The 5 000 people who marched through Hillbrow, it would appear, were to a person white (or possibly Indian), middle-class, Croc-wearing, 60s-loving former activists who had betrayed the cause and were now desperately afraid of losing their privileges. Mngxitama notes that some blacks also marched – they are invisible in other narratives – but, in his typical faux-ironic fashion that ends up biting its own tail, they too (he argues) were driven by fear of 'some atavistic unexplainable black lashing out at black', and by the failure of 'white education' and 'civilisation' to touch 'the deep recesses of these barbarians'.²⁷

Setting aside the weak stereotypicality of the jibes (golf clubs, Crocs, hippies), and accepting that no doubt some whites did look askance at 'black on black violence', it is nonetheless striking how these academics and commentators felt the need not to celebrate the ability of South Africans to unite and help victims of violence, nor to pour fear and loathing onto the shoulders of the murderers and rapists, but rather to scorn 'the human rights industry'²⁸ and belittle its actions, and to single out whites in particular for special treatment. Their role as the omniscient author (debunked by literary theory decades ago, but apparently able to operate freely in political commentary) allows the authors to see beyond the moral outrage, empathy and human solidarity that marchers *claimed* were motivating them, and see that this was a moment 'which moved the middle classes to feign concern [but had] little to do with concern for the victims or for the wellbeing of fellow human beings'.²⁹ The obvious question is what made these authors turn their gaze away from the violence and look rather at civil action against xenophobia, and in such terms?

Albertyn, writing in the same volume, made the point that even in the highest court in the land, a duality existed: progressive rulings were on offer for foreigners with permanent residence, but not for economic migrants looking for the most basic employment rights and protection.³⁰ Perhaps this dualism – 'good' versus 'bad' foreigners – commingling with a parallel dualism – good citizen/bad citizen, the same blind spot Mbeki's speech reveals – is at work in other pieces in the same volume. Is the awfulness of what 'our people' were doing what made people look away from the violence meted out by South Africans to South Africans and foreign nationals, and scorn those opposing it rather than to accept that 'our people' – all of us, in other words – are capable and to a degree, culpable? This book seeks to avoid falling into similar traps, but aware of the complexity of confronting such atavism among ourselves, we make no claim to have succeeded in doing so.

²⁵ Mngxitama, A. in 'We are not all like that: race, class and nation after apartheid' in Hassim *et al Go Home op cit.*, p. 195.

²⁶ *Ibid.*, p. 197.

²⁷ *Ibid.*, p. 197.

²⁸ *Ibid.*, p. 195.

²⁹ *Ibid.*, p. 201.

³⁰ Albertyn C. 'Beyond citizenship: human rights and democracy' in Hassim *et al Go Home op cit.*, pp. 175-188.

Xenophobia?

As indicated above, South Africans looking closely at South Africans killing foreigners seems to create analytic blind-spots. This feeds into and is fed by an on-going debate about 'naming the violence', exemplified by Mbeki (quoted extensively above) and his blank refusal to countenance the possibility of xenophobic South Africans. Was the violence xenophobic, was it negrophobia, was it Afrophobia (as Amisi argues in a chapter of this book)? Was it merely criminal, recidivist? In an energetic search for more palatable causes, poverty, inequality, relative deprivation and black self-hatred, all get an airing. As this book describes, some authors are uni-causal, others suggest a mixture of factors.

In the *Go home or die here* volume referred to above, Glaser is more blunt: xenophobia is evident in every research outing that tests attitudes on the issue (confirmed by this study). He notes with blunt sarcasm that '[t]his xenophobia really is coming up from below – it is profoundly democratic...'.³¹ We asked above: was the organisation and mobilisation to commit violence part of the work of a segment of or a parallel civil society – a morally warped civil society, one that lacked any progressive agenda but was very clear about its short-term material needs and how to achieve them? This book does not take up that line – without a moral let alone an ideological compass, anything and everything can be ascribed to 'a civil society', rendering the concept meaningless. Uncivil society appeals to our notions of fairness and justice and asks why reconnecting electricity for the poor is wrong, when the only 'crime' is the poverty of the recipient. That is a world away from mob murder.

That said, we do also ask – and Amisi makes the point strongly – to what extent civil society organisations (CSOs) were part of the problem in the first place, through acts of commission or omission? How many South African CSOs included foreign-born nationals as members? How many included on their agenda migrants and their concerns? How many have changed, and do so today?

Xenophobic sentiment has been evident in polling in South Africa from before the 1994 democratic elections. It has grown in intensity and breadth – though retained a focus on black African migrants – over time, moving from a generalised snootiness to a sharp focus on specific groups – primarily Mozambicans and Zimbabweans, as well as Somalis and Pakistanis – who are seen to have 'taken our houses/women/jobs' or, in the case of Pakistanis, to be central to scams involving falsified marriage papers and fake identity documents (IDs).³² It has also moved from frustrated admiration at the entrepreneurial skills and better education of foreign-born Africans to a generalised anger and in many cases a deep-seated loathing of their presence in 'our' cities and towns where they take benefits meant for South Africans.

It is notable that the ruling party has remained in denial through this period. The editors of *Go Home Or Die Here* rightly point to then President Mbeki's speech at the memorial service for the victims, where he played the insider race card – 'I wondered what the accusers [of xenophobia] knew about

³¹ Glaser, D. '(Dis)connections: elite and popular 'common sense' on the matter of 'foreigners' in Hassim *et al Go Home op cit.*, p.53.

³² This latter point, about ID scams involving Pakistanis, was repeated in many of the focus groups. As one participant put it, "women when they get a passport find they are married to a Pakistani!"

my people which I did not know?' and went on to claim that the violence was 'visited on our country by people who acted with criminal intent'.³³ It seems Mbeki knew as little about 'his people' as he did about 'his' party, which soon unceremoniously recalled him from the Presidency. Throughout the 1990s and 2000s, researchers had pointed to rising levels of deep-seated hostility to 'foreigners' – black ones, from Africa – and the political leaders of the country, many of whom had spent years in exile in various African countries, repeatedly rejected any notion that 'our people' were capable of xenophobic sentiments, projecting their own image onto ordinary South Africans.

And while most commentators agree that xenophobia was more symptom than cause, we should not shy away from a blunt assessment of the remarkable anti-African racism, fear, ignorance, anger and loathing shown towards non-South African Africans by South Africans of all races; just as we should not avert our eyes from the murder taking place, even though it was being committed by our fellow South Africans. The ANC's own history, on which leaders based their rejection of xenophobia, was itself being re-written by ordinary citizens as the sequence below suggests:

// R: *But guys, let's talk about this issue of foreigners. We went to their countries, but we are not like they are here. We didn't do all the things they are doing. We had left our country because we wanted to fight a war with the boers because of apartheid but that's not why they have left their countries.*

R: *They are here because of hunger in their countries.*

R: *You see, we went to all these African states, but we didn't commit crime though we were running away from the boers. They are running away from hunger in their countries and come here and commit crime.* **//**

Some authors in this volume explore whether xenophobia is an appropriate label; most accept the massive weight of research (over the last 16 years as well as in this book) and call the violence as they see it: xenophobic.

Not yet uhuru

In the 1990s, as authoritarian regimes collapsed world-wide, O'Donnell and Schmitter's work on transitions from authoritarianism to democracy was an influential text consulted and quoted by many involved in the South African transition. In their work *Transitions from Authoritarian Rule: Comparative Perspectives*³⁴, the authors identified three steps in a transitional process: liberalisation, democratisation, and socialisation. In the first, liberalisation, a range of rights and liberties are extended to the populace previously denied them, as occurred in South Africa. In the second, democratisation,

³³ Quoted in Hassim *et al Go Home op cit.*, p.4.

³⁴ O'Donnell, G., Schmitter, P. and Whitehead, L. (1998): *Transitions from Authoritarian Rule: Comparative Perspectives*.

citizenship, participation and representation for all in the political process is extended, again as occurred here. However, in the third phase – socialisation – social and economic equality are the goal. And here South Africa has failed. We are not alone in this. The key weakness of their approach was to assume an *automatic* sequence from one phase to another, which has not occurred here or elsewhere.

That this full transformation was on the agenda is not questioned – in the early 1990s, most progressives saw a genuine rupture in social, political and *economic* life as a *sine qua non* for sustainable democracy. And rather like the current debate, the focus was on nationalisation and the likely results thereof. But the National Economic Forum brought together key private sector, labour and civil society players and an economic RDP (the Reconstruction and Development Programme) was expected. And it was not just leftist activists who spoke in these terms:

...a glaringly obvious reality of the South African economy [is]: the deep structural inequality between black and white in access to opportunity, managerial and corporate control. Democratising the economy must mean increasing and effective participation in all aspects of economic life by groups and individuals that have been excluded from such participation. ... It is almost futile to assess the prospects of a negotiated transition to democracy, and the challenges of democratisation in the future constitution, civil service and the budget, if the same ethos of bargaining, tolerance and joint responsibility is not also developed in the economic life of the country. Business cannot simply go on as before. Its role is crucial in determining the success of the process of negotiated transition.³⁵

These words were written by van Zyl Slabbert, formerly leader of the Progressive Federal Party, and at that time running Idasa while teaching at the Wits Business School. Reading them in 2010, they sound like the words of a radical activist.

It is common cause that despite remarkable achievements in some areas, despite social grants and free basic services, despite development programmes in virtually every sector, despite Black Economic Empowerment (BEE) and its follow-up, Broad-Based Black Economic Empowerment (BBBEE), government has signally failed to address inequality. Poverty levels have slowly but steadily decreased over time.³⁶ But South Africa is in the top three most unequal countries on earth, and Johannesburg among the most unequal cities on earth, joined by Pretoria.

The private sector has glaringly failed: van Zyl Slabbert's injunction that business as usual was incompatible with sustainable democracy were ignored, apart from some elite pacting and adding black directors to company boards, and there is a growing national consensus that a second transition

³⁵ Van Zyl Slabbert, F. (1992) *The quest for democracy: South Africa in transition* (Penguins Books, Harmondsworth), pp. 66-70.

³⁶ See Everatt D. 'The undeserving poor: poverty, politics and provision in the poorest nodes of South Africa' (*Politikon*, 36/1, July 2009)

is required. Nationally, business as usual cannot continue. The political rules have been re-written, the administrative and judicial systems have been re-wired if not fully transformed, but at the social and economic levels – the third phase of transition, according to O’Donnell & Schmitter – South Africa has failed to move to a point where we can truly regard ourselves as post-transitional, as having arrived at the place envisioned by those struggling for freedom from white rule.

Moreover, the period since 1994 has been punctuated by sporadic calls for ‘an RDP of the soul’, or moral regeneration, based on an acceptance that psycho-social damage has been done to all – in different ways and to different degrees, certainly. But if all South Africans are to be liberated from their past, all South Africans need a new moral compass, just as the economic order needs to be fundamentally restructured and the social order re-imagined.

Without this third, delayed phase of transition, South Africa remains in limbo – post-apartheid but not yet the non-racial, non-sexist democracy envisioned in the Constitution; still a transitional society, yet without sign-posts telling citizens when they will have arrived at post-transitional ‘real’ South Africa. And while that obtains, the fertile breeding ground remains in place for xenophobia, as it does for rape, for violent crime, for racism and the other social ills by which we are increasingly identified in the world.

This book offers a series of recommendations – some easily implemented, others less so – for seeking to reinvigorate civil society and to attack xenophobia. But underlying those recommendations is a basic reality that business as usual – economic, social, political – cannot continue. The book details the impact of poverty and in particular inequality – economic, spatial, social – that provides the space in which xenophobia (and so many other phobias) takes root. Xenophobia, we repeatedly argue, is a symptom of a deeper malaise. And what all of this points to is that a rupture with the 1994-2010 period is now required.

The 1994-2010 years should be seen as the interregnum (rather than 1990-1994), a moment when the country bowed before the fear of ‘market jitters’, ‘capital flight’ and other bogeymen but has come to realise that radical shifts are needed regardless of what ‘the market’ threatens to do, precisely because ‘the market’ – as currently configured – has failed to transform or to assist the broader national transformation project. It is a period during which black and white learned that we *can* live together – but we don’t know how. New rules are needed. A new society is needed. All South Africans, and all others living in South Africa, need to jointly re-imagine ourselves and South Africa, as we were asked to do in the early 1990s. The inevitability of gradualism – trickle-down, in other words – will not suffice. If the cause is to be tackled, rather than the symptom treated, then the transition – the socio-economic transition – needs to be completed.



Synthesis Report:

SUMMARY OF FINDINGS AND RECOMMENDATIONS

by Jenny Parsley & David Everatt

The
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This document

This part of the report very briefly summarises findings, but really is a vehicle for drawing together a range of recommendations made by different authors in either their case studies or the synthesis chapters.

A couple of points about language. Firstly, a number of chapters and case studies debate the issue of whether xenophobia was at play, or 'Afrophobia' or 'negrophobia' or some other formulation. In this document, xenophobia is used throughout for the sake of simplicity – and because, in most cases, the authors of different case studies agreed that what they found were xenophobic acts and attitudes, however unacceptable this has been among political leaders and officials.

Secondly, the word 'foreigner' appears in many parts of the book. Again, many authors spend time unpacking the differences between migrants, refugees, asylum seekers; and the fact that the focus of the violence was black African migrants – from inside and outside South Africa – but not white/Asian/ other foreigners. Again, the word is used for the sake of simplicity; readers interested in unpacking these issues should follow up in different case studies and synthesis chapters where the terms are discussed.

The research process

In 2009, The Atlantic Philanthropies commissioned Strategy & Tactics (S&T) to assess the response of South African civil society to the xenophobic violence and the implications for the future of civil society. S&T worked in partnership with the Gauteng City-Region Observatory (itself a partnership of the University of Johannesburg, the University of the Witwatersrand and Gauteng Provincial Government), the Centre for Sociological Research at the University of Johannesburg, Prof Sally Peberdy from the University of the Western Cape and Mazibuko Jara of the Amandla Forum, and the

Centre for Civil Society at the University of KwaZulu-Natal. Dr Karuti Kanyinga of South Consulting also joined the team.

The papers looked at the responses of specific sectors such as faith-based organisations, trade unions, the African National Congress (ANC), Congress of South African Trade Unions (COSATU) and the corporate sector. Case studies also focus on specific spatial areas where violence was intense – sites in Gauteng, KwaZulu-Natal and the Western Cape – and places where it was averted, such as Khutsong. Another provided a meta-review of existing media reviews of the xenophobic violence, while a background paper drew on some 20 focus groups that had been staged (for a different project and client) immediately before and after the May 2008 violence, during which participants spoke of their mounting anger prior to the May violence, and then (in the second phase of groups) reflected back on it – often with deep menace.

The case studies were then used (in addition to other research, published materials and so on) to write a series of synthetic chapters, which provide an overview of what happened, suggest why it happened, and what is needed to strengthen civil society specifically and make South African society generally more inclusive and equitable. Migrant voices were deliberately sought and can be heard throughout the book, but are also gathered in a chapter reflecting on *migrant civil society* and how it experienced the response of South African civil society. Comparative chapters investigated violence in the Great Lakes region and the post-election violence in Kenya. These chapters will later be published in book form.¹

The causes of the violence

Explanations about the causes of the violence include historical factors resulting from South Africa's exploitative and racist apartheid past, ongoing poverty and structural inequality, internal and international patterns of migration, immigration policies and deep-seated xenophobic attitudes. These factors combined with political instability, electricity blackouts, rising consumer prices and a low national mood to form a toxic cocktail which fuelled unprecedented national rage targeted at African migrants and fellow South Africans.

An incomplete transition

O'Donnell & Schmitter's work *Transitions from Authoritarian Rule: Comparative Perspectives*² identified three steps in the transitional process: liberalisation, democratisation, and socialisation. In the first, a range of rights and liberties are extended to the populace previously denied them, as occurred in South Africa. In the second, citizenship, participation and representation for all in the political process is extended. However, in the third phase – socialisation – social and economic equality are the goal. And here South Africa has failed.

¹ Nyar, A. 2010. 'What Happened?' *A Narrative of the May 2008 Xenophobic Violence*; Amisi, B., Bond, P., Ngwane, T. 2010. *Xenophobia and civil Society: Why Did It Happen?* University of KwaZulu-Natal Centre for Civil Society; Jara, M. and Peberdy, S. 2010. *Taking Control: Civil Society Responses to the Violence of May 2008*; Amisi, B. 2010. *Migrant Voices*; Smith, J. 2010. *Xenophobia and the Great Lakes*.

² O'Donnell, G., Schmitter, P. and Whitehead, L. (1998): *Transitions from Authoritarian Rule: Comparative Perspectives*.

Despite remarkable achievements in some areas, despite social grants and free basic services, despite development programmes in virtually every sector, despite Broad-Based Black Economic Empowerment (BBBEE), government has signally failed to address inequality. Poverty levels have slowly but steadily decreased over time.³ But South Africa is in the top three most unequal countries on earth, and Johannesburg is among the most unequal cities on earth, joined by Pretoria.

The private sector has glaringly failed to change from business as usual. There is a growing national consensus that a second transition is required. Nationally, business as usual cannot continue. The political rules have been re-written, the administrative and judicial systems have been re-wired if not fully transformed, but at the social and economic levels – the third phase of transition, according to O'Donnell & Schmitter – South Africa has failed to move to a point where we can truly regard ourselves as post-transitional, as having arrived at the place envisioned by those struggling for freedom from white rule. The period since 1994 has been punctuated by sporadic calls for 'an RDP of the soul', or moral regeneration, based on an acceptance that psycho-social damage has been done to all – in different ways and to different degrees, certainly. But if all South Africans are to be liberated from their past, all South Africans need a new moral compass, just as the economic order needs to be fundamentally restructured and the social order re-imagined.

Without this third, delayed phase of transition, South Africa remains in limbo – post-apartheid but not yet the non-racial, non-sexist democracy envisioned in the Constitution; still a transitional society, yet without sign-posts telling citizens when they will have arrived at post-transitional 'real' South Africa. And while that obtains, the fertile breeding ground remains in place for xenophobia, as it does for rape, for violent crime, for racism and for the other social ills by which we are increasingly identified in the world.

This book offers a series of recommendations – some easily implemented, others less so – for seeking to reinvigorate civil society and to attack xenophobia. But underlying those recommendations is a basic reality that business as usual – economic, social, political – cannot continue. The book details the impact of poverty and in particular inequality – economic, spatial, social – that provides the space in which xenophobia (and so many other phobias) take root. Xenophobia, we repeatedly argue, is a symptom of a deeper malaise. And what all of this points to is that a rupture with the 1994-2010 period is now required. If the cause is to be tackled, rather than the symptom treated, then the transition – the socio-economic transition – needs to be completed.

Historical factors

The research found that the apartheid legacy of institutionalised violence as a means of communicating grievances and achieving political leverage remains embedded within the national psyche.⁴ Despite the work of the Truth and Reconciliation Commission, it was also suggested that a root cause of xenophobia lies in having addressed apartheid human rights violations without

³ See Everatt D. 'The undeserving poor: poverty, politics and provision in the poorest nodes of South Africa' (*Politikon*, 36/1, July 2009).

⁴ Nyar, A. 2010. *What Happened? A Narrative of the May 2008 Xenophobic Violence*, p.4.

compensation and justice, and a generally scarred national psyche (affecting people of all races).⁵ The historical culture of violence combined with ineffective policing has resulted in continued impunity for perpetrators, exacerbated by prioritising reconciliation over justice.⁶ Other theorists see xenophobia as a consequence of apartheid isolation and South Africa's long exclusion from the international community generally and Africa in particular.⁷

Poverty and structural inequality

According to Baruti Amisi, Patrick Bond and Trevor Ngwane (2010), 'the economics of xenophobia and its structural underpinnings in resource inequality remain unaddressed... which create enabling conditions for discrimination, prejudice and violence against those perceived to be "foreigners"⁸. South Africa has a long history of organised migrant labour dating back to the mid-1800s with workers coming to the mining and agricultural sectors. When the dynamic changed from migration meeting the labour demands of capital to 'desperation-based migration' the official reaction shifted. According to Mondli Hlatshwayo (2009), 'the crisis of globalisation and the decline in employment makes it difficult for these workers who are coming from struggling economies on the periphery to find jobs in South Africa. This intensifies competitions for jobs and opportunities in South Africa.'⁹ Within this context, the labour market takes advantage of inexpensive and easily exploitable migrant labour.¹⁰ In the Western Cape and other areas, xenophobia is often articulated by township business associations who actively organise against black African owned (usually Somali) businesses operating in townships.¹¹ Fifteen years after the first democratic election the promises of a better life for all have not been met. The scapegoating theory suggests that foreigners become scapegoats because they are seen as a reason for the failure to deliver housing, employment and services.¹²

Internal and international patterns of migration

Since the demise of apartheid and the lifting of influx control legislation, South Africans have been on the move. Widespread rural poverty has resulted in mass internal migration as people move to the cities in search of jobs, health care and better prospects. Urban spaces have thus been transformed with the arrival of both African nationals and internal migrants.

⁵ Amisi, B., Bond, P., Cele, N., Hinely, R., ka Manzi, F., Mwelase, W., Naidoo, O., Ngwane, T. and S. Shwarer. 2009. *Xenophobia and Civil Society: Durban's Structured Social Divisions*.

⁶ SAHRC, 2010. *Report on the SAHRC Investigation into Issues of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals*.

⁷ In Amisi, B., Bond, P., Ngwane, T. 2010. *Xenophobia and civil society: Why did it happen?* University of KwaZulu-Natal Centre for Civil Society p. 5.

⁸ Ibid p.5.

⁹ Hlwatshayo, M. 2009. *COSATU's Responses to Xenophobia*; Jara, M. and Peberdy, S. 2009. *Progressive humanitarian and social mobilisation in a neo-apartheid Cape Town: a report on civil society and the May 2008 xenophobic violence in Cape Town* p.12.

¹⁰ Bond, P./ et al. 2010 *'Xenophobia and civil society: Why did it happen?'*

¹¹ Jara, M. and Peberdy, S. 2009. *Progressive humanitarian and social mobilisation in a neo-apartheid Cape Town: a report on civil society and the May 2008 xenophobic violence in Cape Town*.

¹² Drawing on the work of Bronwyn Harris in Amisi, B., Bond, P., Ngwane, T. 2010. *Xenophobia and civil society: Why did it happen?* University of KwaZulu-Natal Centre for Civil Society p.19.

Despite these changes, urban apartheid geographies have remained largely intact, linked with the rapid increase in housing prices in the post-apartheid period and a government housing delivery programme unable to meet the demand. This has resulted in the massive influx of people into shack areas around the cities. Tensions are generated as people compete for land, employment and business opportunities in spaces with tenuous material, political and social infrastructure.¹³

Trevor Ngwane's (2009) case study on Bottlebrush vividly described the living conditions in informal settlements:

The place is teeming with people and when you stand on one side of the hill, you can see and hear people busy in their shacks across the stream giving an eerie claustrophobic sensation as if everything is happening inside a fishbowl. This feeling is accentuated over the weekend when everyone is home, then you can hear the noise of the place, people talking, radios blaring, children shouting, dogs barking and the odd car driving through the extremely narrow, precarious, concrete roads. Rough looking young men sit in street corners or in shebeens (drinking houses) that are strategically located at key points in the settlement. Groomed, confident young women walk in pairs along the streets chatting away. There is the inevitable drunk zigzagging in the street. Older women go about their washing in the few water taps placed at unexpected points in the street, often not a real tap but a thin plastic pipe sticking out of the ground and kept closed by bending it against itself and tying it with a piece of string.¹⁴

Around a third of the populations of each of the municipalities in this study are internal migrants.¹⁵

Immigration policies and systemic exclusion of migrants

South Africa has signed a number of international policy instruments protecting the rights of refugees and asylum seekers, which have been incorporated into national legislation. It is however common practice to discriminate against and exploit refugees. The rights of migrant workers and irregular unskilled migrants are not clarified or upheld, despite Constitutional protections guaranteeing rights are for 'everyone'.¹⁶ This is fuelled by corruption in dealings between the state and foreign nationals.¹⁷

Researchers argue that violence against African migrants to South Africa has been consistent across the apartheid and post-apartheid divide. Structural exclusion prevents immigrants from exercising

¹³ Jara, M. and Peberdy, S. 2010. Taking Control: Civil Society Responses to the Violence of May 2008

¹⁴ Ngwane, T. 2009. Case Study: Chatsworth, Bayview and Bottlebrush p.38.

¹⁵ Jara, M. and Peberdy, S. 2010. Taking Control: Civil Society Responses to the Violence of May 2008

¹⁶ Jara, M. and Peberdy, S. *op cit*

¹⁷ SAMP. 2008. The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa, Migration Policy Series No 50 p.6.

their rights despite their length of residence in South Africa.¹⁸ South Africa's approach of local integration is negatively affected by exclusion and xenophobia. Amisi writes, "migrants' initiatives for self-integration and consequently living together are undermined by unscrupulous officials from both the government and NGOs' spheres."¹⁹ A woman asylum seeker spoke at a workshop that formed part of the research process:

I have been in South Africa for 13 years now. My last born is 12 years old. During xenophobia children were asking, 'where can we go now?' We left the Congo because of safety but what can we do? ... Children have been traumatised. The impact on children is devastating. The same issues that refugees ran from are taking place in South Africa. What can we do to give hope to the younger generation as the future leaders of war torn countries?²⁰

According to Friedman, 'government actions played a major role in convincing grassroots South Africans that immigrants were a threat to them and that the chief cause of the violence was therefore not that citizens did not take seriously the government's approach to African visitors, but that they took it far too seriously.'²¹

Xenophobic attitudes and violence

Xenophobic attitudes being expressed violently have been evident since the early 1990s with foreign nationals being attacked, thrown from trains, having their shops burnt and looted, and migrants being the easy targets of violent criminal attacks and exploitation and corruption at the hands of government officials. Few perpetrators have been prosecuted. Strong negative attitudes seem to be held irrespective of gender, education, socio-economic status or any other variable.²²

The combination of immigrant rightlessness, structural exclusion and deeply held prejudice, resulted in organised action being taken against individuals seen as threatening the social and economic fabric of South Africa. Amisi, Bond and Ngwane argue that this form of 'social activism' took place within a system set up by wealthy South Africans to *superexploit* migrant labour from both South Africa and the wider region.²³

¹⁸ Misago; Landau, and Monson, *op cit*.

¹⁹ Amisi, B. 2010. *Migrant Voices* p.2.

²⁰ Durban workshop, 27th February 2010.

²¹ Friedman, S., 2009. *One centre of Power*, Report to Atlantic Philanthropies, December.

²² SAMP. 2008. *The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa*, Migration Policy Series No 50.

²³ Amisi, B., Bond, P., Ngwane, T. 2010. *Xenophobia and civil Society: Why did it happen?* University of KwaZulu-Natal Centre for Civil Society.

Everatt argued:

Participants [in focus groups] felt that unemployment was a cause of crime and 'foreigners' were taking jobs away from South Africans; and that violent crime was brought to South Africa by 'foreigners'. The linkages were clear – crime/foreigners, or poor service delivery/foreigners get RDP houses; or corrupt officials/foreigners bribe them; or unemployment/foreigners accept lower wages; and so on. For every negative, the link to foreigners was made by participants in the groups.²⁴

Community organising and violence

Internal community power struggles, under-resourced police and infrastructure not conducive to effective policing has led to a generalised absence of law enforcement in informal settlements. Bond, Amisi and Ngwane note the limits to working-class leadership and that even the most explicit socialist and internationalist of South Africa's new social movements have not uniformly instilled more progressive values at community level.²⁵

Local leaders, however, also played a vital role in curtailing violence in certain areas. The research found that in Khutsong leaders did not want to lose focus on the demarcation struggle to get Khutsong incorporated into Gauteng province. 'They [local leaders] felt that xenophobic actions would undermine their cause ... the leaders explicitly avoided drawing a rigid distinction between insider and outsider in terms of nationality.'²⁶

The context: May 2008

2008 was moment of national pessimism. The global financial and economic environment deteriorated sharply. The domestic economy was deeply affected by the world economic crisis and its subsequent impact on trade, investment and employment. It was a year characterised by political uncertainty, rising interest rates, increases in the oil prices, rising costs of food and transport, regular electricity blackouts combined with rising electricity tariffs.²⁷ 2008 was the final year of the Mbeki election mandate that promised 'a better life for all'.

Recommendations to address the causes of the attacks

The attacks inspired a number of research projects to analyse various aspects of the crisis and the subsequent response. While most of the findings *acknowledge* poverty and inequality as causes of

²⁴ Everatt, D. 2009. "That violence was just the beginning..." Views on 'foreigners' and the May 2008 xenophobic violence as expressed in focus groups staged at the time, Atlantic Philanthropies research.

²⁵ Amisi, B., Bond, P., Ngwane, T. 2010. *Xenophobia and civil Society: Why did it happen?* University of KwaZulu-Natal Centre for Civil Society.

²⁶ Kirshner, J and Phokela, C. 2009. *Khutsong and the xenophobic violence*, Report to Atlantic Philanthropies.

²⁷ See Everatt, D. 2009. "That violence was just the beginning..." Views on 'foreigners' and the May 2008 xenophobic violence as expressed in focus groups staged at the time, Atlantic Philanthropies research.

the violence, few make meaningful recommendations to *address* them beyond general problem statements. Profound socio-economic transformation is essential to stability. For this reason, researchers in this project recommend that civil society advocate for the state to address the long-term structural problems through the following:

1. South Africa has undergone a political transition, but a second, deep-seated economic and moral transition is required.
2. A unifying local/ national/regional approach to rising (and durably high) unemployment, based upon a 'right to work' and sufficient public work resources, directed to projects needed by poor people and the communities;
3. A dramatic shift of state investment resources into housing/services, for capital/infrastructure and ongoing operating/maintenance subsidies. There is a need for the authorities to intervene in renting out shacks. There is a need to collaborate with civil society and local governments to develop transitional and long-term housing options for homeless asylum seekers and refugees;
4. A rising level of disposable income for low-income people – e.g. through a Basic Income Grant - to accommodate the intensified desperation in the informal sector. Government to extend grants to refugees and asylum seekers;
5. A commitment to dramatic increases in publicly subsidised employment and to channelling investment resources into low-income areas, to mitigate the economic desperation that so often generates crime;
6. Changes to South African state regulations that liberalise border restrictions (e.g. the Zimbabwean temporary work visa), and a very strong stance against such corruption, plus a dramatic increase in staff to accommodate the Department's rising clientele base;
7. A much greater South African state commitment to the promotion of cultural diversity and the 'melting pot' of regional citizenries within South Africa;
8. A shift of South African foreign policy – driven by regional solidaristic initiatives in civil society and away from strategies which exacerbated political-economic and geopolitical tensions in Southern and Central Africa;
9. Awareness raising: education and leadership are crucial at all levels of government and throughout all government departments.

How civil society responded

Despite a lack of preparedness, civil society responded rapidly to the violence. In areas where the violence had not yet spread, such as Cape Town and Durban, civil society organisations began urgent meetings in anticipation that the violence could spread to communities further afield. When the violence struck, civil society organisations accessed and channelled resources, provided food, shelter and other material assistance. Civil society mobilized hundreds of people as volunteers. It pressurised government to intervene. Jara and Peberdy argue that in the early days of the crisis 'civil

society essentially replaced the absent, incapable and dysfunctional state.²⁸ Civil society was found to be closer to the needs of the people and having the flexibility to respond in an emergency.²⁹

Many of the civil society organisations working on the response had never worked together before. The civil society response was diverse and plural in nature. It included NGOs, social movements, community-based organisations (CBOs), civics, schools, women's groups, peace and justice organisations, academics, students, Christian, Jewish and Muslim faith-based organisations (FBOs), refugee and migrant organisations, school governing bodies, community policing forums, professional associations and trade unions. These diverse groupings were brought together under several umbrellas which served different purposes, from humanitarian aid to political activism. These organisations also put pressure on political parties and constitutional institutions to intervene.

In the displacement camps, NGOs continued to play an important role in service provision, psychological support, legal assistance, education and advocacy. Once displaced people were moved from police stations to camps, civil society organisations lobbied to ensure minimum standards of care. Civil society mounted legal challenges, including an attempt to prevent closure of the camps in light of inadequate preparation for reintegration into communities. The legal action was successful, but was not followed by the state.

Civil society organisations were less involved in the reintegration aspect as many had returned to their core business at this time. Some organisations, such as the Nelson Mandela Foundation and the Black Sash, have continued hosting community dialogues to assist in creating platforms for discussion and mediation. The case studies found that the civil society response was an effective short-term humanitarian intervention. After the immediacy of the crisis passed, the momentum created by the crisis was lost.

*Coalitions*³⁰

Prior to the outbreak of violence, various coalitions of organisations working with migrants and refugees existed. There was, however, no functioning coalition of formal NGOs or of social movements broadly.

The outbreak of xenophobic violence allowed existing coalitions and partnerships to strengthen and led to the development of committees and new coalitions to direct and manage the response of civil society to the violence. The following coalitions were established: the Durban Action Against Xenophobia (DAAX), the Coalition Against Xenophobia, Racism, Ethnicism and Poverty (CAXREP), the Coalition Against Xenophobia in Johannesburg, and the Social Justice Coalition (SJC) in Cape Town.

The most enduring civil society coalition to emerge from the violence was the SJC, initiated by the Treatment Action Campaign (TAC). Since it was formed it has held community meetings, established branches, organised public meetings and begun to formulate demands around the Constitution and

²⁸ Jara, M. and Peberdy, S. 2010. *Taking Control: Civil Society Responses to the Violence of May 2008* p.4.

²⁹ Nyar, A. 2010. *What Happened? A Narrative of the May 2008 Xenophobic Violence*.

³⁰ This section summarises from Jara, M. and Peberdy, S. 2010. *Taking Control: Civil Society Responses to the Violence of May 2008*.

access to information. However, the efforts of the SJC have not gained sufficient social and political momentum and it seems to have lost its initial impetus.

While the forums and coalitions were crucial to the effectiveness of the response of civil society organisations and government, they were also the sites of tension and division. They unified diverse organisations in pursuit of common goals. Divisions reflected differences in power, access to material resources, capacity and experience. In Cape Town, some organisations were concerned at the TAC's dominant role. Jara and Peberdy acknowledge these concerns but highlight that 'to over-emphasise concerns expressed by some civil society organisations would be to miss key lessons provided by TAC's effective role. *Chief amongst these is the importance of sustained mobilisation of ordinary people.*³¹

Civil society partners tended to concur on the need to respond to the humanitarian crisis. Decisions regarding more politicised actions like advocacy, demonstrations and legal action were more often contentious. Coalitions or forums largely lacked a common progressive activist political focus. Organisations came from different histories, experiences and agendas which led to advocating for different strategies and approaches, particularly with regards to working with government and the media.

The difficulties in establishing lasting coalitions were identified. First, the documented weakening of civil society since 1994. Second, there is a lack of leadership and organisations willing to act and challenge government with a progressive political agenda. Third, it seems that coalitions are sustainable around a single aim which organisations can work towards. Even then it can be difficult to arrive at common strategies and tactics. Fourth, for a coalition to be sustainable it needs resources. Fifth was the need for a clear code of conduct and agenda.

Coalitions that were formed at the time faltered; organisations retreated back to working on their 'core' business without reflecting on how to integrate the issues facing refugees and migrants into their programmes and goals. This included the organisations that played a pivotal role in the response.

Mainstreaming refugee and migrant issues

Few, if any, non-refugee organisations have subsequently formally integrated xenophobia and migrants and refugees into their day-to-day work. Those that do were already working with refugees and migrants before the attacks of May 2008.

Refugees and migrants have noted that their issues have been abandoned since the crisis subsided:

“ If refugee issues were dealt with so much enthusiasm as the Albert Park crisis, the xenophobic violence could be avoided or at least reduced. In fact, we have seen articles in the newspapers almost every morning, we received visits all the time, and there were also soccer game and picnic on

³¹ Ibid, p37.

Sundays in the Park but today. Only God knows why this organisation has lost interest in refugee related issues and refugees' struggles for survival.³² //

Migrant civil society

Migrant organisations were limited in their response to the attacks, although social networks and informal support structures assisted displaced people. Organising migrants is a challenge as migrants, refugees and asylum seekers do not necessarily share the same needs, interests and demands. Suspicion, vulnerability and immediate needs curtail sustained organisation and solidarity. Many of the refugees and migrants in South Africa may come from competing political interests back home. Migrant workers and refugees and asylum seekers are often isolated from the organisations which can protect their and South Africans interests. The research found that xenophobia is the biggest challenge that poor migrants face.

Some migrant organisations have managed to run effective programmes such as Africa Unite in Cape Town.

Emerging Themes and Recommendations

Five themes emerged through the research and guide the general recommendations. The recommendations aim to strengthen civil society³³ to better address the causes and manifestations of xenophobia. The themes are:

1. Civil society and the state
2. Refugees, migrants and civil society
3. Organisations of the urban poor, social movements and political education in marginalised communities
4. Local strategies, national coalitions and transnational/interregional networks.
5. Access to funding and capacity building for civil society and migrant organisations

Civil society and the state

The research acknowledged that with regards receiving migrants, the onus is on the state to design, implement and actively pursue policies and programmes aimed at fostering tolerance, diversity, multiculturalism and regional and global citizenship. Recommendations on how civil society can engage with the state largely focused on the Department of Home Affairs, the Department of Education, Disaster Management and the role of the police.³⁴

³² Amisi, B. 2010. *Migrant Voices* p.24.

³³ This is an inclusive understanding of civil society. The following section provides information on sector specific recommendations.

³⁴ Recommendations on engaging the state to address the structural causes of xenophobia are mentioned in section 2.

The Department of Home Affairs and immigration policy

Civil society to engage the DHA to:

- › Decisively deal with corruption
- › Review and liberalise immigration policy to increase accessibility to working class and unskilled migrants
- › Consider the provision of arrival packs and integration support for asylum seekers
- › Increase DHA human and financial resources
- › Training for police and DHA officials on the rights of migrants
- › Increase accessibility to the DHA through mobile centres or access to refugee services through DHA offices in communities
- › Increase time frames for temporary permits to reduce administrative burdens on the DHA and applicants
- › Overcome technical difficulties in managing and consolidating DHA databases to assist in managing migrant applicants who have moved within the country and facilitate implementation of mobile DHA centres.

It was suggested that civil society assist the DHA to better provide services to migrants. An example cited was an NGO which sought funds to provide benches to migrants waiting in the queues.

Department of Education

Civil society to engage the Department of Education to:

- › Implement human rights education
- › Train educators in human rights
- › Facilitate access to school for migrant children
- › Include skills development and entrepreneurship to facilitate self reliance in a context of mass unemployment.

The police and access to justice

Civil society to engage the police to:

- › Respond promptly to xenophobia related cases
- › Develop an early warning system to detect when violence is being instigated
- › Facilitate access to protection and justice for migrants by encouraging migrants to report crimes
- › Ensure prosecution of perpetrators and protection of witnesses
- › Address violence in communities through the Security Cluster.

Disaster Management

Civil society to engage Disaster Management to:

- › Ensure adequate preparation for crises of this nature
- › Work with civil society organisations to build on the positive aspects of the response and ensure better coordination and transparency
- › Work with civil society to overcome mistrust and hostility where it surfaced
- › Ensure prompt response.

Local government

Civil society to engage local government to:

- › Call mass meetings in the community to create dialogue and public awareness
- › Learn from experiences of past political and ethnic conflict such as the 1948 violence between African and Indian communities in Durban
- › Organise days of action to keep the issue on the agenda
- › Improve relationships between local residents and officials.

Department of Labour

Civil society to engage the Department of Labour to:

- › Prosecute employers exploiting vulnerable migrants
- › Sign and ratify the UN Convention on the Rights of Migrant Workers and their Families.

The Department of Human Settlements

Civil society to engage the Department of Human Settlements to:

- › Develop a functional urban policy that addresses conditions in shack settlements.
- › Assist vulnerable tenants such as migrants from exploitation by unscrupulous landlords.

Other recommendations include engaging with government to overcome obstacles migrants face that increase their vulnerability. These include difficulties in opening bank accounts. Workshop participants recommended ongoing lobbying of decision makers at all levels.

Refugees, migrants in civil society

The research found the need to integrate and mainstream issues facing migrants and refugees into organisational agendas. In addition, there is a need strengthen refugee and migrant organisations and refugee and migrant participation in organisations and forums. With the principle of migrant participation and consultation on issues and decisions affecting them, the following recommendations were made:

- › Acknowledge the different issues facing internal and international migrants as well as the heterogeneity within the groups. Organisations to prioritise migrant issues as distinct from issues

facing refugees and asylum seekers.

- › Some migrants are better educated and resourced and thus able to be relatively successful in poorer settings. This resourcefulness could be harnessed to transfer skills to South Africans and through joint trade associations.
- › Integrate refugees and migrants, and issues facing them, in organisations and forums such as the Humanitarian Assistance Network of South Africa (HANSA), social movements, faith-based organisations, community policing forums, local community meetings, trade unions and others.
- › Strengthen migrant organisations through skills, capacity building and funding. Wealthy and educated migrant communities to be lobbied to support poorer migrant organisations.
- › Migrant organisations to work towards transcending their differences to build a stronger lobby to address issues affecting them.
- › Train South African organisations to further their understanding of migrant issues.
- › Create language schools to assist in the integration of migrants in South African communities.
- › Inform migrants about organisations working on issues affecting them, such as the Coalition on Refugees and Migrants in South Africa (CORMSA) and their partners.
- › Create awareness on interdependence through sharing stories of South Africans exiled during apartheid. Community newspapers to be used to promote positive stories.
- › Organise campaigns and activities such as door-to-door campaigns, community dialogues, celebrity promotions, sports, music and cultural events

Building organisations of the urban poor, social movements and political education in marginalised communities

The research found that where community organisation was functional, with progressive leadership and where citizens and migrants worked together in community activities, xenophobic violence was prevented. Combating xenophobia thus requires strong community leadership, where organisations look for common interests and provide services to all who live in South Africa. In line with the theme above, the principle of community participation and decision-making is essential for programmes to succeed.

To address the fragmentation of the urban poor, the following recommendations were made:

- › Relate the issues of xenophobia, migrants and refugees into community struggles for socio-economic justice.
- › Challenge attitudinal aspects of xenophobia through political education.
- › Initiate community programmes that bring structures together and create platforms for dialogue and channels to vent frustration and anger. The Nelson Mandela Foundation community dialogues are an example. Community organisations to participate in conferences on related issues.
- › Programmes are needed to address trauma and promote healing and reconciliation.

- ▶ Address the culture of violence through non-violence as a principle and strategy for campaigns. Training trainers in Satyagraha was suggested.
- ▶ Strengthen community-based organisations and social movements.
- ▶ Encourage NGOs to locate their offices closer to or in informal settlements and poor urban neighbourhoods.
- ▶ Create linkages between organisations in communities and other progressive organisations. This can assist with information sharing, alliance building and political education.
- ▶ Undertake advocacy and lobbying to address issues fuelling xenophobia.
- ▶ Encourage positive pan-African identities.
- ▶ Promote self agency and local leadership, including youth leadership, to strengthen community's ability to respond to xenophobia through workshops on organising, human rights and other forms of political education.
- ▶ Initiate community activities, such as walks, arts, culture and sporting activities, to promote social cohesion.
- ▶ Revive the principles of non-racialism, non-sexism, non-homophobia and anti-discrimination that unified the anti-apartheid struggle.
- ▶ Organise and host activities in communities such as sharing life stories, soccer matches, peace talks, sporting and cultural events.
- ▶ Conduct more research into the perpetrators of the violence to better understand what the triggers and underlying issues were.

Local strategies, national coalitions and transnational/interregional networks

What was noteworthy in the response to the attacks was the extent to which diverse organisations came together in that moment of crisis to address the humanitarian disaster. Despite tensions within coalitions around strategies and approaches, they played an important coordination and advocacy role. Some workshop participants suggested that coalitions are more effective in moments of crisis and that networks are more sustainable in the intervening periods.

Recommendations addressing strengthening and sustaining on coalitions, networks and international solidarity include:

- ▶ Establish networks modelled on the election monitoring network to analyse conflict areas and create an early warning mechanism.
- ▶ Institute models of planning and preparedness with all stakeholders including government, business and civil society.
- ▶ Build a movement against poverty, discrimination and xenophobia.
- ▶ Clarify the role of coalition partners to prevent duplication, minimise tensions, facilitate coordination and create meaningful platforms for engagement.

- › Define common strategies and objectives, secure resources and develop a code of conduct for coalition partners.
- › Train partners in coalition building drawing on historical and international experience.
- › Develop inclusive labour, housing and business networks focusing on common interests.
- › Lobby for the ratification and implementation of relevant international conventions.
- › Strengthen the HANSA initiative through developing assistance criteria, costing disasters and developing minimum standards.
- › Develop a database of organisations that responded to the violence.
- › Develop mechanisms for accountability and the ownership of plans and activities.
- › Maintain momentum through reiterating commitment to goals and objectives and recognising gains.

Access to funding and capacity building for civil society and migrant organisations

Considering the importance of sustained community mobilisation to ensure that functional structures operate at community level, it is noteworthy that it is the very organisations that were most effective in preventing or reducing the violence that are often the least resourced. In a context where funders often prioritise humanitarian or service delivery support, the research findings argue for the need for resources to also go towards community mobilisation, advocacy, strengthening networks/ coalitions, peace building, conflict resolution and community-based organisations and social movements. This section identifies funding and capacity building as vital component to a sustained response through the following recommendations:

Donors

- › Fund migrant and asylum seeker-run organisations and coalitions such as Tutumike, the Coordinating Body of Refugee Communities and others.
- › Needs to be identified by refugee, migrant and community organisations to ensure relevance and avoid donor-driven agendas.
- › Increase the donor pool to include the state, religious organisations, the private sector, local and international foundations and donors to fund interventions to combat xenophobia. This needs to include support for organisations addressing migrant concerns as distinct from refugee and asylum seeker issues.
- › Support emerging smaller organisations such as CBOs in communities and migrant organisations to strengthen local community structures.
- › Support leverage programmes such as advocacy and communication to amplify impact by drawing other resources into communities and organisations.
- › Provide multi-year partnerships that include capacity building support for emerging organisations.

- › Fund knowledge and information sharing activities to boost capacity and networking.
- › Learn from other funders who have successfully funded community-based organisations and can attest to the effectiveness and sustainability of such an approach.³⁵
- › Provide for a degree of flexibility in funding agreements to ensure organisations are able to respond to emergency situations.

Civil society resource mobilisation and sharing

- › Pool resources to enhance impact of activities. This could include combined training sessions, joint activities and partnerships.
- › Seek funding from donors supporting peace building, conflict resolution and other related programmes.
- › Identify resources (human, infrastructure and other) within communities.
- › Better resourced organisations to assist smaller ones with funds, fundraising and networking.
- › Lobby for changes to the tax codes to incentivise corporate giving.

Capacity Building

- › Train civil society organisations, social movements, community-based organisations and others in mediation, conflict resolution skills and rapid interventions to crises.
- › Strengthen leadership of social movements, community-based organisations and other organisations in civil society.
- › Strengthen organisational development and capacity building through training, mentoring and coaching on governance, financial management, human resource management, fundraising and so on.
- › Train organisations in relevant monitoring and evaluation techniques.
- › Ensure staff/volunteer motivation through programmes to address trauma and burn out.

Sector-specific findings and recommendations

Case studies and sector-specific studies were conducted to look at the responses of sectors such as faith-based organisations, trade unions, the ANC, COSATU and the corporate sector. This section highlights the key findings and recommendations from the case studies and includes inputs received at the workshops.

³⁵ For example, the Firelight Foundation, The Stephen Lewis Foundation and others have successfully funded community based organisations for a number of years.

Faith-based organisations³⁶

Faith-based organisations (FBOs), Christian, Muslim and Jewish, their associated welfare organisations and congregations played an instrumental role in response to the violence. Faith-based organisations provided humanitarian aid. They were a trusted vehicle through which to channel and distribute donations. Some provided shelter to displaced people.

In all of the major cities, the response of the Christian churches was ad hoc and fragmented. In contrast, the response of the Muslim community was coordinated and represented by the Muslim Judicial Council (MJC). The Jewish intervention was led by the Jewish Board of Deputies and included Habonim Dror and the Progressive Jewish Congregation. In Cape Town an inter-denominational committee was established encompassing Christian churches, members of the Muslim Judicial Council (MJC) and various Jewish organisations, including the Jewish Board of Deputies. FBOs also participated in the various committees, task teams and forums that were set up.

Some faith-based organisations were involved in supporting migrants prior to the attacks and these scaled up their interventions during the crisis. Faith-based organisations provided spiritual support to displaced people in various shelters and camps. Despite this impressive humanitarian response, FBOs did not seem to provide the strong public moral leadership that they could have in challenging the intolerance and violence, notwithstanding their central role in the humanitarian response.

Recommendations:

- › Faith-based organisations need to discuss their role in post-apartheid South Africa, including dialogue on reviving liberation theology vs. a welfare role.
- › Integrate migrants into faith-based structures and address their needs through programmes.
- › Explore ways that faith-based organisations can play a preventative and early warning role through their proximity to communities.
- › Ensure contingency plans in place should attacks occur again. Contingency plans to include security for those displaced to faith-based shelters.
- › Establish more effective coordination mechanisms.
- › Clarify roles and plan for the provision of spiritual support and worship in the camps should future events occur.
- › Compile a database of faith-based organisations which responded to the crisis.
- › Deepen understanding as to why some churches got involved and others did not.
- › Define faith-based organisations' role in addressing trauma, healing and reconciliation in affected communities.

³⁶ This section draws on the city-specific case studies as well as the focused case study of Phakathi, S. 2009. *The Response of Churches to the Violence of 2008*, case study report for Atlantic Philanthropies and Jara, M. and Peberdy, S. 2010. *Taking Control: Civil Society Responses to the Violence of May 2008*.

- › Explore the role for faith-based organisations in victim/offender mediation in light of the limited success in prosecutions.
- › Clarify the role of churches and FBOs in the reintegration of displaced people.
- › Undertake preventative actions at community level.
- › Conduct further research to understand the role of township and community-based churches such as the ZCC, the Shembe church and migrant churches.
- › Use the National Interfaith Leaders Council to provide leadership and coordination on faith-based interventions to combat xenophobia.

*Corporate sector*³⁷

Business responded to the violence through their corporate social responsibility initiatives. The response was to support humanitarian assistance. The case study found that business viewed the crisis as the responsibility of government and thus corporate intervention was limited.

Recommendations include:

- › Transparency on the corporate sector role and contribution.
- › Clarify the roles and responsibilities of the corporate sector.
- › Address inequality and exploitation in the workplace which fuels xenophobic tensions.
- › Create space for dialogue in the workplace.
- › Engage the state on migrant policy.
- › Reflect on its response, e.g. Business Unity South Africa, and ensure contingency plans are developed to ensure a more meaningful response should a similar crisis occur in the future.
- › Develop benchmarks and standards against which to measure corporate responses. This could include the provision of technical expertise, infrastructure, equipment and so on.
- › Clarify the role of corporate participation in coalitions.
- › Identify channels for corporate contributions.
- › Clarify the role of corporate structures such as BUSA in combating xenophobia.
- › Implement the NEDLAC declaration and plan of action.
- › Support events to combat xenophobia such as sporting events and cultural programmes.
- › Need for more political education/intellectual engagement on structural inequalities and their consequences.

³⁷ See Nyar, A. 2009. 'Business as Usual': Understanding the response of the corporate sector to xenophobic violence.

ANC³⁸

Nationally and locally, the ANC and the SACP were largely absent from the civil society response. The ANC was seen by some as taking a denialist stance by portraying the attacks as criminal opportunism rather than xenophobia. The persistent weakening of its structures over the past 15 years made it difficult for the ANC to mobilise against xenophobia. Those leading the attacks were the core constituency of the ANC. But there were a number of instances in Alexandra, Masiphumelele and Khutsong where the ANC played an active and leading role in dissuading communities from the xenophobic violence.

As the ruling party, the ANC has largely supported the migration policies of the state. The ANC has not challenged the exclusionary and xenophobic actions of the Department of Home Affairs, the police and other state agencies dealing with migrants. In addition, there is no evidence of an ANC programme to educate its members against xenophobia. Friedman notes that the ANC response was no more a counterweight to action against immigrants than that of the government.

Recommendations to the ANC include:

- › Undertake programmes to educate members against xenophobia.
- › Intervene where ANC counsellors fuel or instigate xenophobia.
- › Condemn xenophobia and use public platforms and policy reviews to change xenophobic attitudes and practices.
- › Review policies that promote xenophobia.
- › Condemn practices such as exploitation and corruption that fuel xenophobia and impunity in communities.

COSATU³⁹

COSATU has a long history of organising workers, including migrant workers, particularly in the mining sector. The global recession resulted in job losses and worsening conditions of work leaving a large section of its constituency vulnerable and under the impression that migrants are responsible for low wages. COSATU played a more active and activist role than the ANC and the SACP in response to the xenophobic outbreak. COSATU was present and active in the civil society responses in Cape Town, Durban, East London and Johannesburg. It did not play a prominent activist role, but various affiliates undertook important interventions. COSATU officials attributed the low levels of violence in the workplace to their intervention.

Until September 2009 COSATU did not have a strategy for organising migrant workers. The 2009 September Congress resolution represented a departure from past COSATU positions on migrant workers. It identifies capitalist globalisation as the systemic root of xenophobia. It commits COSATU to organise migrant workers and calls for migrant workers to be covered by labour law. Prior to

³⁸ Friedman, S. 2009. *One Centre of Power: The ANC and the Violence of May 2008* and Jara, M. and Peberdy, S. 2010. *Taking Control: Civil Society Responses to the Violence of May 2008*.

³⁹ This section is informed by Hlwatshayo, M. 2009. *COSATU's Responses to Xenophobia*; Jara, M. and Peberdy, S. 2010. *Taking Control: Civil Society Responses to the Violence of May 2008*.

the xenophobic attacks and the September 2009 resolution, COSATU did not see migrants as an important component of the working class struggle that need to be organised in their own right.

Recommendations to COSATU include:

- › Implement NEDLAC declaration and plan of action
- › Implement the 2009 COSATU Congress resolution through a coordinated strategy
- › Draw on international experience and solidarity
- › Learn lessons learned from local affiliates working in the retail, transport and mining sectors with experience in organising migrant workers.
- › Acknowledge the importance of the social agency of migrants
- › Create spaces of dialogue with and participation of migrants
- › Organise migrant workers into COSATU structures
- › Conduct more research on the gender aspects of migrant workers
- › Address differences in approach between the leadership and the shop floor
- › Revive COSATU's community activism to provide leadership, experience and political education at community level
- › Utilise existing legal precedents to publicise and deepen the rights of migrant workers.
- › Implement a sustained education programme on xenophobia
- › Participate in coalitions and networks regardless of political and historical differences
- › Monitor affiliates to ensure that resolutions are implemented.

Social movements⁴⁰

Continued socio-economic distress in South Africa's cities and a crisis of governance at local levels combined with neo-liberal urban policies have led to the development of social movements oriented around housing and service delivery in some cities. While the majority of social movements saw xenophobia as counter to working class solidarity, social movements played a contradictory role, with some organisations promoting xenophobia. Social movements used their organisational machinery and authority and experience to organise and provide leadership to the community during the crisis.

Social movements were effective because of their presence on the ground and their organisational capital provided by sustained participatory politics addressing community needs and issues. Mass participatory politics empowers people with information, political tools, self-organisation and effective spaces for their participation in decision-making and implementation. This is important preventative work that was undertaken by social movements. Many social movements integrated anti-xenophobia campaigns into their activities and sustained anti xenophobia campaigns after the attacks.

⁴⁰ See Ngwane, T. and N. Vilikazi. 2009. *Social Movement Responses to the Xenophobia: A Case Study of the Soweto Electricity Crisis Committee, the Anti-Privatization Forum & the Coalition Against Xenophobia* and Jara, M. and Peberdy, S. 2010. *Taking Control: Civil Society Responses to the Violence of May 2008*.

Recommendations to social movements include:

- ▶ Need for ongoing political education and international solidarity. This should include anti-racist, anti-sexist and anti-homophobic political education.
- ▶ Need for activism, meaningful messages and effective strategies and tactics.
- ▶ Develop an informed ideological outlook that includes an understanding of structural issues and sources of oppression.
- ▶ Participate in networks and build sustainable coalitions with shared values.
- ▶ Create political spaces to outlet frustrations.
- ▶ Participate in action to prevent violence and protect communities e.g. night patrols.
- ▶ Define a vision of society based on sharing and compassion.
- ▶ Integrate refugees and migrants into social movement organisations and programmes, combining struggles for water, electricity, housing and service delivery with the struggle against xenophobia.
- ▶ Train in coalition building.

NGO sector⁴¹

The research categorised organisations that responded to the attacks as follows:

NGOs working with refugees and migrants: Most of these are South African run and provide services to refugees and asylum seekers rather than to migrants.

Other formal NGOs: most of these organisations work on issues of human rights and democracy, providing services and advocating for the rights of South African citizens.

Welfare organisations: these are often allied to religious organisations. Most work with South African citizens, but some do not specify.

Organisations representing refugees, asylum seekers and migrants: these operate mostly within cities. The organisations vary with some based on nationality whilst others are coalitions of organisations representing refugees. The research found that migrants from the region have not formed organisations in the same way as refugees and asylum seekers.

Jara and Peberdy found that formal NGOs' dominant response was humanitarian in nature. Formal NGOs also played a pivotal advocacy and human rights role, particularly monitoring and ensuring minimum standards were established and maintained in the displacement camps. Limited attempts were made to develop more politicised responses challenging the causes of the violence, and the treatment of displaced people and promoting the rights of foreigners. These included: demonstrations, pickets, sit-ins and vigils and anti-xenophobia T-shirts and posters were printed and distributed. Government was regularly challenged and criticised by some NGOs and civil society organisations, wrote analytical and opinion pieces for the press. Some NGOs participated in "reintegration" ceremonies intended to challenge xenophobic attitudes.

⁴¹ Jara, M. and Peberdy, S. 2010. Taking Control: Civil Society Responses to the Violence of May 2008.

As an indictment on the NGO sector, Jara and Peberdy write, 'if progressive organisations are not integrating non-nationals in their work why should South Africans? Challenging xenophobia requires organisations to look for common interests and to provide services to all who live in South Africa, regardless of nationality and look for spaces where South Africans and foreigners can work together for the good of all.'⁴²

The following recommendations were made with regard to the NGO sector:

- › Integrate the issues facing refugees and migrants onto their agendas and programmes.
- › Link xenophobia to socio-economic justice struggles.
- › Include migrants and refugees in organisations.
- › Provide ongoing psychological trauma/counselling to those affected by the attacks, including NGO workers.
- › Participate and organise networks, coalitions and forums doing preventative, planning and other interventions to combat xenophobia.
- › Lobby for hate crime/hate speech legislation
- › Define ongoing research agenda.

Community based organisations⁴³

CBOs played contradictory roles in the outbreak of xenophobic violence of 2008. While some played a progressive role trying to challenge xenophobia and actively tried to make communities safe for people to return to, others were active in encouraging acts of xenophobic violence. The case studies confirm that where community-based organisation is strong with a progressive leadership and where citizens and non-citizens participated together in community-based activities, for instance in Khutsong, xenophobic violence was prevented. However, in many communities CBOs are weak or non-existent and leadership is lacking. It is in these communities that violence appeared to be most likely to erupt.⁴⁴ Political leadership played contradictory roles. In some communities local counsellors were involved in inciting violence, whereas in others they were actively part of quelling it. The role of business associations was noted with South African business associations attempting to limit the business activities of foreign-owned businesses.

⁴² Jara, M. and Peberdy, S. 2010. Taking Control: Civil Society Responses to the Violence of May 2008 p.25.

⁴³ The research looked at community responses in the following areas: Alexandra, Ramaphosa and Khutsong in Gauteng, Bottlebrush and Chatsworth in KwaZulu-Natal and Masiphumelele in the Western Cape in Dube, N. 2009. 'Many shades of the truth' *The Ramaphosa case study*; Jara, M. and Peberdy, S. 2009. *Progressive humanitarian and social mobilisation in a neo-apartheid Cape Town: a report on civil society and the May 2008 xenophobic violence in Cape Town*; Kirshner, J. Phokela, C. 2009. *Khutsong and xenophobic violence: Exploring the case of the dog that didn't bark*; Ngwane, T. 2009. *Xenophobia in Bottlebrush: An investigation into the reasons behind the attacks on African immigrants in an informal settlement in Durban*; Ngwane, T. and N. Vilikazi. 2009. *Social Movement Responses to the Xenophobia: A Case Study of the Soweto Electricity Crisis Committee, the Anti-Privatization Forum & the Coalition Against Xenophobia*.

⁴⁴ Also found in Misago, J.P., Landau, L. and T. Monson. 2009. *Towards Tolerance, Law and Dignity: Addressing Violence against Foreign Nationals in South Africa*, International Organisation for Migration, Johannesburg; Forced Migration Studies Programme (FMSP). 2009. *Humanitarian Assistance to Internally Displaced Persons in South Africa: Lessons Learned Following Attacks on Foreign Nationals in May 2008*, FMSP: University of the Witwatersrand.

The following recommendations were made to strengthen community-based responses:

- › Develop progressive leadership, including women leaders.
- › Implement sustained education and awareness programmes. These could be community meetings, cultural programmes, sporting events.
- › Address the long-term impacts of trauma and violence on communities.
- › Implement continued programmes to address racial tension and reconciliation within South Africa. Little has been done since the Truth and Reconciliation Commission.
- › Create an inclusive understanding of community membership.
- › Implement the government national action plan against racism, xenophobia and related intolerance at community level.
- › Learn from campaigns against racism and xenophobia in other parts of the world.
- › Integrate migrants into community policing forums and other community structures.
- › Assist with the prosecution of perpetrators.
- › Engage government on issues such as service delivery and housing backlogs.
- › Train community organisations on conflict management and prevention. Organisations like the SACC could run training.
- › Measures are needed to respond to displacement broadly whether it be from fires, floods etc.
- › Engage the youth, particularly unemployed youth in productive activities in the community.

The Media⁴⁵

Recommendations include:

- › Monitor and expose xenophobia in the media.
- › Intensify research on the effects of the media on perceptions of and attitudes towards migrants.
- › Advocate and lobby mainstream media to transform their approach to reporting migrant issues.
- › Strengthen civil society information exchange networks as an alternative to mainstream media.
- › Educate the public through the media.
- › Build media capacities in civil society.
- › Research is required on broadcast and photographic images and how individuals respond to and translate such messages.
- › Study the context in which journalists work.
- › Train the media to undertake responsible and informed reporting.
- › Advocate for better representation in the news room.

⁴⁵ Smith, M. 2009. *The Right To Respond: A Meta-Review of the Role of the South African Media's Coverage of Xenophobia and the Xenophobic Violence Prior to and Including May 2008.*

- ▶ Promote multiculturalism through mainstream and non-fiction programmes.
- ▶ Engage with community media.
- ▶ Utilise the media as part of early warning systems.
- ▶ Acknowledge improved coverage when it happens.
- ▶ Lobby local radio stations to reach audiences not engaging with print media.

Conclusion

Since May 2008 xenophobic attacks have continued, albeit sporadically and on a smaller scale. The material conditions and attitudes which give rise to xenophobic conflict remain.

This research found the key weakness in civil society's response was the focus on humanitarian interventions disassociated from the socio-economic and political causes.

This project highlighted the depth of xenophobia, the lack of social cohesion and tolerance of diversity and the levels of frustration within some communities. The attacks highlighted the organisational and leadership vacuums, particularly of progressive voices and structures, in some of South Africa's poorest communities. The response also demonstrated that generally there is a lack of integration between citizens, migrants and refugees even though they may live and work side by side. Similarly, civil society organisations tend to be focused on meeting either the needs of citizens or the needs of refugees.

The response did however suggest optimistic signs of a measured revival of civil society structures and activism. Prior to the attacks, there was evidence of increased community mobilisation to address socio-economic and other issues. The response to the attacks provided tangible evidence of the potential for civil society structures to mobilise rapidly and effectively. The temporary coalitions that formed demonstrated the ability to overcome difference and work towards common objectives. The coalitions strengthened existing partnerships and forged new ones.

The violence generated reflection within the faith-based community, COSATU structures, NGOs and others on their role in addressing xenophobia and its underlying causes. Resourced civil society structures are not always working in communities where the needs are the greatest and community-based organisations in those communities lack human and financial resources. What the attacks reveal underscores the need to reorient civil society priorities, to build leadership and organisation within poorer communities and to ensure that donors and other partners see the value of supporting this reorientation.

Researchers and workshop participants in this process anticipated that the likelihood of such attacks recurring is highly likely without a radical and committed, multi-pronged and multi-stakeholder response.



Synthesis Report:

SETTING THE SCENE: MIGRATION AND URBANISATION IN SOUTH AFRICA

by Sally Peberdy

Sally Peberdy is an Associate Professor in the Department of Geography and Environmental Studies at the University of the Western Cape.

The
ATLANTIC
Philanthropies

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Introduction

*“ ...South Africa belongs to all who live in it, united in our diversity.
(Preamble to the Constitution of the Republic of South Africa).¹*

Ours is a remarkable country. Let us celebrate our diversity, our differences.... South Africa wants and needs the Afrikaner, the English, the coloured, the Indian, the black....Let us move into the glorious future of a new kind of society where people count, not because of biological irrelevancies or other extraneous attributes, but because they are persons of infinite worth created in the image of God. Let that society be a new society - more compassionate, more caring, more gentle, more given to sharing - because we have left “the past for a deeply divided society characterised by strife, conflict, untold suffering and injustice” and are moving to a future “founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of colour, race, class, belief or sex” (Archbishop Desmond Tutu, in the foreword to the Report of the Truth and Reconciliation Commission, 1998).²

¹ Act No. 108, The Constitution of the Republic of South Africa, 1996, Preamble.

² D.Tutu, 1998, “Chapter 1: Forward by Chairperson the Most Revd DM Tutu Archbishop Emeritus,” in the Report of the Truth and Reconciliation Commission, Volume 1, p.22.

In May 2008 South Africa's three largest cities of Johannesburg, Durban and Cape Town were rocked by an explosion of xenophobic violence directed at mainly African foreigners living in informal settlements, townships, suburbs and central business districts.³ Tens of thousands of people were forced from or fled their homes and businesses. Many lost all that they owned, including the houses and shacks that they lived in. Over 60 people were killed, of whom around 20 were South Africans. Other cities and small towns in South Africa also saw attacks on foreigners. But not all parts of the cities were affected and while thousands of South Africans participated in the attacks, thousands of others reacted with horror and acted to stop the violence and help those affected and displaced. These were not the first attacks on African and other foreigners in South Africa since 1994. The xenophobic violence appears to have started (as did the May 2008 attacks) in Alexandra in Johannesburg in late 1994 and early 1995. Sporadic attacks, murders and displacement continued across the country until the violence of May 2008.

The development of xenophobia since 1994 which has been expressed verbally and physically, and which culminated in the widespread violence of May 2008, is disturbing and even confusing, on many levels. It occurred in a country whose history is defined by its struggle against the racism, oppression and discrimination of the apartheid regime, with one of the most progressive Constitutions in the world and ostensibly with a strong commitment to human rights and respect for diversity. It is also a country where two key sectors of the economy, gold mining and commercial agriculture have a history of employing cross border migrants from southern Africa that dates back to the late 1800s. Yet the language used to describe African migration and migrants is that of swamping, flooding, influxes and of "illegals", illegality and makwerekwere.⁴ At times it seems as if black Africans from the region and the rest of the country did not migrate to South Africa before 1994. Where did this language and these xenophobic attitudes come from?

South Africa has the **greatest proportion of its population living in urban areas** and is the richest country on the continent.

Yet it is also a country with one of the highest rates of inequality between rich and poor in the world, and, notwithstanding its history, where the years since the end of the apartheid regime have seen significant changes in patterns of internal and cross border migration. Is there a relationship between changes in the urban landscapes of South African cities and attitudes to migration?

³ The official name of Durban is eThekweni.

⁴ Peberdy, S. 2009. *Selecting Immigrants: National Identity and South Africa's Immigration Policies, 1910-2008*, Wits University Press: Johannesburg.

This chapter provides a backdrop for the subsequent chapters. It presents an overview of the history of African cross border migration to South Africa as well as changes in patterns of migration since 1994. It sets out the development of immigration and refugee legislation and policy in the post-apartheid years. The chapter also furnishes a brief introduction to the three cities where the place based case studies of the violence of 2008 were located, Johannesburg, Cape Town and Durban.⁵

Migrating to South Africa

The history of movement and migration in the region now known as South Africa starts long before the arrival of the first white settlers under the leadership of Jan van Riebeck in 1642. Movement of black Africans in the region occurred before and after the arrival of white settlers. Many of the ethnic groups in South Africa have links with others in the region and not just because of the imposition of colonial national borders. Wars, particularly at the time of Shaka Zulu pushed people northwards. Indian and Chinese migration to the country (mostly through indentured labour schemes) started in the late 1800s.

The formation of the Union of South Africa in 1910 saw the development of racially exclusionary immigration legislation, which only allowed white migration and immigration (Immigrants Regulation Act of 1913). As immigration to South Africa in the 20th century meant white immigration this has led to the assumption that an obviously racist white South African state allowed in any and all white immigrants and kept out all black immigrants. Yet this assumption masks the long history of state sanctioned black African temporary migration from southern Africa to the mines and commercial farms of South Africa as well as the tacit sanctioning of other forms of migration from the region, including “clandestine,” or illegal migration. It also elides over the exclusion of successive groups of white immigrants.⁶ The attitude of the state to black African migration from the region “veered between encouragement, acceptance, ambivalence and rarely hostility.” REF

Owing to territorially expansionist aims nationals of Botswana, Lesotho and Swaziland could move freely into South Africa until 1963, although they were subject to segregationist and apartheid restrictions on movement and settlement once they were inside the country. From the 1920s until at least the mid-1960s undocumented migration (or clandestine) was allowed under certain circumstances. Permission to stay was granted until 1928 for some irregular migrants from the

⁵ Khutsong is not located in Johannesburg, Cape Town or Durban but sits on the edge of Gauteng. See: Amisi, B., Bond, P., Cele, N., Hinely, R., ka Manzi, F., Mwelase, W., Naidoo, O., Ngwane, T. and S. Shwarer. 2009. *Xenophobia and Civil Society: Durban's Structured Social Divisions*; Dube, N. 2009. 'Many shades of the truth' – *The Ramaphosa case study*; Everatt, D. 2009. *'The violence that was just the beginning...': Views on 'foreigners' and the May 2008 violence expressed in focus groups staged at the time*; Hlwatshayo, M. 2009. *COSATU's Responses to Xenophobia*; Jara, M. and Peberdy, S. 2009. *Progressive humanitarian and social mobilisation in a neo-apartheid Cape Town: a report on civil society and the May 2008 xenophobic violence in Cape Town*; Kirshner, J. and Phokela, C. 2009. *Khutsong and xenophobic violence: Exploring the case of the dog that didn't bark*; Ngwane, T. 2009. *Xenophobia in Bottlebrush: An investigation into the reasons behind the attacks on African immigrants in an informal settlement in Durban*; Ngwane, T. and Vilikazi, N. 2009. *Social Movement Responses to the Xenophobia: A Case Study of the Soweto Electricity Crisis Committee, the Anti-Privatization Forum & the Coalition Against Xenophobia*; Sinwell, L. and Podi, N. 2009. *Towards Addressing the Root Causes of Social Tensions: Evaluating Civil Society and Local Government*. Sinwell, L. *Towards Addressing the Root Causes of Social Tensions: Evaluating Civil Society and Local Government Responses to Xenophobic Violence in Alexandra*; Smith, M.J. *The Right To Respond: A Meta-Review of the Role of the South African Media's Coverage of Xenophobia and the Xenophobic Violence Prior to and Including May 2008*, Case studies for Atlantic Philanthropies.

⁶ Peberdy, S. 2009. *Selecting Immigrants...*

region.⁷ And, from the 1920s until at least the mid-1960s undocumented migrants found in urban areas or at the border were given the option of repatriation or permits to work on white owned farms.⁸ An exchange of notes between the Portuguese East African (now Mozambique) and South African governments in 1963 allowed “clandestine” migration until or unless either government decided to stop it.⁹

By the 1960s black migrants from the region were entrenched in every sector of South Africa’s labour force leading to concerns over the number of Africans from the region in the country.

In 1961, the Froneman Commission appointed to inquire into “foreign Bantu in the Republic” estimated there were 836,000 “foreign-born” Africans in South Africa of whom 420,000 were in rural areas and 53,281 were registered as working in urban areas.¹⁰ The number of southern Africans living in the country (at least in urban areas) appears to have declined from the 1970s possibly owing to political changes (independence) and growing tensions between South Africa and neighbouring states.¹¹ The entrenchment of the apartheid state made arrest more likely and their were increasing fears about terrorism, black nationalism and communism.¹² However civil war and drought in Mozambique led to the arrival of an estimated 350,000 Mozambicans in the 1980s and 1990s.¹³

Table 1. Black population born outside South Africa in censuses, 1911 to 1991.¹⁴

1911	1921	1936	1951	1960
229,207	279,650	333,777	605,992	586,043
1970	1980	1985 ¹⁵	1991	1996*
516,043	677,160	315,482	920,913	549,720

* includes whites born in SADC countries and the “Rest of Africa”¹⁵

⁷ Peberdy, S. 1998. “Obscuring history? Debating regional immigration policy in South Africa,” in D. Simon (ed.), *South Africa in Southern Africa: Reconfiguring the Region*, James Currey: London and D. Phillips: Cape Town, Ohio University Press: Athens, p. 195-6. This stopped following objections from the governments of Nyasaland, Southern Rhodesia and Mozambique who were concerned about the numbers being given permission to stay.

⁸ Bradford, H. 1993. “Getting away with murder: ‘Mealie Kings’, the state and foreigners,” in P. Bonner, P. Delius and D. Posel (eds.) *Apartheid’s Genesis, 1935-1962*, Ravan Press and Witwatersrand University Press: Johannesburg: 96-125; S. Peberdy “Obscuring history,” p. 196.

⁹ Peberdy, S. 2009. *Selecting Immigrants...* For a discussion of relations between South Africa and Mozambique see Katzellenbogen, S. 1982. *South Africa and Southern Mozambique: Labour, Railways and Trade in the Making of a Relationship*, Manchester University Press: Manchester.

¹⁰ Froneman Commission. 1962. *Interdepartmental Commission of Inquiry into Foreign Bantu*, Government Printer: Pretoria, p. 165.

¹¹ Peberdy, S. 1998. “Obscuring history,” p. 196; personal/private collection of papers of F.G. Brownell.

¹² Peberdy, S. 1998. “Obscuring history,” p. 196.

¹³ Ibid., p. 197; Dolan, C. 1995. “Aliens abroad: Mozambicans in the new South Africa,” *Indicator SA*, 12: 29-32.

¹⁴ These figures are unreliable, especially after 1951. S. Peberdy. 2009. *Selecting Immigrants...*

¹⁵ No explanation is provided for this low figure.

It is African contract workers from the region who have formed the backbone of regional migration to South Africa since the late 1800s. Employed in the gold mines and to a lesser extent commercial agriculture, these workers have made a significant contribution to the economic development of the country. For most of its history mineworkers from the region, particularly Lesotho and Mozambique have made up over half of the labour force of the gold mining industry on which the economy of South Africa has been based.¹⁶ In the early to mid-1900s significant numbers of Malawian and Swazi nationals were also employed on the mines alongside some Batswana and Zimbabweans. Despite their contributions retrenchments on the gold mines have led to a massive drop in employment of foreign contract workers, particularly Basotho mineworkers in the late 1990s and early 2000s (Table 1). Over 50,000 Basotho have lost their jobs. In 2006 foreign mineworkers formed the lowest proportion of the workforce on the gold mines ever.¹⁷ Did these mineworkers return home and stay there or have some returned to South Africa to find work in other sectors of the economy?

Africans from the region have entered as contract and seasonal workers on commercial farms since the late 1800s. Numbers of contract and seasonal agricultural workers are hard to find. Regulations and arrangements persisting into the 2000s have allowed seasonal farmworkers from neighbouring states to be regularised after their arrival in South Africa, but only for the duration of the season.¹⁸ Recent xenophobic attacks in De Doorns may in part reflect the regulatory system which allows labour brokers to employ and regularise the stay of seasonal farmworkers. South Africans in the community have alleged that labour brokers prefer to employ Zimbabweans and therefore they led attacks to force them out of De Doorns and from employment as farmworkers.

Regional migration from southern African countries extending as far north as Malawi has been a feature of migration to South Africa since the late 1800s, so black African regional migrants have been part of the fabric of South African urban and rural areas for over a century. They have lived in South Africa as contract workers, as hidden migrants and immigrants and as unrecognised asylum seekers, contributing to the building of the South African economy into one of the strongest in the region. Most have operated as circular migrants retaining homes and families in their countries of citizenship, although some may have developed other family ties in South Africa as well. Yet, this history seems to have been forgotten. There have however, been changes in the patterns of migration to South Africa. In particular the arrival of African migrants, immigrants, asylum seekers and refugees from further north marks a significant change since 1994. Although their numbers may not be as large as they are often imagined to be, they are part of the changing landscape of cross border migration in post-apartheid South Africa

¹⁶ Crush, J., Jeeves, A. and Yudelman, D. 1991. *South Africa's Labour Empire: A History of Black Migrancy to the Gold Mines*, David Phillip and Westview: Cape Town and Boulder, Colorado; Crush, J. 1999. *Undermining Labour: Migrancy and Sub-Contracting in the South African Gold Mining Industry*, Migration Policy Series No. 15, Southern African Migration Project (SAMP): Cape Town and Kingston; , *Migrant Labour in South Africa's Mining Economy: The Struggle for the Gold Mines Labour Supply*. McGill-Queen's Press: Kingston and Montreal; T.D. Moodie with V. Ndaatshe, 1994, *Going for Gold: Mine, Mines and Migrancy in South Africa*, University of California Press: Berkeley; W. James, 1992, *Our Precious Metal: African Labour in South Africa's Gold Industry, 1970-1990*, David Phillip, James Currey and Indiana University Press: Cape Town, London and Bloomington; J. Crush and W. James (eds.), 1995a, *Crossing Boundaries: Mine Migrancy in a Democratic South Africa*, Idasa: Cape Town.

¹⁷ Crush, J. 1999. *Undermining Labour...*

¹⁸ For an early history of migration to commercial farms see Jeeves, A. and Crush, J. (eds.). 1997. *White Farms, Black Labor: The State and Agrarian Change in Southern Africa, 1910-1950*, University of Natal Press, Heinemann and James Currey: Pietermaritzburg, Portsmouth NH and Oxford. For contemporary research see Crush J. (ed.), 2000, *Borderline Farming: Foreign Migrants in South African Commercial Agriculture*, Migration Policy Series No. 16, SAMP: Cape Town and Kingston.

Migration legislative and policy framework

Immigration and migration

Foreigners can enter South Africa as immigrants (or permanent residents), migrants (temporary residents and contract workers), or asylum seekers who are classified as refugees if and when their applications are approved.

The process of **legislative and policy reform since 1994 has been slow** and marked by continuity with the past rather than change in that **immigration policy has been mostly exclusionary** retaining a national, protectionist and territorial vision.

The post-apartheid government inherited what has been called one of the “dying Acts of apartheid” the Aliens Control Act of 1991.¹⁹ This essentially exclusionary Act regulated migration and immigration to the country until 2002. There was no refugee legislation in existence in 1994, although the United Nations High Commission for Refugees (UNHCR) had secured an agreement with the apartheid government in 2003 to allow asylum seekers and refugees to be granted special permits under the Aliens Control Act.

The first attempt to alter the legislative framework came in 1995 with an amendment to the 1991 Aliens Control Act, in the words of the ANC Deputy Minister of Home Affairs, “to improve control” over immigration.²⁰ The amended Aliens Control Act placed greater emphasis on the skills and qualifications of potential immigrants than before and the Department stated that “no one in the unskilled and semi-skilled categories” would be accepted as an immigrant.²¹ Indicating the stricter immigration regime being implemented by the post-1994 state the number of applications rejected by the Immigrants Selection Committee between 1994 and 1996 was more than two and half times the number between 1990 and 1992.²² Simultaneously, approved applications for permanent residence declined significantly between 1994 and 2000 (Table 2). The rapid increase in approved applications since 2002 indicates a change in policy and legislation.

The current legislative regime is governed by the Immigration Act of 2002 which had to be amended in 2004 (Immigration Amendment Act), in part to bring it into line with the Constitution. The first

¹⁹ The use of legislation with racially exclusionary roots raises questions in and of itself (see Peberdy, S. and J. Crush. 1998. “Rooted in racism: the origins of the Alien’s Control Act,” in J. Crush (ed.) *Beyond Control: Immigration and Human Rights in a Democratic South Africa*, Idasa and Queen’s University: Cape Town and Kingston: 18-36.

²⁰ Act No. 76, Aliens Control Amendment Act, 1995. The primary author of the Act Mr A. Tredoux made similar comments when interviewed about the Act (interview by S. Peberdy 3/4/1998).

²¹ Department of Home Affairs, April 1998, “Policy Document: Permanent Residence, Republic of South Africa,” Pretoria.

²² Personal communication, Department of Home Affairs, 3/7/1998.

moves towards the development of new legislation and policy started with a relatively progressive Green Paper in 1997 followed by a very different White Paper in 1998. As part of the Government of National Unity the first Minister of Home Affairs was the leader of the Inkatha Freedom Party (IFP) Mangosutho Buthelezi. Contestations over the department at the level of Director General bedevilled the department even after the (ANC) Minister Nosiviwe Mapisa-Nqakula took over. However, the slow rate of the development of legislation cannot be placed at the door of contestations for power within the department, although they may not have helped they rather reflected contestations over policy direction.

The **amended Immigration Act** retains many of the features of its predecessor although it is **less exclusionary for some.**

Increasing concern over skills shortages and high rates of emigration of professionals meant the 2002 and 2004 Acts were intended to facilitate the entry of skilled migrants and immigrants to boost South Africa's economy.²³ The objective of the more inclusionary approach was to "approve immigration applications in the context of South Africa's skills and investment needs."²⁴ Avenues were created to facilitate the entry of professionals with "extraordinary" skills. Application fees for permanent residence were slashed. Notwithstanding these changes application procedures and requirements remain cumbersome and at least until 2008 applications for permanent residence could take two years or more to process.²⁵

Semi-skilled and un-skilled workers are still excluded from permanent residence, and with the exception of contract mine workers and contract agricultural workers from temporary residence. The amended Immigration Act retains the preferential access of the mining and commercial agricultural sectors to contract labour from the region. Bi-lateral agreements governing contract labour for the mines from neighbouring states are still operational and have barely changed since the mid-1900s (or even earlier for some).²⁶ Unlike most work permit holders, contract workers have no access to the immigration system except through marriage and are not allowed to bring their families with them. Arrangements are also in place through regulations to allow the entry of seasonal farm workers from the region (mainly Lesotho, Mozambique and Zimbabwe).

Outside the contract mining and agricultural permits temporary residence is granted for visiting, work, business, study and medical treatment purposes. New categories of temporary residence permit were also introduced in the amended 2002 Immigration Act to facilitate the entry of skilled workers, particularly those working in the corporate sector. Fees for temporary residence remain

²³ See B. Mercy, D. Kaplan and J. Meyer, 2000, "An outline of skilled emigration from South Africa," *Africa Insight*, Vol. 30(2). See also Rogerson, C. 2007. *Medical Recruits: The Temptation of South African Health Care Professionals*, Migration Policy Series No. 3, SAMP, Idasa and Queen's University: Cape Town and Kingston; Kahn, M. et al. 2004. *Flight of the Flamingos: A Study on the Mobility of R&D Workers*, HSRC: Pretoria; and the collection of papers in McDonald, D. and Crush, J. (eds.). 2002. *Destinations Unknown: Perspectives on the Brain Drain in Southern Africa*, Pretoria: Africa Institute of South Africa.

²⁴ Department of Home Affairs. 2005. *Annual Report 2004/5*, Department of Home Affairs, p. 35.

²⁵ www.dha.gov.za.

²⁶ Crush, J., Peberdy, S. and Williams, V. 2007. "Labour migration and South Africa: Towards a fairer deal for migrants in the South African economy," unpublished report for the Department of Labour.

onerous for those, like most Africans, who come from countries with weaker currencies. Visitors permits are often used by regional migrants who have access to passports, particularly small scale cross border traders.²⁷ They are usually issued as single entry permits for periods of time varying from a few days to three months. Various conditions may be placed on the issue of visitors permits through regulations.

Nationals of two SADC countries are eligible for specific temporary residence permits. Recognizing the strong connections between Lesotho and South Africa and the large volume of traffic for short (day) visits, Basotho nationals can hold six month concession permits. These allow regular travellers to cross the border for day visits without having their passports checked by immigration officials giving holders relatively free movement between the two countries. In 2000, 130,000 Basotho concession permits were issued, and there is no reason for the number to have declined, rather it is likely to have increased.²⁸

Following the xenophobic violence of May 2008 a new special temporary residence permit is being issued to Zimbabweans. The decision to issue the permit indicates the increase in the number of Zimbabweans entering South Africa since the economic collapse of the country in the early 2000s. This was placing a heavy burden on the already slow and faulty asylum system. While many Zimbabweans qualify for asylum the system was also being used by others whose claims were more tenuous. The permits are valid for period from three months to a year. Zimbabweans may still claim asylum.

Recognising regional obligations

Although **immigration legislation and policy remains largely exclusionary**, particularly for unskilled migrants from the region and the rest of the continent, the post-apartheid **government has recognised the racially exclusionary migration practices of the past regime and the continued existence of colonial boundaries.**²⁹

To this end it introduced four measures to redress these issues. First, bi-lateral agreements have established 'border control areas' in certain parts of the border which allow residents of the areas

²⁷ See: Peberdy, S. with Campbell, E., Cau, B., Conteh, M., Eisab, G., Mulenga, C., Raimundo, I., Tawodzera, G., Tevera, D., and M. Tsoka. 2007. "Monitoring small scale cross border trade in Southern Africa," unpublished report for the Regional Trade Facilitation Programme; Peberdy, S. and C. Rogerson. 2003. "Creating new spaces? Immigrant Entrepreneurship in South Africa's SMME Economy," in R. Kloosterman and J. Rath (eds.) *Venturing Abroad: Global Processes and National Peculiarities of Migrant Entrepreneurship in Advanced Economies*, Berg: Oxford; Peberdy, S. 2000. "Border crossings: small entrepreneurs and informal sector cross border trade between South Africa and Mozambique," *Tjidschrift voor Economische en Sociale Geographie*, 91(4): 361-378.

²⁸ Sechaba Consultants and Associates. 2002. *The Future of the Lesotho-South Africa International Boundary*, Migration Policy Series No.26, SAMP: Kingston and Cape Town, p. 35-36.

²⁹ Which from 1910 to 1986 and effectively until the 1990s, with the exception of contract mineworkers and agricultural workers, placed racial restrictions on entry (see S. Peberdy. 2009. *Selecting Immigrants...*)

to cross the border to a certain distance without having to pass through immigration control.³⁰ Second, three different amnesties were introduced for SADC nationals. In 1995, mineworkers who had worked on the mines since 1986 and who had voted in the 1994 elections could apply for permanent residence.³¹ Just over 51,000 (half of those eligible) mineworkers got permanent residence through this process.³² The second, for undocumented SADC nationals who met certain conditions ran from 1996, and gave permanent residence to almost 125,000 applicants.³³ The third ran from 1999 to 2000 and was for Mozambican refugees who had arrived in South Africa between January 1985 and December 1992.³⁴ This last amnesty gave approximately 90,000 Mozambicans permanent residence.³⁵

South Africa is a member of both the African Union and the Southern African Development Community (SADC). Both regional institutions have as part of their founding aims to promote the free movement of people. The SADC has gone through a long tortuous process which eventually led to the adoption of the Facilitation of Movement of People Protocol at the Summit of the Heads of State in 2005.³⁶ It has been adopted by 9 countries but is still needs to complete the country ratification process before an implementation framework can be drawn up. Although its aim is to facilitate movement eventually, once ratified, the Protocol will essentially only allow SADC nationals visa free entry to another SADC country for 90 days per year. Entry for work or permanent residence purposes will remain subject to national legislation.

The creation of border zones and the amnesties, while inclusionary measures, were more about acknowledging the apartheid past and drawing a line for future exclusion.³⁷ They paved the way for the introduction of draconian border and heartland policing measures for undocumented migrants from the region. The permits issued to Lesotho and Zimbabwean nationals are pragmatic measures. The legislative framework remains unfriendly to un-skilled and semi-skilled migrants from the region, the rest of the continent and the world.

³⁰ In 2000, 130,000 Basotho concession permits were issued. Sechaba Consultants and Associates, 2002, *The Future of the Lesotho-South Africa International Boundary...*, p. 35-36.

³¹ Mineworkers who had been working in South Africa since 1986 could vote in the 1994 elections. See Sechaba Consultants, 1997. *Riding the Tiger: Lesotho Miners and Permanent Residence in South Africa*, Migration Policy Series No. 2, SAMP: Cape Town and Kingston.

³² Crush, J. and Williams, V. (eds.). 1999. *The New South Africans? Immigration Amnesties and Their Aftermath*, Southern African Migration Project/ Idasa: Cape Town.

³³ Applicants had to prove that they were a citizen of an SADC country; that they had been "continuously resident" in South Africa for a period of five years or longer before 1 July 1996; did not have a criminal record; would be a "desirable inhabitant of the Republic"; "engaged in productive economic activity" in either the formal or informal sector; and/or "in a relationship" with a South African, (including customary and "stay together" relationships); and/or that they had dependent children born in or legally resident in South Africa. The application period was originally set from 1 July 1996 to 30 September 1996, but was extended to 30 November 1996 because of an initially low take up rate (J. Crush and V. Williams (eds.) *The New South Africans*, p. 6-7).

³⁴ Johnston, N. 2001. "The Point of No Return: Evaluating the Amnesty for Mozambican Refugees in South Africa," SAMP Migration Policy Brief No. 6, SAMP: Kingston and Cape Town, www.queensu.ca/samp/, p. 4

³⁵ Johnston, N. 2001. "The Point of No Return...", p. 33.

³⁶ Oucho, J. and Crush, J. 2001. "Contra Free Movement: South Africa and the SADC Migration Protocols" *Africa Today* 48 (2001): 139-58; see also, Peberdy, S. and Crush, J. 2007. "Migration without borders: histories, realities and negotiating free movement in Southern Africa," in A. Pecoud and P de Guchteneire (eds.) *Migration Without Borders*, Geneva: UNESCO, pp. 175-197.

³⁷ S. Peberdy. 2009. *Selecting Immigrants...*

Forced migration, asylum seekers and refugees

The apartheid regime did not recognise asylum seekers and refugees. It was however, willing to take white people leaving de-colonising countries on the continent without question, often when they did not meet the terms of immigration legislation.³⁸ So, whites who left Mozambique at independence were welcomed in South Africa and given permanent residence. Black Mozambicans who fled the civil war were not, and entered the country as undocumented migrants. The apartheid regime came to an agreement with the UNHCR in 1993 and from that date until the passing of refugee legislation, newly arriving asylum seekers and refugees were issued with special permits under the Aliens Control Act of 1991. After 1994, South Africa became a signatory to the United Nations 1951 Convention on the Status of Refugees and its 1967 Protocol as well as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

Developing the first ever refugee protection legislation in South Africa's history took less time than the new immigration legislation. The 1997 Green Paper recommended the development of a framework specific to refugee protection. Less controversial than proposed changes to the immigration regime the Refugees Act was passed in 1998 (Act No. 130). But reflecting contestations over some of its provisions and accompanying regulations it did not come into force until 2000. It was amended in 2008 by the Refugees Amendment Act (Act No 33) which made procedural changes to the refugee determination procedures and aligned the process more closely with international instruments. Although the Act sets out provisions for claiming asylum the administration of the Act has been problematic and raises questions over the commitment of the government to its refugee regime. Asylum seekers can wait years for their applications for refugee status to be adjudicated.³⁹ The lengthy adjudication process leaves the system open to abuse. Notwithstanding problems in its administration and implementation, particularly with access and types of documentation provided, the Act affords protection to asylum seekers in South Africa. Asylum seekers and refugees have the right to work, study and access medical treatment as if they were South African nationals.

Policing migration

One area which has seen a significant break with the past policy is **the policing of undocumented (often called illegal) migration.**

Increasing effort has been put into policing South Africa's borders and its heartland, and so into finding and repatriating undocumented migrants. The focus of these efforts has been other black Africans, for regional migrants this is in part a function of geography. South Africa shares 7,000 kilometers of land borders with Namibia, Botswana, Zimbabwe, Mozambique, Swaziland and Lesotho. The Zimbabwean and Mozambican borders are protected by 220 kilometers of potentially

³⁸ S. Peberdy. 2009. Selecting Immigrants...

³⁹ Human Rights Watch. 2005. "Living on the Margins: Inadequate Protection for Refugees and Asylum Seekers in Johannesburg," *Human Rights Watch*, Vol. 17 (15A).

lethal electric fence which runs intermittently along the border. Erected in 1986 against incursions by members of South African liberation movements, the fence has been set at “non-lethal mode” since 1993, but is set to administer an electric shock.⁴⁰ Other sections of the border are protected and demarcated by the Kruger National Park, the Limpopo and Orange Rivers, and by a dense sisal barrier planted in the 1970s. In 1994 about 50,000 (of a total of 90,000) soldiers were located on borders and the numbers were increased again in 1995.⁴¹ By 2008, patrolling and policing of the borders had largely shifted to the police. The number of international airports has been reduced from 36 to 10. Importantly for regional migrants entry has been made harder as the number of land border posts was reduced from 52 to 19 between 1994 and 1997.⁴²

Perhaps the biggest changes have been seen in heartland policing measures. Using skills developed in the apartheid years black Africans from the rest of the continent are subject to stop and search operations run by the South African Police Services (SAPS) sometimes in conjunction with the army. These are sometimes anti-crime operations but at others they take place to specifically locate undocumented migrants and have been given names like “Operation Passport.”⁴³ Irregular migrants are identified by a range of superficial physical features such as: skin-colour (Africans from further north are held to be darker than South Africans); TB vaccination marks (many other African countries vaccinate children on their forearm whereas South Africans are usually vaccinated on their upper arm); by traditional scarification marks; and by accent, language ability and dress.⁴⁴

Once arrested irregular migrants are taken to police stations and then, depending on where they are arrested to Lindela Detention Centre in Krugersdorp in Gauteng.⁴⁵ From there they are repatriated to their home countries. Although legislation meets Constitutional requirements procedures challenge the rights of arrested undocumented migrants.⁴⁶ An irregular migrant can be arrested, detained and repatriated by officials of the Department of Home Affairs and has no right to challenge their arrest, detention or repatriation in a court of law, although ostensibly appeal procedures are in place. The process of arrest, detention and repatriation is essentially a revolving door whereby migrants can be back in South Africa within 24 hours of being repatriated.

⁴⁰ “Electric fence,” *Star*, 2/11/1994. Other reports suggest that the fence has been on “non-lethal mode” since 1990 (“Electric border fence no deterrent to desperate Mozambicans,” *Star*, 6/12/1996). The defence force say the shock is like “that from a motor car spark plug” (ibid.) It can be crossed with protective clothing, by cutting holes in the fence or using non-conductive tools like wooden sticks. Sensors detect when the fence is touched or crossed and the information is relayed to a computer which can pin point where the fence is being breached.

⁴¹ “Leaky borders are a major worry,” *Star*, 12/12/1994.

⁴² Operational Working Team on Border Control. 1997. “Border Control Collective Approach Implementation Plan,” prepared for the Heads of the National Inter-Departmental Structure on Border Control, p. 2 and Annexure 4. These land border posts are supplemented by designated “informal crossing points” for holders of local passes.

⁴³ “Operation Passport,” *Star*, 23/6/1998.

⁴⁴ Minaar, A. and Hough, M. 1996. *Who goes there? - Perspectives on Clandestine Migration and Illegal Aliens in Southern Africa*, HSRC: Pretoria, pp. 165-7; Interview, I. Badenhorst, Chief Immigration Officer, Lebombo Border Post, 3/3/1997.

⁴⁵ Algotsson, E. 2000. *Lindela at the Crossroads for Detention and Repatriation*, report for the South African Human Rights Commission.

⁴⁶ Klaaren, J. 1998. “Immigration and the South African Constitution,” in J. Crush (ed.) *Beyond Control: Immigration and Human Rights in a Democratic South Africa*, Idasa and Queen’s U.: Cape Town and Kingston, pp. 55-78.

Counting up? Changing patterns of migration

While South Africa there are significant continuities with the past in patterns of cross border migration to South Africa since 1994, there have also been significant changes. It is impossible to know how many foreigners are in South Africa at any one time as official data can be difficult to interpret and there is no way of knowing how many irregular migrants are in the country at any one time. The most significant changes have been:

- › the entry of asylum seekers and refugees from the rest of the continent and further a-field;
- › increased movement of visitors and business people (mainly small scale cross border traders) from southern Africa;
- › a fall in the number of contract mineworkers;
- › until 2000 a significant fall in the number of permanent residents (but an increase owing to the amnesties);
- › and since 2000 a significant, but unknown increase in the number of Zimbabweans entering the country.

All too often, the language of migration in the media and in popular discourse when referring to migrants from the rest of the continent is that of “illegal” and “illegals”. Very rarely are Africans seen as people with papers and documents and with the right to stay in South Africa, with permission to work and/or study and trade. Yet the existing data shows that many Africans from the rest of the continent hold documents which allow them to be in the country and depending on their status, to work, study and trade.

Table 2. Approved applications for permanent residence, 1990-2005.⁴⁷

Year	Applications approved	African applications approved
1990	14,499	1,628
1991	12,379	2,065
1992	8,686	1,266
1993	9,824	1,701
1994	6,398	1,628
1995	5,064	1,343
1996	5,407	1,601

⁴⁷ Crush, J., Peberdy, S. and Williams, V. 2007. “Labour migration...,” p. 19.

1997	4,102	1,281
1998	4,371	1,169
1999	3,669	980
2000	3,053	831
2001	4,832	1,584
2002	6,545	2,472
2003	10,578	4,961
2004	10,714	5,235
2005	2,138	n/a

Permanent residents

There is no way of knowing how many permanent residents are in the country at any one time. As noted above, initially immigration policy and practice post-1994 led to a dramatic fall in the number of approved applications (Table 2 above). The change in policy and legislation in 2002 has led to an increase in approved applications. By 2005, almost half of these new permanent residents were Africans. Their numbers were supplemented by the approximately 266,000 SADC nationals who were granted permanent residence in the three amnesties of 1995, 1996 and 1999-2000.

Temporary residents

Temporary residents may be in South Africa for a multitude of reasons, visiting family and friends or other forms of leisure, work, trading or business. Small scale cross border traders do not qualify for business permits so usually enter on visitors permits. There has been a massive increase in traffic between South Africa, SADC countries and the rest of the continent since 1994. Home Affairs data only counts the number of times the border is crossed not the number of individuals or permit holders. The number of border crossings by non-South Africans rose from 1 million in 1990 to over 7.5 million in 2005 (Table 3) and to 8.5 million in 2006.⁴⁸ Almost 75% of these visits were from SADC nationals, and over 5% from the rest of Africa. These numbers are supplemented by the approximately 130,000 six month border concession permits issued to Basotho each year.

These visitors to South Africa make a significant contribution to the South African economy. Direct spend by visitors from Africa and the Middle East exceeded the combined expenditure of visitors from Europe, the Americas, Asia and Australasia. In 2005, in terms of visitors total direct spend by country, seven of the top ten countries were from SADC including the top four (Mozambique,

⁴⁸ Crush, J., Peberdy, S. and Williams, V. 2007. "Labour migration..." p. 12.

Zimbabwe, Botswana and Lesotho).⁴⁹ This may be explained in part by the extensive small scale cross border trade that takes place between South Africa and the rest of the region.⁵⁰

Table 3. Total Border Crossings 1996-2005

	1996	1998	2000	2002	2003	2004	2005
TOTAL	5,186,221	5,898,236	6,000,538	6,549,916	6,640,095	6,815,202	7,518,320
Europe	798,398	981,680	1,048,923	1,273,822	1,343,379	1,312,309	1,334,225
North America	144,592	203,065	210,349	222,345	228,244	251,536	280,808
Australasia	63,793	70,333	71,161	87,136	90,391	93,304	97,083
Middle East	25,064	28,570	29,297	34,112	32,860	32,831	34,913
Asia	142,240	138,478	156,600	184,555	186,274	195,943	196,702
Africa	3,781,351	4,291,547	4,298,613	4,513,694	4,519,616	4,707,384	5,446,062
Unspecified	185,454	124,362	123,761	173,522	177,067	156,310	61,731

Source: Statistics South Africa, *Tourism & Migration Reports, PS015*

Contract mine and agricultural labour

There have been significant changes in patterns of migration to the mines, and in particular the gold mines of South Africa. Retrenchments in the sector led to the loss of around 170,000 jobs between 1990 and 2000. South Africans were heavily affected in the early years of retrenchments but have been most likely to be employed with growth in employment in the 2000s (Table 4). Basotho mineworkers have been most heavily affected.

⁴⁹ South African Tourism Strategic Research Unit, 2006 Annual Tourism Report, South African Tourism, August 2006.

⁵⁰ See: Peberdy, S. et al. 2007. "Monitoring small scale cross border trade..."; Peberdy, S. and C. Rogerson. 2003. "Creating new spaces?..."; Peberdy, S. 2000. "Border crossings..."

Table 4: Mine labour employment on the gold mines, 1990-2006⁵¹

Year	South Africa	Botswana	Lesotho	Mozambique	Swaziland	% Foreign	Total
1990	199,810	14,609	99,707	44,590	17,757	47	376,473
1995	122,562	10,961	87,935	55,140	15,304	58	291,902
1999	99,387	6,413	52,188	46,537	9,307	54	213,832
2000	99,575	6,494	58,224	57,034	9,360	57	230,687
2001	99,560	4,763	49,483	45,900	7,841	52	207,547
2002	116,554	4,227	54,157	51,355	8,698	50	234,991
2003	113,545	4,204	54,479	53,829	7,970	51	234,027
2004	121,369	3,924	48,962	48,918	7,598	47	230,771
2005	133,178	3,264	46,049	46,975	6,993	43	236,459
2006	164,989	2,992	46,082	46,707	7,124	38	267,894

Source: TEBA

Asylum seekers and refugees

One of the most significant changes in patterns of migration seen since 1994 is the arrival of asylum seekers and refugees from the rest of the continent as well as from overseas.

South Africa has experienced a significant increase in asylum-seekers from the rest of Africa and Asia since 1994. Around 150,000 claims/applications for asylum were received by the Department of Home Affairs between 1994 and 2004. In the same decade 26,900 asylum seekers were granted refugee status.⁵² In 2006 (the latest year for which data was available by country), an “estimated” 53,363 asylum claims were made, the highest ever number.⁵³ Men comprised 78% (41,437) of these claims, women 20% (10,769) and children 2% (1,155). Although, some 5,342 initial decisions were made on the 2006 claims for asylum it can take up to five years (and sometimes longer) for asylum claims to be adjudicated. The Department of Home Affairs established a “Backlog Project” in an attempt to reduce the number of people waiting for decisions on their claims. Of the 111,157 outstanding claims in the backlog project at the beginning of 2006, 29,325 were finalized leaving a balance of 81,832 people with the status of asylum seekers while they waited for decisions on their claims to refugee status.⁵⁴

⁵¹ Crush, J., Peberdy, S. and Williams, V. 2007. “Labour migration...”

⁵² Department of Home Affairs, unpublished data, 2005.

⁵³ Department of Home Affairs, 2006 Annual Report on Asylum Statistics (January-December), unpublished, Department of Home Affairs, 2007.

⁵⁴ Department of Home Affairs, 2006 Annual Report on Asylum Statistics....

The largest claimant-generating countries between 1994 and 2001 were: Angola, Burundi, Zaire (DRC) and Somalia. There have also been significant numbers of claimants from countries such as Cameroon, Nigeria, Senegal, India and Pakistan. Rejection rates are high for claimants from these countries, suggesting that economic migrants may have attempted to use the refugee system to settle in South Africa. Data for 2006 shows changes in the countries of origin of applicants for asylum from the period 1994-2001 (Table 5). Most notable is that Zimbabwe was the largest source of asylum claims in 2006 comprising over a third of all claims (18,973). Also new to the list as a significant source of asylum claims was Malawi with 6,377 claims (12%). Other important source countries were the DRC, Ethiopia, Bangladesh and Somalia.

Table 5. Refugee applications by country of origin, 2006.

	Applications	
	Number	%
Zimbabwe	18,973	35.4
Malawi	6,377	11.9
DRC	5,582	10.5
Ethiopia	3,916	7.3
Bangladesh	3,074	5.8
Somalia	3,024	5.7
Tanzania	1,838	3.4
Pakistan	1,363	2.6
Congo (Brazzaville)	1,207	2.3
India	1,175	2.2
Others	6,832	12.8
Total	53,361	100.00

Source: Department of Home Affairs, 2006 Annual Report on Asylum Statistics (January-December), unpublished, Department of Home Affairs, 2007.

Post-apartheid cities – or neo-apartheid cities?

“ Cities are not just to do with housing people and economic activity, or building streets and architecture; they are also places of struggle for social and spatial justice and equitable distribution of resources as well as places of art, culture and civilisation. (Malik, A. 2001).⁵⁵ ”

Developments in South African cities since 1994, present a conundrum. On the one hand they have been the sites of some of the most significant changes in post-apartheid social, cultural and economic life. On the other, at times they appear to reproduce some of the worst aspects of the apartheid city. So, on the whole, they remain spatially divided with black poor and working class still living in geographically marginalised and peripheral areas of the city which are under-served and marked by high levels of unemployment, poverty, economic marginalisation and social crises.

In South Africa “cities are the most productive sites in the national economy as well as areas that accommodate the largest number of poor people.”⁵⁶ The 21 key urban areas of the country contribute 70% of the national economy.⁵⁷ They are the places at the interface of South Africa and the rest of the region and continent as well as the rest of the world. They are the sites where the integration of South Africa into the global economy can be seen. Johannesburg is the only South African city to be classified as a world city. Cape Town and Durban are port cities, key to South African trade, while Johannesburg serves as an economic and trade hub for the country and the region.

In 2001, some 56% of South Africa’s population were found to live in cities (but only 48% of black Africans).⁵⁸ Johannesburg, Cape Town and Durban along with Ekurhuleni and Tshwane (also known as Pretoria) are the country’s core urban regions. Although the rate of growth is slowing South African cities are growing at an average rate of nearly 2% per annum.⁵⁹ And, there has been a significant increase in the rate of urbanisation since the early 1990s as racial restrictions on movement and residence were lifted. Internal migration is a key feature of the population growth of the cities under discussion.

Despite being sites of wealth creation, South Africa’s cities are also sites of great inequality and poverty. Table 6 shows that although the three cities under discussion contributed almost 40% of the nation’s Gross Value Added (GVA) in 2004 almost a quarter of the populations of Cape Town and Johannesburg and over a third of the population of Durban were living under the Minimum Living Level (MLL) in 2005. The official unemployment rate for all the cities averaged at over 25%.

⁵⁵ Cited in Pieterse, E. 2004. “Recasting urban integration and fragmentation in post-apartheid South Africa,” *Development Update*, Vol. 5 (1), p. 81.

⁵⁶ South African Cities Network (SACN). 2006. *State of the Cities Report, 2006*. SACN: Johannesburg, p. 2-2.

⁵⁷ SACN. 2006. *State of the Cities Report, 2006*. SACN: Johannesburg, p. 1-3.

⁵⁸ Statistics South Africa. *Census 2001*. (www.statssa.gov.za).

⁵⁹ SACN. 2006. *State of the Cities Report, 2006*. SACN: Johannesburg, p. 3-2.

Table 6. Economic profile of Cape Town, Durban and Johannesburg

	Population size (2001)	Official Unemployment rate (%) (2004)	Population under Minimum Living Level (MLL) (%) (2005)	Population with no schooling (%) (2004)	Contribution to national Gross Value Added (GVA) (%) (2004)	Gini Coefficient (2005)
Cape Town	2.9 m	23.4	24.7	15.5	11.2	0.67
Durban	3.1 m	28.1	33.7	18.3	10.0	0.74
Johannesburg	3.5 m	28.9	24.8	18.4	18.1	0.75

Source: SACN. 2006. *State of the Cities Report, 2006*. SACN: Johannesburg, pp. 2-8, 3-31, 3-45.

The post-1994 government inherited a legacy of inequality of access to services, infrastructure and social capital leaving South Africa a highly divided society.⁶⁰ Millions of (mainly black) South Africans were living in shacks in peri-urban and urban areas, others in inadequate and/or overcrowded housing.⁶¹ In 1994 around 12 million people in South Africa lacked access to clean drinking water, and 21 million lacked adequate sanitation.⁶² Only 36% of the population had access to electricity.⁶³ Estimations of unemployment rates have ranged from 25% to 40%.⁶⁴ But they are as high as 70-80% in some urban communities.

Although great strides have been made in improving access to clean water, sanitation and electricity access to housing and service delivery remain extremely problematic. The violence of May 2008 is not the only violence seen in urban communities in the past few years. Increasingly communities are demonstrating against the lack of service delivery and corruption. Table 7 shows some key indicators regarding service delivery. However, these figures mask deeper inequalities which are expressed through race and class. Black African South Africans, and to a lesser extent, coloured South Africans remain marginalised. Black South Africans are most likely to live in informal dwellings in informal settlements with limited access to water and sanitation. So for instance in Cape Town in 2006, 21% of households relied on water on site and 18% on a public but figures for black households were 46% and 18% respectively. Similarly although in 2006, a quarter of the city's households used flush toilets on site this applied to 50% of black residents of whom 55% were sharing with other households. Some 3.5% of the population were still using the bucket system, but 10% of black residents.⁶⁵ Some informal settlements are relatively well serviced. Others are not.

⁶⁰ See Seekings, J. and Nattrass, N. 2006. *Class, Race, and Inequality in South Africa*, University of KwaZulu-Natal Press: Scottsville.

⁶¹ Peberdy, S. 1999. "Selecting immigrants: Nationalism and national identity in South Africa's immigration policies, 1910-1998," unpublished PhD thesis, Queen's University, Canada, p. 91.

⁶² African National Congress. 1994. *The Reconstruction and Development Programme: A policy framework*, Umanyano: Johannesburg, p. 28.

⁶³ African National Congress. 1994. *The Reconstruction...*, p. 31. The 1996 census found just over 40% of households lacked electricity (Statistics South Africa, 1996. *Population Census, 1996*, p. 72).

⁶⁴ "Census outcomes will necessitate review of Provinces slices," *Star*, 21/10/1998.

⁶⁵ Small, K. 2008. "General household survey analysis for Cape Town" City of Cape Town (www.capetown.gov.za), p. 28.

Table 7. Access to services in Cape Town, Durban and Johannesburg (2001).

City	Access to water in dwelling (% households)	Households without water on site (%)	Households with access to VIP toilet or less (%)	Households not using electricity for lighting (%)
Cape Town	70	16	12	11
Durban	50	30	32	17
Johannesburg	62	15	14	6

Source: SACN. 2006. *State of the Cities Report, 2006*. SACN: Johannesburg, pp. 3-36 to 3-39.

Similarly access to housing is shaped by race and class with black residents of South Africa's three major cities being most likely to live in informal dwellings in backyards or in informal settlements. Again the chances of doing so are defined by race and class. In Cape Town in 2006 an estimated 22% of all households lived in informal dwellings, but almost 60% of the city's black households (37% in informal settlements and 22% in backyards) and 7% of coloured households (2% in informal settlements). Some 18% of Cape Town's households live in overcrowded conditions (29% of black and 21% of coloured).⁶⁶

South African cities are also facing social crises. Health care is a particular problem for cities. HIV prevalence rates in South Africa are amongst the highest in the world, in part because the high rate of circular migration within the country creates conditions which encourage the spread of the virus. HIV prevalence rates from ante natal clinics in 2006 found prevalence rates of 17% in Cape Town, 32% in Johannesburg and 42% in Durban.⁶⁷ Communities, particularly those on the margins also face challenges of crime and violence, some of which is related to drug use.

Some of the problems facing South African city managers are shaped by high rates of internal migration. Some 35% of the South Africa population of Johannesburg was born outside the province of Gauteng. Cape Town has experienced significant changes in its make up. Almost 60% of the population growth of the city between 1996 and 2001 was due to internal migration as almost 200,000 South Africans arrived in Cape Town.⁶⁸ Between 2001 and 2006 net internal migration to the city amounted to almost 130,000.⁶⁹ Following the lifting of the "coloured preference area" between 1985 and 2005 the black population of the city increased from less than 200,000 to over one million. Durban too, has seen high rates of in-migration from the rest of the province and elsewhere and between 1996 and 2001 experienced a rate of population growth of 2.35% despite carrying a heavy burden of AIDS related mortality.⁷⁰

⁶⁶ Small, K. 2008. "General household survey analysis..." pp.22,28.

⁶⁷ Department of Health. 2008. *Progress Report on the Declaration of Commitment to HIV/AIDS*, Department of Health (www.unaids.org).

⁶⁸ Parnell, S., Cousins, B. and A. Skuse. 2006. "Migration and urban governance: The case of Cape Town," paper presented at the SAMP/COJ/SACN/MDP Workshop on "Migration and Urban Governance: Building Inclusive Cities in the SADC" Johannesburg, p. 4.

⁶⁹ SACN. 2006. *State of the Cities Report...*, p. 2-18.

⁷⁰ Statistics South Africa, Census 2001, www.statssa.gov.za; Maharaj, B. 2006. "Migration and Urban Governance: The Case of Durban," unpublished paper for SAMP/COJ/SACN/MDP Workshop on "Migration and Urban Governance: Building Inclusive Cities in the SADC," Johannesburg, p. 4.

Conclusion

It is at the intersection of the long history of migration to South Africa, of immigration legislation, policy and practice, changing patterns of cross border and internal migration and the challenges facing post-apartheid cities and their residents that this project examining the relationship between civil society and the xenophobic violence sits. The long history of cross border migration and the contribution of regional migrants to the building of the South African economy in the past and present appears to have been lost.

The commitment of the state to diversity and respect for human rights is there to see. However, it seems that these rights and respect for diversity mainly apply to citizens, and the inclusive vision which incorporates non-nationals seems only to see those with skills and large bank accounts, or unskilled and semi-skilled workers who will continue to contribute to the mining and agricultural sectors.⁷¹ Immigration legislation, policy and practices remain largely exclusionary except for skilled professionals while challenging the rights of irregular migrants. The language around the introduction of immigration and refugee legislation as well as policing measures, contribute to exclusionary constructions of South African nationhood.

A close examination of changing patterns of cross border migration is revealing. They show that there have been relatively significant changes in the patterns of black African cross border migration, and in the legal status of African cross border migrants. Recognition by the post-apartheid state of racially exclusionary immigration legislation and practices has given over 250,000 SADC nationals already resident in South Africa permanent residence. Thousands of others have been given the opportunity to visit South Africa legally, passing through border posts with travel documents to visit friends and family, to shop and to trade. Special permits for Basotho and Zimbabwean nationals allow them entry to South Africa under particular terms and conditions. New refugee legislation has allowed African asylum seekers from the rest of the continent the opportunity to seek asylum in South Africa. Yet a close examination of the history of migration to South Africa suggests that although the rate of movement of black Africans cross border migrants across South Africa's borders (in both directions) has increased, this may not amount to the influx and flooding that is so often imagined. The data also shows that a significant proportion of African foreigners in South Africa are here with papers that allow them to work, study and trade. So, where does the discourse of illegality come from?

The deep legacy of inequality left by the apartheid state not only shows the enormous challenges faced by the South African government to deliver services to all. The rapid rate of urbanisation in South Africa's cities since the early 1990s indicates that the challenge grows, as the state tries to keep up with new arrivals. Internal migration to South Africa's cities poses a number of problems or issues. First, it increases demand for services and service delivery on city governments that are already struggling to deliver. Second, it can cause disruption in communities and community structures. Third, new arrivals may take time to organise themselves into civil society structures. Fourth, and importantly in the context of the violence of May 2008, new arrivals may not be aware of the long-

⁷¹ For further discussion on notions of citizenship, immigration, belonging and national identity see Peberdy, S. 2009. *Selecting Immigrants...*

standing residence of African non-nationals and therefore may be challenged by the embeddedness of African foreigners, who while not South African may have lived for longer in the city. However, poverty, inequality, lack of services and lack of housing are not reasons to attack people for who they are and for the citizenship they hold.



Synthesis Report:

‘WHAT HAPPENED?’: A NARRATIVE OF THE MAY 2008 XENOPHOBIC VIOLENCE

by Annsilla Nyar

Gauteng City Region Observatory (GCRO)

The
ATLANTIC
Philanthropies

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Introduction

This chapter constitutes a narrative description of the nature and form of the xenophobic violence which took place in South Africa in May 2008. It relates to the comprehensive explanatory framework for the xenophobic violence as presented by Patrick Bond and Trevor Ngwane,¹ by sketching a contextual picture of the dynamics of the violence as well as the conditions which created and enabled its outbreak. It draws in part on data from 22 focus groups discussing relevant socio-political issues, before and after the onset of the xenophobic violence.

Xenophobic violence may be seen as a deeply institutionalized legacy of South Africa's apartheid past and has to be specifically contextualized against a broader pattern of attacks conducted against African non-nationals² since the beginning of 1994. A culture of violence is so firmly embedded within the fabric of society that it is still perceived as a legitimate means of conflict resolution in South Africa. African non-nationals are most likely to suffer public violence by South Africans who blame them for crime and unemployment and see them as unfair competitors in the struggle for jobs, houses and other resources deemed 'deserving' for the South Africans whose citizenship makes them legitimate heirs to the spoils of democracy.

The use of violence as a problem-solving mechanism and as a tool of political leverage, is familiar to South Africans. However the wave of xenophobic violence perpetrated against African non-nationals in various informal settlements and townships across South Africa in May 2008, was able to shock even South Africans long desensitized to violent social and political crime. It was the first case

¹ Bond, P. and Ngwane, T. *Xenophobia and Civil Society: Why did it Happen?* Research for Atlantic Philanthropies, January 2010.

² The terminology used to refer to victims of the xenophobic violence, is contested. I argue that terms such as 'non-national' or 'foreign national' denote a level of generality to the citizenship of the latter. The term 'African non-national' is used in this paper. It hopes to sufficiently capture the category of victim, with minimum analytical confusion.

of large-scale, sustained, nation-wide civilian violence in democratic South Africa. Democratic South Africa has previously experienced public violence, such as service delivery protests, demarcation disputes or community vigilantism against crime. The massive scale and scope of the May 2008 spate of xenophobic violence distinguished it from other comparable incidences and experiences of violence in South Africa.

Bishop Paul Verryn has described the xenophobic attacks as an “unexpected thunderstorm”³. It poses the question of whether the thunderstorm ought to have been predicted, in the same way that technology allows weather experts to predict storms and develop appropriate storm-proofing measures. The attacks did not present a surprise to those civil society organizations involved in grassroots work or directly with refugee or migrant protection issues. Rather they presented a surprise to broader South African society whose lives are not directly affected by the plight of marginalized sectors of the population-poor black Africans. This generalized lack of awareness of xenophobic crime and violence, also speaks to particular biases of mass media, which generally reflects the concerns of those groups in society with access to resources and finances and reports accordingly. It must also be remembered that politicians also respond to the pressures to prioritise the kinds of crime which achieve the most media coverage.

Although South Africa is a xenophobic country, it is also one which has tried to resist the onslaught of xenophobia. Due to an active and vibrant civil society sector, South Africa has a basis of research, awareness and warnings on which it could have drawn to prepare for the outbreak of violence⁴. Research organizations such as CSVR, Center for Policy Studies (CPS) and Institute for a Democratic South Africa (IDASA) had repeatedly warned of increasing xenophobic attitudes and the potential for attitudes to harden into violence. The 2006 Southern African Migration Project (SAMP) Xenophobia Survey confirmed that in comparison to citizens of other countries worldwide, South Africans are the least open to outsiders and advocate the greatest restrictions on immigration. 67% of SAMP respondents indicated that African non-nationals use up resources, 49% believed that foreign nationals bring disease, and that they are responsible for high crime levels. 84% felt that South Africa is allowing “too many” African non-nationals into the country and consequently that they should not be accorded any rights or protection from the state⁵.

A number of social action-oriented organizations have historically spoken out strongly against xenophobia and specifically warned about the potential for violence. These included Congress of South African Trade Unions (COSATU), Black Sash, Human Rights Watch and Amnesty International. An early warning signal was sounded by the Southern African Bishops Conference (SACBC) in a report which stated,

³ Verryn, P (2008): Foreword to *Go Home or Die Here* (Johannesburg) in Worby, E, Hassim, S. and Kupe, S. (eds) *Go Home or Die Here*. Wits University Press, Johannesburg pp vii

⁴ See Bekker, S, Eigelaar-Meets, S, Eva, G and Poole, C. (2008) *Xenophobia and Violence in South Africa: A desktop study of the trends and a scan of explanations offered*

⁵ Crush, J. (2008) *The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa*, Migration Policy Series no 50, Cape Town p 16

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 demonizing immigrants is feeding the xenophobia phenomenon.⁶

The resisting voices of civil society actors have tended to be lost amidst the deep institutionalization of xenophobia in institutions of the state, the media and the general public. Though there is no scope within this chapter to review the full range of exclusionary strategies and tendencies within the South African state and society, it will highlight the pervasive nature of xenophobia and relate it to the trajectory of xenophobic violence in May 2008.

The “Thunderstorm” of May 2008

Between 11 and 25 May 2008, 62 people, the majority of African non-nationals, died in Johannesburg, Cape Town, Durban and to a lesser extent, in parts of the Free State and Eastern Cape. A third of the death toll included South Africans who had been erroneously identified as ‘foreigners’ or were simply caught up in the maelstrom of violence. It is estimated that at least 35,000 African non-nationals were driven from their homes and displaced. An un-estimated number of shacks and small businesses were burned down, and the belongings and properties of foreign nationals “worth millions of rands”⁷ were looted and dispossessed. The crimes perpetrated against African non-nationals were characterised by brutality and a flagrant disregard for both the law and the basic humanity of the victims the violence. The reaction of the South African government was slow. The eventual declaration of a national state of emergency and the deployment of the South African National Defence Force (SANDF) was too late to prevent the full brunt of violence being perpetrated.

Eric Worby, Shireen Hassim and Tawana Kupe note that

The surprise and anxiety triggered by the violence of May derive from the implosion of a fantasy—the fantasy of an inclusive ‘rainbow’ nation whose citizens regard difference not merely with tolerance, but with respect.⁸

The violence was more than an exposure of the specious quality of the popular exhortation in the Freedom Charter that ‘South Africa belongs to all who live in it’. It was also a potent reminder of the apartheid past. It drew disturbing parallels with the way in which difference was invoked by apartheid to justify violence, oppression and injustice. The revival of the apartheid-derived term ‘black-on-black violence’ invoked painful historical memories of the systematic devaluation and destruction of black

⁶ SACBC website at <http://www.sacbc.org.za>

⁷ Misago, J.P. Loren, L.B and Monson, T. (2009) ‘Towards Tolerance, Law and Dignity: Addressing Violence Against Foreign Nationals in South Africa’ Published by International Organisation for Migration Regional Office, Pretoria

⁸ Worby, E. Hassim, S. and Kupe, S. (2008) Introduction in Worby, E. Hassim, S. and Kupe, S. (eds) *Go Home or Die Here*. Wits University Press, Johannesburg.

lives under apartheid. It was also a keen reminder that apartheid's legacy—the institutionalization of violence as a means of communicating grievances and achieving political leverage—is still very much embedded within the national psyche. The fact that the victims of the violence were exclusively black immigrants from Africa or *'amakwerekwere'*⁹, raised critical and uncomfortable questions about an internalized reverse racism on the part of black South Africans, and an overall dangerous sense of national superiority particularly in relation to the rest of Africa.

Political leadership is a powerful factor underpinning South Africa's global status as a model of tolerance and democratic redemption. It was notably lacking in terms of mounting a powerful and humane response to the violence. Rather, the reactions of top political leadership did little to dispel the perception of South Africa as intolerant, divided and incapable of a coherent response to the violence. Political inertia—and outright denial—regarding xenophobia and xenophobic violence, has had the effect of downplaying the violence. Explanations of criminality, right wing elements or a 'third force' prevailed, with a minister in the Gauteng provincial government claiming "concrete evidence" of the involvement of a third force. The director-general of the National Intelligence Agency (NIA), Manala Manzini, claimed that the violence was intended to destabilise 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."*¹⁰

Silence prevailed from the national presidency for a long time. When President Mbeki did react, it was to defensively deny xenophobia as a motivation for the violence and stated

*"none in our society has any right to encourage or incite xenophobia by trying to explain naked criminal activity by cloaking it in the garb of xenophobia."*¹¹

The denialism of the presidency had the unfortunate effect of downplaying xenophobia as a serious structurally-located issue. It also denies any historical memory of the body of post-1994 xenophobic attacks which have promoted and incited the ongoing nature of xenophobic violence. The emphasis on 'our society' delineated the mass of *authentic* South African citizens from the criminal elements inciting the violence, but also from the non-South Africans. This further distances African non-nationals from South Africans and clouds issues of responsibility and accountability for the violence.

Apart from exposing the lack of political astuteness, responsibility and leadership, the violence also had the effect of exposing serious national shortcomings in responding capably as well as humanely,

⁹ This is the colloquial term used to refer specifically to black Africans in a derogatory sense. Its pronunciation evokes the multi-syllabic sound of other African languages, and is intended to mock the languages of other African non-nationals as well as their inability to master South African languages.

¹⁰ Mail and Guardian website at <http://www.mg.co.za>.

¹¹ Address by President Thabo Mbeki at the national tribute in remembrance of victims of the xenophobic violence, 3 July 2008, Tswane.

to a large scale civil disaster situation. Government set up temporary camps to host the displaced victims of xenophobic attacks, who lost their homes and belongings and consequently feared returning to the communities which had violently expelled them. For government, the xenophobic violence fell under the purview of disaster management at provincial level. However the violence did not fit the typical profile of 'disasters' and government had its overall competency in crisis management severely tested by the numerous challenges of overseeing the humanitarian response, including ancillary urgent issues of security and documentation presented by the violence. There also appeared to be a fear of public perception of government giving too much recognition and support to the needs of African non-nationals as opposed to South African citizens.¹²

Tensions emerged between civil society and government to the point that litigation was undertaken by civil society to compel government to keep the camps open. When legally compelled to stay closure of the camps, government's response was to dramatically scale down services to the camps in order to force people out. This resulted in a drastic erosion of trust between government and civil society organizations.

The story of the camps cannot be recounted in detail for the purposes of this chapter but speak to the considerable gap between policy and practice of the state's commitment to the human rights and dignity of refugees. In principle South Africa has committed itself to protecting the rights of refugees, and accordingly has signed all major international policy instruments. However this commitment is not reflected in official practice. A significant body of research has documented the institutional prejudices and abuses by the South African authorities¹³.

The South African Police Service (SAPS) had a mixed record of success in responding to the xenophobic violence. Police stations were the first place of safety to which victims of the xenophobic attacks fled, in spite of the fact that police stations are ill-equipped to handle a humanitarian disaster of such a scale. Local police stations played an important role in providing initial shelter to the displaced. There are anecdotal accounts of individual police officers who extended compassion to the displaced, for example procuring the kind of amenities which allowed a level of comfort to those sheltering at police stations¹⁴. However such positive accounts are overshadowed by claims that police intervention in the actual violence itself was ineffective. In many instances, victims alleged that police refused to intervene in situations of violence and stood by allowing violence to be perpetrated against them. It appeared to suggest to victims that there was a lack of will to assist victims of the violence, possibly because of xenophobic sentiments harboured by the police themselves.¹⁵

¹² See a full explanation of government response to the victims of the xenophobic violence in Steinberg, J. South Africa's Xenophobic Eruption. ISS Paper no 169. November 2009.

¹³ See for example Harris, B. (2001) *A Foreign Experience: Violence, crime and xenophobia during South Africa's transition* as well as Harris, B. (2008) 'Xenophobia: a new Pathology for a 'new' South Africa' Center for the Study of Violence and Reconciliation Research Report downloadable at <http://www.csvr.org/reports>.

¹⁴ Hornberger, J. Policing Xenophobia in Worby, E. Hassim, S. and Kupe, S. (2008) Introduction in Worby, E. Hassim, S. and Kupe, S. *Go Home or Die Here*. Wits University Press, Johannesburg.

¹⁵ Ibid

As Jara and Peberdy show, civil society organizations and private citizens played a critical role in the response to the violence. Their report details how civil society organisations:

filled the gap left open by the absent, incapable and dysfunctional state in the major sites of the xenophobic attacks and during the most critical periods in the early days of the attacks. Once the state had begun to play its part, civil society played an effective watchdog role through the monitoring of conditions in the displacement camps and advocacy for the rights of migrants during moments where the state failed to meet basic minimum humanitarian standards or sought to avoid its responsibilities. Remarkable in the civil society response was the diverse and plural nature of the volunteer and organisational base that was mobilised and played a pivotal role: in the form of non-governmental organisations (NGOs), social movements, community based organisations (CBOs), civics, schools, women's groups, peace and justice organisations, academics, students, Christian, Jewish and Muslim faith-based organisations (FBOs), refugee and migrant organisations, school governing bodies, community policing forums, professional associations and trade unions. These diverse groupings were brought together under several umbrellas which served different purposes, from humanitarian aid to political activism. These organisations also acted as a pressure on political parties and constitutional institutions to act and play a role. In the case of Cape Town, the Treatment Action Campaign (TAC) brought to bear its well-organised social presence and combined it with an effective understanding of, and using human rights law through strategic litigation, lobbying and advocacy. The Gauteng social movements surveyed in the case studies also demonstrated the importance of political principles that permeate into the grassroots and are based on advanced critical consciousness on the ground¹⁶.

Jara and Peberdy's research captures the scale of civil society's multi-faceted contribution to the response to the xenophobic violence. The adjective 'remarkable' is not applied lightly as a descriptor of the response mounted by various sectors of civil society to the May 2008 xenophobic violence. Civil society's immediate response to the humanitarian crisis was robust and energetic and saw a number of different civil society organizations mobilize rapidly and powerfully within a relatively short space of time. A process of coalition-building evolved, with a wide cross section of civil society organisations forming a Gauteng-based alliance under the banner of the Coalition against Xenophobia (CAX). A

¹⁶ Peberdy, S. and Jara, M. Taking Control: Civil Society Responses to the Violence of May 2008 January 2010.

similar civil society grouping evolved in the Western Cape, the Social Justice Forum (SJF), with a close relationship to the Treatment Action Campaign (TAC). Civil society organizations mobilised external resources and often used their own. Humanitarian NGO Gift of the Givers (GOG) has calculated that it expended approximately R6million on its response to the xenophobic violence¹⁷. The scale of its response helped position the civil society sector as a significant institutional actor, even if only on a short term basis for the duration of the response.

The massive public volunteer effort cut across class and race divides. It even crossed age barriers, with public schools taking up collections amongst its young learners to support victims of the violence. Companies placed boxes in offices to hold donations from employees. For the short time period of the response, the seeds of a counter-movement sprang from an exclusionary ethnic nationalism which targeted people on the basis of skin colour or ethnicity, to a potentially more equitable cosmopolitan order which saw people across class and race barriers taking to the streets to protest xenophobia. This was particularly remarkable in Johannesburg, which is one of the most cosmopolitan cities in Africa. Despite its spatial and racial divisions, it was able to mobilise its middle classes-usually insulated in white suburban enclaves from the messy realities of the lives of poor black people - into the streets alongside the poor. The city's intelligentsia from both Wits University and the University of Johannesburg turned out in numbers from their respective 'ivory towers' to march and hold aloft banners denouncing xenophobia. It seemed to presage the possible birth of a new African identity.

This moment for civil society was predictably short lived. The greatest concentration of energies by civil society was around the humanitarian crisis; after that only a few civil society organizations continued to provide direct services. This was easier for certain civil society organizations such as CoRMSA, with a specific mandate to promote and protect refugee and migrant rights. However it was operationally impossible for other civil society organizations. Thus the sector was unable to sustain a large scale response to xenophobia and xenophobic violence. Intense competition for funding amongst civil society organizations mitigated against possibilities for extensive collective action.

The end result of the energies and drive invested by civil society organizations, seemed outwardly discouraging. The May 2008 attacks appeared to pass as a temporary, if vividly memorable, blip on the national screen. The storm of public condemnation and shock and horror subsided relatively quickly (and understandably) after the eye of the storm had passed. The fate of victims of the violence was left hanging. Those who were repatriated to their home countries, appeared to be the most fortunate. Their fellow non-nationals left behind faced a much more uncertain future. In Gauteng, those left remaining in the camps faced a difficult choice of repatriation or reintegration. Those who chose to go to Lindela repatriation center¹⁸ did so, even possessing valid documentation, and once they arrived, Lindela authorities were perplexed as to what to do with them. Those who did not wish to brave returning to their communities, simply formed new informal settlements in patches by the roadside. There are media reports of non-nationals with nowhere to go, being arrested for loitering.

¹⁷ Desai, A. Responding to the May 2008 Xenophobic Attacks: a case study of Gift of the Givers. Research for Atlantic Philanthropies, December 2009.

¹⁸ The Lindela repatriation center outside Johannesburg, is one of two main detention facilities which house detainees prior to deportation. The other is the Musina detention facility near the Zimbabwean border.

Despite widespread condemnation of the violence from government, there appeared to be little or no accountability for the perpetrators of the attacks. Although the Department of Justice and Constitutional Development (DoJCD) had committed to instituting dedicated 'special courts', judicial outcomes were slow and limited¹⁹. The storm had passed and life predictably went back to normal.

Civil society organizations who had expended their energies on the response to the violence, reported being 'drained' and 'exhausted' in the aftermath²⁰. It seemed to indicate that the original organizing energy which had propelled the response, had been lost. According to Anti-Privatisation Forum (APF) spokesperson Dale McKinley, the real gains of the response were the connections that had been made amongst civil society organizations. With reference to the Coalition Against Xenophobia (CAX), he says:

CAX is now a space, a collective space. There are no office bearers as such. In fact there were just coordinators when we started out...but the connections we made, are still there, and can be activated when the need is there...Yes we knew the attacks were continuing, but in the absence of no immediate thing and only isolated incidents, you don't need a coalition... but the important thing is that the commitment is there and the space exists²¹

This view is supported by Jara and Peberdy's understanding that:

The response (of civil society organizations) points the way forward showing that there is a significant core of organisations and individuals prepared to challenge intolerance and inequality and mobilise for change and advocate for the rights of South Africans and foreigners alike.

The dynamic quality of the sector's response to the needs presented by the xenophobic attacks, indicates a kind of renewal of organising spirit, which could be drawn upon to resuscitate the sector. Importantly, the dynamism and organizing energies of the sector's response has helped fashion a kind of vision for future possibilities of sustained civic action. How that vision, whether real or imagined, may be implemented, remains a question for debate. This book and its accompanying body of research into aspects of the xenophobic violence, will revive that critical question.

¹⁹ SAHRC Report on the SAHRC investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals: p69

²⁰ Interviews with N. Mogapi, CSVr; J. Kalala of Sonke Gender Justice and B. Tolboom of Medicines Sans Frontiers

²¹ Interview with D. McKinley, representative of Anti-Privatisation Forum (APF) and Coalition Against Xenophobia (CAX)

Understanding Xenophobic Violence in South Africa

“You cannot blame people...they took out all their anger...”²²

This section locates the 2008 xenophobic violence within the context of an extended history of xenophobia in South Africa, in order to understand the nature and form of the May 2008 violence. As detailed below, a timeline of major xenophobic violence incidents since the advent of democracy in 1994 captures the trajectory of ongoing, steadily-increasing violence against foreign nationals.

Date	Place	Incident
December 1994	Alexandra township (Gauteng)	There is a public backlash against African non-nationals in Alexandra township. The homes and property of foreign nationals are destroyed and demands are made for their expulsion.
Sept 1998	Johannesburg (Gauteng)	Three African non-nationals (two Senegalese and a Mozambican) are violently attacked and thrown from a train.
October 2000	Zandspruit (Gauteng)	Local residents clash with Zimbabweans living in the township.
August 2005	Bothaville (Free State)	Zimbabwean and Somali refugees are targeted and physically assaulted.
December 2005	Olievenhoutbosch (Gauteng)	African non-nationals living in the Choba informal settlement in Olievenhoutbosch township are violently expelled from their shacks, shops and businesses.
July 2006	Knysna (Western Cape)	Somali small businesses living in a township outside Knysna are targeted and expelled from the area. The following month sees a pattern of 20-30 deaths of Somalians in townships surrounding Cape Town.

²² From interview material with residents of Alexandra in Sinwell, L. Towards Addressing the Root Causes of Social Tensions: Evaluating Civil Society and Local Government Responses to Xenophobic Violence in Alexandra. Research for Atlantic Philanthropies. December 2009.

February 2007	Motherwell (<i>Eastern Cape</i>)	Somali-owned shops are looted.
May 2007	Ipeleleng (<i>North West</i>)	Bangladeshi, Somali, Pakistani and Ethiopian-owned shops are looted.
September 2007	Delmas (<i>Mpumalanga</i>)	A protest over lack of service delivery turns xenophobic. Shops owned by foreign nationals are looted and burned, forcing African non-nationals to take refuge in mosques. The incident results in one death.
October 2007	Mooiplaas (<i>Gauteng</i>)	Two deaths result from a clash between locals and Zimbabweans neighbours.
January 2008	Duncan Village (<i>Eastern Cape</i>)	Two Somalians are found burned to death in their shop.
January 2008	Jeffery's Bay (<i>Eastern Cape</i>)	Somali shops are attacked by local residents, forcing many Somali nationals to take refuge at a nearby police station.
January 2008	Albert Park (<i>KwaZulu Natal</i>)	A community forum meeting in Albert Park, calls upon residents to expel African non-nationals living in the area.
January 2008	Soshanguve (<i>Gauteng</i>)	'Foreigners' are blamed for crime in the area, leading to attacks against African non-nationals. One person was burned to death and at least 10 seriously injured. Shops belonging to African non-nationals are looted.
Feb 2008	Laudium (<i>Gauteng</i>)	A community meeting in the informal settlement of Itereleng outside Laudium, calls upon residents to attack African non-nationals. Shacks and shops belonging to African non-nationals are burned and looted.
Feb 2008	Valhalla Park (<i>Western Cape</i>)	Somali shop-owners are attacked and forced to flee due to threats from the community.
Feb 2008	Kroonstad (<i>Free State</i>)	Somali shop-owners are attacked and their shops looted.
Mar 2008	Olievenhoutbosch (<i>Gauteng</i>)	Two Zimbabweans are attacked and beaten to death by residents.
Mar 2008	Mamelodi (<i>Gauteng</i>)	Residents of Mamelodi attack African non-nationals in the form of a mob. They loot and burn homes and shops belonging to African non-nationals.
31 Mar 2008	Atteridgeville (<i>Gauteng</i>)	A community protest stemming from anger over faulty power lines, turns into a full-fledged xenophobic attack. Seven deaths are reported, including a South African mistaken for an African non-national. Shacks, shops and properties belonging to foreign nationals were destroyed and burned. African non-nationals are displaced on a large scale.

April 2008	Diepsloot (<i>Gauteng</i>)	30 shacks belonging to Zimbabweans are destroyed by residents.
Apr 2008	Mamelodi (<i>Gauteng</i>)	Residents claim a perception that those displaced in Atteridgeville had moved to Mamelodi. They conduct a mob attack upon African non-nationals in the area, resulting in one known death.
May 2008	Alexandra/Kew (<i>Gauteng</i>)	An armed mob attacks African non-nationals, resulting in two deaths, including one South African who was fatally shot for refusing to join the mob. Two women are gang-raped. At least 60 severe injuries from beatings and shootings, are reported. The violence continues on the same scale for a week longer, resulting in 1 more death, 2 more rapes, at least 70 severe injuries and an estimated 1000 displaced.
May 2008	Diepsloot (<i>Gauteng</i>)	Somali and Pakistani-owned businesses are looted and destroyed. Four people, including 2 South Africans, are injured in the attack by residents.
May 2008	Olifantsfontein, East Rand (<i>Gauteng</i>)	32 African non-nationals are robbed, attacked and told to 'go home or die here'. Residents blame them for the increase in food prices. They are deported by the police.
May 2008	Tembisa (<i>Gauteng</i>)	An African non-national is attacked and robbed.
May 2008	Diepsloot (<i>Gauteng</i>)	Mass evictions by a mob. The belongings of African non-nationals were burned.
May 2008	Tembisa (<i>Gauteng</i>)	Hostel dwellers in Tembisa's Sedibeng section attack shops owned by 'Shangaans' and Somalis.
May 2008	Thokoza (<i>Gauteng</i>)	Residents clash with African non-nationals living in the area and two shacks are burned.
May 2008	Kwathemba, East Rand (<i>Gauteng</i>)	Hostel dwellers in Lithuleni informal settlement near Springs, carry out attacks in the formal part of the township where it is said Pakistani traders had converted RDP houses into shops.
May 2008	Informal settlements of Emlotheni and Emandleni, East Rand (<i>Gauteng</i>)	Attacks are carried out against African non-nationals at the Emlotheni and Emandleni informal settlements on the East Rand, resulting in at least 12 injuries, one gang rape and the destruction of various properties and belongings.
May 2008	Kanana, Tembisa (<i>Gauteng</i>)	Attacks are conducted against African non-nationals, resulting in one death and the destruction of 15 shacks.
May 2008	Thokoza (<i>Gauteng</i>)	Violence breaks out in Thokoza, resulting in 3 deaths.
May 2008	Katlehong (<i>Gauteng</i>)	Two deaths and the destruction of 18 shacks are reported.
May 2008	Jeppeshtown (<i>Gauteng</i>)	A mob conducts an attack on an Ethiopian-owned shop. The shop-owner's home is vandalized.

May 2008	Makausi (<i>Gauteng</i>)	Violence breaks out amongst residents in the Makausi informal settlement, bordering Primrose.
May 2008	Cato Crest (<i>KwaZulu Natal</i>)	Mozambican nationals are attacked and told to 'go home'.
May 2008	Tembisa (<i>Gauteng</i>)	Four African non-nationals are murdered and 50 shacks destroyed.
May 2008	Katlehong (<i>Gauteng</i>)	Violence breaks out in Sakhile informal settlement in Katlehong, resulting in the destruction of 18 shacks.
May 2008	Cleveland informal settlement (<i>Gauteng</i>)	Two African non-nationals are burned dead, 3 beaten to death and estimated 50 severe stab and gunshot injuries.
May 2008	Jeppeshtown and CBD (<i>Gauteng</i>)	Conflict targeting with Pedi and Shangaan-speakers, breaks out.
May 2008	Hillbrow (<i>Gauteng</i>)	African non-nationals street vendors are attacked and flee to Jeppe police station for shelter. An estimated 2000 people are given shelter at the Jeppe police station.
May 2008	Thokoza (<i>Gauteng</i>)	There is mob violence targeting Shangaan and Pedi speakers. A number of shacks are destroyed.
May 2008	Tembisa (<i>Gauteng</i>)	Two Mozambican nationals and 50 shacks burned in Madelakufa section of Tembisa.
May 2008	Kanana, Tembisa (<i>Gauteng</i>)	Mob violence by groups of youth targeting homes of foreigners.
May 2008	Daveyton, East Rand (<i>Gauteng</i>)	Mob violence targeting foreign nationals breaks out in the Zenzele informal settlement near Benoni and 7 shacks are destroyed.
May 2008	Actonville, East Rand (<i>Gauteng</i>)	A South African citizen is burned to death when his home is set alight by a mob searching for 'foreigners'.
May 2008	Soweto (<i>Gauteng</i>)	A mob searching for 'foreigners' loots the homes of African non-nationals in White City, Jabavu in Soweto.
May 2008	Reiger Park, Ramaphosa (<i>Gauteng</i>)	Violence breaks out, resulting in four deaths, including Mozambican national Ernesto Nhamuave who was burned to death. Foreign-owned shacks and shops are destroyed.
18 May 2008	Makausi (<i>Gauteng</i>)	Five African non-nationals are killed and their shacks destroyed.
18 May 2008	Dukathole settlement (<i>Gauteng</i>)	Violence with hostel dwellers results in the deaths of two African non-nationals. Shacks are burned down.
18 May 2008	Zandspruit (<i>Gauteng</i>)	A mob destroys the shacks of resident Zimbabweans.

18 May 2008	Kya Sands (<i>Gauteng</i>)	Conflict between local residents and African non-nationals breaks out, resulting in mass displacement of the latter in the area. Residents barricade roads in Kya Sands.
18 May 2008	Johannesburg CBD (<i>Gauteng</i>)	6 deaths are reported in Cleveland. A mob searches the Bree Street taxi rank for 'foreigners' and vandalized and looted foreign-owned shops.
19 May 2008	Malvern (<i>Gauteng</i>)	An armed mob searches for 'foreigners' and attacks a man in the street.
19 May 2008	Randfontein (<i>Gauteng</i>)	Chinese-owned spaza shops and Shangaan shacks were attacked in Moholakeng Extension Four of Randfontein.
19 May 2008	Makausi (<i>Gauteng</i>)	A Mozambican national is killed.
19 May 2008	Ramaphosa (<i>Gauteng</i>)	Mob violence results in 4 deaths and homes and cars of African non-nationals are destroyed and set alight.
19 May 2008	Jerusalem informal settlement (<i>Gauteng</i>)	Public violence breaks out, with a mob firing on police.
19 May 2008	Kagiso (<i>Gauteng</i>)	African non-nationals are targeted by a mob.
19 May 2008	Marathon informal settlement (<i>Gauteng</i>)	Mob violently expels African non-nationals from their homes and burns their shacks. Media reports circulate that the mob was aided by the police.
19 May 2008	Mayfair (<i>Gauteng</i>)	Somali women and their children are threatened at their home and take refuge at local mosque.
20 May 2008	Orange Grove and Highlands (<i>Gauteng</i>)	Shops close for fear of attacks on Zimbabwean residents.
20 May 2008	Muvhango settlement (<i>Gauteng</i>)	Attacks on African non-nationals who sought refuge in police stations
20 May 2008	Kagiso (<i>Gauteng</i>)	Mob violence
20 May 2008	Tembisa (<i>Gauteng</i>)	Public violence. 3 people shot and wounded
20 May 2008	Reiger Park (<i>Gauteng</i>)	Two Mozambican nationals are killed and police clash with armed mobs.
20 May 2008	Joe Slovo informal settlement (<i>Gauteng</i>)	A man is fatally stabbed.

20 May 2008	Duduza, East Rand (Gauteng)	Mob violence-150 people displaced and seek refuge at the local police station.
20 May 2008	Tudor Shaft informal settlement (Gauteng)	Public violence breaks out and police clash with residents.
20 May 2008	Umbilo, Durban (Kwazulu Natal)	Hostel dwellers attack a Nigerian-owned tavern in Umbilo. Violence spreads to Cato Manor where a man is shot dead.
20 May 2008	Tudor Shaft informal settlement (Gauteng)	Clashes between police and mobs; police had to enter the area in riot gear.
20 May 2008	Villiers (Free State)	Pakistani owned shops are looted.
20 May 2008	Park station in Johannesburg (Gauteng)	Police foil attacks by armed gangs on African non-nationals returning home.
21 May 2008	Zondi, Soweto (Gauteng)	A Mozambican street vendor robbed of cash, cigarettes and small goods he was selling, by four men.
21 May 2008	Ramaphosa (Gauteng)	4 deaths take place in Ramaphosa.
21 May 2008	Mabopane (North West)	African non-national street traders are attacked.
21 May 2008	Sebokeng (Gauteng)	Foreign-owned shops are looted.
21 May 2008	Kenville (KwaZulu Natal)	The home of a Malawian national is petrol bombed.
21 May 2008	Bottlebrush informal settlement (KwaZulu Natal)	African non-nationals are attacked, causing mass displacement.
21 May 2008	Okasie, near Brits (North West)	Foreign-owned shops are looted and burned.
21 May 2008	Marabastad(Tswane)	Hostilities break out amongst local and African non-nationals street traders.
22 May 2008	Mohlaletsi (Limpopo)	The homes of African non-nationals are targeted by armed groups of people who attempt to extort money from them.
22 May 2008	Masiphumelele and Du Noon (Western Cape)	African non-nationals are attacked and their shops looted.
22 May 2008	Witlokasie, Knysna (Western Cape)	Somali-owned shops are looted and destroyed.

22 May 2008	Ga-Rankuwa (Tswane)	A letter circulates in the area warn African non-nationals of an impending violent expulsion.
22 May 2008	Shoshanguve (Gauteng)	A shack belonging to an African non-nationals is burned.
22 May 2008	Zwelihle and Overhills, Hermanus (Western Cape)	African non-nationals are attacked and their shops looted and vandalized.
22 May 2008	Namahadi (Free State)	African non-nationals are attacked and their shops looted and vandalized.
23 May 2008	Malvern (Gauteng)	Two Zimbabwean nationals are forcibly evicted from their home.
23 May 2008	Khayelitsha, Malmesbury, Philippi, Kuils River, Mitchells Plain, Nyanga, Ocean View in Langa (Western Cape)	Violence breaks out in various townships and informal settlements in the Western Cape. This involves looting, stoning and threats and causes major displacements of African non-nationals.
23 May 2008	Quarry Heights, Durban (KwaZulu Natal)	Five African non-nationals are attacked.
23 May 2008	KwaMsane (KwaZulu Natal)	A Mozambican family is shot at.
23 May 2008	Umlazi (KwaZulu Natal)	A Malawian national is robbed.
24 May 2008	Ramaphosa (Gauteng)	Public violence continues, including shack and car burnings.
24 May 2008	Kraaifontein (Western Cape)	Foreign-owned shops are looted and burned down.
24 May 2008	Actonville (Gauteng)	Sporadic unrest continues.
25 May 2008	Madelafuka settlement, Tembisa (Gauteng)	A mob destroys shacks in Madelafuka settlement.
25 May 2008	KwaNdengezi (KwaZulu Natal)	Five Mozambican nationals are attacked.
25 May 2008	Ivory Park (Gauteng)	Shacks are looted and burned.

14 June 2008	Phomolong, Atteridgeville (Gauteng)	A 30-yr-old Mozambican national is robbed, stoned and burned to death.
04 July 2008	Alexandra (Gauteng)	A Zimbabwean national returning to Alexandra from a temporary camp River Road, was shot and robbed of his possessions.

Source: This table draws on material from a number of sources such as Tamlyn Monson's unpublished database of recorded xenophobic attacks, 1994-2008 at Forced Migration Studies Programme (FMSP); Tara Polzer's database of recorded xenophobic attacks; Southern African Migration Project (SAMP); Mail and Guardian; The Star; Business Day; <http://www.bbc.com>.

Based on the extended history of xenophobic violence in South Africa as documented above, this paper argues that the date of May 11 2008 is an artificial starting point for the advent of the xenophobic attacks. The broader patterns of xenophobic violence are a critical reference point in understanding the form and shape of the May 2008 attacks. It is also important to understand how the attitudes and practices of the state play a key role in encouraging and driving xenophobic sentiments. Attacks on African non-nationals can be said to have been implicitly sanctioned and legitimated through institutionalized attitudes and practices which dehumanized African non-nationals and excluded them from access to social protection and rights. A notable example is the Aliens Control Act, one of the early key pieces of legislation governing immigration. The Act allowed state officials to practice state-legitimated forms of lawlessness and repression against foreign nationals. It was therefore common practice to make random arrests on the basis of skin colour, vaccination marks, pronounciation of particular words, or understanding of local dialect²³. This was often done in front of local communities who witnessed the physical abuse of foreign nationals and dispossession and destruction of their property, often allowing locals to reap the spoils²⁴.

The trajectory of the xenophobic attacks showed a trend toward increasing lawlessness, with communities often owing to continue their anti-'foreigner' campaign even in the presence of police. Such a pattern of violence speaks to a culture of impunity in which attacks against foreign nationals have been allowed to continue in a context of a gross lack of accountability. In most of the cases of incidences of xenophobic violence, arrests have been few arrests if any and suspects often released without being charged. This historical pattern of abuses perpetrated against foreign nationals may well be seen as the 'blueprint' for the May 2008 xenophobic attacks where violence, threats, looting and destruction of property featured as the general modus operandi.

Harris calls xenophobia, "a key component of the 'New South African' nation."²⁵ It has managed to reproduce itself in various modes in different locales across the country, with themes of exclusion and alienation operating in an ongoing spiral which ebbs and flows but does not stop. The dynamics

²³ Neocosmos, M. (2006) *From 'Foreign Natives' to 'Native Foreigners' Explaining Xenophobia in Post-apartheid South Africa; Citizenship and Nationalism, Identity and Politics*, Dakar: Council for the Development of Social Science Research

²⁴ Crush, J. (2008) South Africa: Policy in the Face of Xenophobia at <http://www.migrationinformation.org>

²⁵ Harris, B. Xenophobia: a New Pathology for a new South Africa Research Report written for the Center for the Study of Violence and Reconciliation at <http://www.csvr.org/reports>.

of the May 2008 attacks were such that it was able to spread rapidly across various geographical areas and provincial borders. It quickly migrated from Gauteng to other provinces such as KwaZulu Natal, Eastern Cape and the Western Cape, and to a lesser extent, the Free State, North West and Limpopo Province. The way the violence spread indicated a kind of 'diffusion' effect which defied an understanding of organizational form. Senior government officials spoke of an unexplained 'third force' bent on destabilization. However there was little evidence to support such a claim. The form of the attacks seemed to indicate both a mix of pre-meditation and opportunism, with an inevitable role played by an opportunistic criminal element.

What distinguishes the 2008 xenophobic violence from preceding incidences? The xenophobic attacks of 2008 denoted a marked difference in scale, for which the increasing momentum of earlier incidences of violence could well be seen as a forewarning.

The inception of the xenophobic attacks in Alexandra is critical in terms of explicating an understanding of the anomalous nature of the violence. Alexandra is a well-established township with a history of sheltering migrants and immigrants. It is also historically well known as a stronghold of civic activism and radical democratic politics. Alexandra is also the site of an anti-poverty programme, the Alexandra Renewal Project (ARP) which is intended to counter the problems of poverty and unemployment in the township which predispose it toward violence. However Alexandra was unable to contain high levels of frustration and discontent over living conditions, from boiling over into unrestrained violence against foreign nationals living in the township alongside South African citizens²⁶.

The violence which began in Alexandra was characterized by scale and intensity. It shared similar characteristics of form and pattern in different geographical areas where they occurred: the use of weapons such as pangas, axes, machetes, bricks/stones; the chanting of xenophobic slogans such as '*phansi amakwerekwere*²⁷'; and singing inflammatory songs such as '*Umshini Wami*²⁸' and the mobilization of groups of largely male youth to intimidate and oust foreign nationals from their places of residence and employment. The attacks traversed a catalogue of human brutality such as murder, beatings, burnings, rape, theft and looting, all carried out with a variety of weapons such as axes, pangas and machetes. As depicted below, the majority of mainstream media captured images of crowds shouting xenophobic slogans and brandishing their weapons while bystanders laughed and cheered. Such media images shaped a dominant vision of the issue: a violent and alienated black underclass symbolic of social anarchy.

The modes of violence were extraordinarily visible; conducted in full view of the public, which speaks to the intimidatory and fundamentally *threatening* function of the attacks. Migrant rights protection agency CoRMSA (Consortium for Refugees and Migrants in South Africa) has linked xenophobic

²⁶ Sinwell, L. Towards Addressing the Root Causes of Social Tensions: Evaluating Civil Society and Local Government Responses to Xenophobic Violence in Alexandra. Research for Atlantic Philanthropies. December 2009.

²⁷ '*Phansi amakwerekwere*' translates literally to 'down with (foreigners)', referring to the colloquial derogatory term used to denote black Africans from other African countries.

²⁸ *Umshini Wami* or "Bring me my machine gun" is a Zulu song sung by the ANC liberation movement during the struggle against apartheid. It has now become popularized as a song sung by President Jacob Zuma and supporters at ANC rallies. The use of the song during the xenophobic violence suggests that it has become associated with a certain standard of 'Zuluness' which saw those unfamiliar with Zulu vocabulary branded as 'foreigners' and attacked.

violence to that of hate crimes²⁹, in terms of the visible 'messaging' quality of the attacks which communicate symbolically messages of hatred and a threat of future violence to an entire grouping of people beyond an individual incidence of violence. This is vividly illustrated by the killing of Ernesto Alfabeto Nhamuave, a 35-year-old Mozambican national who was burned alive by his neighbours in the Ramaphosa informal settlement, east of Johannesburg. The victim was dragged to the public square at the centre of Ramaphosa, doused with petrol, covered with his own clothes and blankets and set alight. Images of the burning body and the resulting horrific death, were broadcast internationally in both the print and electronic media. Critical issues of media responsibility were raised by the publication of pictures of the victim's death. His identity was not known and hence his family remained uninformed of his death, the picture was published. Perhaps more importantly, his death firmly established the moral repugnance of the crime of xenophobic violence in the minds of everyone who had seen the pictures of his demise.

The attacks were deemed 'xenophobic' because although the attackers targeted 'foreigners', they were clearly targeted at a particular category of 'foreigner' i.e black African non-nationals. The most severely affected groups were Africans from neighbouring southern African countries such as Mozambique and Zimbabwe, as well as West African migrants from countries such as Nigeria and Somalia. A third of the victims of the attacks were South African citizens. The common denominator of the victims is their blackness, with victims often singled out for attack based on the darkness of their skin. The racial devaluation of black lives-and the internalization of an inferiority complex-is a historical continuity from the values of apartheid. This raises uncomfortable questions about what Gqola calls "negrophobia":

It is not simply xenophobia, but specifically negrophobic in character. No one is attacking wealthy German, British or French foreigners in Camps Bay or anywhere else in South Africa. European citizens are not among those foreigners who are safe to violate in a xenophobic manner.³⁰

The location of the attacks tended to be poor urban neighbourhoods and informal settlements in different parts of South Africa where foreign nationals and South African citizens lived in mixed communities and in close proximity to each other. Many of the victims of the xenophobic violence had lived amicably for years in the same community, and had made conscious efforts to blend in with their fellow South African residents and neighbours. Jonny Steinberg has recorded the accounts of a number of foreign nationals living in Ramaphosa township, through qualitative research conducted in numerous sites throughout Johannesburg. One of his respondents, a Mozambican national named Benny Sithole, has recounted:

²⁹ Interview with D. Breen, CoRMSA representative

³⁰ Gqola, P. Brutal Inheritances Echoes, Negrophobia and Masculinist Violence in Worby, E. Hassim, S. and Kupe, S. (2008) Introduction in Worby, E. Hassim, S. and Kupe, S. Go Home or Die Here. Wits University Press, Johannesburg.

I just didn't believe it was possible. Four years is a long time to live in one place. You are settled. You know many people by name. Maybe in other places, I thought. But not here.³¹

Nobayethi Dube's research into xenophobic violence in Ramaphosa revealed a similar dynamic of intra-community violence.

There were people conducting door to door campaign searching for identity documents – that is verifiable. This started on the Friday at Road Reserve where there was fighting. We thought this was just something that would pass but by the Saturday the fighting was still continuing but we still remained calm until the end of the Saturday. This happened on the Sunday morning. A meeting was called where only men were invited to discuss the death of a South African – that is where everything erupted. We said that if anyone heard about anything they should feed the information to the police. But the other guy from Maputo did not take the information, he decided to call the Shangaans and tell them that they should gather the whole night. That is when we saw the bodies the following morning – the Sunday.³²

The following is a part of a recounting of the experience of the xenophobic violence by Alex Eliseev, a journalist for one of Johannesburg's widest-circulation daily newspapers, *The Star*:

I looked down and I saw red. From there the blood trails ran around a corner and into a dry mielie patch. They led us to three bodies, lying face down in thick blood. Their heads were swollen and the skin had broken from the beatings. Like bags of trash, they had been dragged out into the hostel and dumped into the back. When I looked at the scene, all I could see were the images that emerged from Rwanda....at the hostel, an old man with a deep wound through his eyebrow told us that a mob had arrived the previous night and had gone room to room hunting foreigners. They had beaten him to death and left him in room 21. Three had been dragged outside and he had escaped to tell the tale. But when I returned to the hostel later in search of the names of the slain, it emerged that the mob had vented their fury on the old and the weak. The man murdered in Room 21 was 76 years old and a South African citizen. The man who survived and told the media how the attackers used steel pipes to beat their victims, was also 76. Like predators in the wild, the mob had gone for easy targets.

³¹ Steinberg, J. South Africa's Xenophobic Eruption. ISS Paper 169. November 2009

³² Dube, N. 'Many Shades of the Truth' – the Ramaphosa case study, Research for Atlantic Philanthropies, January 2009

The attackers based their ideas of 'foreignness' on crude distinctions of 'South African-ness' such as skin colour, knowledge of local dialect, inoculation marks and way of walking. Language was used as an important identity marker. The inability to speak the dominant language in a region or province, or to identify particular words from its vocabulary appeared to be sufficient to brand one an 'amakwerekwere'. Such strategies of identification of 'foreignness' have evolved from the methods used by the SAPS to identify illegal immigrants. For example, the Zulu word for 'elbow', as used to identify 'foreigners' in the xenophobic attacks, is directly derived from the SAPS³³.

Mohamed Namgoma, a Malawian national, recounted his experience at the hands of a mob:

They broke into the house with stones. The stones were coming through the window. There were burglar bars near the top of the ceiling, so I pulled myself up so the stones would not hit me. I hung there for three hours. They didn't hurt me but other people's heads are broken... They stole my phone, blankets and money and they said the amakwerekwere [foreigners] must go home."³⁴

Similar stories of brutality abound. One of the most symbolic images of the brutality of the violence is Chris Collingridge's award-winning photograph of an older woman taking refuge at the Alexandra police station, being taunted by young learners. It also speaks to the generational effects of such brutalizing experiences for the youth. Children have tended to be featured in many accounts of the violence as passive observers and recipients of violence. Their role as perpetrators or as active participants in a culture of violence and hostility against African non-nationals, remains to be critically explored.

The contradictions of the violence are such that accounts of extreme brutality are simultaneously accompanied by stories of South African residents who dispersed mobs, physically shielded victims against their attackers and confiscated stolen property. The tensions and contradictions of various aspects of both civil and the "uncivilised society"³⁵ are further critically explored by Patrick Bond. This paper embraces the fact that civil society means different things to different people, plays different roles at different times and often constitutes both the problem and the solution.

³³ Minnaar, A. and Hough, M. (1996) Who Goes There? Perspectives on Clandestine Migration and Illegal Aliens in Southern Africa. Human Sciences Research Council, Pretoria.

³⁴ Mail and Guardian website <http://www.mg.co.za> 21 May 2008

³⁵ Jara, M. and Peberdy, M. Taking Control: Civil Society Responses to the Violence of May 2008. Research for Atlantic Philanthropies. January 2010: p 2

Framing the Contextual Moment for the Xenophobic Attacks

“I think foreigners are to blame for all the problems that we are experiencing.”³⁶

The “thunderstorm”³⁷ of xenophobic violence was contextually framed by what may well have appeared to have been an almost unprecedented environment of national pessimism. The moment was one of political uncertainty and socio-economic depression. Escalations in interest rates and oil prices signaled ancillary burdens of economic hardships for the majority of poor households in South Africa who were already hard-pressed to make ends meet. Increased costs of food and transport combined with the pressures of intermittent electricity black-outs, imposed great strain on poor/working class households. A fearful pessimism prevailed on the ground about the costs of living, compounded as such by a historical conditioning to a seeming perpetual and intractable socio-economic disadvantage.

The moment was characterized by profound political uncertainty about the forthcoming elections and the ability of the ANC to lead the country out of a space of hardship and resource scarcity. Although economic growth, poverty reduction and job creation are key goals of state economic policy, they have largely failed to materialize in ways which are meaningful for marginalised and disadvantaged communities³⁸. Sixteen years after the formal attainment of democracy, the national unemployment rate is 24% and economic inequality has become firmly entrenched along racial lines³⁹. This is reflected in the growing prevalence and frequency of service delivery-related protests which express the needs of communities for material changes in their lives.

The issue of ‘delivery’ exposes some of the profound contradictions of the transition to democracy and the post-apartheid dispensation: Government has promised its electorate ‘a better life for all’⁴⁰ but is constrained to shift resources to benefit the poorest and most marginalised within the context of concomitant challenges to grow the economy and compete in the global economic arena. It is a paradox which captures the multiple complexities of effecting transformation in South Africa. Although formal democracy has been attained, the majority of poor black Africans continue to bear the brunt of poverty⁴¹ and African non-nationals may well be seen as the unfortunate victims of misplaced anger.

³⁶ Everatt, D. That violence was just the beginning...Views on Foreigners and the May 2008 xenophobic violence as expressed in focus groups staged at the time. Research for Atlantic Philanthropies. September 2009

³⁷ Verryn, P (2008): Foreword to *Go Home or Die Here* (Johannesburg), pp vii in Worby, E. Hassim, S. and Kupe, S. (eds) *Go Home or Die Here*. Wits University Press, Johannesburg.

³⁸ See McLennan, A. and Munslow, B. (eds) (2009) *The Politics of Service Delivery*. Wits University Press, Johannesburg, which broadly examines the challenges of delivery within the context of the developmental state.

³⁹ Stats South Africa Quarterly Labour Force Survey (February 2010) downloadable at <http://www.statssa.gov.za>. See also Nattrass, N. and Seekings, J. (2006) *Class, Race and Inequality in South Africa*. University of KwaZulu Natal Press, Durban.

⁴⁰ ‘A better life for all’ is the primary campaigning slogan used by the ANC in the 1994 elections.

⁴¹ See Nattrass, N. and Seekings, J. (2006) *Class, Race and Inequality in South Africa*. University of KwaZulu Natal Press, Durban.

The influence of national politics contributed significantly to the bleak national climate. The historically unassailable ruling party, the ANC, was wracked with intra-party divisions as a result of the bitter succession struggle between then President Thabo Mbeki and Jacob Zuma. Four months after the xenophobic attacks, President Thabo Mbeki was dramatically unseated from South Africa's presidency. The leading candidate for the presidency, Jacob Zuma, was an uncertain prospect. His acquittal on rape charges in 2006 was still fresh in national memory and it remained then to be seen whether he would stand trial on corruption charges. Although his populism and anti-establishment ways had secured him a connection with the masses, there was widespread speculation about his ability to lead. Therefore South Africans looking to national leadership for a sense of security about the direction of the country appeared to be confronted with a bleak scenario of an unstable, leaderless, drifting future⁴².

A study into the xenophobic violence conducted by International Organisation for Migration (IOM), attempted to test the hypothesis that changes in national political leadership were somehow linked to the xenophobic violence. The study did not find a direct causal link to the violence. Its findings can be interpreted in terms of national leadership having played a role in exerting different influences and pressures on how people at community level felt and thought about African non-nationals. One finding was the anxiety at community level that African non-nationals would procure fraudulent identity documents for the purpose of voting in the forthcoming 2009 elections⁴³. This seemed to presage a fear that this would change the political balance of power in communities, but also that 'foreigners'⁴⁴ were assuming greater power in communities by virtue of having the power to vote. The study also found that respondents hoped changed political leadership would help to eradicate communities of African non-nationals, given their belief that the Mbeki dispensation had 'protected foreigners'. It was presumed that this attitude toward 'foreigners' stemmed from the exile history of cabinet ministers in various parts of Africa. It also spoke to perceptions about an aloof president who spent a great deal of his time abroad and was out of touch with the needs of his country.

The study found that there were hopes that a Zuma presidency would specifically help to eradicate the problem of 'foreigners'⁴⁵. This is borne out by the fact that many of the perpetrators sang '*Umshini Wami*'⁴⁶ as they conducted their attacks on 'foreigners'. Zulu-ness appears to have featured significantly in the attacks in Gauteng as a marker of an authenticating South African identity, with attackers testing their victims as to their knowledge of Zulu vocabulary. Such anxieties and resentments underscore the desperate struggle for resources at community level, but most specifically, a profound sense of entitlement felt by South Africans to the spoils of state resources. Although poor South Africans remain marginalized from the benefits of resources and development, they are able to wield their

⁴² See Fikeni, S. The Polokwane Moment and South Africa's Democracy at the Cross Roads in Kagwanja, P. and Kondlo, K. (eds) (2008) State of the Nation 2008 South Africa downloadable at <http://www.hrscpress.co.za> : pp 3-34. See also Gumede, W.M. Modernising the African National Congress: the legacy of President Thabo Mbeki in Kagwanja, P. and Kondlo, K. (eds) (2008) State of the Nation 2008 South Africa downloadable at <http://www.hrscpress.co.za> : pp 34-57

⁴³ IOM Report (2008) 'Towards Tolerance, Law and Dignity: Addressing Violence Against Foreign Nationals in South Africa' Published by International Organisation for Migration Regional Office.

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Although *Umshini Wami* is historically an old ANC struggle song, it has now become popularly identified as Jacob Zuma's signature tune.

citizenship as a tool of leverage to demand attention from the state and to cast out those seen as encroaching upon their rights-to the spoils of state resources- as 'authentic' South Africans. The issue of legitimacy of expectations from the state is a particularly vexed one, and echoes what has become a consistent discourse of betrayal and unfulfilled needs from communities.

There are multiple structural factors responsible for broadly contextualizing the xenophobic violence and providing an environment which develops a climate of increasing hostility, crime and violence toward African non-nationals. Such factors include persisting unemployment, service delivery failures, a high crime rate coupled with ineffective policing, and 'soft diplomacy' toward Zimbabwe⁴⁷. Migration flows, in particular, played a critical role in fomenting social discontent at local level about the presence of African nationals. After 1994, urban spaces became re-defined by dual processes of rapid and sustained migration streams of foreign nationals entering South Africa. Such migration streams included sustained numbers fleeing political turmoil in neighbouring Zimbabwe. Rural-based black South Africans also constituted part of the influx to cities in search of jobs and improved economic opportunities/prospects.

This redefinition of the character and complexion of many urban spaces in South Africa, took place in different ways. Working or middle class South Africans who were economically enabled to live in suburban enclaves, are able to take advantage of the availability of unprotected illegal immigrants for piece jobs such as gardening or domestic work. It is poor black communities who experienced the impact of the influx of African non-nationals more directly than other race or income groups. The presence of large numbers of African non-nationals living in close proximity to poor South Africans in squalid and congested urban living spaces, has had the effect of breeding extreme social discontent.

Data from a set of 22 focus groups, bears out the issue of extreme social discontent at community level. The focus groups were run by a survey company Strategy & Tactics. They were conducted to assess socio-political attitudes amongst South Africans. Although the focus groups were unrelated to the xenophobic attacks, the timing of the focus groups was just prior to and after the outbreak of the xenophobic attacks and is able to provide a rich source of data about prevailing moods and perceptions at different points in the trajectory of the xenophobic violence.

The focus groups conducted in April/May 2008 immediately preceding the outbreak of the violence, show high levels of anxiety about the vagaries of the external environment framing the lives of communities on the ground. Everatt cites the predictable emergence of issues such as unemployment, the rising cost of living, increasing energy costs, the Eskom blackouts etc. He warns of an exceptional quality to the particular conjunctural moment in terms of the dangerous prevalence of xenophobic sentiments across the responses of almost all the participants in the focus groups:

⁴⁷ See Steinberg, J. South Africa's Xenophobic Eruption. ISS Paper 169. November 2008

2008 was quite different: the strength of feeling, the depth of anger and the refusal to step back from the visceral edge of what was said, marked the year out as worryingly exceptional-before the violence began⁴⁸.

Respondents expressed hostility toward 'foreigners' who are identified as linked to concerns about crime and jobs:

What I think is wrong is when they allow foreigners to live in the country. These people mess things up, they rob and employers prefer them because they accept any amount of wages⁴⁹.

(African male, 18-25, student, inner-city Johannesburg)

Similar sentiments were expressed by other respondents, e.g.

We don't want these foreigners. They are taking our children's jobs. They are the ones committing rape. Girls drink so much liquor because they are being bribed by foreigners with money.

(African female, 50-59, Orange Farm)

Negative sentiments about 'foreigners' were shared by respondents across class, race and income boundaries. White respondents expressed similar concerns about drugs and 'an influx of foreigners' but the immediacy of their concerns can be seen as mediated by their lack of direct proximity to the presence of African non-nationals. This is clearly not the case with lower income black respondents who live in close proximity to African non-nationals and engage in direct competition with them around jobs, services and resources.

It is possible to imagine that the levels of hostility toward 'foreigners' may well have been overstated, given the anxieties that respondents were experiencing. However the widespread nature of the hostility toward foreigners, is remarkable and suggests that, despite respondents reminding themselves of the benefits that 'foreigners' bring, that the cycle of violence is likely to continue. In the words of one respondent:

People have been stopped from attacking foreigners. They are relaxing and waiting to see what the government is going to do to address their problems. If government does not address the grievances of South Africans, people are going to resort to violence.⁵⁰

⁴⁸ Everatt, D. That violence was just the beginning...Views on Foreigners and the May 2008 xenophobic violence as expressed in focus groups staged at the time. Research for Atlantic Philanthropies. September 2009: p 8

⁴⁹ Ibid: p10

⁵⁰ Ibid: p 22

This raises the worrying spectre of a lawless society where people feel free to violate the law with impunity.

It is important that understandings of the xenophobic violence do not remain at the external contextual level and that an attempt is made at interpreting how mass violence erupts at particular points in time and in particular communities, within the context of an ever-volatile external environment. Explanations of the xenophobic violence cannot remain at the external contextual level. The enabling conditions for the xenophobic violence, are broadly applicable to many South African communities, and do not explain why xenophobic violence took place in certain communities and not in others. Misago, Landau and Monson look to “the micro-politics of township life⁵¹” as an explanation for the violence. Their research in various communities found that in many cases the violence was instigated by local leadership either seeking or consolidating power. Their conclusion is that

“ Only a trusted, competent and committed leadership (from grassroots to high-level officialdom) can make a significant difference in terms of preventing social tensions from turning into xenophobic violence.”

There is little to suggest that sufficient measures have been put in place to block or prevent the translation of social tensions into xenophobic violence. Although civil society organizations and academia have invested considerable energy in evaluating the violence and providing recommendations to prevent future attacks, government initiatives to understand and prevent future violence, are less visible. Very little has been done to assist the victims and survivors of the violence or to prevent future attacks taking place. Legal justice mechanisms for the perpetrators of xenophobic violence have largely failed its victims/survivors. It is an unfortunate reality that xenophobic violence in South Africa remains unchecked. While this may invite a depressing prognosis of future scenarios of violence, it is also a reminder that rigorous critical research such as this, is timely and critical.

⁵¹ Misago, J.P. Loren, L.B and Monson, T. (2009) ‘Towards Tolerance, Law and Dignity: Addressing Violence Against Foreign Nationals in South Africa’ Published by International Organisation for Migration Regional Office, Pretoria

Conclusion

This chapter is deliberately broad and sketchy. This is because it intersects closely with other studies of the May 2008 violence, and is intended to contextualize, frame and describe. It has outlined some broad structural enabling conditions for the emergence of the violence and has highlighted the need to further study the various factors and conditions which help translate xenophobic sentiments into expressions of violence.

This work is purposive and therefore contains a number of focused recommendations. There is little point in revisiting them here. In conclusion what this chapter would prefer to draw out is the broad finding of a generalized lack of will amongst South Africans to talk about the xenophobic violence. This is confirmed by Steinberg:

“Ethnic differences amongst South Africans, clearly an important subtext during the troubles, remain a taboo subject. ‘This business was started by Zulus’ we were told by a journalist whose daily reports were the main source of news for tens of thousands of South Africans during the troubles. ‘But you cannot say that, it is too sensitive.’ It seems that there is no way to raise ethnic differences other than to insult or offend”⁵².

There is a similar wariness about confronting the issues of entitlement and expectation on the part of historically disadvantaged communities, particularly so when juxtaposed against the rights of African non-nationals. Debates unfortunately tend to gloss over the legitimacy of resentments felt by communities. The IOM report recommends that “it is time for civil society, mandated institutions and elected officials to start and lead debates in this regard.”⁵³ There is an urgent need to begin to debate such issues with each other. Such a dialogue would provide an empirical foundation for effective and sustainable interventions to help prevent future attacks.

⁵² Steinberg, J. South Africa’s Xenophobic Eruptions. ISS Paper 169. November 2009: p10

⁵³ Misago, J.P. Landau, L.B. and Monson, T. (2009) Towards Tolerance, Law and Dignity: Addressing Violence against Foreign Nationals in South Africa. IOM (International Organisation for Migration) Report, Johannesburg: pp 50

Bibliography

- › Bekker, S. Eigelaar-Meets, I. Eva, G and Poole, C. (2008) Xenophobia and Violence in South Africa: a desktop study of the trends and a scan of explanations offered. Report for Foreign Dawn, University of Stellenbosch.
- › Bond, P. and Ngwane, T. Xenophobia and Civil Society: Why did it Happen? Research for Atlantic Philanthropies, January 2010.
- › Crush, J. (2008) 'The Perfect Storm: the Realities of Xenophobia in Contemporary South Africa', Migration Policy Series no 50, Cape Town.
- › Desai, A. Responding to the May 2008 Xenophobic Attacks: a case study of Gift of the Givers. Research for Atlantic Philanthropies, December 2009.
- › Dube, N. 'Many Shades of the Truth' the Ramaphosa case study, Research for Atlantic Philanthropies, January 2009.
- › Everatt, D. (2009) That violence was just the beginning... Views on Foreigners and the May 2008 xenophobic violence as expressed in focus groups staged at the time. Research for Atlantic Philanthropies.
- › Fikeni, S. The Polokwane Moment and South Africa's Democracy at the Cross Roads in Kagwanja. P. and Kondlo, K. (eds) (2008) State of the Nation 2008 South Africa downloadable at <http://www.hrscpress.co.za> : pp 3-34
- › Gqola, P. Brutal Inheritances Echoes, Negrophobia and Masculinist Violence in Worby, E. Hassim, S. and Kupe, S. (2008) Introduction in Worby, E. Hassim, S. and Kupe, S. Go Home or Die Here. Wits University Press, Johannesburg.
- › Gumede, W.M. Modernising the African National Congress: the legacy of President Thabo Mbeki in Kagwanja. P. and Kondlo, K. (eds) (2008) State of the Nation 2008 South Africa downloadable at <http://www.hrscpress.co.za> : pp 34-57
- › Harris, B. (2008) 'Xenophobia: a new Pathology for a 'new' South Africa' Center for the Study of Violence and Reconciliation Research Report downloadable at <http://www.csvr.org/reports>.
- › Harris, B. (2001) A Foreign Experience: Violence, crime and xenophobia during South Africa's transition. Center for the Study of Violence and Reconciliation Research Report. *Violence and Transition Series*, Vol 5.
- › Hornberger, J. (2008) *Policing Xenophobia* in Hassim, S, Kupe, T. and Worby, E. (eds) Go Home or Die Here. Wits Press, Johannesburg
- › Igglesden, V. Monson, T. and Polzer, T. (2009) 'Humanitarian Assistance to Internally Displaced Persons in South Africa Lessons Learned Following Attacks on Foreign Nationals in May 2008'. Forced Migration Studies Programme. Published by Oxfam.
- › Jara, M. and Peberdy, S. Taking Control: Civil Society Responses to the Violence of May 2008 Research for Atlantic Philanthropies. January 2010.
- › Mbeki, T. Address by President Thabo Mbeki at the National Tribute in remembrance of victims of the xenophobic violence, 3 July 2008, Tswane.

- › Minnaar, A. and Hough, M. (1996) *Who Goes There? Perspectives on Clandestine Migration and Illegal Aliens in Southern Africa*. Human Sciences Research Council, Pretoria.
- › Misago, J.P. Landau, L.B. and Monson, T. (2009) *Towards Tolerance, Law and Dignity: Addressing Violence against Foreign Nationals in South Africa*. IOM (International Organisation for Migration) Report, Johannesburg.
- › Monson, T. Unpublished database of recorded xenophobic attacks, 1994-2008. Forced Migration Studies Programme.
- › Natrass, N. and Seekings, J. (2006) *Class, Race and Inequality in South Africa*. University of KwaZulu Natal Press, Durban.
- › Neocosmos, M. (2006) *From 'Foreign Natives to 'Native Foreigners' Explaining Xenophobia in Post-apartheid South Africa; Citizenship and Nationalism, Identity and Politics*, Dakar: Council for the Development of Social Science Research
- › Polzer, T. Database of recorded attacks of xenophobic attacks. Unpublished work of Forced Migration Studies Project (FMSP).
- › Verryn, P. (2008) 'Foreword' in Hassim, S. Kupe, T. and Worby, E (eds) *Go Home or Die Here*, Johannesburg: University of Witwatersrand University Press.
- › Sinwell, L. *Toward Addressing the Root Causes of Social Tensions: Evaluating Civil Society and Local Government Responses to Xenophobic Violence in Alexandra*. Research for Atlantic Philanthropies. December 2009.
- › South African Human Rights Commission (SAHRC) Report 'Open Hearings on Xenophobia and Problems Related to it' (2008) Hosted by the SAHRC and the Parliamentary Committee on Foreign Affairs.
- › South African Human Rights Commission (SAHRC) (2010) Report on the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals
- › Steinberg, J. *South Africa's Xenophobic Eruption*. ISS Paper 169. November 2008
- › Stats South Africa Quarterly Labour Force Survey (February 2010) downloadable at <http://www.statssa.gov.za>.

Websites

BBC

- › Business Day: <http://www.bday.co.za>
- › Business Daily Africa: <http://www.businessdailyafrica.com>
- › Mail & Guardian: <http://www.mg.co.za>
- › The Star: <http://www.thestar.co.za>
- › The Times: <http://www.thetimeslive.co.za>
- › SACBC: <http://www.sacbc.org.za>

Appendix

List of Interviews conducted in person

Institution	Interviewee	Interviewee Designation	Date
APF(Anti Privatisation Forum)	Dr. Dale McKinley	Activist and development consultant	20/07/09
CoRMSA 23 Jorissen Street 5 th floor Braamfontein Center Jhb T: 011 403 7560 F: 011 403 7559	Mr. Duncan Breen	CoRMSA programme officer	14/07/09
CSV 23 Jorissen Street Braamfontein Center Jhb T: 011 403 5640 F: 011 339 6785	Ms. Nomfundo Mogapi	Head of CSV's Trauma Clinic	12/08/09
MSF or Doctors without Borders 79 Pritchard Street Jhb T: 011 403 4440	Ms. Bianca Tolboom	Nurse	05/08/09
Sonke Gender Justice 41 de Korte Street Sable Center Jhb T: 011 339 3589 F: 011 339 6503	Mr. Jean Pierre Kalala	Researcher	06/08/09



Synthesis Report:

XENOPHOBIA AND CIVIL SOCIETY: WHY DID IT HAPPEN?

by Patrick Bond, Trevor Ngwane and Baruti Amisi

University of KwaZulu-Natal Centre for Civil Society

The
ATLANTIC
Philanthropies

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The search for (and against) structural causes

Xenophobic outbreaks are often impossible to predict beforehand, because violence arises in incidents unrelated to the structural conditions (described below as 'flashpoints') which breed discontent between local inhabitants and immigrants/visitors. This discontent does not obviously take the form of a 'tipping point' which signifies steadily rising tensions; it can flare at any time based upon seemingly unrelated catalysts. And when it comes to identifying 'causes' of xenophobia, there are often temptations to replace grounded structural analysis with symptom-searching.

However, notwithstanding the importance of avoiding 'reductionism' – i.e., reducing complex social phenomena to a single overarching explanation – there are indeed structural conditions which are repetitive and systemically-significant, and which therefore must be investigated, explained with theoretically-coherent ideas, and then acted upon.

The question that must be asked, simply, is 'why?' What factors caused the xenophobia, in a structural sense, beyond day-to-day conjunctural conflicts that can never theorised?

The rationale for this question is that prior to any other challenge posed in the research – namely, describing civil society's response; analysing the strategies; generating more durable anti-xenophobia coalitions; and assessing state-society links – we should have a sense of the 'box' within which we are all operating. We should know whether the limits of actions by civil society are within the parameters of the causes, or instead inadequate to the task at hand (halting and reversing xenophobic tendencies) because they are far beyond civil society's abilities or even conceptions.

Several of the structural causes of xenophobia are laid out, following by context: a brief look at structure and agency in social theory and South African history. Documentation of South Africa's contemporary structural and human crises follows, as these appear closely related to the xenophobic outbreaks. Next we consider civil society's very uneven attempts to come to grips with structural processes during efforts to transcend xenophobia. Recommendations for more durable state-society strategies conclude the chapter.

Oftentimes, answers to the question 'why' are not sufficiently probing. Blaming individual xenophobes, neighbourhoods and communities, reverting to national/ethnic generalisations, turning to cultural explanation, and simple denial – these are the kinds of problems that researchers encounter (sometimes falling victim to themselves) without a foregrounding of the deeper, root causes.

Another approach is to *deny* xenophobia as a structural outcome of inequality and instead consider the billion people who engage in migratory labour in the world today as willing volunteers who enter labour markets with little impact upon local conditions. With this attitude, as United Nations Development Programme administrator Helen Clark puts it, '...fears about migrants taking the jobs or lowering the wages of local people, placing an unwelcome burden on local services, or costing the taxpayer money, are generally exaggerated.'¹

Likewise, the then president of South Africa, Thabo Mbeki, reacted to a report of xenophobic tendencies brought to his attention through the African Peer Review Mechanism - 'xenophobia against other Africans is currently on the rise and must be nipped in the bud' - in December 2007: 'He said the report's assessment that xenophobic tendencies prevailed was 'simply not true.'² Moreover, if there are no structural reasons for xenophobia, there must be outside agitators; Steven Friedman reports that this attitude became a tempting explanation:

So much of an aberration was this violence, the government suggested, that sinister forces might be to blame. Minister for Home Affairs Nosiviwe Mapisa-Nqakula told Parliament's Portfolio Committee on Home Affairs that a 'third force' might be orchestrating the violence: 'there could be people who are stoking fires because these are people who have been living side by side for a very long time'. National Intelligence Agency Director General Manala Manzini, went further, insisting that violence was orchestrated 'by internal and external racist elements bent on destabilising next year's general election.'³

Blaming a 'third force' or 'opportunistic elements' was a useful strategy to avoid a terrible reality that afflicted the government, civil society, journalists and analysts alike: ignorance of prevailing conditions and consciousness deep in the society. As Intelligence Minister Ronnie Kasrils explained, 'Of course we were aware there was something brewing. It is one thing to know there is a social

¹ Helen Clark (2009), 'Introduction', *Human Development Report - Overcoming barriers: Human mobility and development*, New York, UNDP, p.v.
² SA Press Association (2007) 'Mbeki critical of crime issues in APRM report', Pretoria, 6 December.
³ Steven Friedman (2009), 'One centre of power', Report to Atlantic Philanthropies, December.

problem and another thing to know when that outburst will occur.' In contrast to those seeking a conspiracy, Kasrils found structural causes - 'poverty, unemployment and a scramble for scarce resources' - for the 'tinderbox. The minister says it is difficult to predict the match that then lights it.'⁴ The causes, however, do need more analysis.

Perceived structural causes of xenophobia

Perceptions of the root causes are a good place to begin. One of the most important sites of conflict between local people and immigrants is, for example, the labour market. The research commissioned by The Atlantic Philanthropies, as part of this project, by Annsilla Nyar, addressed the corporate contribution to xenophobia. It did identify employment as a central issue, but research on how companies take advantage of extremely inexpensive, often illegal, and easy-to-repress immigrant labour was not successful:

Key companies have been reluctant to provide inputs to an issue which they acknowledge is highly sensitive and controversial. Certain corporate bodies have not yet acknowledged the issue onto their institutional agendas and remain sensitive to perception. Therefore they declined to input. Many respondents have been reluctant to speak without first having had an official position developed by the company first.⁵

Perceptions continue that capital manipulates the labour market for the sake of cheapening the cost of workers. The most extreme case of this was the remark about immigrants by First National Bank chief economist Cees Bruggemann to *Business Report* just after the xenophobic attacks began: 'They keep the cost of labour down... Their income gets spent here because they do not send the money back to their countries.'⁶ What is a benefit for Bruggemann's constituency is a cost for those South Africans whose wages are thus lower (not to mention the deindustrialised Zimbabwean manufacturing sector).

Not only is this kind of logic counterproductive, for a cause of an extreme social problem is seen as a benefit by macroeconomists who seek consumer markets and cheaper supplies of labour, without considering unintended consequences. It also distracts from a difficult task: separating structural causes from conjunctural (or contingent) problems. The latter include the regular refrain that xenophobia is 'caused' by factors such as 'low self-esteem', 'ignorance', 'illiteracy' and 'indolence' (all referred to in other research). 'Perceptions' are also often cited, as if simply to cite ignorance or prejudice is to explain its roots.

⁴ SAPA (2008), 'SA knew of xenophobia threat, says Kasrils', Johannesburg, 24 May.

⁵ Annsilla Nyar (2009), 'Business as usual: The response of the corporate sector to the May 2008 xenophobic violence', Report to Atlantic Philanthropies, December.

⁶ Comins, L. (2008), 'African immigrants add value to local economy', *Business Report*, 22 May.

A survey of 2000 Gauteng residents by Plus94 Research in May 2008 recorded a variety of stated causes, which mix up material reality with perceptions and psychology:

Reason for Xenophobic Attacks 2000 (believed by % of those polled)⁷

- ▶ Foreigners accepting cheap labour \ taking all job opportunities 32%
- ▶ Foreigners committing crime \ rape \ theft \ fraud in our country 31%
- ▶ Uncontrollable number of foreigners 18%
- ▶ Hatred \ jealousy \ most foreigners own businesses 16%
- ▶ Foreigners own houses by corrupt means that are meant for South Africans 16%
- ▶ South Africans too lazy to work \ Selective in terms of jobs 11%
- ▶ Poverty \ Lack of jobs 11%
- ▶ Foreigners are selling illegal products \ pirate products \ stuffs \ drugs 11%
- ▶ Foreigners are diluting South African culture \ marrying South Africans 8%
- ▶ Ignorance \ illiterate people 5%
- ▶ SA government \ police accepting bribes from foreigners 5%
- ▶ Inflation \ Cost of living 5%
- ▶ South Africans are tribalists \ Hatred of blacks by other blacks 4%
- ▶ South Africans are greedy \ selfish 4%
- ▶ It is a political issue \ plot to unsettle South Africa 4%
- ▶ South Africans are insecure \ threatened 4%

Other studies and analyses published subsequent to the attacks identify some common themes in the search for causes, or perceived causes:⁸

- ▶ Lack of political leadership and/or competition for power (sometimes violent) and among organisations and individuals in communities where violence occurred;
- ▶ Lack of effective communication between communities and the state and conflict resolution mechanisms;

⁷ Plus94 (2008), 'Xenophobic violence : Causes and impact', Johannesburg, http://www.plus94online.co.za/pdf/press_office/xenophobic_violence_causes_and_impact_executive_summary.pdf.

⁸ See for instance: Jean Pierre Misago, Loren Landau and Tamlyn Monon (2009), *Towards Tolerance, Law and Dignity: Addressing Violence against Foreign Nationals in South Africa*, International Organisation for Migration, Johannesburg; Hadland, A. 2008. 'Shooting the Messenger: Mediating the public and the role of the media in South Africa's xenophobic violence,' paper for CODESRIA 12th Annual Assembly, Yaounde; Crush, J. (ed.). 2008. *The Perfect Storm: Realities of Xenophobia in Contemporary South Africa*, SAMP Migration Policy Series No. 50, SAMP/Idasa: Kingston and Cape Town (www.queensu.ca/samp/); Zondi, S. 2008. Xenophobic attacks: Towards an understanding of violence against African immigrants in South Africa. *Africa Insight*, 38(2): 26-35; Department of Social Development. 2009. 'Concept paper for exploring the impact of Xenophobia on the mandate of the Department of Social Development,' unpublished paper; Robins, S. 2009. 'Humanitarian aid beyond 'bare survival': Social movement responses to xenophobic violence in South Africa,' *American Ethnologist*, Vol. 36(4), pp.637-650.

- › Lack of effective policing and justice mechanisms leading to a ‘culture of impunity’ particularly in the use of violence and vigilantism to resolve disputes and crimes and violence against foreigners;
- › Perceived competition for resources in the face of deep inequality, poverty, unemployment and slow service delivery;
- › Institutionalised xenophobic attitudes, policies and practices that reinforce exclusion, including state organisations, legislation, policies and practices;
- › Exclusion of foreigners from participation in community organisations/civil society;
- › Lack of social cohesion in communities;
- › Long standing xenophobic attitudes, misinformation and mistrust of African foreigners;
- › Often uninformed media that often uses inflammatory language and perpetuating mis-perceptions.

In more concrete research sites, such as Cape Town, further aspects of structural causation – e.g. retail shopping market competition - came to light through interviews by Mazibuko Jara and Sally Perbedy:⁹

A particular feature of community organisation and xenophobic violence in the Western Cape is that xenophobia is often articulated by township business associations who actively organise against black African owned (usually Somali) businesses operating in townships and informal settlements. So ‘in a whole lot of places, in Du Noon, in Masiphumelele, in Gugs, in Khayelitsha, the issue can be about businesses. More so in the Western Cape than anywhere else. The issue was about businesses. The issue was less about whether there was unemployment. The issue was about Somali businesses taking away opportunities from South Africans. The business people mobilised against the foreign shopkeepers. That’s what has happened in Du Noon, in Masiphumelele, in Gugs. It was often about businesses. Whereas in Johannesburg and other places it tended to be much more around taking houses, whatever the case may be’¹⁰...

A common thread emerged that xenophobic attitudes and the violence are part of, and a reflection of, the socio-economic and political environment of South Africa and broader issues facing the country.¹¹ Therefore, first, some interviewees indicated that the violence reflected frustration and disappointment with the

⁹ Mazibuko Jara and Sally Perbedy (2009), ‘Progressive humanitarian and social mobilisation in a neo-apartheid Cape Town: a report on civil society and the May 2008 xenophobic violence in Cape Town’, Atlantic Philanthropies research, December.

¹⁰ Interview, Vincent Williams, Idasa/SAMP.

¹¹ Particularly interviews with Afri-South, Black Sash, Idasa, Open Society Foundation, the SAHRC among others.

state of South Africa. More particularly they cited issues around the slow pace of service delivery (particularly housing), unemployment and standards of living which reflect the deep levels of inequality and poverty in South Africa's urban areas. Others also said that lack of transparency and information as well as perceived corruption regarding allocation of services, particularly housing, and the lack of channels to express these frustrations exacerbated the situation.¹² The relationship between dissatisfaction with socio-economic conditions and the violence was seen as complex and not necessarily direct.

The complication, here, is that there are genuine dilemmas about recording perceptions, as were surfaced by David Everatt in his focus group interviews during the xenophobic incidents of May 2008. According to Everatt,

Participants felt that unemployment was a cause of crime and 'foreigners' were taking jobs away from South Africans; and that violent crime was brought to South Africa by 'foreigners'. The linkages were clear – crime/foreigners, or poor service delivery/foreigners get RDP houses; or corrupt officials/foreigners bribe them; or unemployment/foreigners accept lower wages; and so on. For every negative, the link to foreigners was made by participants in the groups.¹³

Some of the linkages are structural in nature, others are not. The difference between contingent phenomena – often, indeed, symptoms of deeper problems - and a structurally-determined cause, is that the latter can be theorised using tools of political economy and social analysis. That is the terrain we now turn to.

Structure and agency in social theory and South African history

Of the studies in this series, only one – Durban – made 'why?' its central question, in part because Centre for Civil Society researchers quickly surmised that the lamentable way civil society organisations in the country's second-largest city (including three specific anti-xenophobia networks) *failed* to cope in mid-2008, reflects the impossibility of small non-profit organisations convincingly addressing vast structural challenges. The challenges identified in Durban, but which apply across the country, are:

- › extremely high unemployment which exacerbates traditional and new migrancy patterns;
- › a tight housing market with residential stratification, exacerbating service delivery problems (water/sanitation, electricity and other municipal services);

¹² Interview, Alison Tilley, Open Society Foundation.

¹³ David Everatt (2009), "That violence was just the beginning... 'Views on 'foreigners' and the May 2008 xenophobic violence as expressed in focus groups staged at the time', Atlantic Philanthropies research, December.

- extreme retail business competition;
- world-leading crime rates;
- corruption in the Home Affairs Department and other state agencies in a manner detrimental to perceptions regarding immigrants;
- cultural conflicts; and
- severe regional geopolitical stresses, particularly in relation to Zimbabwe and the Great Lakes region of Central Africa.

The argument from Durban is that because they did not tackle these root problems head on, civil society organisations only *band-aided* the local manifestations of xenophobia, in the short-run and only up to a point. Structural causes were simply not addressed and the terrain on which xenophobic ideas can grow into threatening forms of action is relatively undisturbed, ready to again seed very dangerous weeds of violence. Indeed, a long history of dispossession, racism and violence has generated a ‘national psyche’ in which resort to brute force has been a common problem-‘solving’ strategy, one reinforced in high-profile cases of crime-fighting in which a ‘shoot to kill’ mentality has arisen.

The same structural causes can be ascertained everywhere in South Africa, but the interplay between these underlying factors and contingencies are also very complex. In an extreme East Rand hotspot, Ramaphosa, research by Nobayethi Dube suggested that immigrants were specifically resented due to their higher qualifications (and better education) in a competitive job market; extreme internecine retail competition (a factor that evidently separated not just immigrants from locals, but also customers from retailers – who were looted regardless of nationality); and housing/segregation.¹⁴ As revealed in one interview,

I mean a guy in Zambia should ask himself – he is a black guy, he’s got two degrees in engineering or three degrees in engineering and he found his counterpart in South Africa with perhaps one degree. He should ask himself that question: what happened.

Furthermore, Dube reported, the structural processes were amplified by geographical segregation:

During interviews I was informed that only about ten to fifteen foreign nationals owned RDP houses (something that did not seem to make locals bitter). It appears that the majority had built their own shacks or were renting a shack in someone’s yard. Another observation I made during the research was that the foreigners (particularly) Mozambicans had grouped themselves and assigned a section for themselves along Road Reserve. It appears this could have been the area where there was a door to door campaign searching for people who

¹⁴ Nobayethi Dube (2009), ‘Many shades of the truth’ – The Ramaphosa case study, Research for Atlantic Philanthropies, December.

were non-nationals. Perhaps this is why they were identified easy. This may also indicate that there have always been issues of integration within this community. This also gives one an aura of wanting to be separate.

Geographical segregation is one symptom of socio-economic, structural tension, which in turn generates its own agency. As urban scholar David Harvey puts it, 'The response is for each and every stratum in society to use whatever powers of domination it can command (money, political influence, even violence) to try to seal itself off (or seal off others judged undesirable) in fragments of space within which processes of reproduction of social distinctions can be jealously protected.'¹⁵ If Harvey is correct as a general proposition, and if the South African economy has generated some of the world's most severe stresses since the end of formal racial apartheid, with a rising Gini coefficient and far higher unemployment than in 1994, what this means is that we require a *durable* epistemology to uncover both contingent (momentary, conjunctural) and the necessary (theoretically-derived) processes within South African political economy that help us understand xenophobia so as to transcend it.

These structural forces do not excuse or cancel agency. It is crucial to point out that xenophobic rhetoric and attacks are grounded in a politics that can be traced to leadership decisions (or vacuums), and to explicit discourses in both the apartheid and post-apartheid eras. The first post-apartheid Home Affairs Minister, Mangosuthu Buthelezi, made the following claim, without supporting documents, to the National Parliament in 1997:

With an illegal population estimated at between 2.5 million and 5 million, it is obvious that the socio-economic resources of the country, which are under severe strain as it is, are further being burdened by the presence of illegal aliens... [citizens should] aid the Department and the South African Police Services in the detection, prosecution and removal of illegal aliens from the country... the cooperation of the community is required in the proper execution of the Department's functions.¹⁶

Migration researchers Jean Pierre Misago, Loren Landau and Tamlyn Monon contend that violence against [black] immigrants to South Africa has been a permanent attribute across the apartheid and post-apartheid divide, where otherness/outsiderness, stereotypes, and structural exclusion prevent immigrants from exercising 'political rights and rights to residence in the cities'.¹⁷

The combination of immigrant *rightlessness* and structural exclusion, amidst a perceived invasion of 'foreigners', resulted in organised social activism against individuals perceived as dangerous to the socio-cultural and moral fabric, and as threatening the economic opportunities of poor South

¹⁵ David Harvey (1989), *Consciousness and the Urban Experience*, Johns Hopkins University Press, Baltimore, pp.13-14.

¹⁶ Jonathan Crush (2008) 'The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa'. Southern African Migration Project. (Cape Town), pp17-18.

¹⁷ Misago; Landau, and Monson, *op cit*.

Africans, within a system set up by wealthy South Africans to *superexploit* migrant labour from both South Africa and the wider region. Hence we require a framework to incorporate not only the flows of labour, the reproduction of labour in housing (especially during an unprecedented real estate bubble), the nature of extremely competitive retail trade in community reproduction, gender power delineations, and regional geopolitics, but also the consciousness that arises from these socio-economic relations, and the ways civil society organisations both contest the xenophobic reactions and in many cases fail to locate or address the root causes of xenophobia in structural oppressions.

South African has a long history of migration linked to the mining industry. Contract labour initially compelled migration from Malawi, Mozambique, Lesotho, and Zambia – and of course India - to work in sugar cane fields of Natal from the 1840s onwards, and later on in diamond and gold mines in the 1870s in Kimberley and 1890s on the Witwatersrand.¹⁸ As Brij Maharaj notes, 'Historically, the mining and agriculture sectors in South Africa have been dependent on migrant [abundant cheap] labour from southern African countries. In fact much of South Africa's mineral (and natural) wealth has been produced on the backs of migrant mine workers.'¹⁹

This tradition was recognised by Mondli Hlatshwayo in his overview of the history of migrant labour:

The history of migrant labour in Southern Africa is intricately tied to the uneven development of the capitalist mode of production at the onset of colonization. Because capitalist production started around plantation (agriculture) and mining concerns, it is these two sectors, and especially the latter, that played a dominant role in the evolution of migrant labour within the region. Labour migrancy in Southern Africa dates back to the 1850s, when large numbers of men migrated to work in sugar plantations in Natal, where British colonial capitalism was taking shape. At this juncture, the hunting and ivory trade of Southern Mozambique was in decline. The opening up of diamond mines in Kimberley in 1870 resulted in large numbers of workers from all over Southern Africa flocking to the new mines, which paid better than the plantations. As a result, labour was attracted away from the plantations in the Natal. An estimated 50-80,000 migrant workers came to work on the diamond mines at Kimberley. Labour shortages were experienced following the opening of the diamond mines in Kimberley and the discovery of gold in the Eastern Transvaal in 1874.

¹⁸ Jonathan Crush (2000) 'Migrations past: An historical overview of cross-border movement in Southern Africa'. In D. A. McDonald (ed.). *On Borders. Perspectives on International Migration in Southern Africa*. (New York), pp12-24.

¹⁹ Brij Maharaj (2004) 'Immigration to post-apartheid South Africa'. *Global Migration Perspective* No. 1. (Switzerland), pp2

The further discovery of gold in the Witwatersrand in 1886 necessitated recruitment of scarce labour. The pull factors reflected in the high wages (six times higher than in Southern Mozambique) and the push factors represented by the outbreak of rinderpest in 1896, which decimated the cattle herd in the region, and declining peasant production, forced many men to join the trek to the mines. Believing that the rand belt extended northwards, the British hegemony was extended to Rhodesia in 1890. Failure to discover a gold belt of the magnitude that existed in South Africa, together with the crush of the Johannesburg stock exchange in the early 1900s, resulted in the shift to agriculture in Rhodesia.

Meanwhile, the fall of the Gaza State in Mozambique to the Portuguese in 1895 meant that the Transvaal government could now enter into an agreement with the Portuguese authorities there regarding the sourcing of migrant labour. The first formal agreement between the two authorities was signed in 1897. A recruiting agency in South Africa, the Witwatersrand Native Labour Association (WENELA) was created and given exclusive rights to recruit labour from the region. WENELA established recruitment stations in present-day Namibia, Botswana, Zimbabwe, Zambia, Malawi, Lesotho, Swaziland and Mozambique. It built a 1,500 mile road linking its stations in Namibia and Botswana. By 1955, there were 32 flights in and out of Gaborone (Botswana) each week.²⁰

But once the dynamic changed from migration based upon economic activity function to large-scale capital, to desperation-based refugee immigration over the past thirty years, official reaction changed dramatically. White-ruled South Africa aimed to reduce the latter, by electrifying the Mozambican border and arresting and deporting asylum seekers despite Pretoria's involvement in civil wars which pushed people to leave their countries of birth. Regrettably, immigration law remains one of the apartheid legacies that South Africa maintains, with slight changes, from which xenophobic attitudes grow and explode.

At the same time, with apartheid giving way to a more legitimate process of business activity in South Africa, the ability of Johannesburg business to move into the region increased, with consequences Hlatshwayo describes:

In the Southern African region and indeed Africa as a whole, South Africa plays the role of the centre. The policies of the IMF and the World Bank have led to the collapse of African economies through the process of transfer of wealth from these countries to the North. These days wealth is also transferred from all

²⁰ .Mondli Hlatshwayo (2009), 'Cosatu's responses to xenophobia', Atlantic Philanthropies research, December.

economies in the region to South Africa in various ways, such as centralisation of Africa's capital market in Johannesburg, South African state corporations' investments in other African countries and the New Partnership for Africa's Development (NEPAD). During the process of proletarianisation, migrant workers found work in South Africa; now the crisis of globalisation and the decline in employment makes it difficult for these workers who are coming from struggling economies in the periphery to find jobs in South Africa. This then intensifies the competition for jobs and opportunities at the centre – South Africa.²¹

To explain South African xenophobia, several theoretical arguments and discourses have emerged in South Africa and the world at large. CCS researcher Shauna Mottiar draws upon Bronwyn Harris' work to discuss three hypotheses that help to explain xenophobia using both structure and agency:

- ▶ firstly, locating xenophobia within the context of social transition and change, 'scapegoating' explains hostility towards foreigners in relation to limited resources such as employment, housing, healthcare and services coupled with high expectations for social change during a transition. 'In the post-apartheid epoch, while people's expectations have been heightened, a realisation that delivery is not immediate has meant that discontent and indignation are at their peak. People are more conscious of their deprivation than ever before. This is the ideal situation for a phenomenon like xenophobia to take root and flourish. South Africa's political transition to democracy has exposed the unequal distribution of resources and wealth in the country.' In this context people create a target to blame for ongoing deprivation and poverty. The scapegoat theory suggests that foreigners become scapegoats because they are seen as a threat to the aforementioned housing, employment and services.
- ▶ secondly, there is the problem of 'isolation' which situates 'foreignness' at the heart of hostility toward foreigners. The isolation hypothesis understands xenophobia as a consequence of apartheid South Africa's seclusion from the international community. 'There is little doubt that the brutal environment created by apartheid with its enormous emphasis on boundary maintenance has impacted on people's ability to be tolerant of difference.' This theory suggests that South Africans are unable to tolerate and accommodate difference, indeed find difference challenging.
- ▶ thirdly, there is the 'biocultural' hypothesis which situates xenophobia in terms of physical biological factors and cultural differences exhibited by African foreigners. The use of biocultural elements has long been utilised: 'In trying to establish whether a suspect is an illegal or not, members of the internal tracing units focus on a number of aspects. One of these is language: accent, the pronouncement of certain words (such as Zulu for 'elbow', or 'buttonhole' or the name of a meerkat). Some are asked what nationality they are and if they reply 'Sud' African this is a dead give-away for a Mozambican, while Malawians tend to pronounce the letter 'r' as 'errow' Appearance is another factor in trying to establish whether a suspect is illegal -- hairstyle, type of clothing worn as well as actual physical appearance. In the case of Mozambicans a dead give-away is the vaccination mark on the lower left forearm ... [while] those from Lesotho tend to

²¹ Ibid.

wear gumboots, carry walking sticks or wear blankets (in the traditional manner), and also speak slightly different Sesotho.' The biocultural hypothesis suggests that certain physical or cultural attributes generate xenophobia as they highlight whom to target.²²

Michael Neocosmos suggests that citizenship and political identity can contribute to our understanding of xenophobia, for it is primarily a discourse of exclusion of some groups of population from the community. This process of exclusion is a political process in that the state plays a key role, and only politically marginalised groups are excluded. Xenophobia means exclusion from the community, i.e. exclusion from its citizenship, rights and duties - and is connected to the fact of belonging and not belonging. It is the outcome of a relation between different forms of politics i.e. state politics and popular politics, state subjectivity and popular subjectivity.²³

In contrast, historical materialism views xenophobic violence through the lens of class struggles and the mode of production, and especially through the work of David Harvey, integrates study of space with that of time, of geography and history.²⁴

Some researchers try to explain xenophobia as a function of competition over scarce social goods such as housing.²⁵ Others have pointed out that many African immigrants end up living in informal settlements because of their economic circumstances and also because many of them do not have the necessary documents to live and have access to some rights including can access to a shack and perhaps to reckon that they are less likely to be found out and arrested as 'aliens'.²⁶ However, this line of research sometimes tends to be descriptive, without exploring underlying processes which push some South African citizens and the migrants to informal settlements. It is equally important to explore the political, social and economic dynamics that sometimes lead to xenophobic attacks in some informal settlements and not in others. The existence of informal settlements, or squatter camps, is a whole field of study in itself.²⁷ In South Africa it is estimated that 6 million live in shacks.²⁸ Often

²² Shauna Mottiar (2008) 'Responses to Xenophobia: Building Local Capacity to Mitigate Violence and Displacement'. Original Centre for Civil Society Proposal, the Xenophobia Project.

²³ Michael Neocosmos (2006) From 'Foreign' Natives to Native Foreigners. Explaining Xenophobia in post-apartheid South Africa. (Dakar) 15-18.

²⁴ David Harvey (1985) *Consciousness and the Urban Experience*, op.cit. Please see also *The Urbanization of Capital* (Oxford).

²⁵ 'The xenophobic attacks that took place at the end of May in Johannesburg were located in particular spaces in the city: in shack settlements, in the vicinity of hostels, and in inner city suburbs. These are housing environments that have been neglected by the state. They are characterized by severe overcrowding, deteriorating services, high levels of poverty, rampant unemployment, ongoing racial segregation and the daily struggles of poor people forced to compete with one another for increasingly scarce resource.' (Melinda Silverman and Tanya Zack (2008) 'Housing Delivery, The Urban Crisis and Xenophobia' in *Go Home or Die: Violence, Xenophobia and the Reinvention of Difference in South Africa*, Wits University Press, Johannesburg.

²⁶ 'Access to this [RDP subsidised] housing is severely circumscribed. Beneficiaries must have South African residency...But again [with social housing] there are restrictive conditions of access: South African residency... [whereas] In theory almost anyone can occupy a shack. Shack settlements are often the key reception points for most new migrants to the cities, particularly foreign-born residents' (Melinda Silverman and Tanya Zack, op. cit. pp.148-150).

²⁷ See for example Michael Davis's *Planet of Slums*, a seminal Marxist work on the subject.

²⁸ Angela Brown, *Environmental Health Interventions in Informal Settlements*, Ethekewini Health Unit, Ethekewini Municipality, 21 May 2009.

this is blamed on the government's failure to 'deliver' enough houses, fast enough to accommodate everyone in need.²⁹

As Alex Thomson argues, arbitrary boundaries, weak links between state and society, formation of a state elite and weak political institutions will remain major causes of Africa's failing economic system in the twenty first century, and in turn, major factors in the generation of economic refugees to South Africa.³⁰ Given the continuing imbalances of the distribution of resources, Africa's liberation and social democratic movements have lost their original vision of social and economic transformation aimed at reducing poverty and demonstrating sensitivity to human rights values. Political diversity failed to make a distinction between party and government, and gave more power to the ruling party. In Southern Africa this has come to define political correctness and patriotism in terms of political interests of the ruling elite.³¹ This new form of repression, in the words of A. Abrahamsen, suggests that African governments, including South Africa, operate in a power structure based on colonial principles of 'rulers and subjects', the very political mentality that they proclaimed they would destroy.³² Generally, all these problems have caused serious tensions between the state and the society, resulting in unrest and warfare against the state.

South Africa joined the democratic nations of the world in 1994 with its liberal constitution. Although South Africa is one of the better-developed and wealthier nations on the continent, the nation is not immune to problems facing other African states. South Africa has been divided along, for example, ethnic, class, race, gender and political lines. Internal repression and contradictions remain a challenge to South Africa's liberal democracy. The historical context of these divisions is understandable. Rapid industrialization, urbanization and labour migration have dislocated many communities. These social changes have resulted in black impoverishment and the growing rate of physical violent crime, as well as worsening inter-ethnic and inter-racial tensions. Although none of these problems is new, the post-apartheid era produced a new form of political violence, conflicts between black masses and the state, and escalating levels of political intolerance in the country. Rapid urbanization, massive influx of people into shack areas around cities, economic recession and massive unemployment, increasing class differences, fight for resources by diverse people and political struggles between competing political parties all gave rise to antagonisms of different kinds.

The crisis has been exacerbated by the growing rural/urban divide, with the vast majority of economic activity restricted to major cities and towns; Johannesburg, Cape Town, Durban and other cities.

²⁹ See, for example, Melinda Silverman and Tanya Zack, op.cit. They question the type and method of housing provision.

³⁰ Alex Thomson (2000) *An Introduction to African Politics*, London and New York: Routledge, 2000.

³¹ Graham Harrison (2001) 'Bringing Political Struggle Back in: African Politics, Power, and Resistance', in *Review of African Political Economy*, 89, pp. 387-402.

³² A. Abrahamsen (2003) 'African Studies and the Post colonial Challenge', in *African Affairs*, volume 102, pp. 189-210.

This has resulted in widespread rural poverty, unemployment, and escalating urban development which has rendered urban development less functional.³³ Accompanying this was the growing number of female-headed families and generational conflicts as the youth rose to assert their political agency.³⁴ All these forms of social identification created new senses of belonging that Shula Marks calls 'maps of meaning', an expression more powerful than mere adherence to a particular racial and ethnic political philosophy.³⁵ This is also reflected in the fast growing number of poor whites in South Africa.

Since the late 1970s, the growing influence of trade unionism and the fast growing unionization among migrant workers across regional, ethnic, gender and, to some extent, racial boundaries in South Africa suggests mobilization with a strong sense of working class consciousness as a common goal among the impoverished majority.³⁶ Therefore, processes accompanying urbanization have given rise to proletarianization, social dislocation and violence as the poor majority competed for scarce resources to survive in the city, employment, housing, and land. The xenophobic attacks in South Africa should thus be seen in terms of poverty, growing unemployment and urban overcrowding, in which residents were willing to use it to protect their interests against other workers or citizens.³⁷

South Africa's structural and human crises

This section lays out background context for *structural* crises that have adversely affected South Africa's low-income communities and that help contextualise the recent surge of xenophobic sentiments. If analysed properly, these should also provide clues for long-term, bottom-up antidotes. These crises are the result of interlocking, overlapping market and state failures, including:

- ▶ extremely high unemployment which exacerbates traditional and new migrancy patterns;
- ▶ a tight housing market with residential stratification, exacerbating service delivery problems (water/sanitation, electricity and other municipal services);
- ▶ extreme retail business competition;
- ▶ world-leading crime rates;
- ▶ Home Affairs Department corruption;
- ▶ cultural conflicts; and
- ▶ severe regional geopolitical stresses, particularly in relation to Zimbabwe and the Great Lakes region of Central Africa.

³³ Maxine Schoeman, 'The political economy of South Africa in global context', in A. J. Venter (1998) *Government and Politics in the new South Africa*, Johannesburg, J. L. Schaik, pp. 302-303.

³⁴ C. Glase (2000) *Bo-Tsotsi: The Youth Gangs of Soweto, 1935-1976* (Cape Town),

³⁵ Shula Marks (1992) 'The Origins of Ethnic Violence in South Africa', in N. Etherington (ed), *Peace, Politics, and Violence in the New South Africa*, London, Hans Zell Publishers, pp. 126-128.

³⁶ For some of these see, for example, Tom Lodge (1983) *Black Politics in South Africa since 1945* (Braamfontein).

³⁷ Examples of this can also be seen in the pattern of violence between AmaZulu and AmaMpondo in the 1980s in Malukazi, Durban. See Shula Marks, 'Patriotism, Patriarchy and Purity in Natal and the Politics of Zulu Ethnic Consciousness', in L. Vail, *The Creation of Tribalism in Southern Africa*, London, 1989.

A variety of indicators suggest a mixed story with regard to socio-economic, political and environmental change, especially during the early 2000s when democracy and the 'developmental state' strategy were being consolidated. On the one hand, various indicators suggested sustained growth and political optimism lay ahead, as predictable macroeconomic policy and rising world commodity prices maintained confidence in post-liberation state management. An 'economic boom' was regularly proclaimed by observers such as the *Financial Times*,³⁸ thanks to 'macroeconomic stability', GDP growth uninterrupted since 1998, and a substantial rise in exports.

Yet at the same time, South Africa began suffering not only economic problems, but also a dramatic increase in social unrest that presaged a deterioration of the integrity of several central liberal political institutions. As one reflection, there were 5813 protests (as defined under the Regulation of Gatherings Act 205 of 1993) recorded by the South African Police Service in 2004-05, and subsequently, an average of 8,000 per annum,³⁹ with higher amounts for the year 2008-09 anticipated. This is probably the highest per capita rate of social protest in the world.

By mid-2008, however, it was evident that the protests could as easily be directed against fellow community residents – especially if they hailed from outside South Africa – as against the genuine sources of their problems. Along with rising domestic violence and the AIDS pandemic, the xenophobia wave was perhaps the worst case of the tearing South African social fabric. But there were, in contrast, other more optimistic signs of social grievances channeled through policy advocacy, public conscientisation, international alliance-building and even the court system. These signs correspond to what Karl Polanyi termed a 'double movement' in which, initially during the 19th century in Europe, 'the extension of the market organisation in respect to genuine commodities was accompanied by its restriction'⁴⁰ as people defended their land, labour and other resources from excessive commodification. Certain areas were illustrative of great potential, such as the Treatment Action Campaign's 1998-2008 street pressure and legal strategy of acquiring anti-retroviral drugs for HIV+ people; and Soweto activists' protests which helped drive the controversial water privatiser Suez out of Johannesburg and whose Johannesburg High Court victory in April 2008 began undoing its commercialised water policies.

Whether campaign-oriented or simply momentarily explosive in character, civil society activism was by all accounts a contributing factor in the 2007-08 transfer of power within the African National Congress, from the man favoured by local and global corporations and the prosperous classes (Thabo Mbeki) to the candidate of trade unions, the youth, organised ANC women and the South African Communist Party (Jacob Zuma). This latter group represented a 'centre-left', comprising the Congress of South African Trade Unions (Cosatu), South African Communist Party, South African National Civic Organisation, some churches and NGOs, ANC Youth League and ANC Women's League. South Africa's 'independent left', in contrast, is comprised of social and community movements, NGO critics, feminists, internationalists, environmentalists, some in the faith community, and others alienated by the 'neoliberal' (market-oriented) economic policies, cronyism, corruption and patriarchal nationalism that represent durable

³⁸ Alec Russell (2007), 'South Africa's malls trounce township shops', *Financial Times*, 12 March; Russell, A. (2007), 'Post-apartheid phase two: Zuma's leadership of the ANC needs to prove sceptics wrong', 19 December; MacNamara, W., A. Russell and W. Wallis (2007), 'Post-apartheid phase two', *Financial Times*, 20 December.

³⁹ Charles Nqakula (2007), 'Reply to Question 1834, National Assembly, 36/1/4/1/200700232' (Cape Town), 22 November.

⁴⁰ Karl Polanyi (1957), *The Great Transformation*, Boston, Beacon Press, p.76.

ideologies within the ruling party, including the Zuma camp. They are part of a 'social justice' tradition that arose across the world over the past decade and achieved prominence in contesting globalisation's adverse impacts.

There are several areas of socio-economic and environmental progress and problems that represent socio-economic flashpoints in the post-apartheid era, that are the result of either post-1994 policy problems or even deeper structural forces. The impact of the global/national economic crisis amplifies and extends the existing, inherited contradictions. Minister of Trade and Industry Rob Davies has begun to identify the inherited distortions, as reflected in his 2010 industrial policy speech in parliament:

SA's recent growth was driven to too great an extent by unsustainable growth in consumption, fuelled by credit extension. Between 1994 and 2008 consumption driven sectors grew by 7.7% annually, compared with the productive sectors of the economy which grew by only 2.9% annually. This has meant that even at the peak of our average annual growth - 5.1% between 2005 and 2007 - unemployment did not fall below 22.8%. Manufacturing - which constitutes a sizeable chunk of our value added production - has not enjoyed sufficient dynamism. This is mainly because the relative profitability of manufacturing has been low as a result of a number of factors. These include:

- *A volatile and insufficiently competitive currency;*
- *The high cost of capital relative to our main trading partners; particularly that channelled towards value-added sectors such as manufacturing, resulting in a too limited allocation of capital to these sectors;*
- *The monopolistic provision and pricing of key inputs into manufacturing;*
- *An aged, unreliable and expensive infrastructure system;*
- *A weak skills system; and*
- *The failure to adequately leverage public capital and other large and repetitive areas of public expenditure.*

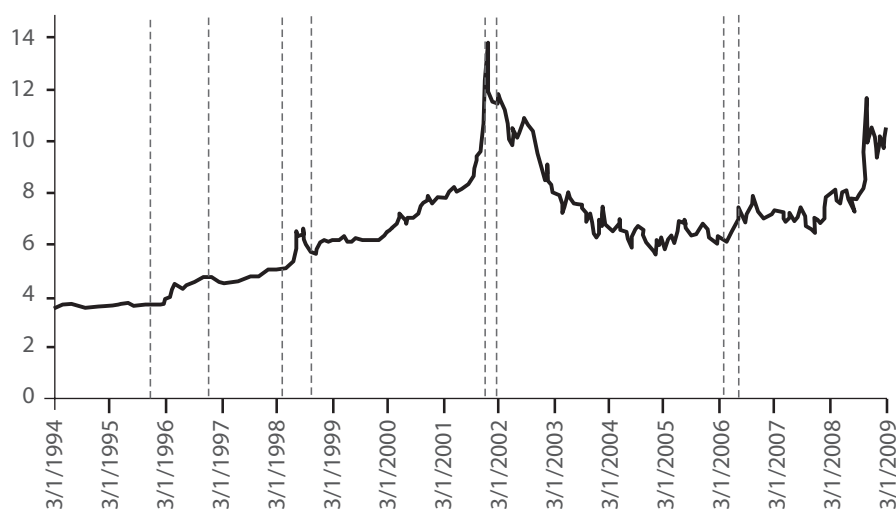
The negative, unintended consequences of this growth path are manifold they include large and unsustainable imbalances in the economy, continued high levels of unemployment and a large current account deficit. These weaknesses have been exacerbated by the global recession.⁴¹

⁴¹ Rob Davies (2010), 'Statement to Parliament', Cape Town, 28 January.

But there are additional, crucial elements to be added to the structural analysis, including financial bubbling, generalised overcapacity and the inequality/unemployment factor. First, for context, return to the early 1990s when neoliberalism as an overarching philosophy was adopted by the late apartheid regime. The period was marked by several policy shifts away from 1980s-era sanctions-induced dirigisme carried out by 'verligte' (enlightened) Afrikaner 'econocrats' in Pretoria, once the influence of 'securocrats' faded and the power of white English-speaking business rose during the 1990-94 negotiations. That period included South Africa's longest depression (1989-93). Finally in late 1993, the last touches were put on what might be termed the 'elite transition' to democracy.

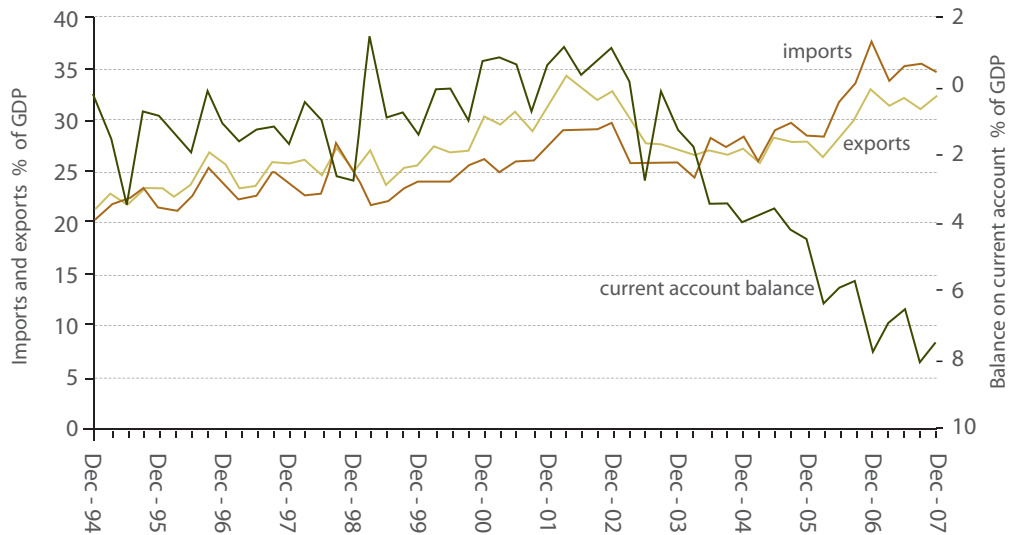
The transition assisted 'elite' (white and black) accumulation, as long-standing African National Congress promises to nationalize the banks, mines and monopoly capital were dropped; Nelson Mandela agreed to repay \$25 billion of inherited apartheid-era foreign debt; the central bank was granted formal independence in an interim constitution; South Africa joined the General Agreement on Tariffs and Trade on disadvantageous terms; and the International Monetary Fund provided a \$850 million loan with standard Washington Consensus conditionality. Soon after the first free and fair democratic elections, won overwhelmingly by the ANC, privatization began in earnest; financial liberalization took the form of relaxed exchange controls; and interest rates were raised to a record high (often double-digit after inflation is discounted). By 1996 a neoliberal macroeconomic policy was formally adopted and from 1998-2001, the ANC government granted permission to South Africa's biggest companies to move their financial headquarters and primary stock market listings to London.

Sustaining the subsequent property and financial bubble was due to two sources: residual exchange controls which limit institutional investors to 15% offshore investments and which still restrict offshore wealth transfers by local elites; and a false sense of confidence in macroeconomic management. The oft-repeated notion is that under Finance Minister Trevor Manuel, 'macroeconomic stability' was achieved. Yet no emerging market had as many currency crashes (15% in nominal terms) over that period: SA's were in early 1996, mid-1998, late 2001, late 2006 and late 2008.



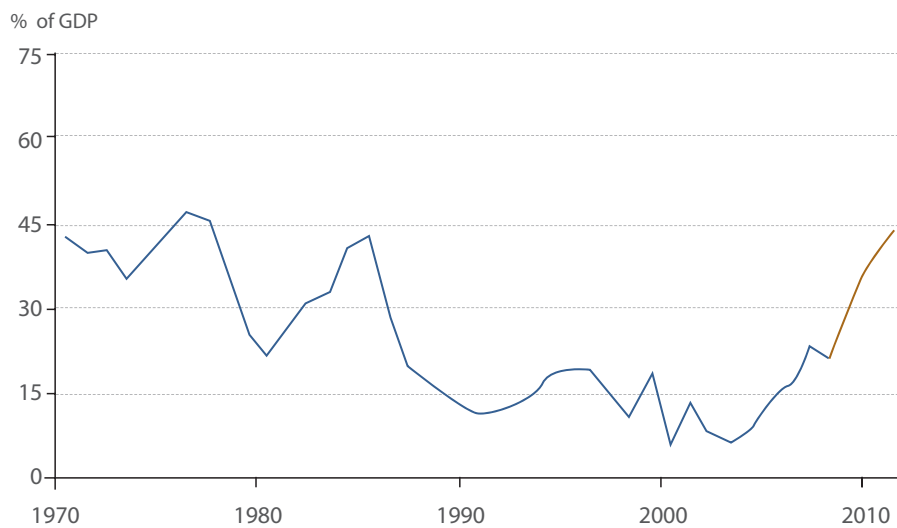
Five major currency crashes (R/\$)

By early 2009, *The Economist* magazine (25 February 2009) ranked South Africa as the most 'risky' of seventeen emerging markets. A key reason was that corporate/white power had generated an enormous balance of payments deficit thanks to outflows of profits/dividends to London/Melbourne financial headquarters.

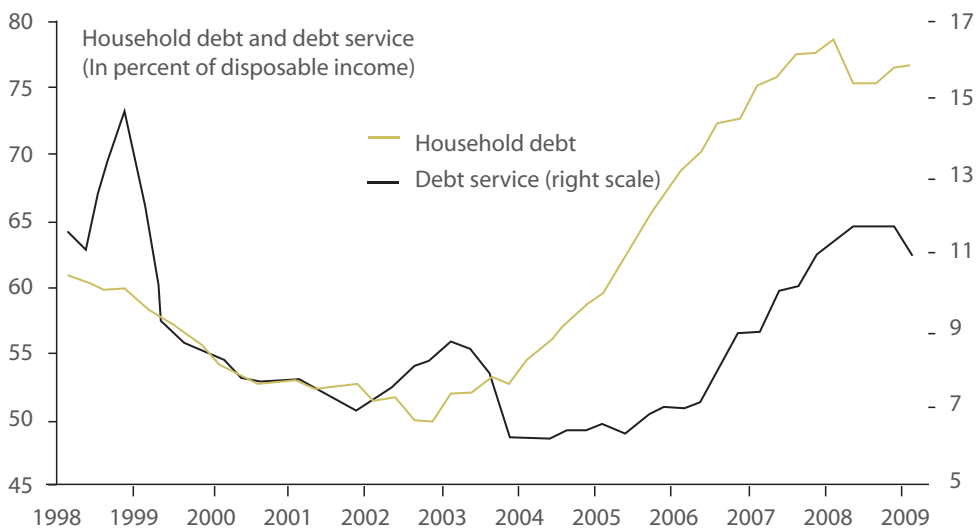
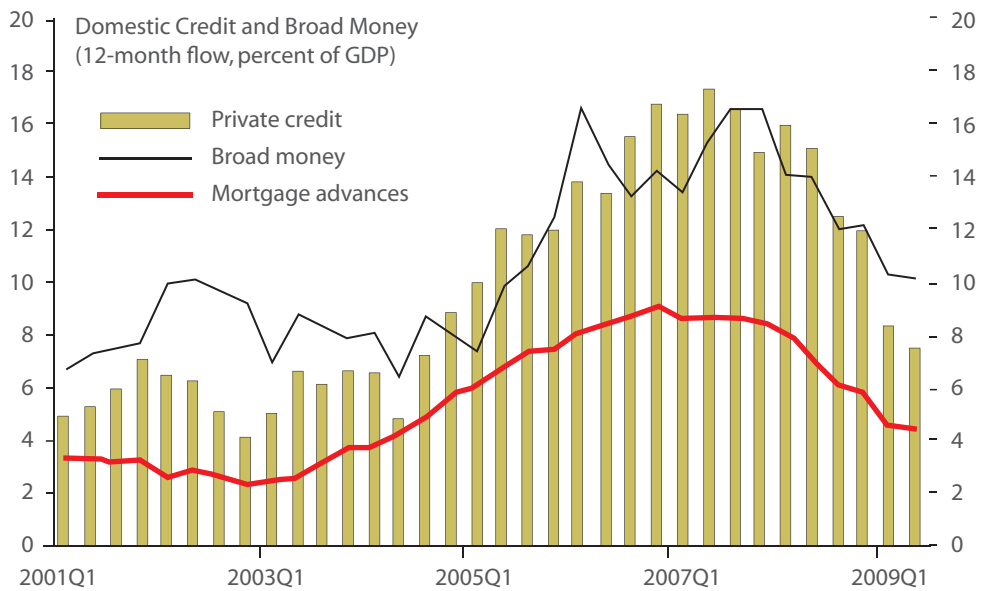
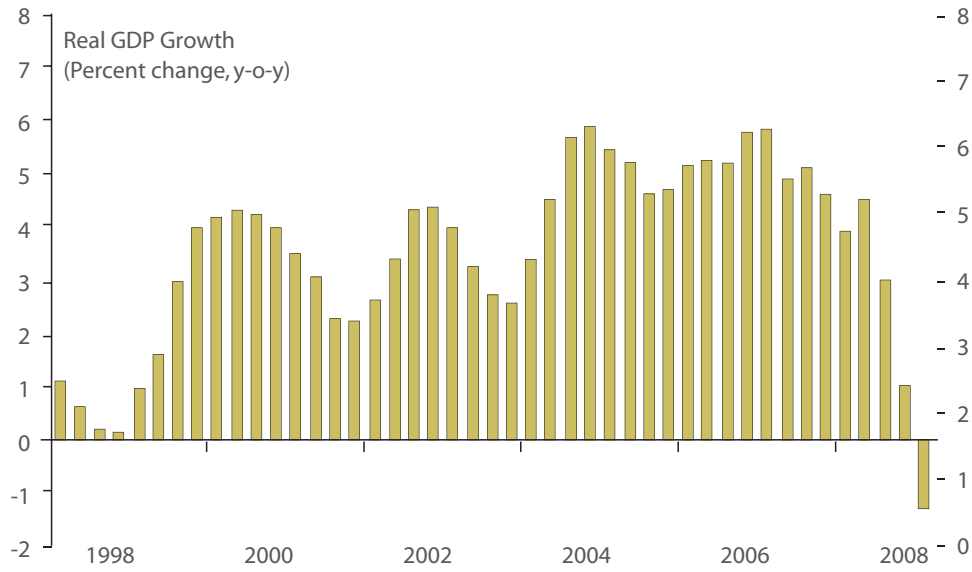


Dangerous trade, payments deficits (% of GDP) – source: SARB

To cover the current account deficit, a vast new borrowing spree began, with foreign debt rising from \$25 billion in 1994 to nearly \$80 billion by late 2008. Moreover, consumer credit had drawn in East Asian imports at a rate greater than South African exports even during the 2002-08 commodity price bubble. If there was a factor most responsible for the 5% GDP growth recorded during most of the 2000s, by all accounts, it was consumer credit expansion, with household debt to disposable income ratios soaring from 50% to 80% from 2005-08, while at the same time overall bank lending rose from 100% to 135% of GDP.



Rising SA foreign debt – source: SARB, RMB FM Research

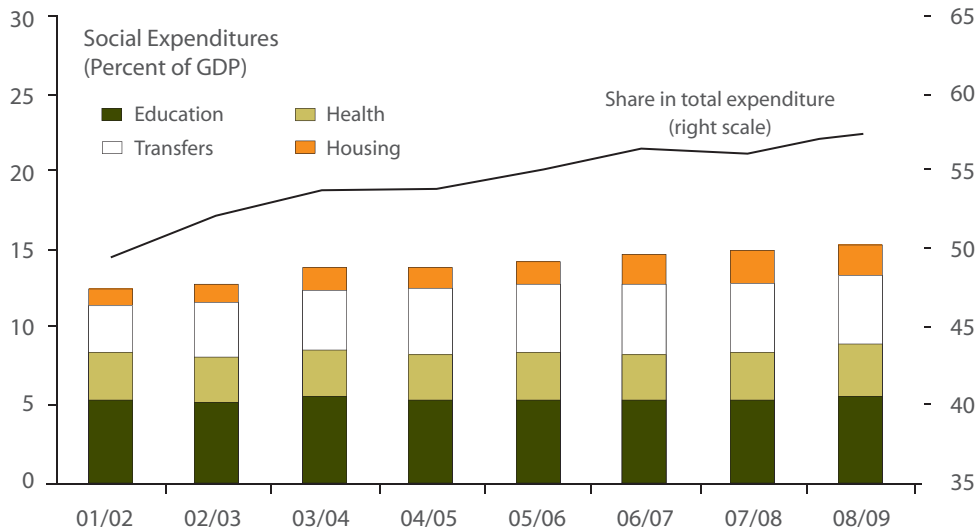


Source: South African Reserve Bank

South African economic growth driven by credit, especially mortgage bonds

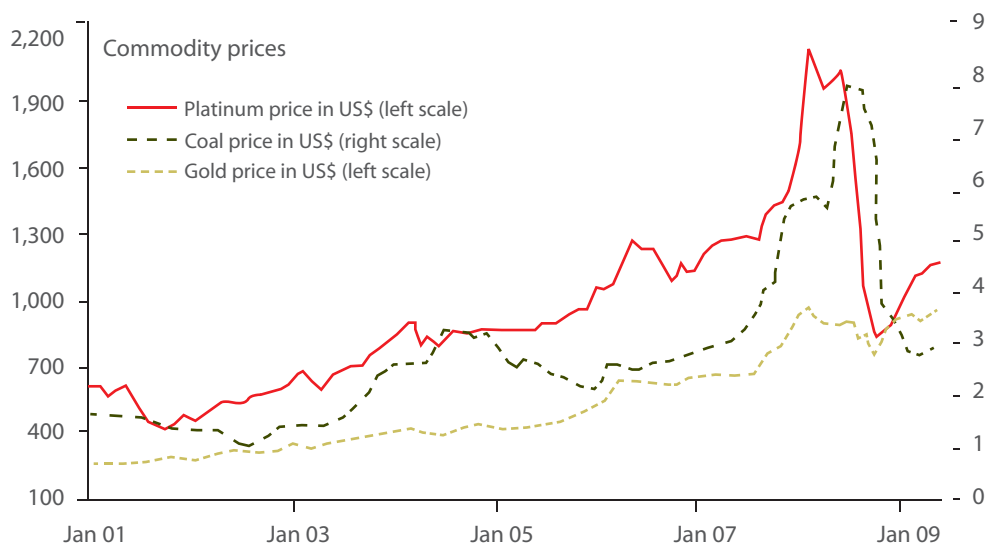
Credit overexposure began to become an albatross, however, with non-performing loans rising from 2007 by 80% on credit cards and 100% on bonds compared to the year before, and full credit defaults as a ratio of bank net interest income rising from 30% at the outset of 2008 to 55% by year's end.

The post-apartheid share of social spending in the total budget only rose from around 50% during the mid-1990s to 57% at the of crisis in any case, boosted only by social grant transfer payments.



South African social spending is still modest – source: IMF

The huge bubble in commodities - petroleum, minerals, cash crops, land - disguised how much countries like South Africa stood exposed, and indeed the early 2000s witnessed increasing optimism that the late 1990s emerging markets currency crises could be overcome within the context of the system.

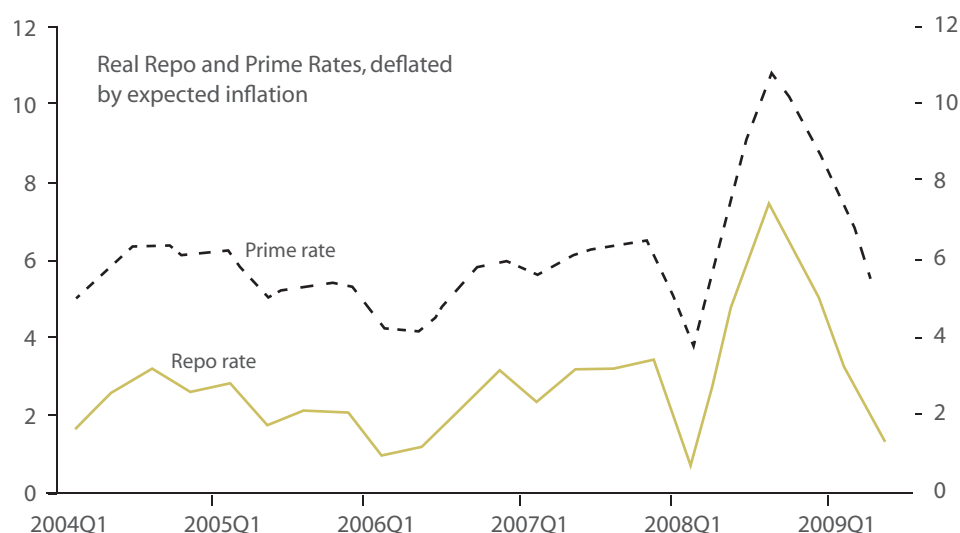


Commodity boom turns to bust in 2008 – source: IMF

Moreover, even before the resources boom, by 2001 the rate of profit for large South African capital was restored from an earlier downturn from the 1970s-90s, to ninth highest amongst the world's major national economies (far ahead of the US and China).⁴²

But high corporate profits were not a harbinger of sustainable economic development in South Africa, as a result of persistent deep-rooted contradictions:⁴³

- ▶ the repeated crash in the value of the rand reflects how vulnerable South Africa became to international financial markets thanks to steady exchange control liberalisation (26 separate loosening of currency controls) starting in 1995;
- ▶ SA's economy became much more oriented to profit-taking from financial markets than production of real products, in part because of extremely high real interest rates, especially from 1995-2002 and 2006-09;



Real interest rates, 2004-09 – source: IMF

- ▶ the two most successful major sectors from 1994-2004 were communications (12.2 per cent growth per year) and finance (7.6 per cent) while labour-intensive sectors such as textiles, footwear and gold mining shrunk by 1-5 per cent per year, and overall, manufacturing as a percentage of GDP also declined;
- ▶ the Gini coefficient measuring inequality rose during the post-apartheid period, which Borhat, van der Westhuizen and Jacobs calculated from 0.64 to 0.69, in part because black households lost 1.8% of their income from 1995-2005, while white households gained 40.5%,⁴⁴

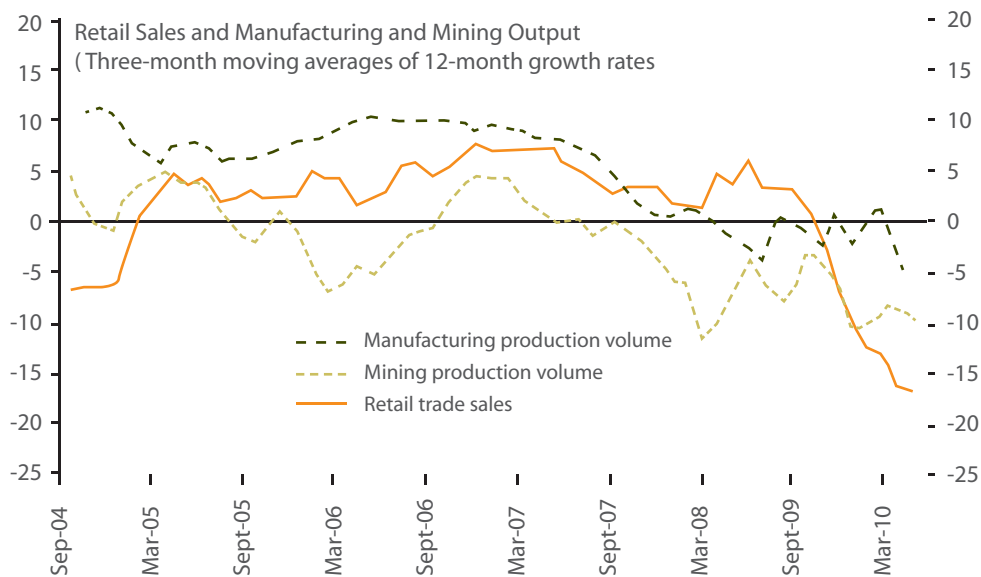
⁴² L. Citron and R. Walton (2002) 'International comparisons of company profitability', Bank of England, London, http://www.statistics.gov.uk/articles/economic_trends/ET587_Walton.pdf.

⁴³ Martin Legassick (2009), 'Notes on the South African economic crisis', Cape Town, <http://www.amandla.org.za>; Chris Loewald (2009), 'A view of the South African economy in the global crisis', Pretoria, National Treasury; Republic of South Africa Department of Trade and Industry (2009), '2009-2012 Medium term strategic framework', Pretoria; South African Reserve Bank (2009) *Financial stability review*. Pretoria.

⁴⁴ Haroon Borhat, Christi van der Westhuizen, and T. Jacobs (2009), 'Income and non-income inequality in post-apartheid South Africa.' Development Policy Research Unit Working Paper 09/138, August, p.8.

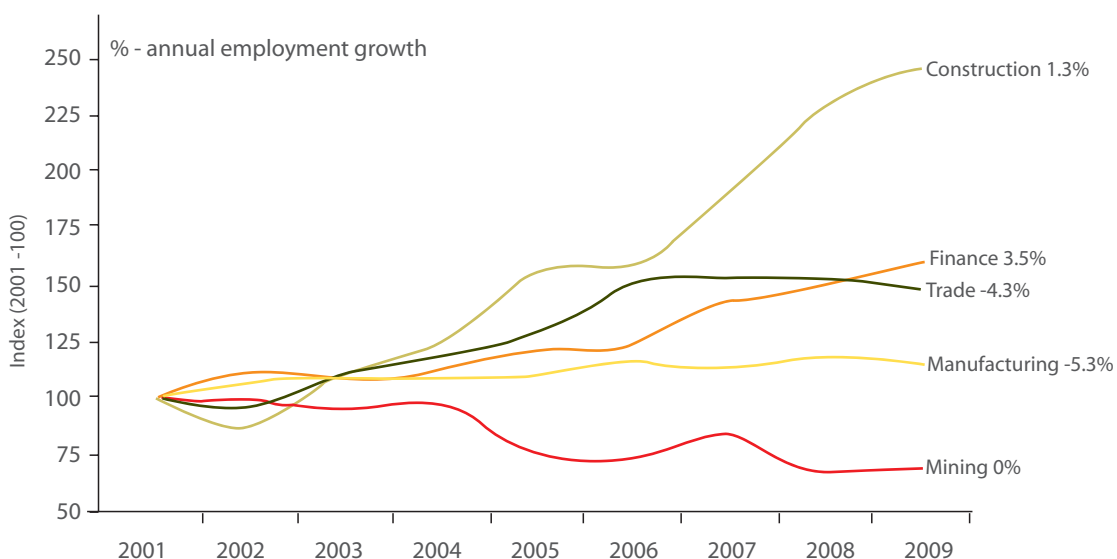
- › unemployment doubled to a rate of around 40% at peak (if those who have given up looking for work are counted, around 25% otherwise) - but state figures underestimate the problem, given that the official definition of employment includes such work as 'begging' and 'hunting wild animals for food' and 'growing own food';
- › overall, the problem of 'capital strike' - large-scale firms' failure to invest - continues, as gross fixed capital formation hovered around 15-17 per cent from 1994-2004, hardly enough to cover wear-and-tear on equipment;
- › businesses did invest their South African profits, but not mainly in SA: dating from the time of political and economic liberalisation, most of the largest Johannesburg Stock Exchange firms - Anglo American, DeBeers, Old Mutual, Investec, South African Breweries, Liberty Life, Gencor (now the core of BHP Billiton), Didata, Mondi and others - shifted their funding flows and even their primary share listings to overseas stock markets mainly in 2000-01;
- › the outflow of profits and dividends due these firms is one of two crucial reasons SA's current account deficit has soared to amongst the highest in the world (in mid-2008 exceeded only by New Zealand) and is hence a major danger in the event of currency instability, as was Thailand's (around 5 per cent) in mid-1997;
- › the other cause of the current account deficit is the negative trade balance during most of the recent period, which can be blamed upon a vast inflow of imports after trade liberalisation, which export growth could not keep up with;
- › another reason for capital strike is SA's sustained overproduction problem in existing (highly-monopolised) industry, as manufacturing capacity utilisation fell substantially from the 1970s to the early 2000s; and
- › corporate profits avoided reinvestment in plant, equipment and factories, and instead sought returns from speculative real estate and the Johannesburg Stock Exchange: there was a 50 per cent increase in share prices during the first half of the 2000s, and the property boom was unprecedented.

With this sort of fragile economic growth, subject to extreme capital flight, it is no surprise that in the second week of October 2008, the Johannesburg stock market crashed 10 per cent (on the worst day, shares worth US\$35 billion went up in smoke) and the currency declined by 9 per cent, while the second week witnessed a further 10 per cent crash. The Reserve Bank came under heavy pressure to reduce interest rates - by 5% from late 2008 through mid-2009 - and the real prime rate fell to the 2% range, down from a peak of 15% a decade earlier. But it didn't work, as manufacturing, mining and retail continued to crash. Although as late as February 2009, Manuel claimed such moves would prevent a recession, he was proven badly wrong in May when government data showed a 6.4% quarterly GDP decline, the worst since 1984 during anti-apartheid protests, the gold price's plummet and the tightening of sanctions.



Crashes in manufacturing, mining, retail, 2007-09

Evidence of the weakness of South Africa's economy is especially poignant in the sector that was the fastest growing during the false boom: construction. From 2003-2009, the main growth engines were construction and finance. The first quarter 2009 real sector crash was, indeed, mitigated by the construction industry, which grew 9.4% thanks to infrastructural investments of rather dubious medium-term merits: 2010 World Cup stadiums (hugely overbudget and not anticipated to cover operating costs after the soccer matches), an elite rapid train service for Johannesburg-Pretoria (probably costing R150 for the airport-Sandton trip), a the persistently failing (albeit generously subsidized) industrial complex at Coega, the world's fourth-largest coal-fired electricity generator (Medupi), mega-dams, and expansions to airports, ports, roads and pipelines. But these big projects aside, the number of building plans registered in 2008 was already 40% lower than in 2007.



Construction/finance-led growth/jobs index – source: IMF

These economic problems are deep, structural dilemmas, which had their roots not only in post-apartheid liberalisation, but in long-standing vulnerabilities within the apartheid-era economy. Because of liberalisation of both trade (August 1994 onwards) and finance (from March 1995), the current account deficit is dangerously high compared to peer economies. Although overall corporate profits are up against worker wages since the low-point of the late 1980s, a decisive problem is that manufacturing profits have fallen dramatically since the early 1980s in relation to financial and speculative profits. South Africa's export advantages are in a few areas difficult to maintain, such as auto components, swimming pool filters, wines, coal and base metals. Low fixed investment rates persist, especially by private sector investors, in part because excess idle capacity in existing plant and equipment. That, in turn, helps explain the very low level of Foreign Direct Investment, contrasting with dangerously high inflows of liquid portfolio capital attracted by South Africa's high real interest rate. None of these processes are healthy, and alongside extremely high price inflation in electricity, petrol and food, will generate yet more social unrest.

Some of this, in turn, is misdirected into xenophobia. In a South African Press Association report, 'Our conditions will never change' (15 March 2010), a journalist recorded:

// The government came under heavy fire on Monday because of poor service delivery in the community of Refilwe, east of Pretoria. Angry residents said the government had been unresponsive and used the opportunity to voice their fury at a parliamentary public hearing. Heavy weather and thunder could barely be heard as one by one the residents filed their complaints. 'Until a step is taken to stop corruption in government nothing is going to stop,' Ivan Shabangu told the hearing by the parliamentary ad hoc committee on service delivery. He said he felt their conditions would never change. Stephen Phelani told the panel small businesses were under threat because of Somalian nationals. 'In the end there will be violence. We will fight and we blame the municipality for that.' Phelani said he had lost business at his tuck shop because Somalians encroached on his turf and reduced their prices. //

Transcending xenophobia through structural analysis?

Although there are many issues that are important to address, the central problems we believe that can be tackled through public policy and civil society activities alike, are unemployment and the exclusion of the lower classes of society from access to adequate and secure living space. Whereas economic managers long ago introduced a dichotomy between living and working spaces through migrant labour schemes, this was an artificial division, one which xenophobic attacks traversed by allowing resentments born and kept alive in the workplace to be expressed in places of residence. Blame for xenophobic attacks thus generated should be placed squarely at the door of the economic and political leadership who, from the early 1990s, determined that post-apartheid arrangements

would perpetuate and even exacerbate the social divisions associated with migrant labour. Moreover, by placing limits on what civil society can legitimately 'demand' (and in the process by excluding mass employment, housing for all, and an end to migrancy), the elites limited the ability of working-class people to respond to the problems the declining economy visits upon them. Amongst the limits are the character of working-class leadership, the politics and organizational forms they can generate, their ideology and struggle strategies/tactics, and their alliances.

These are serious limitations, and nowhere were they more explicit than in Alexandra Township, where Luke Sinwell and Neo Podi describe how a politics of structural versus xenophobic narratives emerged in May 2008:

|| The Alexandra Vukuzenzele Crisis Committee (AVCC), another group primarily of shacks dwellers, within Alexandra who have lived in atrocious conditions for years and are understandably desperate to escape to better living conditions. AVCC members typically live in shacks in overcrowded and rat-infested areas in the township. Many of them have lived in these conditions for years and are understandably desperate to escape to better living conditions. The AVCC also has 500 members who occupy the factory area called Ghanda Centre. These people live on the edge of survival and endure some of the worst living conditions in Alexandra. People's rooms are demarcated by corrugated iron sheets inside the factory and most cannot be locked. These makeshift constructions are especially dangerous when it rains because of the damage caused to the amateur electrical supplies. They leak when it rains thereby shorting the electricity, dampening people's clothes and blankets, and creating conditions which are ripe for the spread of illness. Furthermore, there are no bathroom facilities in the factory and water can only be obtained from a few taps around the building. There are no toilets in the factory, which forces residents to use facilities in houses across the road, which is particularly dangerous at night for women. Many of these rooms hardly fit a small bed and are used by single people as well as entire families to eat, sleep, cook and bathe in. ||

While leaders of the AVCC tend to frame their demands in terms of corrupt government leaders, the AVCC organised a march, filmed by Danny Turkein, two weeks prior to the attacks which shows members of the AVCC vowing to evict Zimbabweans from the RDP houses in extension 7. According to Dlamini, many people 'thought that maybe we were involved in planning this whole xenophobic outbreak'. Dlamini explains, however, that while members of the AVCC had exhibited xenophobic attitudes, their leaders had merely hoped to expose the corruption of councilors who, they claim sell houses to both foreigners and South Africans. She reveals that intention of the march was to provide a platform to do research with councilors, ARP officials, metro-police and the residents of Alexandra:

“ We wanted to do it door to door because some of our South Africans are involved in corruption and it is not only foreigners... that was the aim of doing our march and to show the world that we can do better than the councilors and the housing department because they are not doing their job. People have been staying in Alexandra for 20 years, 30 years and staying in a shack and that shows that nothing has changed in Alex. ”

After the outbreak, the APF became involved to get rid of these perceptions. The APF later intervened with a potentially more systemic way of dealing with the problem... While the base of the APF in Alexandra, in particular the AVCC, has blamed corrupt local officials and even 'kwerekwere' for their poor living conditions, the APF movement leadership outside of Alexandra, albeit momentarily, appeared to hold the possibility of redirecting people's anger away from 'kwerekwere' and towards the systemic enemy called capitalism. This highlights the sharp disjuncture between the base of the APF in Alexandra and its leadership outside of Alexandra which frames the demands of the poor in a very different manner. Partially responding to the AVCC's xenophobic sentiments which were publicly revealed in 'Hello, My Name is Alex', the APF leadership submitted a press statement which declared, 'don't blame the poor from other countries for the poverty and joblessness in South Africa – blame, and act against those who are responsible':

“ It is a tragedy that such attacks are happening in poor working class communities, where the poor are fighting the poor. But there is a clear reason for this. Many in our communities are made to believe that unemployment is caused by foreigners who take hobs in the country – this is simply untrue. [this is] the result of the anti-poor, profit-seeking policies of the government and the behaviour of the capitalist class. Such massive and sustained unemployment is a structural problem of a capitalist system that cares little about the poor, wherever they are from/live (APF Press Statement 13 May 2008). ”

The APF, with the Social Movements Indaba (SMI) organised an anti-xenophobia march on 24 May 2008. They handed over a memorandum to Premier Mbazima Shilowa and the Department of Housing and Home Affairs which called on the 'South African government to acknowledge its role in the crisis, and to assume responsibility for providing solutions to the problems that speak to the root causes of the problems... the neo-liberal economic policy'. While the xenophobic attacks could have provided a platform for the APF to work with the AVCC in Alexandra to embark on a radical programme, or at least articulate an alternative development plan to the government's ARP, the AVCC has not changed its development trajectory since the attacks and a disjuncture between APF leadership and its base in Alexandra still remains. Like other civic organisations in Alexandra, the AVCC is trapped within the ARP's programme for development and some of its members still articulate xenophobic attitudes. No organisation in Alexandra, even APF affiliates, have begun to address the question of how neoliberal

policies restrict what is possible in places like Alexandra. They have not developed an alternative that is based on challenging the reality that Alexandra remains a sad slum, while its neighbor Sandton literally across the road remains one of the wealthiest suburbs in Africa.⁴⁵

This is a depressing conclusion, if indeed the most explicitly socialist and internationalist of South Africa's new social movements cannot instil more progressive values at its base. Still, we are encouraged by several countervailing tendencies to xenophobia, including the all-encompassing need of poor and working people to unite. As Joshua Kirshner and Comfort Phokela report from one of South Africa's highest-profile sites of municipal grievances and social struggle during the late 2000s,

Local leaders in Khutsong showed determination in not losing focus on the demarcation issue driving their struggle. They felt that xenophobic actions would undermine their cause, and they sought to influence local attitudes toward immigrants toward full acceptance. This did not involve advocating for special rights or services for immigrants, but rather pushing for overall better services and resources for local institutions through organizing to remain within the orbit of Gauteng. The goal was to uplift the entire community, including non-citizens residing in it, regardless of their legal status.

In May 2008, as the violence spread from the townships of Alexandra to Diepsloot and working class communities of the East Rand, residents of Khutsong witnessed the disquieting events on the TV news. While the crisis unfolded, the MDF leaders invited community members to the soccer stadium, as they had done so many times in 2005 through 2007. 'They told us not to be afraid because of what was happening in the townships outside Johannesburg, Alexandra. They said whatever was taking place in Alex would not happen here,' explained a Mozambican man who has lived in Khutsong for 9 years.

In this way, Mogale and other MDF leaders conveyed the notion that our sense of humanity and citizenship does not end at the national borders. The leaders explicitly avoided drawing a rigid distinction between insider and outsider in terms of nationality, or allowing this division shape grassroots protest. The presence of a massive civic movement under the aegis of the MDF has created a strong sense of unity and common cause in the township. In most cases, foreign immigrants have not been regarded as a threat to local interests. The MDF publicly condemned the violence against immigrants that was spreading through the country in May 2008. Such actions demonstrate the importance

⁴⁵ Luke Sinwell and Neo Podi (2009), 'Towards Addressing the Root Causes of Social Tensions: Evaluating Civil Society and Local Government Responses to Xenophobic Violence in Alexandra', Report to Atlantic Philanthropies, December.

of a focused and honest leadership. Several newer migrants chose to move to Khutsong following the xenophobic attacks because they perceived it as relatively safe.⁴⁶

We are also encouraged, in this analysis, by the fact that so many activists against xenophobia share it. As Trevor Ngwane and Nonhlahla Vilikazi found in their research into the main Johannesburg social movement activist networks,⁴⁷

In general, the people who are xenophobic in attitude tended to emphasise the socioeconomic competition between immigrants and locals as the reason that they are against 'these people'. Some also emphasized how different immigrants were from 'us'. On the other hand, the people opposed to xenophobia tended to have fairly elaborate theories that traversed history and politics to argue why immigrants should be treated well. They tended to emphasise the similarity of immigrants to locals referring to their common ancestry and destiny, the fact that they are all black and African....

Respondents who were activists, that is, active participants and leaders in social movement organizations, tended to see the causes of xenophobia as largely the same or having the same source as for the problems they dealt with in their daily struggles. They pointed to the system of capitalism, the divide and rule tactics of the oppressor, the legacy of apartheid and the preeminence of the interests of the rich over the poor as fundamentally behind the xenophobia. The activists saw the campaign against xenophobia as part of 'the struggle'.⁴⁸ Social movement activists locate the xenophobia problem in history and within the political economy of the country, the continent and the world... Many respondents emphasized that xenophobia is not a new thing. They trace it back to colonialism's divide and rule tactics and to apartheid ideology which sought to instill hatred between black people...

There are structural factors that provide the material framework for xenophobia. The continuation of exploitation and oppression in South Africa, the frustration that arises from that, the lack of avenues to change or improve the situation, these are some of the reasons provided by key informants in the research. The analysis goes beyond one country into a critique of economic and power imbalances in the world.

⁴⁶ Joshua Kirshner and Comfort Phokela (2009), 'Khutsong and the xenophobic violence,' Report to Atlantic Philanthropies, December.

⁴⁷ Trevor Ngwane and Nonhlanhla Vilikazi (2009), 'Social movement responses to xenophobia,' Report to Atlantic Philanthropies, December.

⁴⁸ Interviews with SECC, TCC and CAX leaders.

At the same time the local seems to be also important. For example, in Thembelihle local traders were attacked because they were immigrants. This suggested, on the one hand, criminal intent as their goods were stolen, but the hate speech was linked to these traders undercutting South African born traders in business... Sometimes immigrants are accused of not taking part in community meetings and in workplace struggles.⁴⁹ This is related to their sojourner status in the areas that they live and their precarious position at the workplace because they do not have official documents. One respondent was concerned that even when male immigrants marry local women sometimes their children show them no respect because of what they hear in the street about their fathers being 'foreigners'.⁵⁰

Immigrants seem to end up being the losers in the game in that they suffer injustice and are then blamed for this, for example, at work they are forced by the bosses to accept little pay but fellow workers turn around and blame them for accepting less money.⁵¹ The advantage to the ruling class especially big business of a divided working class was emphasized mostly by some respondents:

We say no to capitalist divisions. We say no to the capitalist cancer that is xenophobia. We want to unite with all our African brothers and sisters and other working class peoples of the world. We say the way forward is sharing, compassion and solidarity.⁵²

⁴⁹ Respondent, Thembelihle.

⁵⁰ Bhayzer, Thembelihle leader.

⁵¹ Mapfumo, Thembelihle, immigrant.

⁵² Soweto Electricity Crisis Committee (2008), 'March against Xenophobia, press statement', 26 May.

Recommendations

It is to the long-term problems of a durable, structural nature that our recommendations can be best addressed. Without a long-term solution, the lack of coordination and leadership exhibited in South African civil society will continue. Hence this report recommends,

1. A unifying local/ national/regional approach to rising (and durably high) unemployment, based upon a 'right to work' and sufficient public work resources, directed to projects needed by poor people and the communities;
2. A dramatic shift of state investment resources into housing/services, for both capital/ infrastructure and ongoing operating/maintenance subsidies;
3. A rising level of disposable income for low-income people – e.g. through a Basic Income Grant - to accommodate the intensified desperation in the informal sector;
4. A commitment to dramatic increases in publicly-subsidised employment and to channelling investment resources into low-income areas, so as to mitigate the economic desperation that so often generates crime;
5. Changes to South African state regulations that liberalise border restrictions (e.g. the Zimbabwean temporary work visa), and a very strong stance against such corruption, plus a dramatic increase in staff to accommodate the Department's rising clientele base;
6. A much greater South African state commitment to promotion of cultural diversity and the 'melting pot' of regional citizenries within South Africa;
7. A shift of South African foreign policy – driven by regional solidaristic initiatives in civil society - away from strategies which exacerbated political-economic and geopolitical tensions in Southern and Central Africa

Strategies to fight against xenophobia need to traverse and cover many areas of social, political and economic life.

There is a need to address certain structural problems that provide fertile ground for the growth of xenophobic attitudes. There is also a need to address the 'subjective factor', that is, to affirm those ideologies, politics and actions that encourage the subaltern classes to search and find solutions that don't include xenophobia.

Secondly, the strategies to fight xenophobia should address destitute locations' genuine needs. The most pressing needs consist of providing decent housing, water and electricity; sustainable job opportunities; skill empowerment in self-employment, inclusive community policing forum to fight crime, and training in whistleblower techniques in order to fight corruption, and joint social cultural events to bridge the gap between South African poor and destitute migrants.

Thirdly, power without accountability leads to abuse and often the most vulnerable suffer the most, in this instance, African immigrants who end up paying exorbitant rents on pain of being kicked out of their shacks and possibly even out of the country. But South African 'borners' suffer the same fate to some extent. There is a need for the authorities to intervene in this business of renting out shacks,

there is also a need for the community to unite as 'non-borners' and 'borners' to fight this evil and assert the rights of tenants and the right of all to decent housing. As matters stand the landlords are getting their way partly because of playing up divisions between these two groups. A related issue is have a good political leadership which will unite the poor communities across the city because united they will stand but divided they are falling. A principle needs to be found that will provide a basis for unity and this platform could be the equal participation of all irrespective of gender, race and country of origin.

Fourth, it is ordinary working class people who pay the price for the ill-treatment of and discrimination against immigrants. They pay through being kept divided as a working class thus leaving the business class in a stronger position. South African born workers know this when they accuse immigrants of undercutting wages. They should know that the fault is less that of the immigrants, who are victims, than of the bosses who benefit from this perverse arrangement. Hence, the work of getting rid of xenophobia requires raising the awareness of ordinary people about the negative consequences of xenophobia. Political education and leadership are crucial in carrying out this work of raising awareness, of developing a 'working class consciousness.

Durable socio-economic and 'local geopolitical' problems remain as challenges for more visionary civil society strategists. Ironically, there are hints of visionary breakthrough in several relationships established by regional (Southern African) organisations, including the celebrated solidarity expressed during the April 2008 Durban dockworker refusal to unload three million bullets and weaponry destined for Robert Mugabe in Zimbabwe. There is hope for post-xenophobic civil society, but only if we work through the processes that have taken us from here to here.

In this context, we believe the *structural* problems that have adversely affected low-income people – thus contributing to long-term xenophobic attitudinal norms – can be summarised as follows, with suggested recommendations for mitigation:

Problems & recommendations

Extremely high unemployment

- A unifying local/national/regional approach to lowering (durably high) unemployment, based upon a 'right to work' and sufficient public works resources, especially 'green jobs', directed to projects needed by poor people and their communities

A tight housing market with residential stratification, and service delivery shortfalls

- A dramatic shift of state investment resources into housing/services, for both capital/infrastructure and ongoing operating/maintenance subsidies

Extreme retail business competition

- A rising level of disposable income for low-income people – e.g. through a Basic Income Grant - to accommodate the intensified desperation in the informal sector

World-leading crime rates

- A commitment to dramatic increases in publicly-subsidised employment and to channelling investment resources into low-income areas, so as to mitigate the economic desperation that so often generates crime

Home Affairs Department corruption

- Changes to South African state regulations that liberalise border restrictions (e.g. the Zimbabwean temporary work visa), and a very strong stance against such corruption, plus a dramatic increase in staff to accommodate the Department's rising clientele base

Cultural conflicts

- A much greater South African state commitment to promotion of cultural diversity and the 'melting pot' of regional citizenries within South African

Severe regional geopolitical stresses

- A shift of South African foreign policy – driven by regional solidaristic initiatives in civil society - away from strategies which exacerbated political-economic and geopolitical tensions in Southern and Central Africa



Synthesis Report:

PROBLEMATISING CIVIL SOCIETY: ON WHAT TERRAIN DOES XENOPHOBIA FLOURISH?

by Patrick Bond, Mary Galvin, Mazibuko Jara and Trevor Ngwane

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Introduction to the notion of civil society

Is there a need to reconceptualise civil society organisations (CSOs) given the fragmented, uneven, varied and sometimes contradictory responses of CSOs to the May 2008 violence? The typical catch-all definition of civil society is that it is the space between the state, the market and the family. It includes groups that came together to incite xenophobic impulses and act on them, groups that assisted their victims, and groups that take wider positions to challenge the structural conditions that fed the attacks. Asks Gordon White, 'Surely a concept with this degree of elusiveness should be sent back to its coffin in the great church of political theory?'¹ Michael Edwards agrees: 'An idea that means everything probably signifies nothing... A glance through civil society literature would leave most people rapidly and thoroughly confused.'² Are we justified in jettisoning 'civil society' as a defining concept, given that it is a container with such different kinds of organisations? Or instead, do we need more nuanced typologies to work through complex CSO divisions?

While highlighting the socio-economic context in which people find themselves, we believe **CSOs do indeed present an appropriate lens through which to view xenophobia**, and to understand how to act against it.

¹ Gordon White (2004), 'Civil Society, Democratization and Development: Clearing the Analytical Ground in Civil Society in Democratization', in P. Burnell and P. Calvert (eds), Frank Cass, London.

² Michael Edwards (2009), *Civil Society*, Polity Press, Cambridge.

But we must begin with the way civil society is treated in the most relevant social theory, and relate this theory to international trends and new civil society typologies, as well as to changes in urban and regional/continental political economy associated with structural adjustment and social grievances (1.2). Of special importance is the tension in analysis between CSOs that support the *status quo*, and those that oppose prevailing power relations, often on socio-economic grounds. That literature applied to South Africa permits us to raise critical questions about the nature of 'civil' and 'uncivil' society, and their impact on socio-political and economic challenges such as xenophobia. At that point we can more insightfully enter South African civil society, including the intense social protests in communities which are increasingly associated with attacks on immigrants (1.3). In Johannesburg, Cape Town and Durban, as well as some smaller cities that have witnessed 'service delivery protests', we find a conjuncture linking rising social anger about structural conditions to ongoing attacks on immigrants, especially in small-scale township shops and retail outlets. One reason, we conclude, is the failure of CSOs to adopt a broader vision of society, and of potential solutions that can be found in the sphere of collective action. Without strong analysis and an inspired vision, CSOs will continue to play the ambivalent role in relation to xenophobia that we have observed to date.

Social theory, international trends and the changing urban/regional context

Social theory and political economy

Innovations in social theory encompassing civil society include an awareness of interrelationships and networks, and a growing sophistication in typologies of civil society. These are both important as we address whether a 'networked society' can cope with stress associated with amplified global capital and labour flows, especially in the acutely unequal Southern African region.

Our premise is that **civil society fits into various organisational forms that have high levels of networkability and flexibility**, yet that face structural forces of both an inclusive and exclusive nature.

On different occasions, in other words, civil society can be a force that turns grievances into progressive social change, or alternatively that generates reactionary politics. There are ideal-type theories of social organisation which can assist us in understanding how xenophobic collective action can rise, and likewise can be fought.

Within his notion of a 'network society', for example, Manuel Castells describes civil society organisations as a field of 'decentralised concentration where a multiplicity of interconnected tasks take place in different sites'.³ Also seeking an ideal-type, Michael Hardt and Antonio Negri insist that

³ Cited in Helmut Anheier and Hagai Katz (2004), 'Network Approaches to Global Civil Society,' in Helmut Anheier, Marlies Glasius, Mary Kaldor (Eds), *Global Civil Society 2004/05*, London, Sage, pp.207-08.

their category 'the *multitude*' (as distinct from the 'masses') might 'be conceived as a network: an open expansive network in which all differences can be expressed freely and equally, a network that provides the means of encounter so that we can work and live in common'. Under optimal conditions, the network form provides 'the model for an absolutely democratic organisation that corresponds to the dominant forms of economic and social production, and is also the most powerful weapon against the ruling power structure.'⁴

While there are certainly organisations and movements that work against dominant socio-economic systems, as described by Hardt and Negri, there are many more that work to strengthen existing relationships. This contradiction between the oppositional and *status quo* role of civil society is highlighted in the work of early 20th century theorists Antonio Gramsci and Karl Polanyi. As reformulated by Michael Burawoy, civil society is either an active, countervailing force against excesses especially associated with economic oppression, as the Hungarian Polanyi argued in *The Great Transformation* (1944), or, in contrast, a sturdy bulwark supporting conventional wisdom and existing power relations, as the Italian political theorist and activist Antonio Gramsci insisted in his *Prison Notebooks* (1930s). Part of Gramsci's analysis of hegemony depicted social organisations serving as state proxies that ultimately protect and extend the very property relations that are at the heart of social conflict. This dichotomous reading of civil society - as a stabilising, conservative force (Gramsci), or instead as a 'new social movement' challenge to market excesses (Polanyi) - returns in contemporary times, and assists us in working through South African and regional responses to xenophobia.

Inserting a "supremist category", David Sogge updates this dichotomous reading. He divides civil society organisations into three categories according to their normative values or ideology: "emancipatory", or Polanyi's challenge to market excesses, referred to later in this chapter as social change CSOs; "self regarding or inward looking", or Gramsci's *status quo* groups, referred to later in this chapter as "technical" CSOs; and supremacist:

- *An emancipatory camp.* A diverse category populated by those pursuing aims consistent with covenants of social, economic, cultural and civil rights. Having been vigorously discouraged for decades by outside powers and their local clients, it is a minority, often a besieged minority.
- *The self-regarding or inward-looking.* The bulk of voluntary associations and nonprofits may best be categorised as instrumental, as vehicles for service delivery, political self-advancement, etc., or merely inward-looking, as with the most religious and cultural associations, clubs providing services to members and so forth.
- *A supremacist category.* Also in a minority, these groups routinely pursue domination over others, denying or subverting emancipatory aims, as agents of economic or violent crime, promoters of xenophobia, ethnic hatred, denial of rights to women and girls, etc. However, in some settings they can be well-positioned and enjoy the protection or outright support of those holding state and corporate power.⁵

⁴ Michael Hardt and Antonio Negri (2004), *Multitude*, New York, Penguin, pp.xii, xiii, 88, 135.

⁵ David Sogge (2004), 'Civil Domains in African Settings: Some Issues,' Discussion paper prepared for the Hivos Africa Consultation, Arusha, 7 June. He draws chiefly on Jude Howell and Jenny Pearce (2001), *Civil Society and Development - A Critical Exploration*, London, Lynne Rienner.

Yet it is clear that there is constant movement, definition and redefinition, in the normative values of CSOs. Instead of fitting within any clear dichotomy, they shift and move along a continuum, as discussed in the following section. Tracking individual organisation's movement, or more powerfully, CSO overall shifts along this continuum within national and local contexts, is critical to understanding their position and role engaging with challenges such as xenophobia.

Indeed, the positioning and work of many CSOs together are contributing to the gradual development of a counter hegemonic ideology to engage in Gramsci's "war of position". During the 1930s, while in prison, Gramsci analysed the rise of fascism and the failure of liberatory political movements in Italy and other Western societies. He explained, capitalist hegemony depended upon not merely repression, but also consent via social institutions:

When the State trembled, a sturdy structure of civil society was at once revealed. The State was only the outer ditch, behind which there stood a powerful system of fortresses and earthworks... The massive structures of modern democracies, both as State organisations, and as complexes of associations in civil society, constitute for the art of politics as it were the 'trenches' and the permanent fortifications of the front in the war of position...⁶

Burawoy interprets: 'Civil society smothers any attempt to seize state power directly, so that revolutionary activity involves the slow, patient work of reorganising associations, trade unions, parties, schools, legal system, and so forth' - i.e., Gramsci's 'war of position', in contrast to a more insurrectionary 'war of movement'. Polanyi's most powerful idea, meanwhile, was probably that of 'a double movement' in which 'the extension of the market organisation in respect to genuine commodities was accompanied by its restriction', as society periodically resisted excessive commodification, today increasingly invoking the idea of 'rights' as an antidote to market disempowerment.⁷ While there are all manner of problems with 'rights discourses',⁸ they do parallel the kinds of reactions to rampant market penetration now underway across the world, in the sphere of 'reproduction' of the broader social system, since civil society organisations are expected to stand in when neoliberal policies shrink the state. In such situations, according to Isabella Bakker and Stephen Gill,

Reprivatisation of social reproduction involves at least four shifts that relate to the household, the state and social institutions, and finally the basic mechanisms of livelihood, particularly in poorer countries:

- › household and caring activities are increasingly provided through the market and are thus exposed to the movement of money;
- › societies seem to become redefined as collections of individuals (or at best collections of families), particularly when the state retreats from universal social protection;

⁶ Antonio Gramsci (1971), *Selections from the Prison Notebooks*, New York: International Publishers, pp.238,243.

⁷ Karl Polanyi (1957), *The Great Transformation: The Political and Economic Origins of Our Time*, Boston, Beacon, p.76.

⁸ For example, see Mark Tushnet (1984), 'An Essay on Rights,' *Texas Law Review* 62.

- › accumulation patterns premised on connected control over wider areas of social life and thus the provisions for social reproduction; and
- › survival and livelihood. For example, a large proportion of the world's population has no effective health insurance or even basic care.⁹

The state remains the primary agency through which social welfare is delivered, through government's command over significant fiscal resources, but because government control over policy is increasingly challenged by international financial and trade agencies, multinational corporations, and foreign donor governments, a great many social welfare functions have devolved to households and communities, with some NGOs reproducing the ideology of neoliberalism so as to maintain their own relevance. In reaction, especially since the 1980s, the world has witnessed social movements rising to contest public policy. Some do so in sectoral terms, on matters of housing, water, energy, healthcare, education and numerous other areas of reproduction. Others have emerged geographically, as Franz Schuurman reports, as 'social organisations with a territorially-based identity, striving for emancipation via collective action.'¹⁰

At this stage it is important to distinguish immediately between 'organisations' - particularly those that emerge in the implementation of formal social policies (such as welfare agencies or implementation-oriented NGOs) or in the reproduction of daily life (mutual aid groupings) - and *movements*. The latter are both protest-oriented and utopian, in the sense of attempting to construct the community of a future society in the decay of the old, in the manner posited in the classic studies by Castells and by Andre Gunder Frank and Maria Fuentes.¹¹ But these tend toward the ideal types or the extremes, grounding the continuum that, as explained in more detail below, permits us to understand changes in position of civil society organisations as new financial, political, ideological and other pressures come to prevail.

International trends

From the 1980s, NGOs received growing attention as organizations with potential to salvage the 'Development Project'. Fowler¹² lists sixteen advantages of NGOs including the perception that NGOs have strong relationships at the grassroots level, giving them greater legitimacy to engage in development.¹³ Proponents also argue that their small scale allows them to control costs and promote efficiency. As a result of their comparative advantages, the NGO sector boomed and there was a great increase in the number of NGOs as well as in their budgets and visibility. Hulme and Edwards

⁹ Isabella Bakker and Stephen Gill (2003), 'Ontology, Method and Hypotheses,' in I. Bakker and S. Gill (Eds), *Power, Production and Social Reproduction*, Basingstoke, Palgrave Macmillan, p.36.

¹⁰ Schuurman, F. (1989), 'Urban Social Movements: Between Regressive Utopia and Socialist Panacea,' in F. Schuurman and T. van Naerssen (Eds), *Urban Social Movements in the Third World*, London: Routledge, p.9.

¹¹ Manuel Castells (1983), *The City and the Grassroots*, Berkeley, University of California Press; Frank, A.G. and M. Fuentes (1990), 'Civil Democracy: Social Movements in Recent World History,' in S. Amin, G. Arrighi, A.G. Frank and I. Wallerstein, *Transforming the Revolution: Social Movements and the World-System*, New York, Monthly Review.

¹² Alan Fowler (1992), 'Distant Obligations: Speculations on NGO Funding and the Global Market.' *Review of African Political Economy*.

¹³ Michael Edwards and David Hulme (1995), *Non-Governmental Organisations-Performance and Accountability- Beyond the Magic Bullet*, Earthscan, London, p. 40.

suggest that Southern NGOs followed in the footsteps of Northern NGOs, which nearly doubled in number from 1980 to 1993 and whose budgets had risen to \$5.7 billion in current prices.¹⁴ It can be expected that this trajectory continued since.

Since the 1990s, analysts have increasingly argued, with more or less vigour, that the virtues of NGOs were exaggerated. These analyses served as an important corrective to the earlier literature. However they failed to acknowledge that some of the virtues of NGOs were eroded from the time they began to be trumpeted as a ‘magic bullet’. Analysts generally ignored how shifts in the political and economic environment have helped change the nature of NGOs, diminishing their comparative advantage. In short, these shifts to market dominance not only affected developing countries at the governmental policy level, but also affected civil society organisations.

Over the past decades, developing countries have become highly dependent on aid due to worsening economic divisions between North and South and rapidly escalating levels of debt. In many cases, their precarious economic position essentially forced governments to adopt neoliberal economic policies advocated by international financial institutions (IFIs). Proponents of neoliberalism expect the opening up of the economies of developing countries to provide the answer to social ills, removing the need for the state to intervene in social welfare or development issues. Where development interventions are considered necessary, IFIs and donors have supported the strengthening of civil society organizations so that they can replace the state in the delivery of development services. This logic has even affected the approach of the more ‘alternative’ or progressive donors that have not consciously embraced it. As a result, civil society organisations, specifically development NGOs, have faced pressure to take on roles that previously belonged to the state and to adopt a more efficient approach consistent with the private sector.¹⁵ In the process, the nature of civil society has become increasingly technical, and this compels a more detailed categorisation of different typologies.

Today, the significant diversity amongst civil society organisations, their roles, origins and variety of country contexts, and an increasing variety of hybrid organizations leads many authors to conclude that it is not possible to characterize the sector due to its diversity.

Analytically **this leaves us ill equipped to grapple with civil society**, short of concluding that they are complex.

We are either left to conclude that all CSOs operate in the same fashion or that each needs to be examined on its own. A classification of CSOs is necessary in order to analyze the impact of the sector systematically.

Organizational classifications could be based on one of three dimensions: material base, organizational expression, or ideology and guiding values.¹⁶ Existing classifications tend to be based

¹⁴ David Hulme and Michael Edwards (1997), *NGOs, States and Donors*, Macmillan Press, p.4.

¹⁵ Ibid.

¹⁶ Andrew Clayton (ed) (1996), *NGOs, Civil Society and the State: Building Democracy in Transitional Societies*, INTRAC, Oxford, p.15.

on organizational expression. NGOs are classified according to their scope or size; whether their function is advocacy, development or relief; or whether they are run by their members or by a group of professionals. Other classifications are based on an organization's material base: whether it is a northern or southern NGO, whether it depends on volunteers, or what type of funding it receives. While these are important differences, such classifications sometimes fail to differentiate between what role NGOs play and how well they play it. Differences of management, structure, or stage of organizational development are relevant to considering how well CSOs meet their aims. However they fail to address the role played by organizations.

Classifications based on organizational approach come closest to addressing the role played by organizations. However, they tell us more about the development era in which they were formulated and the approach then seen as critical, than about organizations themselves. Their utility has been diminished by the fact that many organizations have adopted similar 'best practice' approaches. For example, references to participation are becoming meaningless as all CSOs claim to embrace such approaches.¹⁷

The third dimension of ideology helps explain why some NGOs became technical organizations and others maintained a focus on social change. All organizations may have shifted in response to the global context and in response to donors, yet they have maintained important differences due to their ideological bases. The term 'ideology' is used in radically different ways depending on one's academic orientation. Gramsci uses ideology to describe the terrain of the wider political struggle for hegemony. However his theoretical approach is applicable in the context of development. Development is, of course, a cornerstone of politics in the developing world. Put simply, the development ideology of modernization and neoliberalism is presently hegemonic, yet is challenged by the counter-ideology of alternative, grassroots development. One sign of the struggle for hegemony in the development realm is how proponents of this counter-ideology are infuriated by the World Bank's absorption of NGOs into its work¹⁸ and its appropriation of concepts such as participation and social capital.¹⁹ The ideology of modernization and technicism, as characterized by James Scott²⁰ in *Seeing Like a State*, has maintained its hegemony to such an extent that critics such as Arturo Escobar often equate development itself with this ideology, or treat the two as inseparable. This has been compounded by the fact that most of the development literature is program-oriented, treating ideology as a given rather than openly examining or even acknowledging it. Over the past decades this ideology has been adopted by proponents of neoliberalism, giving it a new source of power and, as discussed in the previous section, infusing most organizations to some degree.

A competing grassroots ideology of development has been developed and adopted by activists, a segment of the international NGO development community, and many local CSOs. It developed out of the 'alternative development' approach of the 1970s, which emphasizes participation and empowerment.

¹⁷ David Hulme and Michael Edwards (1997), *Op cit.*, p.10.

¹⁸ Carmen Malena (2000), "Beneficiaries, Mercenaries, Missionaries and Revolutionaries: 'Unpacking' NGO Involvement in World Bank-Financed Projects", *IDS Bulletin*.

¹⁹ *Ibid.*

²⁰ James Scott (1999), *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Yale University Press, New Haven.

More recently, development gurus like Robert Chambers have essentially advocated a new ideology of development that emphasizes participation as an end in itself and the significance of recipients driving the process.²¹

In *Democracy and Development in Latin America*, Lehmann²² describes how this ideology, which he terms ‘bassimo’ from the word ‘base’, interacts with the ideology of modernization.

Although it is not referred to directly, the development literature acknowledges ideology as a significant feature of organizations in two ways. First, literature has focused on organizational values and organizational culture, asking what makes CSOs distinctive and what they share with the private sector.²³ Ideology is essentially the way that organizations express their values and culture through activities or practice. Second, the differences between Northern and Southern NGOs have been the focus of many analyses. However the geographical location of differences in values and cultures is misleading. As the geographical location of these characteristics has faded, we have essentially been left with two ideologies. The international development literature has produced classifications that include organisations whose nature is either ‘grassroots-social change’ or ‘technical-private sector’. CBOs can be accommodated in existing classifications as grassroots organisations. This has been captured in a powerful way recently by Sogge, who contrasts the ‘mainstream lineage’ with the Polanyian ‘alternative lineage’ of divergent civil society organisations:

Typologies of civil society - Sogge

	Mainstream lineage	Alternative lineage
Membership of civil society	Local and intermediary NGOs, anti-government media, nonprofit service bodies such as missions, charities, professional and business associations	Social movements, non-establishment political parties, trade unions, activist community-based organisations, knowledge-based NGOs, independent media
Main problems for civil society to tackle	Imperatives of markets, competition and modern life break natural social bonds. Tensions increase, threatening political instability. Lack of trustful relations in society sets limits to exchange and to security of private property – thus setting limits to economic growth. The state ‘crowds out’ private economic actors. Bad governance stems from oversized state apparatuses and from behaviour of government elites.	Domination by national and foreign state and private actors (often in collusion) generates socio-economic exclusion and insecurity. These set limits to equitable development and growth, weaken tax-based redistributive measures, frustrate democratic politics and generate dangerous social polarisation. Bad governance is a cumulative outcome of national and global politico-economic and military forces.

²¹ Robert Chambers has produced an extraordinary body of work, which can be accessed through the Institute for Development Studies. One early example is *Rural Development- Putting the Last First* (1993).

²² David Lehmann (1990), *Democracy and Development in Latin America*, Temple University Press.

²³ Jenny Pearce (2000), ‘Development, NGOs, and Civil Society: The Debate and its Future’ in *Selected Essays from Development in Practice*, Oxfam, Oxford.

Wider roles of civil society	Civil society fosters bonds of trust, thus lowers business transaction costs and widens market relations. It compensates for loss of traditional social bonds, strengthening social consensus and consent to rules, thus helping prevent conflict.	Civil society promotes the ethic and practice of solidarity and emancipation, animating and inspiring action toward state and toward private business interests. (Nonviolent) conflict seen as a necessary motor of social change.
Organisations' positioning and tasks	Organisations together form a 'third sector' complementing the state and business sectors, though they are separate from the state in political terms. Via 'advocacy and lobbying' they hold the government to account. They promote decentralisation and reduction of central state powers. Via public-private 'partnerships' some NGOs provide social services, conflict mediation &c. as alternatives to state providers.	Organisations distinct from state and from business interests. Social movements may however crystallize into parties contesting for state power. Otherwise, primary tasks are to aggregate countervailing power through mobilising and forging alliances among groups of the poor and excluded via routine and non-routine political, judicial and media channels.
Level and scope	Mainly local and national	Local, national and international
Political premises	Approach is premised on notions of 'weak publics' where opinions are formed but no active political leverage is pursued.	Approach premised on notions of 'strong publics' where opinions develop and political leverage actively pursued.
Contemporary origins and backing	Approach associated with family of ideas centred on 'community', 'social capital' and 'trust' promoted chiefly by US academics and large research projects based at US universities. Major financial and intellectual backing since around 1990 from the World Bank & USAID.	Approach associated with activist movements of 1970s and 1980s confronting authoritarian, often western-backed regimes. Latin American, anti-colonial and some European intellectuals.

There appears to be a consensus in the literature, allowing for different terminology. The chart below outlines classifications of four other authors. Friedman, in reference to Villegas' classification, distinguishes between popular organizations, politically progressive NGOs, professionally oriented NGOs, and parastatal NGOs.²⁴ These relate well to the types of organizations referred to above. Similarly, Clark's typology refers to Advocacy Groups and Networks, Grassroots Development Organizations, and Popular Development Agencies, which would all fall on the Grassroots Organizations-Social Change end of the continuum. His remaining organizations, public service contractors, technical innovation organizations and relief and welfare agencies, belong alongside the technical-private sector and state organizations end of the continuum.²⁵ Korten's typology is straightforward, ranging from people's organizations to governmental NGOs.²⁶ Yet the requirement that voluntary

²⁴ John Friedmann (1992), *Empowerment: The politics of Alternative Development*, Blackwell Publishers, Oxford.

²⁵ John Clark (1991), *Democratizing Development: The Role of Voluntary Organizations*, Earthscan, London.

²⁶ David Korten (1987), "Third Generation NGO Strategies: A Key to People-Centred Development." *World Development*, Supplement, p.145-159.

organizations depend on voluntarism pushes many different NGOs into the public service contractor type by default. Finally Smillie refers to stages through which organizations move back and forth.²⁷

Ways of categorising civil society – Villegas, Clark, Korten, Smillie

Author	Grassroots-Social Change	Technical-Private sector or state
Villegas	Popular organizations, politically progressive NGOs	Professionally oriented NGOs, parastatal NGOs.
Clark	Advocacy groups and networks, grassroots development organizations, popular development agencies	Public service contractors, technical innovation organizations, and relief and welfare agencies
Korten	People’s organizations, voluntary organizations	Public service contractors, governmental NGOs (GONGOs)
Smillie	Community based voluntarism, institutionalisation	Professionalisation, welfare state

What is the basis for classifying organisations as ‘grassroots-social change’ or ‘technical-private sector’? Classification depends largely on the attributes one deems to be important. Although the development literature treats ideology as a significant aspect of organizations, it has not been developed into an organizational classification. Yet an important basis of difference amongst civil society groups is often ideology, or the dominant values, norms, or orientation within an organization.²⁸ In terms of ideology, the typical range of groups can be classified as social change or technical according to the following characteristics:

Ideologies as characteristics

<i>Grassroots/ CBOs</i>	<i>Social Change</i>	<i>Technical outputs</i>
Based in the community	People-centered or driven, bottom up Internal aim of democratic practice	Top down with participation Internal Hierarchy
Community need as end	End as social transformation Empowerment	Process as a means to achieve end, product as end Delivery
Relatively ad hoc	Learning organization, shifting strategies	Blueprint

²⁷ Ian Smillie (1995), *The Alms Bazaar: Altruism Under Fire- Non Profit Organisation and International Development*, Intermediate Technology Publications, London.

²⁸ This refers to the ‘dominant’ ideology, recognising that there are ongoing power struggles within organizations over ideology, as discussed in the organizational theory literature.

Politics of survival	Political, strong ideals (can include 'radical' causes that are not necessarily left wing)	Non-political
Local realities	Local realities	Linear, mainstream approach Modernisation

In contrast, as grassroots organisations, CBOs are placed alongside social change NGOs. In general, they may appear to exhibit a mixture of the characteristics listed above: they are based entirely in the community, pursue a community need as an end, and are less conscious of organisational approach and structure. The overriding factor is often that, at some level, CBOs are simply about survival. In terms of their approaches, internal functioning, and the ends being pursued, CBOs differ from NGOs in that many CBOs are not driven by what many might recognise as an ideology per se, but by creating an immediate response to local realities. However survival itself can serve as an ideology, allowing these CBOs to 'demand access to the resources it mobilizes in a manner that refutes orthodox developmental logic' and to locate themselves as closer to social change NGOs or social movements.²⁹

Since organisations often embody a mixture of characteristics, they can be placed along a continuum. Grassroots organisations/ CBOs as well as social change and technical NGOs are presented above as ideal types. It is highly unlikely that any organisation will fit one of these descriptions entirely. Organisations are constantly in flux, interacting with their environment and with other organisations. Thus they can be placed along a continuum according to what is given priority and to what degree, depending on their embodiment of these characteristics. It is also useful to place this continuum within its wider environment, including what is often referred to as the first (state) and second (private) sector.³⁰

Social Change/ ----- Technical --- Private sector/

Grassroots organisations

State

Conceptualising organisations along a continuum allows for their movement in response to financial pressures, new formative experiences, and ideological shifts. Analyses of NGOs and CBOs often focus on how CBOs are becoming more like NGOs and NGOs are becoming more like consultants. They assess why NGOs have tended to move toward the technical end of the spectrum and some CBOs have also moved toward becoming more professionalised.³¹ However it is important to accept that all CSOs are in flux and that they move along this continuum as their characteristics shift. Movement in either direction can be monitored, as CSOs respond to government's policies, funding pressures, and grassroots demands and needs.

²⁹ Patrick Bond (1999), Op cit., pp.38-39

³⁰ Andrew Clayton, Op cit., p.20.

³¹ Organisations' need to obtain funding explains much of their behaviour. Other pressures arise from being part of a wider network, when primary accountability can shift from local members to the network. Clearly there are competing demands that make the ideal of remaining accountable and attentive to the local level difficult to maintain.

CSOs' motivation may differ depending on their location along the continuum. Technical CSOs may help extend the reach of the state's service delivery, which Kotze refers to as the 'efficiency argument', and advocacy CSOs may 'organise against the human fallout of neoliberal policies'.³² Kotze's apparent third option is that communities have formed CBOs or community movements to help them survive in response to desperate economic circumstances and the neglect of the state, or to undertake local political action. This may also serve as the basis for involvement in social movements.

More generally, David Harvey argues,

Eschewing traditional forms of labour organization, such as unions, political parties, and even the pursuit of state power (now seen as hopelessly compromised), these oppositional movements looked to their own autonomous forms of social organization, even setting up their own unofficial territorial logics of power (as did the Zapatistas), oriented to improving their lot or defending themselves against a predatory capitalism. A burgeoning movement of non-governmental organizations (some of them sponsored by governments) sought to control these social movements and orient them towards particular channels, some of which were revolutionary but others of which were about accommodation to the neoliberal regime of power. But the result was a ferment of local, dispersed, and highly differentiated social movements battling either to confront or to hold off the neoliberal practices of imperialism orchestrated by finance capital and neoliberal states.³³

In sum, across the world it appears that some social and political aspects of neoliberalism are being transmitted from donor to NGO and from NGO to the grassroots level.³⁴ There are no straightforward mechanisms that explain how this has occurred. Shifts in legitimacy, advances in technology as well as in control over resources have played a role in transmission. Perhaps the most straightforward mechanism, and one that is particularly relevant to the NGO sector, relates to control over resources. As NGOs have grown in number and size, so has their dependency on official funds.³⁵ This creates all manner of problems, especially within and between these organisations, according to Alan Fowler:

Troubling questions for many Non-Governmental Development Organisations (NGDOs), particularly in the South, relate to their place in society. Do they belong and will they be sustained within an eventually

³² . Hermien Kotze, 'Responding to the Growing Socio-Economic Crisis? A Review of Civil Society in South Africa', *Development Update*, pp. 1-32.

³³ . David Harvey (2008), p.189.

³⁴ . NGOs' 'transmitting' these aspects does not imply passing these aspects down unchanged since transmission also depends on the reception on the receiving side. Petras and Hearn discuss the potentially subversive role played by NGOs.

³⁵ . David Hulme and Michael Edwards (1997) and Ian Smillie (1995), Op cit.

unaided civic institutional ecology? And do other CSOs – either already around or emerging - offer more viable institutional forms allied to a development potential? Tentative indicators suggest that the answers to these two questions may, respectively, be no and yes...

It can be argued that aid has permitted, if not caused, a continued separation of NGOs from the mainstream of civil society in the North and South. Despite concerns for sustainability, there has not been adequate investment in the social and economic rootedness of southern NGOs. A topic for a futures debate is whether this situation is tenable and what does it say about the deep motives and commitments of donor countries? And, an agenda for action among northern NGOs is, surely and at last, to be really serious about the long-term institutional sustainability of a strategically identified group of southern counterparts.

In sum, there is a prima facie case to suggest that social movements may offer better prospects for sustainability as well as legitimacy and the political influence required for structurally oriented development. And, if NGOs could be displaced by associations of poor people as the source and driver of their own structural advance, empowerment in its deeper sense requires more (donor) attention to other civic actors and formations.

But such attention cannot be without very serious rethinking of mechanisms and processes for engagement that do not undermine the dynamic and fluid essence of movement life. As one leader remarked when asked if his movement could become more 'organised' to make it fundable: 'you cannot put a fire in a box'.³⁶

Since the environment or social context provides part of the explanation for behaviour, **how the context affects organizations becomes the interesting question.**

³⁶ Alan Fowler (2005), 'Aid Architecture: Reflections on NGO Futures and the Emergence of Counter Terrorism,' Intrac Occasional Paper 45, Oxford, January.

Resource dependence is the primary theory explaining how this is achieved and, more recently, it has been developed further in the concept of ‘funding chains.’³⁷ Resource dependency theory, as developed by Pfeffer and Salanick, is based on the idea that ‘organizations transact with others for necessary resources, and control over resources provides others with power over the organization.’³⁸ Funding chains show how funds flow from the original donor through one or more intermediary organizations before reaching the final beneficiary. Each actor is able to control the behaviour of the others due to its control over resources.³⁹ Resource dependency theory helps explain why donor attempts to professionalize and standardize NGOs have been successful and why NGOs have been diverted into becoming implementers of donor policies.⁴⁰

However it is incorrect to suggest that NGOs have no agency. Although NGO leaders often resort to blaming donors for the weaknesses and problems in the voluntary sector, donors are not simply external actors who impose their ideology on NGOs. It is likely that the approach of NGOs shifted to some degree independently of donor influence. NGOs adjusted to the neoliberal global context and, in many cases, to their new role in newly democratized societies. Typically an NGO establishes relationships and obtains funding from donors with whom it identifies a ‘fit’ in approach, ideology and practice and its work with the donor becomes a mutually reinforcing effect.

One of the key questions in the development literature is whether NGOs are changing so much that they are losing their comparative advantage or distinctiveness. NGOs that served as progressive forces for social change have faced pressure to engage with or represent neoliberal approaches of donors and states. As a result, we are witnessing a general trend in which there is a blurring of lines between NGOs and private sector organizations. Recent analyses of the NGO sector describe NGOs as losing ‘autonomy, initiative and flexibility that NGO status confers upon them’, losing their role as ‘radical social critics’ because they have been absorbed into the aid industry, and become subordinate in terms of ideology and financial dependency.⁴¹ James Petras goes further to describe NGOs as ‘agents of imperialism’.

To assess the exact nature and degree of change within the NGO sector, we must examine NGOs within a country’s ‘associational culture and context.’⁴² South Africa is a particularly interesting country in which to observe the impact of a changing global environment on the nature of development NGOs.

³⁷ Kees Biekart (1999), *The Politics of Civil Society Building: European Private Aid Agencies and Democratic Transitions in Central America*, Transnational Institute, Amsterdam; Alan Fowler (1997), *Striking a Balance: A Guide to Enhancing the Effectiveness of Non-Governmental Organisations in International Development*, Earthscan, London; David Sogge (1996), ed. *Compassion and Calculation: The Business of Private Foreign Aid*, Pluto Press, Chicago; and Mary Galvin (2000), “We Have Nothing to Lose But Our Chains.” *OD Debate*.

³⁸ J. Pfeffer and G.R Salanick (1978), *The External Control of Organizations: A Resource Dependence Perspective*, Harper and Row, p.147.

³⁹ In South Africa, funding chains can include international donors, international NGOs, South African intermediary NGOs, small NGOs, CBOs, and communities.

⁴⁰ Ian Smillie (1995), Op cit.

⁴¹ Jaime Joseph (2000), “NGOs: Fragmented Dreams.” *Development in Practice*, p.390.

⁴² David Hulme and Michael Edwards (1997), Op cit., p.4.

Instead of being spread over nearly thirty years, as in other developing countries, **the South African context has moved from state-driven development to neoliberalism in less than ten years.**⁴³

Before addressing South Africa, we must look at specific urban processes in the context of structural adjustment that generate both inclusive and exclusionary social processes, and the regional lessons we can draw from post-independence civil society's confrontations.

Changing urban context

Since the 1980s, as globalisation amplified local uneven development, rising inter-urban competition between many of the world's megacities reduced municipal management to the enhancement of competitive advantage, via the heightened efficiency of the city as an export platform. The bottom line was the *productivity* of urban capital, as it flowed through urban land markets (now enhanced by titles and registration), housing finance systems (featuring mainly private sector delivery and a dramatic reduction in state subsidies), the much-celebrated (but often extremely exploitative) informal economy, and (often newly-commercialised) urban services such as transport, sewage, water, electricity and even primary health care services (via intensified cost-recovery). To a great extent, the cities have attracted migrants from rural areas as well as other countries, and this lowers the overall wage rates as well, at a time of increasing labour informality.

Following the Polanyian double-movement, such processes have been vigorously contested by popular movements, agitating around conjunctural social policy decisions associated with structural adjustment, especially cutbacks in subsidies for food, transport or other services. As a result of looking to more structural determinants of the problems instead of just short-term causes of crisis, some such movements began to transcend the traditional dichotomy of urban organisations: between an inward-looking territorial identity, and the rhetoric of a broader emancipation. As James Petras and Morris Morley explain based on Latin American evidence, they seek new alliances that traverse traditional spheres of workplace and community:

*The power of these new social movements comes from the fact that they draw on the vast heterogeneous labour force that populates the main thoroughfares and the alleyways; the marketplaces and street corners; the interstices of the economy and the nerve centres of production; the exchange and finance centres; the university plazas, railway stations and the wharves - all are brought together in complex localised structures which feed into tumultuous homogenising national movements.*⁴⁴

⁴³ For one of the best ten year reviews, see Daniel, Southall, and Lutchman (eds) 2005, *State of the Nation: South Africa 2004-2005*, HSRC Press.

⁴⁴ J. Petras and M. Morley (1990), *US Hegemony Under Siege: Class, Politics and Development in Latin America*, London, Verso, p.53.

In the best cases, the unity of the urban poor and the formal working-class generate the kinds of fused social movements, trade unions and political parties that have come to power in Latin America. The reason for this fusion is the commonality of problems that people suffer especially during economic crisis, Petras and Morley continue: 'The great flows of capital disintegrate the immobile isolated household units, driving millions into the vortex of production and circulation of commodities; this moment of wrenching dislocation and relocation is silently, individually experienced by the mass of people, who struggle to find their place, disciplined by the struggle for basic needs and by the absolute reign of ascending capital.'⁴⁵ Under such conditions, which also apply in South African townships, the social base for urban movements is continually regenerated, and people often find a wider identity in a collective.

Much social theory identifies such collectives as potentially liberatory, and in South Africa during the 1980s and early 1990s in the fight against apartheid, the collectivization of black resistance – especially the fusing of middle-class, workers and poor people – had the beneficial impact of creating a layer of organic intellectuals which provided strong leadership and commitment, directed against official racism. Petras and Morley note that the major urban social movements of the past quarter century, in South Africa and many other middle-income countries,

emerged to break the bonds of authoritarian politics and the constraints of police state regimes, to overcome the passivity and paralysis of the traditional opposition, and to forge a new political reality. What makes these social movements different from those in the past is that they are independent of traditional party-electoral political machines. They are led and directed by grassroots leaders. Policy is constantly debated in democratic popular assemblies. The strong ties to local communities and the intense but profoundly democratic political life has enabled these new social movements to mobilize previously unorganised strata: the unemployed, young women, squatters, indigenous peoples.

The new social movements combine with and transcend the action of organised labour movements; street action surges beyond the wage issues toward enlarging the areas of freedom for people to act and realise their human dignity.⁴⁶

However, economic crisis can also generate potentially fascist and xenophobic impulses, and the South African case provides evidence of both. It is not always feasible to specify the construction of social movement identity in urban settings, where conjunctural features are legion but where overt market processes have torn asunder land relations, rural ties, indigenous culture, and many forms of pre-existing authority and social control. The identity of social movements can be traced, at least to

⁴⁵ J. Petras and M. Morley (1990), Op cit.

⁴⁶ J. Petras and M. Morley (1990), Op cit.

some extent, through their implicit or explicit strategic orientations. From experiences with urban movements in Santiago, Eugenio Tironi conceptualise two fields of strategic polarization: between a sense of exploitation or exclusion, and between the goals of participation within or breaking from the wider political, economic and cultural system. Four categories - and prototypical modes of political organisation - result across this matrix of characteristics.⁴⁷

Identities of Social Movement Constituents

status, objectives	excluded	exploited
participation	1 populists/ social change NGOs and CBOs	2 trade unionists
revolution	4 alternative/ autonomists	3 revolutionaries/ socialists

First, those who feel excluded and are anxious to participate more are often supporters of traditional populism (*pobladores*), who are logically the most prone to xenophobic collective action. Second, those who felt both exploited and anxious to participate more in the system included traditional trade unionists. Third, those who feel exploited by the system and who are interested in its formal rupture include traditional revolutionaries. Fourth, there are those alienated social forces which are excluded from the system and which also desire its rupture - and which are also, in many cases, engaged in collective subsistence activities that aim towards the construction of an alternative life-style based, at least to some extent, on the economy of solidarity.

The point, here, is that a variety of *structural* factors are putting extreme stress on society, and civil society organisations are only coping in uneven, partial ways, and with different strategic orientations. The contribution of social theory is partly to establish how these organisations have come to play a role in not only community but even household reproduction, and how the changing structural context generates new functions for urban organisations. To get to the roots of the xenophobia problem requires us to grapple with these theoretical problems and comparative experiences. Indeed, a great deal can be learned by considering how civil society groupings have emerged over time in this region and continent.

Civil society in Southern Africa and Africa

The Southern African region has been amongst the world's leading examples of super-exploitative social relations, networked through migrant labour and settler colonial power. The result is a legacy of social dysfunction, from searing, gendered violence to deep and degrading poverty standing shoulder to shoulder with high modern luxury lifestyles. These were partially homegrown phenomena, insofar as white settlers accumulated and reinvested capital and established violent means of maintaining state power. They were also partially linked to blatant forms of foreign economic exploitation. Settler control occurred through coercive mechanisms that forced Africans into mines, fields and factory

⁴⁷ Authors have inserted additional labels within the 2x2 presented by Franz Schuurman (1990), 'Modernity, Post-Modernity and the New Social Movements,' in F.Schuurman (ed), *Beyond the Impasse*, London, Zed Books, pp.200-201. See also, in Spanish, E.Tironi (1987), 'Pobladores e Integracion Social,' *Proposiciones* 14.

compounds. The system of migrant labour underpinned apartheid and its variations. In the process, women had the added burden of subsidising capitalism through their own survival systems. Since schools, medical schemes and pensions for urban workers were largely nonexistent, such standard input costs associated with employment and social reproduction were borne mainly by those left behind in the rural areas, not by the state or by firms. This nexus of racism, patriarchy and capitalism was an ingenious way to produce and reproduce cheap black labour.

This is not merely of historical interest, for tragically, the central aspects of migrant labour remain important to this day in many of Southern Africa's extractive-oriented economies, including South Africa. They help explain the vast spread of urban slums and temporary residential accommodation in the most miserable circumstances that, as another chapter describes, were central to the xenophobia of 2008 and to simmering resentments before and after. But the most important complication, according to Burawoy, is that the region's civil society retains a variety of pre-market social relationships, in part through longstanding resistance to settler colonialism:

“ The colonial order not only failed to destroy indigenous society, it made active attempts to uphold such a society. The colonisers themselves set limits on the intrusion of the market into African communities. Colonial rule sought to protect indigenous communities as reservoirs of cheap labour on the one side and for reasons of political stability on the other. Squeezed into smaller land areas, disadvantaged in their competition with white farmers (who received all sorts of price subsidies and monopolies), and above all subject to taxation, Africans were compelled to seek employment in the towns. Once they arrived on the mines (or other employer), however, they sold their labour power as single workers with limited residence rights in the urban areas. Wage rates were set below subsistence, which ensured cheap labour for capital but also compelled the urban worker to retain ties to the rural community where his family eked out a separate subsistence existence. The longevity of colonial systems of segregation and indirect rule depended on the vitality of an indigenous society to prevent the urban concentration of workers who might have posed (and eventually did) a political threat to apartheid.”

In opposition to these fragmenting processes, the region's interrelated civil society and political traditions grew and intermingled. They included vibrant nationalist liberation insurgencies, political parties that claimed one or another variant of socialism, mass movements (sometimes peasant-based, sometimes emerging from degraded urban ghettos), and powerful unions. Religious protesters, women's groups, students and youth played catalytic roles that changed history in given locales. The region's and continent's nationalist movements forged panAfricanism in productive alliances with

⁴⁸ Michael Burawoy (2003), 'For a Sociological Marxism: The Complementary Convergence of Antonio Gramsci and Karl Polanyi,' *Politics and Society*, 31, 2, pp.222-223.

diasporic intellectuals and in the process, established newly empowered relations with northern critics of colonialism, apartheid and racism.

But from that context, lasting through the early 1990s in South Africa, when civil society opposition to apartheid peaked, two processes unfolded. First, the organisations which once had a more radical developmental agenda were subsequently either repressed or co-opted and channelled into serving each new incarnation of elite interest. In some African countries, the reaction to the excesses of exhausted, corrupt and repressive nationalist political parties included a new generation of democratic movements, human rights advocates, NGOs, churches, youth and women's groups, and a variety of other civil society groups across the region.

But second, the rise of structural adjustment compelled some in civil society to become active in socio-economic advocacy. The apparent explosion of mutual aid systems, Claude Ake reminds, 'is first and foremost a child of necessity, of desperation even.'⁴⁹ Structural adjustment meant the loss of state welfare programmes, and in turn the need for civil societies to pick up the pieces. When amidst the wreckage, alternative political parties emerged from the grassroots and shopfloors (most spectacularly in Zambia, perhaps), the balance of power meant that they too often fell into the trap of deepening the market's rule, at the expense of popular interests. Meanwhile, the inherited duality of power continued: between a centrally-located modern state (sometimes directly responsible for urban order in primate capital cities) and, according to Mahmood Mamdani, a 'tribal authority which dispensed customary law to those living within the territory of the tribe'. This understanding helps us contextualise the struggles for human rights, democratisation and socio-economic justice, as Mamdani links the global-national-local scales:

In the absence of democratisation, development became a top-down agenda enforced on the peasantry. Without thorough-going democratisation, there could be no development of a home market. The latter failure opened wide what was a crevice at Independence. With every downturn in the international economy, the crevice turned into an opportunity for an externally defined structural adjustment that combined a narrowly defined programme of privatisation with a broadly defined programme of globalisation.⁵⁰

Across the region, the 'Washington Consensus' macroeconomic policies, debt peonage and unfair terms of trade intensified the adverse power of neocolonialism. In addition, the micro-developmental and ecological damage done through market-centred policies is now also widely recognised. Where civil society rose to contest these problems, according to Demba Dembele, the Bretton Woods Institutions reacted with a dangerous ideology:

⁴⁹ Claude Ake (2000), *The Feasibility of Democracy in Africa*, Dakar, Codesria, p.47.

⁵⁰ Mahmood Mamdani (1996), *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton, Princeton University Press, pp.111 and 287.

“ They create the illusion of ‘poverty reduction’ while pursuing the same failed and discredited policies, with even more conditionalities; promote a superficial ‘national consensus’ on short-term ‘poverty reduction’ programmes at the expense of a serious and deep reflection on long-term development policies; drive a wedge between ‘reasonable’ and ‘radical’ civil society organisations in Africa; and shift the blame to governments and citizens for the inevitable failure.⁵¹ ”

All of these regional and continental lessons have bearing upon South Africa, where as discussed below, similar trends can be expected to surface in times of increasing austerity. But they also help explain the out-migration from many desperate sites in the region, given the failure of civil society in most of Africa to generate sufficient advocacy strength to change the policies causing the crises. No matter how many ‘IMF Riots’ or how much participation in ‘Highly Indebted Poor Country’ initiative conferences, civil society has not shifted macroeconomic or microdevelopment policy, with the exception of reducing user fees for schools and clinics. Neoliberalism has proved too durable. The same problem exists in South Africa.

South African civil and uncivil society

Background to a divergent civil society

As we have seen, during the 1980s and 1990s, donors began supporting civil society in developing countries. After decades of providing funds to governments, donors shifted the focus of their funding to build and support NGOs. Not only did NGOs provide an alternative to state involvement in development, but they were also perceived as being more grassroots oriented, sensitive to local dynamics, and accountable to local communities. They were praised for empowering new groups and strengthening civil society.

In South Africa, the situation developed in reverse. At the time of South Africa’s transition to democracy between 1990 and 1994, the number and diversity of NGOs in South Africa was exceptional due to the phenomenal growth of NGOs as anti-apartheid organizations in the 1980s. Local NGOs were formed in South Africa to challenge aspects of apartheid and to channel resources to black people. These organisations were typically run and staffed by white people from radical, progressive and liberal political traditions. International NGOs mainly worked through local NGOs, and did not have a presence of their own.

⁵¹ Dembe Dembele (2003), ‘PRSPS: Poverty Reduction or Poverty Reinforcement?’, Pambezuka News 136, 11 December.

Partly as a result of South Africa's apartheid history, **South Africa has not only a small but influential layer of politically-engaged NGOs but also CBOs** that have periodically united to become social movements.

Local 'civics' that arose in townships were locally-run organisations that responded to the daily concerns of people's lives but also placed them in the larger context, mainly the fight against apartheid and the opportunities for local restructuring as negotiations with white authorities became possible after 1990. The South African National Civics Organisation (SANCO) organised civics as a national movement starting in 1992. Today most CBOs can be characterised as one of the following types: coping or survival; income generation; service delivery, governance, and advocacy; and culture, youth and sport. They have the added value of being closer to the people, being their own spokespersons, and avoiding the patriarchal approach of whites that is often part of the apartheid legacy.

With the end of apartheid, donors were keen to support the new legitimate government and looked to the new government to direct development. The pendulum swung from civil society playing a central role in development to government asserting its control. The expectation that the State Presidency's Reconstruction and Development Programme Office would support civil society through direct or indirect funding was disappointed by 1995. NGOs were left with two main options for indigenous funding: local government or government tenders. The RDP Office envisaged that new local government councils would implement projects, drawing upon NGOs to assist with implementation. Indeed, some NGOs began to work with new councils once they were in place. However few councils were in the position to provide funding to NGOs due to their own lack of resources and capacity, and many NGOs reported that councilors felt threatened by NGOs and preferred to work with consultants.⁵² The main way for NGOs to access government funding was through the tendering process. NGOs struggled to obtain funding from government departments, which often considered them as competition and tried to exert stricter control over NGOs.⁵³

As a result of donors' shift in focus to government, NGOs faced a significant decrease in resources. The survival of NGOs was threatened by more than 60 percent of senior staff moving to government and the private sector after 1990.⁵⁴ At the same time, the shift of funds to government resulted in a loss of funding by many NGOs.⁵⁵ It has been argued that a number of NGOs did not pursue developmental aims and that it was fitting that they were forced to close. However the loss of funding did not discriminate between NGOs, and many deserving institutions also closed. The depth or extent of this pattern is unknown since no comprehensive study has been done on funding to NGOs and no data have been gathered.⁵⁶

⁵² Mary Galvin (1999), "Rural Local Government in South Africa", *Transformation*.

⁵³ Hein Marais (1998), *South Africa Limits to Change: the political economy of transformation*, Zed Books, London.

⁵⁴ Adam Habib and Rupert Taylor (1999), "South Africa: Anti-Apartheid NGOs in Transition", *Voluntas: International Journal of Voluntary and Nonprofit Organizations*.

⁵⁵ A study of nearly 150 NGOs conducted by the Independent Development Trust in the mid-1990s is often referred to as evidence.

⁵⁶ In 1993, the Development Resource Centre estimated that the non-profit sector in South Africa received R10 billion, however it is not clear how this figure was constructed and no comparable data is available for the post-transition period. The state's Development Cooperation Reports have detailed amounts of bilateral aid flows alone. It is hoped that a study being completed through Johns Hopkins University will produce useful data in this regard.

Although it is always dangerous to generalize, many NGOs that survived the decline in available resources were gradually transformed through four inter-related changes: they became less accountable to their constituents, their identity shifted, their relationship with government was redefined, and their capacity to deliver declined. In order to survive financially, NGOs increased their levels of professionalization to compete with private agencies for government tenders. While shaping their activities to meet tender requirements, NGO aims were increasingly subsumed by the agendas of government departments, sometimes stretching mission statements past recognition.

Ideologically, there were also important shifts. As the government shifted right with the 1996 adoption of the Growth, Employment and Redistribution programme, which embodied the neoliberal programmes of the International finance (the World Bank was coauthor), NGOs were also pulled in this direction. Alternatively, NGOs responded to decreases in funding with attempts to become self-sufficient. They began to market their services and treat beneficiaries as clients. Once NGOs began to charge for services, the profile of beneficiaries began to change from the poor to those who were able to pay. Professionalization changed the focus of NGOs away from those they previously served, and made them less accountable to local people.⁵⁷

Gradually these changes resulted in a shift in NGO identities. Although many NGOs tried to hang onto their progressive nature and avoid becoming pseudo-consulting agencies, they often found themselves sliding into a more product-oriented, technical bent.⁵⁸

The level of commitment that previously characterized NGO workers was slowly replaced by **a careerist attitude whereby NGOs were a stepping stone to better jobs.**⁵⁹

A number of progressive NGO workers became disillusioned with NGO dynamics, which tended to include bartering over cellphone and car allowances, and began to act as independent consultants. At the other extreme, some NGO workers found that working as independent consultants would allow them to avoid NGO constraints, while being far more lucrative.

During this period, NGOs redefined their relationship with the government. Michael Bratton and Chris Landsburg argue that government-NGO partnerships are undermining the pluralism and independence of the NGO sector.⁶⁰ Put bluntly, many NGOs have developed a new 'client' relationship with government. With this new role NGOs become an arm of the state or are co-opted to some degree, which has weakened NGOs' ability to provide critical voices and to serve as government watchdogs. They face the danger of being seen, or becoming what Adam Habib terms 'agents of control, of being co-opted to neoliberal agendas, becoming the 'community face' of neoliberalism.'⁶¹

⁵⁷ Adam Habib, Op cit., p.79.

⁵⁸ Brian Murphy (2000), "International NGOs and the Challenge of Modernity", *Development in Practice*, p.330-347.

⁵⁹ Hermien Kotze (1999), "Swimming in a Wild Sea: The New Challenges Facing Civil Society", *In Between Unity and Diversity*, Edited by G.Maharaj, David Phillip, Cape Town.

⁶⁰ Michael Bratton and Chris Landsburg (1998), "Trends in Aid to South Africa", *Indicator South Africa*, p.59-69.

⁶¹ Adam Habib, Op cit., p.80.

One of the main effects of the swing in the pendulum to government control of development was an overall loss of initiative and development momentum. Kotze argues that although some NGOs may have been problem ridden, there was not much else in place, nothing to replace them, and things started to fall through the cracks in terms of delivery. Another effect was the loss of development capacity in civil society. For years, NGOs had been part of international and national networks, and had developed a sense of needs on the ground and of what works. Now the loss of expertise and experience resulted in a general loss of capacity in civil society.⁶²

More radical civics also felt the loss of a layer of NGOs, such as those in the Urban Sector Network, from serving the base to serving the state. That, in turn, meant that the wave of service delivery protests that began in early 1997 in Johannesburg and quickly spread to the East Rand and across the Eastern Cape and many other sites by 1998, had no systemised advocacy or negotiating support comparable to the way civics used NGOs earlier in the decade. Although 'new social movements' emerged in 1999 (Durban) and 2000 (Johannesburg and Cape Town), either they subsequently faded away entirely or at best, in the case of the Anti-Privatisation Forum, did not sustain their radical grassroots networking potential. A gap had opened that a decade later became acute: communities in protest did not tap into a process for consolidation of grievances, formulation of demands, finding leverage and solidarity, and achieving successes in negotiations. They were simply left atomised, to fight in each locale as best they could. In some respects, the turn to xenophobic behaviour within service delivery protests reflects this lack of networked leadership, strategic harmonisation, ideological development and solidarity associated with movements. The paucity of NGOs of the type which had earlier characterised Urban Sector Network support to civics is, in part, to blame.

Hence what was also evident was a shift in political opportunity for civil society organisations to engage in the public sphere. Patrick Heller argues that: 'The consolidation of a dominant nationalist political party, the expansion of representative institutions and bureaucratic power at the expense of more participatory forms of democracy, and the atomizing effects of market liberalization have all contributed to constricting the spaces and channels through which civil society, and in particular the urban poor, can shape the public sphere.'⁶³ So while the liberal notion of NGO engagement with the state was proving highly problematic, and technical NGOs became increasingly engaged in delivery, the focus and identity of civil society in South Africa shifted.

Many advocacy or social change NGOs continued to operate, focusing on the promotion of people's rights, and working in conjunction with the new generation of social movements that arose.

One major reason was the rise of the social protest movement within South Africa, a factor worth a substantial commentary, given the danger that protest becomes an excuse for ethnic cleansing. This raises, first, the question of 'civil' versus 'uncivil' society.

⁶² Hermien Kotze (1999), Op cit.

⁶³ Heller (2007), p.13.

Civil and uncivil society boundaries

Some have tried to come to terms with this wide range of civil society in South Africa by positing a divide between civil and uncivil society. Whether a CSO is civil or uncivil relates primarily to its position vis a vis the state and its tactics. Civil CSOs play by the rules and engage with the state; in contrast Uncivil CSOs work in clear opposition to the state, and regularly engage in social protest. Given South Africa's struggle history and its legacy of seeing the world in binaries, there is a tendency toward this sort of dichotomy. The moral righteousness of Uncivil society is attractive to many; the question is whether 'progress' can be made while sustaining this positioning.

This is a matter of unpacking the grey area along the continuum, between technical and social change organisations. Clearly the assimilation of many CSOs and leaders into the neoliberal state is not the complete picture. As Robins shows, there was also a rise of NGO-social movement partnerships that sought to appropriate the language of rights in order to challenge the state, to assert rights, and to access resources for health, land, housing, water, electricity and other such basic needs.⁶⁴

Advocacy for life-saving AIDS medicines is one of the most interesting cases, because it entailed a highly successful mode of relating to the state and ruling party on the one hand, and the base on the other, via campaigns against global capital, foreign governments and leading elements of the South African state. The South African government's 1997 Medicines Act – which made provision for compulsory licensing of patented drugs – helped to catalyse the formation in 1998 of a Treatment Action Campaign (TAC) that lobbies for AIDS drugs, which in the late 1990s were prohibitively expensive for nearly all South Africa's HIV-positive people (who number roughly 10% of the 50 million current population). That campaign was immediately confronted by the US State Department's 'full court press' against the Medicines Act (the formal description to the US Congress), in large part to protect intellectual property rights generally, and specifically to prevent the emergence of a parallel inexpensive supply of AIDS medicines that would undermine lucrative Western markets.⁶⁵ The pressure included US Vice President Al Gore's direct intervention with SA government leaders to revoke the law in 1998-99. In July 1999, Gore launched his 2000 presidential election bid, a campaign generously funded by big pharmaceutical corporations (which in a prior election cycle provided \$2.3 million to the Democratic Party). As an explicit counterweight, TAC's allies in the AIDS Coalition to Unleash Power (ACTUP) began to protest at Gore's campaign events. The protests ultimately threatened to cost Gore far more in adverse publicity than he was raising in Big Pharma contributions, so he changed sides and withdrew his opposition to the Medicines Act, as did Bill Clinton a few weeks later at the World Trade Organisation's Seattle Summit.

Big Pharma did not give up, and filed a 1999 lawsuit against the constitutionality of the Medicines Act, counterproductively entitled 'Pharmaceutical Manufacturers Association v. Nelson Mandela' (which even *Wall Street Journal* editorialists found offensive). The case came to court in early 2001. By April additional TAC solidarity protests against pharmaceutical corporations in several cities by Medicinsans Frontiers, Oxfam and other TAC solidarity groups compelled the Association to withdraw the suit.

⁶⁴ Robins (2008a).

⁶⁵ Patrick Bond (1999) and Nicoli Natrass (2004), Op cit.

By late 2001, the Doha Agenda of the World Trade Organisation adopted explicit language permitting violation of Trade Related Intellectual Property Rights for medical emergencies. The South African government remained reluctant to provide medicines, however, for a variety of dubious reasons in part related to 'denialism' that HIV causes AIDS. As a result, the TAC was compelled to file a Constitutional Court case which succeeded in mid-2001 in at least gaining access to Nevirapine for pregnant, HIV+ women in public hospitals. At the same time, however, Anglo American Corporation – one of South Africa's strongest promoters of CSR - released a study showing that only 12% of their employees met a cost-benefit test by which supply of drugs was cheaper to the company than allowing HIV+ workers to die early (replacing them from the pool of 40% unemployed). Threats not only from TAC but also the main mining trade union forced Anglo to reverse its decision to deny most workers medicines, in 2002.⁶⁶

But the SA government's footdragging was costly. It was 2004 before the government issued its first tenders for AIDS medicines, and given the drop in prices due to generics since that time, 'by the end of 2007 the government was paying almost twice as much as the private sector for first-line drugs like Nevirapine', according to a United Nations report. In 2008, the South African Joint Civil Society Monitoring Forum of health, human rights and law organisations complained of 'serious shortcomings with the [AIDS medicines] tender process and the specifications', including further delays that would lead to far more paid from public resources than was necessary (IRIN 2008). Hence, even though more than 400,000 South Africans received medicines by that point, this was below the trajectory needed to reach the target of 1.3 million patients with access by 2011. The combination of a lethargic state and persistent pharmaceutical corporate power meant groups like the AIDS Law Project (based at the Wits Centre for Applied Legal Studies, and associated with TAC) continued their campaign for decommodified medicines, gradually winning patent battles in the courts so as to promote local generic production of individual medicines.

While there is some disagreement on how the borders between civil and uncivil society are policed, Michael Neocosmos and many others have found a theoretical way around the realization of post-Gramscian writers that civil-society often functions to directly capture, channel, co-opt radical social impulses in society. Neocosmos (2008) compares TAC and the Durban shackdwellers movement Abahlali baseMjondolo (AbM): 'While TAC has been able to provide the conditions for the access to treatment of greater numbers of people, it has succeeded in doing so ultimately at the expense of reinforcing a culture of political passivity. This has arguably been largely because of its insistence in operating within civil society, within the state domain of politics.'⁶⁷ In contrast, AbM 'politics have remained squarely outside civil society-ie. it has steadfastly refused to enter the realm of state and donor politics-relying rather on the commitment of a leadership drawn from its own ranks, democratic decision-making, and a rejection of state cooption and donor funding when this threatened to compromise its independence.'⁶⁸ By 2008, the AbM approach had changed substantially, but the point is that such differentiation exists as an ideal-type form of Civil versus Uncivil Society.

⁶⁶ Patrick Bond (2005), *Talk left, Walk Right: South Africa's Frustrated Global Reforms*, University of Natal Press, Durban.

⁶⁷ Neocosmos (2008), *Op cit*, pp.48-49.

⁶⁸ *Ibid.*

Arguing that this is a simplistic differentiation, Ashwin Desai observes,

Within the collapsing and trite theoretical world of good civil society versus bad state and market, we now have good uncivil society and bad civil society. While civil society it is argued by people like Neocosmos seeks reform; is essentially plaintiff, if not polite, towards power; is content to work largely within established systems of dispute resolution; and seeks a better market or state share for its sectional interests, uncivil society is the opposite. Uncivil society is characterized by anti-systemic, sometime downright revolutionary impulses and actions; it is militant and confrontational vis a vis power, indeed exercising counter-power of its own; and seeks far-reaching, communal and principled transformation and democratization of market or state interests. Put in classic South African terms, civil-society are sell-outs and collaborators while uncivil-society continue with the struggle the national liberation movements have abandoned to being in government.⁶⁹

Many 'uncivil society' groups in South Africa, especially those representing the interests of sections of the poor, begin by posing demands that can scarcely be met without revolution and certainly not without a strong social democracy. These demands are pursued by engaging market and state forces in a militant manner. Desai describes how all the best traditions of the anti-apartheid struggle form part of uncivil society's imaginary: 'long marches, silken red banners, burning barricades, martyrs out on bail and threats of ungovernability'. Yet these social movements undergo noticeable changes within a relatively short period. While the form that their politics takes remains true to the anti-systemic, protest-orientated roots, and indeed often is trapped in this method since no other channels are available to them – the substance of their politics liberalizes considerably. Hilhorst highlights a similar phenomenon faced by NGOs:

Once NGOs are formed, they acquire realities of their own, moving away from their founding rationale and often becoming more important for the actors involved than originally intended. NGOs appear as an amalgam of different discourses, relations and ambitions. This multiplicity is partly related to political opportunities, changing state-society relations and changing discourses in the world's development communities.⁷⁰

In this hotly contested context, the nature of social protest itself must be examined, for the change in political orientation by civil society actors such as NGOs and social movements then leaves gaps filled by potentially progressive, but also potentially reactionary political forces.

⁶⁹ Desai (2010), Op cit.

⁷⁰ Hilhorst (2003), p.217.

Uncivil protest prior to 2000

South Africa has arguably the highest rate of protest action in the world. In the debate on the role and nature of civil society some light might be shed from a consideration of the widespread protests that pepper the South African landscape.⁷¹ Working class communities fighting for the satisfaction of their basic needs are also, sometimes, fighting for the exclusion of others viewed as competitors in the struggle to access state services, whether in demarcation struggles over provincial boundaries, or xenophobic attacks.⁷²

Protests and the social movements that organize them influence and are influenced by a society's political culture, and participation facilitates the formation of new identities and ways of thinking that can contribute to positive or negative social change.⁷³ South Africa has a distinctive history of the use of mass mobilization to achieve popular ends. Protests and mass action characterized its political history from the early 20th century until the present. People have taken to the streets in marches, demonstrations or the erection of barricades, with the aim of winning political, economic or social demands. It is possible to identify and delineate waves of mass mobilization that took place during different periods of the country's political history: military resistance during the 19th century wars of conquest, the strikes and worker action that convulsed the 1920's, the defiance campaign demonstrations of the 1950's, the student uprisings and resurgence of strike action in the 1970's, and the call in the 1980's to make South Africa ungovernable that contributed to the apartheid regime's decision to take the path of negotiation instead of pure repression.

Throughout these struggles we can detect varying forms and methods of organization, discern different and sometimes conflicting political perspectives and, with hindsight, make evaluations of the effectiveness and strengths/weaknesses of the struggles. The struggle in South Africa engendered one of the greatest international solidarity movements in history with many civil society organizations in different countries denouncing apartheid and exerting pressure on their respective governments and corporations to do the same.⁷⁴

The post-apartheid ANC-led government has reshaped South African state-civil society relations.⁷⁵ This reshaping took place in a context where 'a democratic South Africa has restored and advanced the power of capital over society'⁷⁶ and was driven by ANC and state practices that began to 'disable civil society and truncate democracy into a narrow representative form'⁷⁷ leading to a situation where 'a wider conception of participatory democracy was lost in post-apartheid South Africa'.⁷⁸

⁷¹ 'Civil society organizations exist as a cartridge between the state and society'. Steve Ouma, 'Civil society and the nation-state – The case of Kenya', *Development Dialogue*, No. 49, November 2007, p.1100.

⁷² There are protests against the government for lack of 'service delivery', there are also protests against re-demarcation into provinces (and people) viewed as poorer and there are the xenophobic attacks aimed at getting rid of African immigrants.

⁷³ Ron Eyerman and Andrew Jamison (1991), *Social Movements: A Cognitive Approach*, Policy Press, Cambridge. 'Social movements are thus best conceived of as temporary public spaces, as moments of collective creation that provide societies with ideas, identities, and even ideals.', p. 4.

⁷⁴ Dennis Brutus famously organized the sports boycott against the apartheid regime.

⁷⁵ Satgar (2008), Op cit.

⁷⁶ Satgar (2008), Op cit, p.42.

⁷⁷ Satgar (2008), Op cit, p.45.

⁷⁸ Satgar, 2008: 45)

For the majority of South Africans, the end of apartheid was the beginning of a promising new era after decades of struggle. However, once the new government was in place, it developed an ambiguous attitude towards civil society activism and protest politics. Political leaders seemed to consider protest action as an aberration in the democratic 'new South Africa', making a sharp distinction between the old illegitimate government and the new people's government. It was suggested that mass mobilization should be used to support government programmes and positions rather than oppose them. Where people insisted on protesting it was expected that such action would be orderly and 'non-disruptive'. Since protests might weaken 'our' government, other ways had to be found to draw attention to things the government might be missing or doing wrong.⁷⁹ In addition, there was an anxiety about the perceived carry-over of the politics of protest and resistance from the past into the present era. For example, the new government felt it necessary to organize against the 'culture of non-payment' and in this respect launched a special campaign ('Masakhane': let us build together/ each other) to teach people to pay for services and to end the mentality that drove the boycott of service payments during apartheid.

There were certainly some important residues of civil society protest against former allies who went into government in 1994. A list of civil society's critiques of 1994-99 ministerial decisions by civil society reflects the durability of protest strategies in a context of growing grievances and unmet expectations:

Those most often in the firing line were the ANC economic team. Manuel and his bureaucrats were condemned by left critics not only for sticking so firmly to Gear when all targets (except inflation) were missed, but also for sometimes draconian fiscal conservatism; for leaving VAT intact on basic goods, and amplifying his predecessors' tax cuts favouring big firms and rich people; for real (after-inflation) cuts in social spending... Likewise, minister of trade and industry Alec Erwin was attacked for the deep post-1994 cuts in protective tariffs leading to massive job loss...; for... allowing the neoliberal agenda to prevail on issues such as the Multilateral Agreement on Investments and continuing structural adjustment philosophy; for giving out billions of rands in 'supply-side' subsidies (redirected RDP funds) for Spatial Development Initiatives, considered 'corporate welfare'; for cutting decentralisation grants which led to the devastation of ex-bantustan production sites;...

Land affairs and agriculture minister Derek Hanekom was jeered by emergent farmers associations and rural social movements for failing to redirect agricultural subsidies; for allowing privatisation of marketing

⁷⁹ . The management of protests changed under the post-apartheid government. Protests were allowed but had to adhere to strict procedures and regulations.

boards; for redistributing a tiny amount of land... Housing minister Sankie Mthembu-Mahanyele (and her former Director-General Billy Cobbett and indeed Joe Slovo before his 1995 death) came under fire from the civic movement for lack of consultation, insufficient housing subsidies; for 'toilets-in-the-veld' developments far from urban opportunities;...

Welfare minister Geraldine Fraser-Moleketi was bitterly criticised by a church, NGO and welfare advocacy movement for attempting to cut the child maintenance grant by 40 per cent; and for failing to empower local community organisations and social workers. Education minister Sibusiso Bengu was censured by teachers unions, the student movement and movement education experts for often incompetent - and typically not sufficiently far-reaching - restructuring policies; for failure to redistribute resources fairly; and for a narrow, instrumentalist approach to higher education. Minister of constitutional development Valli Moosa was condemned by municipal workers and communities unhappy with the frightening local government fiscal squeeze; for intensifying municipal water cut-offs; for the privatisation of local services (on behalf of which he tried to divide-and-conquer workers and community activists); for low infrastructure standards (such as mass pit latrines in urban areas)... Water minister Kader Asmal earned the wrath not only of unions for his privatised rural water programme, but also of beneficiary communities for whom the majority of the new taps quickly broke (the vast majority of waterless South Africans remained without water, notwithstanding Asmal's RDP commitment to supply all with at least emergency supplies); and he was condemned by environmentalists and Gauteng community activists for stubbornly championing the unneeded Lesotho Highlands Water Project expansion.

Defense minister Joe Modise and deputy minister Ronnie Kasrils were denounced for their R30 billion 'toys-for-boys' approach to rearmament (with obfuscating 'spinoffs' justification); as well as for arms sales to repressive regimes in and beyond Africa. Likewise, intelligence head Joe Nhlanhla was criticised for not shaking up the National Intelligence Agency, which cannibalised itself in spy versus spy dramas. Safety and security minister Sydney Mufamadi was considered weak for not transforming policing services more thoroughly (thus generating active protest from the Popcru union); for allocating far more resources to

fighting crime in white neighbourhoods and downtown areas than in townships; for allowing a top-down managerial approach to overwhelm potential community-based policing; and for failing to sustain his battle with George Fivas.

To be sure, there were occasions when at least one minister, Dlamini-Zuma, revelled in (and was praised by civil society activists for) taking on extremely powerful corporations and vested interests. Yet as noted, these fights also showed a penchant for going it virtually alone, bringing on board none of Dlamini-Zuma's likely civil society allies. In that context, her public image as a heat-seeking missile was never effectively countered, even though it would not have hard to have positioned herself as intermediary between protesting grassroots social movements and corporate titans. And this indeed sums up the broader character of 'talk-left, act-right' politics; for even the exception proves the rule.⁸⁰

In this context, some commentators argue that the role of civil society itself was reviewed and found not to be always good for 'development'.⁸¹ Many civil society organizations such as student organizations, churches, womens' groups and civics were seen as having played their (anti-apartheid) role and had to give way to the new democratic government to govern. The ANC, as head of the national liberation movement, closed down many organisations that epitomized the characteristic vibrancy and militancy of civil society under apartheid. The biggest and most important organization that was closed down was the United Democratic Front, in 1992; this was justified on the grounds of the 'new balance of forces' and the strategic imperatives of the new political situation. In hindsight, it seems that there was a deliberate weakening of civil society by the new government in order to undermine opposition to its unpopular (pro-big business) policies.⁸² As a result, the vast majority were robbed of their agency and reduced to be either spectators or supporters of the unfolding political process in which ANC leaders knew best and had to be left to lead. A lull in mass mobilization and protests ensued.

Despite the regular claims of a vibrant South African civil society, it is important not to ignore that post-apartheid changes in the social, economic and political power dynamics have negatively affected civil society. In particular, the shaping of post-apartheid state-civil society relations have resulted into a purposeful, smart and energetic state agenda to manufacture consent for the strategic, moral and intellectual leadership of society. As a result, 'counter-hegemonic capacities in civil society'

⁸⁰ Patrick Bond (2005).

⁸¹ 'An oft-asked question by those in power was: what do we need civil society for now that we have a government of the people? ...Civil society organisations were seen as at best a nuisance and at worst a threat to the democratic government.' Xolela Mangcu, *To The Brink: The State of Democracy in South Africa*, University of KwaZulu-Natal Press, Durban, p. 123.

⁸² Vishnu Padayachee and Graham Sherbat (2009), 'Ideas and power: academic economists and the making of economic policy' in William Gumede and Leslie Dikeni, *The Poverty of Ideas: South African Democracy and the Retreat of Intellectuals*, Jacana, Auckland Park. Also, Xolela Mangcu, Op cit.

were 'denuded' and the concept of mass initiative 'has increasingly become constrained and kept out of the policy and political process.'⁸³ Robins also notes the centrality of the ANC and government patronage networks in many of the social movements and civil society activities including those that may even appear to be against the state.⁸⁴ According to Satgar, this represents an ANC-led process of mass demobilisation, instrumentalisation and bureaucratisation which was part of a wider ANC-led neoliberalisation of South Africa.⁸⁵ However Kgara asserts that this process was an 'ongoing process rather than a completely actualized regime' and was characterised contradictions and certain adaptations of neoliberalism in ways that corresponded to prevailing and sensitive socio-political developments. He argues that this saw an ANC and government that articulated neoliberal policies 'more in relation to their projected outcomes and less in relation to their underpinning values and principle.'⁸⁶ The most important political implication arising out of this is how civil society got transformed away from democratic practices and tendencies with sections of civil society organisations and leaders increasingly assimilated into institutional politics within the state.⁸⁷

When the ANC government announced in 1996 that it was abandoning the mildly redistributive RDP in favour of the neoliberal Growth, Employment and Redistribution (GEAR) macro-economic policy, it was clear to many that the post apartheid redistribution of wealth depended on a trickle-down model. This would mean that the people would not agin the economic benefits of freedom and democracy or, in some instances, would involve the loss of benefits enjoyed under apartheid.⁸⁸ This development laid the basis for the rebirth of the protest movement in the new democratic South Africa. The first wave of protests took place around and immediately after liberation. This first wave consisted of the 'popcorn civics' that dotted the political scene for a short while. These groups protested sporadically, but there were enough of them to form a trend. They involved expressing dissatisfaction with what we now call 'service delivery', namely, municipal services, housing, roads, etc. Some of the 'popcorn' protests seem to have been organized by new community organisations that were independent of the ANC and its alliance partners, including its civic arm, the South African National Civics Organisation.

The first wave of protests post 1994 were organised by local civics. Most communities developed local civics during apartheid, whose nature depended on the particular history and dynamics of the area and the character of the local leadership. However, many of these grassroots organizations were gradually hegemonised by the 'Congress tradition' as the struggle against apartheid peaked and it became clear that the ANC was going to be the new ruling party in South Africa.⁸⁹ The ushering in of the new government and the excitement surrounding this raised expectations, a development that might have accentuated frustration leading to protests. The popcorn (or 'mushroom') protests were

⁸³ Satgar (2008), Op cit, p.53.

⁸⁴ Robins (2008). Op cit.

⁸⁵ Satgar (2008). Op cit.

⁸⁶ Kgara (2007). Op cit.

⁸⁷ Satgar (2008). Op cit.

⁸⁸ Many workers lost their jobs when trade liberalization was introduced. Many residents who had untrammelled access to water suffered when pre-paid meters were installed. Communities that had lived in certain areas were forcibly removed. All this was happening under the new government.

⁸⁹ The Congress tradition refers to that part of the national liberation movement that followed the politics of the ANC.

marked by a degree of militancy such as in Tembisa township, on the East Rand, where residents invented 'Operation Khanyisa', re-connecting themselves to the electricity grid after being cut off for non-payment.⁹⁰ It is likely that many creative collective actions were taken by communities responding to the openness of this transitional period. For example, there was a sudden increase in the number of informal settlements in the country as people invaded land and put up their shacks. Some of these new settlements were set up by ANC local leaders inspired by and sometimes seeking or receiving encouragement and patronage from senior leaders, hence the naming of many informal settlements after ANC leaders (Mandelaville informal settlement, Elias Motsoaledi, Ramaphosa, Joe Slovo, etc.) These land invasions can be viewed as a generative form of mass action that went beyond protesting as such.

The response of the state to protest during these early post-apartheid days was to **foster the regimentation, ritualisation and emasculation of the protest action.**

Protest action increasingly took the form of marches which the authorities contained making use of the Public Gatherings Act. Elaborate procedures had to be followed to have a march. This included protest organizers having meetings with the police where the route and times of the protest would be negotiated. The authorities did not always respond positively or with urgency to the obligatory memorandum of grievances that was handed over by the marchers.⁹¹

The one-day anti-privatisation general strikes by COSATU that took place towards the end of the 1990's did not lead to a change in government policy. Privatization continued with many government workers 'outsourced', that is, removed from the government payroll and employed by contract companies and labour brokers. One result of the struggle by labour was the formation of the Anti-Privatisation Forum in 2000 when two struggles against privatization merged, namely, the struggles against the privatization plans of the Johannesburg City Council and those of Wits University. The APF combined community, student and labour organizations in a joint struggle against privatization. It was a body that would be part of the next wave of protest action that took hold of the country organized by the 'new social movements'.⁹²

New Social Movements from 2000-2010

The rise of protest action and mass mobilizations organized by a spate of newly-formed organizations, called the 'new social movements', such as the APF, the Treatment Action Campaign, Landless Peoples Movement and others, heralded another wave of struggle in South Africa. These organizations gained prominence in the early 2000's as the government's change of macroeconomic policy began to have

⁹⁰ This liberation or communing of electricity by communities was made famous by the Soweto Electricity Crisis Committee, an affiliate of the Anti-Privatisation Forum.

⁹¹ The government has acknowledged the failure to respond to communities' grievances over the years. Many communities claim that they erupted into violent protests after knocking many times on the doors of local authorities.

⁹² It is important to note that for a moment the trade unions worked closely with community organizations in the anti-privatisation campaign. That moment was lost.

concrete consequences for the masses; for example, the policy of cost recovery in the provision of basic services meant that people had to pay steeply rising prices for essential services such as water and electricity.

The rise of the new social movements in South Africa coincided with the rise of the anti-globalisation (anti-capitalist) movement that dramatically entered into the history books in Seattle in November 1999.

This global movement **tremendously transformed conceptions** of civil society.

New social movement activism in South Africa shared some of the characteristics, strengths and weaknesses of the global movement, and the decline of the new social movements in South Africa has broadly coincided with that of the international movement. The South African movement adopted some of the approaches and characteristics of the global movement and as a result, shared its failure to transform mass mobilization and support into a power that can influence policy by shaping (or controlling) governments.⁹³ In South Africa the new social movements also faced the hostility of the state with President Thabo Mbeki leading the attack and sternly admonishing Alliance against these movements. As a result the labour movement and the new social movements failed to work together, no doubt weakening the struggle.⁹⁴

The current wave of **mass action consists of local community uprisings and militant national strikes.**

The winter of 2004 appeared to be a crucial breakpoint, as several communities erupted in violent protest beginning with Diepsloot, north of Johannesburg, followed by Intabazwe, Harrismith, in the Free State province, sparking off protests in many other small towns. The struggles were mainly over housing, roads, electricity, water and related issues. Protests spread to the Eastern and Western Cape, Gauteng and to other provinces, notably Mpumalanga. The peculiar characteristics of these community protests were established quite early on: they tend to have broad support and involve a big section of the community, they are often violent and disruptive and their demands relate to the provision of basic services, the accountability of councilors and corruption. However the eruptions quickly became referred to as 'service delivery protests', and they have steadily increased in number since 2004, apparently peaking even after Zuma's election in April 2009 and showing no sign of abating.⁹⁵

The struggle of the Khutsong community forms part of this latest wave, and was crucial because of lessons learned from the activists' victory. This community fought against re-demarcation into the North West Province away from Gauteng. Their grievance was linked to a perception that there would

⁹³ The victory of Morales in Bolivia, Lula in Brazil and Chavez in Venezuela has been seen by some as broadly related to, among other things, the ascendancy of the anti-globalisation movement.

⁹⁴ Trade unions that were part of the Anti-Privatisation Forum pulled out one by one, without explanation, leaving this body constituted by community structures. Student organizations also pulled out.

⁹⁵ Further research is needed to quantify the protests. In the last month or so there has been a spurt of protests.

be 'less service delivery' in the former province and objection to the top-down and 'arrogant' manner the ANC government handled the matter. Khutsong had one of the most militant and successful struggles in post-apartheid South Africa. What is not widely known is that demarcation struggles underlie many more protests than is usually assumed. Although we know of Moutse's and Matatiele's demarcation struggles, the uprisings in Balfour, Harrismith and Standerton also have grievances related to demarcation politics. These are struggles of exclusion and inclusion, and of belonging and non-belonging - about disputes around definitions of political citizenship.

A strike wave accompanied the latest wave of community protests although there is no clear or immediate connection between the strikes and the uprisings. In 2007 workers took to the streets in the biggest public sector strike in the history of South Africa. There were also several important national strikes in the private sector which were mostly bitter, protracted and often violent, such as the security workers' strike during which several workers were killed. This is a reflection of the desperation of the strikers, the legacy of apartheid violence and the failure of the trade union leadership to give proper support to the strikes and to guide the membership.

As a result, there is no united movement of struggle that brings together the various sporadic outbursts. Indeed, even the trade union movement has failed, except with respect to the public sector strike, to co-ordinate a united strike wave let alone solidarity with the community uprisings. A brief assessment of the attitude of civil society to the protests reveals that the labour movement is ambivalent and sometimes hostile to the protests; mainstream political parties such as the ANC are hostile; the churches have not pronounced themselves clearly on this subject; student and youth organizations exhibit a mixed reaction although youth are in at the forefront of the protests; and cultural and sports bodies are also largely quiet on the matter.⁹⁶ Recently we are now seeing repeat uprisings in many areas such as Orange Farm, Balfour and others, indicating that the problems are intractable. New and perhaps more radical strategies might develop as communities realize that setting barricades and burning tyres does not always lead to the desired change. Indeed, the past year has witnessed a transition from service delivery protest to expressions of xenophobia.

From protest to xenophobia

The country and the world were shocked when in May 2008 at least 62 people were killed and thousands displaced due to attacks on 'foreigners', black African working class immigrants. A worrisome development has been the occurrence of xenophobic attacks during anti-government protests around service delivery and related issues.

Although in practice there seems to be **a clear distinction, based on the motives and goals of the action, between a xenophobic riot and community and worker action**, overlaps sometimes OCCUR.

⁹⁶ Prishani Naidoo argues that the student and youth movement in South Africa has been more or less emasculated away from fighting for broader social transformation because of its ties to the ruling party. Please see 'Taming the young lions: the intellectual role of youth and student movements after 1994' in William Gumede and Leslie Dikeni (2009), *The Poverty of Ideas: South African Democracy and the Retreat of Intellectuals*, Jacana, Auckland Park.

In Siyathemba township, Balfour, in the Mpumalanga province, the community has twice erupted in violent protest demanding jobs and improvement in their area. They burnt down government buildings including a library. On both occasions, some protesters attacked shops belonging to immigrants from African countries. The structural conditions that obtain in South African working class communities especially in poorer areas have produced both xenophobic attacks and protests against the government. Some protest leaders have blamed a 'criminal element' that takes advantage of the situation in order to loot under the guise of xenophobia. In a conversation with two leading activists in this township it emerged that the organizers of the protests were against the attacks on African immigrants' shops. But they conceded that some people with xenophobic or criminal intentions took advantage of the situation. One of them expressed the cynical view that if you attack immigrants 'the government will come running' because xenophobia is seen as bad for the country (especially in the light of the World Cup soccer games). In other research it has been reported that in some areas, such as Khutsong, there were no xenophobic attacks during the May 2008 wave, This was partly because the leadership of this community, embroiled then in militant revolt against the government on the demarcation issue, actively promoted tolerance and unity between South African born locals and immigrants in the light of their bigger common struggle to resist re-demarcation into the North West province.⁹⁷ Research in Soweto revealed that some community organizations successfully influenced significant sections of their constituency to adopt anti-xenophobic positions including persuading people to provide moral and material support to immigrant communities in need.⁹⁸ Leadership and agency in civil society organizations can help to mitigate the structural factors that might provide fertile ground for xenophobia.

Given the existence of xenophobic attitudes and practices in South African society, the role of leadership in protest action ideally is to admonish against xenophobia and to espouse a politics that emphasizes co-habitation, tolerance and mutual respect irrespective of country of origin. Research seems to suggest that the possibility of hostile attitudes and attacks is reduced if there is positive social intercourse between different groups in society.⁹⁹ There is also evidence that suggests that the state and the employers sometimes promote xenophobia through the manner in which they interact with and treat Africans not born in South Africa.¹⁰⁰ Active steps need to be taken by civil society organizations to counter xenophobic attitudes and attacks. Left to themselves things will turn xenophobic in certain depressed areas in South Africa given the frustration of the masses and the tight political management of discontent by the government that leaves little room for the masses to ventilate and engage constructively.

⁹⁷ Joshua Kirshner and Comfort Phokela, 'Khutsong and xenophobic violence: Exploring the case of the dog that didn't bark' in *South African Civil Society Response to the Xenophobic Violence of May 2008*, Atlantic Philanthropies – Centre for Sociological Research, University of Johannesburg, 2010.

⁹⁸ Trevor Ngwane and Nonhlanhla Vilakazi, 'Social movement responses to the xenophobia: a case study of the Soweto Electricity Crisis Committee, the Anti-Privatisation Forum and the Coalition Against Xenophobia' in *South African Civil Society Response to the Xenophobic Violence of May 2008*, Atlantic Philanthropies – Centre for Sociological Research, University of Johannesburg, 2010.

⁹⁹ Ngwane and Vilakazi, Op cit.

¹⁰⁰ Police, for example, regularly 'raid' Africans searching for 'illegals' in the country. Another problem is the Department of Home Affairs which issues short-term work or temporary stay permits which makes the life of people unstable. Employers are reported to routinely pay African immigrants less money, treat them badly and work them harder than workers born in South Africa. This emerged from interviews with working class immigrants in the Philanthropies study quoted above.

The xenophobia shows that **organized civil society will not always consistently act in a progressive manner.**

For example, some social movement organizations had their hands full organizing against xenophobia and rooting out the xenophobia virus sometimes from their own members. Some of these were part of a broad coalition against xenophobia that was formed in Johannesburg consisting of more than a hundred organizations.¹⁰¹ At the centre of this initiative were social movement organizations such as the Anti-Privatisation Forum, NGOs such as the Lawyers for Human Rights, refugee groups, and at least one union. The leaderships actively intervened to educate and persuade their members against succumbing to the argument of the xenophobes.¹⁰² It seems that political intervention is necessary to keep civil society organizations and their members on the progressive path.

Xenophobia needs to be fought and eradicated and research suggests that the issue of xenophobia should be part of the mix of things that communities or unions organizing and planning protest action discuss in their meetings. Creative ways must be found to 'mainstream' the issue into protest politics. Active steps can be taken to promote tolerance, understanding and solidarity through well-thought out programmes. For example, the needs of immigrants can be included in the demands of a protest so that their issue becomes everyone's issue. Ideology is important in the type of politics that is deployed in mass action.¹⁰³ Education and ideological training is important in civil society organs such as social movement organizations in order to share and develop the political values of the organization to the benefit of all its members. The struggle against xenophobia traverses all spheres of life and most of our activities can provide avenues for us to challenge and fight this scourge. Protest politics is one such avenue.

Identity is important in the struggle against xenophobia. Some activists who organized against xenophobia long before the May 2008 outbreak saw themselves as Pan Africanist and defined African immigrants as their 'African brethren and sistren'. They rejected colonial borders and embraced Kwame Nkrumah's vision of a 'United States of Africa'.¹⁰⁴ These activists also embraced socialist ideology going beyond the chosen identity 'African' and advocating international working class unity. The slogan of the Campaign Against Xenophobia was NO ONE ILLEGAL! This is a call to defend those who are harassed for papers; giving solidarity and fighting together seemed to be the best foundation for building tolerance and finding a common identity.

¹⁰¹ Ibid.

¹⁰² One of the APF affiliates based in Alexandra, Vukuzenzele, was filmed making xenophobic statements. The APF moved quickly to re-affirm its anti-xenophobic stance, conducted an investigation, took disciplinary steps against the culprits and involved its affiliates in activities promoting solidarity with African immigrants.

¹⁰³ 'Urban social movements take on mixed political coloration', according to David Harvey, because of the axis of class struggle and 'other axes' of revolt and revulsion. 'The vision of possible alternatives is put up for grabs'. *Consciousness and the Urban Experience: Studies in the History and Theory of Capitalist Urbanisation*, Baltimore: Johns Hopkins University Press, p. 2.

¹⁰⁴ Ngwane and Vilakazi, *ibid.*

Assessing the new protests

As witnessed in state statistics showing white people have a 24% higher income since 1994 and black people a -0.01% lower income, no one would disagree that the victory against racial apartheid was truncated. The dreams, hopes and aspirations of millions of people were only partially realized. The response of civil society organizations in South Africa to this development has, among other responses, taken the dramatic form of protests. It is not only communities demanding development, but also students in universities demanding access to education, sometimes it is communities marching against a rapist being granted bail, other times a march to support a local 'leader' in trouble with the courts, church congregations have been known to protest around internal disputes. However, due to time and space problems I will confine my assessment to the community uprisings and strikes in the post-apartheid era.

Anti-apartheid protests died with apartheid. The political culture at the time of the democratic transition promoted the idea that the struggle was over and civil society organizations were even closed down or absorbed into ANC structures. On hindsight this was a mistake by the movement of struggle against apartheid. Organizations such as COSATU and SANCO handed everything to the ANC leaders as if it was the anointed leader of not only the alliance but of the new free society. They and other civil society organizations ceded all power to the ANC including the right to define and circumscribe what is acceptable popular action and activism. In the excitement of transition the movements forgot that there no guarantees in the struggle. Also, a clear class analysis of the transition was confounded by the blurring and confusion of national interests with class interests in a manner that undermined independent working class organization and action thus opening the door for an elite transition.¹⁰⁵

However, as we have shown, the protests did not entirely stop despite the new hostile political culture. They continued despite facing heavy odds and having their own limitations. The early protests faced serious problems in that the hegemony of the ANC was at its strongest as was the anxiety that protest action could undermine the new government. As the pejorative term 'popcorn' suggests, the protests were trivialized, marginalized and demonized. 'Who are these people?' the ANC asked. The popcorn leaders carried forward a tradition of working class combativity, they withstood the demobilization and pacification of the movement that was taking place during the political transition. By doing so they underlined the point that the South African working class was not defeated outright and its fighting spirit was not extinguished despite taking heavy losses during the transition. The ruling class granted big concessions to win the working class into supporting the ANC's unsatisfactory political settlement. Later, the government developed more sophisticated methods of dealing with the protests including regimentation and red tape. The government also set its secret service onto the protests in order to keep them under surveillance. New epithets were coined to discredit the protests such as labeling them 'counter-revolutionary' and accusing them of being organized by the 'ultra-left'.

¹⁰⁵ Patrick Bond (2000), *Elite Transition: From Apartheid to Neoliberalism in South Africa*, Pluto Press.

The birth of the new social movements requires a broader and more wide-ranging assessment because, as noted above, they appeared on stage as part of and hence possesses certain attributes of the anti-globalisation movement. This great movement was born as an expression of disappointment with 'old forms of organising' and a perceived need to invent a 'new' politics. However, it seems as if the baby of tried and tested methods of struggle was thrown out with the bathwater of mistakes and deviations that had severely crippled the struggle in the 20th century. The search for a stronger way forward necessitated a wide-ranging critique of left strategies of social change but this critique was arguably taken too far.

From the anti-globalisation movement emerged a whole body of writing which shed new light on old problems and led to some serious revisions of existing conceptions of civil society, political organization and mass mobilization.

There was an earnest search for new concepts that were more appropriate to the 'globalization' process than engulfing the world.

There was also revulsion not only against capitalist sins, but also against the cardinal sins committed by regimes calling themselves left and Marxist such as the atrocities of Stalinism. However, this healthy dynamic was also undermined by some dubious philosophical and strategic choices of the new movements. There was an attempt to revert back to pre-Marxist ideas and approaches to struggle despite the limitations of these. Form got confused with content; for example, disappointment with left political parties was made into a theory of rejection of political parties as such. The 'iron law of oligarchy' thesis was invoked; not only were political parties bad for the struggle but, politicians, politics, political organization, organization itself, leaders and leaderships, trade unions, the state, state power, and so on, were all concepts and entities that were said to have no place in revolutionary politics. The failures of working class politics provoked a rejection of the notion of working class leadership in the struggle and went so far as to declare the working class dead. The socialist vision was rejected because the very notion of vision was seen as a 'totalizing narrative'. Alex Callinicos and other Marxist scholars have spent a lot of time and ink pointing out the problems of post-modernism and its intersection with left politics.¹⁰⁶ Solid revolutionary insights that were developed over decades and even centuries of struggle were discarded in favour of starting anew. But, as we can see today with the uncertainty of the anti-capitalist movement about the way forward, this over-critical approach did the struggle a disservice despite its noble and revolutionary intentions.

The 'new social movements' in South Africa were influenced by the anti-capitalist movement in a number of respects. Some of the ideas of the global movement were imported into South Africa together with the inspiration, solidarity and support the local movement received. One outcome was that some social movements stopped mourning and started to celebrate their isolation from organized labour and organized politics. They became centres of their own universe. Opportunities to work with unions and political parties were lost or not sought. Some of the movements declared

¹⁰⁶ See for example: *Internationalism Socialism*, "Can we change the world without taking power? A debate between John Holloway and Alex Callinicos", World Social Forum, 27 January 2005.

themselves 'non-political' which, in practice, meant an attempt to sidestep the ANC as ruling political party and to avoid grappling with the difficult terrain of electoral politics. The same tendency to sidestep rather than confront applied to the unions, the movements kept their distance from rank and file union members ostensibly to avoid dealing with the union leadership thus leaving workers in the clutches of the trade union bureaucracy.¹⁰⁷

The issue by issue approach seems to have pared down the vision for an alternative society.

The struggle around localized issues and celebration of localism tended to **discourage the unity of movements** across struggles.

Campaigns increasingly became inward-looking until the political field was filled with small, isolated, fragmented, episodic and ever weaker social movement organizations. By the time the next wave of protest action came along, the community uprisings, the new social movements were not in a position to link up with let alone lead such struggles. Some simply died. On the other hand, the potential of the country's biggest public sector strike to rebuild the working class movement and challenge capitalist power was lost because the worker leaders made a political choice to turn the struggle against the ANC's pro-capitalist anti-working class policies into a struggle to get rid of one leader and replace him with another (Zuma for Mbeki). No attempt was made to unite the public sector strike with the strikes in the private sector, something that could have taken a mere telephone call to achieve. The COSATU leaders displayed a politics that makes them prefer to fight for influence inside the ANC rather than to oppose the ruling party, that inclines them to promote a leader rather than the class, that predisposes them to build bridges between employers and workers rather than build a struggle to defeat the employers. Today COSATU, and its close ally the SACP, is in a difficult position politically because of this politics of class collaboration.¹⁰⁸

With respect to the latest wave of community uprisings taking place in South Africa today, I would say these protests need to be celebrated because they represent the continuation of the tradition of mass action, they also reflect the renewal and re-awakening of working class struggle. But, as the occasional degeneration into xenophobia shows, there is still a dearth of visionary politics in some of the protests. Rather than finding the solidarity and generosity of struggle, the sharing and caring that comes with collectivism, we sometimes find a capitalist competitiveness: 'It must be us who gets, not them. Why do they get – we are supposed to get before them. They are not supposed to get – we are. We were here before them. They do not belong here. If they get, they are taking away from us.' During the days fighting apartheid the slogan of the movement was 'houses for all' because it was understood that if everyone gets a house I too will get a house. But today the idea is that I must fight hard to stop him getting a house because if he does it means I won't get one. This is a problem that weakens the protest movement.

¹⁰⁷ J. Grossman and T. Ngwane (2005) 'Social Movements and the Revival of the Workers' Movement in South Africa' unpublished paper.

¹⁰⁸ COSATU leaders are suggesting that Zuma and the ANC are betraying them. It should be noted that almost all of the COSATU leaders are SACP members.

Those who participated in the struggle against apartheid experienced the power of a working class movement moving forward in action and fired by an imagination of a different kind of future. The political settlement undermined this vision of a socialist future as workers were told that their socialist dream was not realistic and that the South African government had ‘no choice’ but to follow Washington Consensus ideas of development when engaging with globalization. The youth of today have never shared in this dream nor have they experienced the power of a working class movement moving forward in struggle with hope and vision. The most that has ever been offered to them is the hope of a benign leader; of clawing their way upwards away from their class brothers and sisters; of making themselves part of a favoured minority. Many community protests are led by a youth deprived of the chance to imagine a radically different future.

The missing alternative vision

Some commentators have pointed out the need to go beyond protest politics to a transformative or generative politics in South Africa.¹⁰⁹ This is necessary to facilitate the conversion of defensive struggles into offensive attacks on vested interest with a view to laying the basis for a different kind of society.

These authors celebrate protest politics but point out **the need to have a vision of solutions rather than a perpetual struggle for survival**, just to keep where you are. Resistance, it is argued, is not enough.

We can see how important civil society movements and organizations are in the struggle for a humane and just society. The struggle against apartheid was won because protests contributed to the overall fight against the racist social system. Today’s protests are an attempt to defend and deepen the victory against apartheid. The new challenge for the masses of South Africa is the ANC government’s economic policies that favour the rich. The protest movement represents a critique of the trickle down model of development adopted by the ANC. Increasingly, the protests will be seen to herald the birth of a new type of society; a society where all forms of exploitation and oppression will be eradicated. This movement will succeed if, among other things, it is imbued with a vision of alternatives.

The lessons from this overview of contextual terrain are numerous. First, as the varied responses to the May 2008 violence illustrated, there is something quite vital and inspiring about civil society. The big march held by CAX through the City of Johannesburg, the food parcels and tents supplied by faith based organizations, the proactive work against xenophobia by the SECC and the MDF, together represented the silver lining in what was a horrible period in post-apartheid South Africa.

However, it is more appropriate to move now to the shortcomings observed in civil society, based upon a less than optimal context in which divisions of labour, ideological differences and other

¹⁰⁹ Michelle Williams (2008), *The Roots of Participatory Democracy: Democratic Communists in South Africa and Kerala, India*, Palgrave Macmillan, New York.

disputes remain important. One of the significant challenges for leaders of social movements is to sustain a vision that inspires and is actually subscribed to by its members. One danger is for leaders of social movements to claim they subscribe to or are promoting an ideology, when their members have little commitment or understanding of it—they simply want services or an improved lifestyle. These tensions are evident in the mixed actions and positions of CSOs on xenophobia.

Nor have responses within communities by CSOs been in any ways monolithic. Khutsong, after a long spell of violent protests particularly in 2006, has highlighted the ability of residents themselves to mobilize a peaceful counterforce which could defend foreign nationals against xenophobic attacks. As the research paper on Khutsong illustrates key here was the way in which community-based organisations have framed their demands, not against a minority group within Khutsong, but against a common cause to get Khutsong incorporated into Gauteng Province.

While the APF, the SECC and, to some extent CAX attempted to ground their response to xenophobic violence in a critique against capitalism and the adoption of GEAR, the case of the APF in Alexandra indicates that CSOs themselves are multi-layered. The Alexandra Vukuzenzele Crisis Committee, an affiliate of the APF itself, has reflected xenophobic attitudes and did not develop a clear anti-capitalist framework within which to deal with the issue of xenophobia. In fact, the APF's claim, in Alexandra and beyond, that the constitution declares that all South Africans have the right to housing has provoked new discussions among leaders in the APF as to how to deal with the question of access to housing beyond South African citizens. COSATU too finds itself in a cross-fire of contradictory impulses despite its public statements condemning the attacks. Many African foreigners were acting as a cheap supply of labour and undercutting many gains of the movement. In addition, it has supported a 'Buy South African' campaign which could easily be said to feed into xenophobic sentiments, as Mondli Hlatshwayo's research on COSATU reveals.

Stated in another way, we find a dynamism or positive energy in some areas when issues have a direct relevance to people's lives. When people are struggling for survival, they will respond to a clear agenda that promises to assist with meeting these needs. However, the more complex the issues, the more difficult it is to mobilise civil society. This explains, to some degree, why organisations responded to the immediate aftermath of the attacks, but otherwise engaged weakly with wider structural issues.

The most important criticism that can be made of civil society is that **it saw its response mainly restricted to the crisis in the immediate aftermath of the May 2008 violence**. Can we expect any component of CSOs to fashion a response, when society as a whole was at a loss? **Does civil society lead or is it a mirror of society?**

As the case studies show in some areas, CSOs were able to prevent attacks through incredible door to door campaigning, and also able to mobilize South Africans to protest xenophobia and provide support from tents to food to those in the camps. They have been less successful in supporting

those affected by the violence in terms of making fundamental inroads into xenophobic attitudes, or in reversing the structural conditions that lead to xenophobia. Although the resource dependence literature clearly helps to explain the strength and success of civil society organisations, it is a partial explanation at best. Having resources can clearly strengthen an organisation, but it is not a given that it will do so. Plenty of organisations have instead been torn apart when coping with funds. And of course there are many civil society organisations, particularly social movements, that have few or no outside resources and are incredibly strong.

Instead we need to consider the history of the local area, and its reserve of committed individuals. If the area has such individuals or groups and a local ideology that is not closed to change, referred to as a 'social foundation for change', it is well positioned for change. So whatever the type of CSO, linking up with outsiders or obtaining support or resources can act as the spark for promoting the direction in which the area is poised to move. It is the socio political nature of the community rather than the type of CSO that ultimately matters.¹¹⁰

Indeed, civil society in South Africa cannot be located outside of the social crisis of reproduction. As Du Toit argues, this social crisis is also about the poor being subject to local power structures and patronage systems from which it seems intractable to escape. This requires civil society to be located in broader processes within which household livelihood profiles and choices have their existence. 'This includes the need to properly understand intra- and inter-household conflicts and struggles, as well as inequalities of power and conflicts and interests.'¹¹¹

Comparatively, formal associational life amongst 'culturally' and 'politically' marginal poor households is 'thin, and often appears fragile and subject to conflict.'¹¹² This lack of participation by the poor shows that political democratisation, transformation and service delivery has been in terms of far more powerful and vested interests. Part of the explanation lies in the incomplete transition of the poor from being 'subjects' into being 'citizens' of the democratic order and the post-1994 turning of the poor into 'objects' and passive recipients of development. More fundamentally, the state of being poor undermines the ability of poor people to participate fully in their own lives: poverty and the lack of power of poor households mutually reinforce each other. Whilst poverty may not rob the poor of their agency, however, it 'circumscribes and limits the forms of agency that are available to them.'¹¹³ This political disempowerment of poor communities weakens their capacity to challenge the very social, economic and political processes which marginalise them. Instead, poor people are integrated into the circuits and networks that marginalise them thus undermining their ability to control and impact upon the systems into which they are locked.¹¹⁴

Given the generalised marginality of the poor, the ruling party and government officials can easily dismisses existing civil society as elitist. This has the potential to delegitimise and weaken civil society. An important factor to account for the vulnerability of civil society and social movements is the absence of a politics of sustained mass participatory organising.

¹¹⁰ Mary Galvin (forthcoming, 2010), "Survival or Advocacy in Rural South Africa?" in Maharaj, Desai, and Bond (eds), *Zuma's Own Goal: Losing South Africa's 'War on Poverty'*.

¹¹¹ Du Toit (2004).

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid.

What determines the social mobilisation of, and active public participation by the poor? What can be learnt from the example of social movements, which despite other problems, seem to have been able to move significant strata of poor people into engaged agents for social change?

Contrary to this political marginality, Desai argues that we have also seen the 'galvanisation' of the poor who 'have opposed water and electricity cut-offs and evictions (consequences of the privatisation of public services), and have begun making connections'. A variety of social movements arose in response to these consequences of state policy as well as the conditions of poverty and marginality. These social movements have focused on the immediacy and locality of their issues. These social movements can be thought of as embryonic elements of the 'counter-movement demanding protection'. The demands and actions of the social movements have been classified as 'direct action' focused on the state. Desai also recognises that many of these social movements have structural weaknesses when they have not been able to achieve tangible outcomes in the process of struggle.¹¹⁵

According to von Holdt and Webster, the significance of these social movements is their potential to re-socialise the crisis of social reproduction which is privatised into private crisis, distress and conflict in households and communities. They can do this by 'building social solidarity around it, projecting it into the public arena, mobilising support and action, and influencing the state and public policy'.¹¹⁶ Desai is more dramatic: 'these movements have created a political scandal by deliberately engaging in actions that create instability and disorder'. He also imposes a massive historical task on these movements: according to him they 'have come to constitute the most relevant post-1994 social force from the point of view of challenging the prevailing political economy'. Indeed, the poor people's movements 'are challenging the very distribution of power in society' and are 'a source of tremendous potential counter-power, if not counter-politics'. Related to the rise of social movements, Desai also identifies the onset of 'quiet encroachment' by ordinary people onto those who are propertied and powerful as a means to ensure survival. This may take the form of land occupation, stock theft, etc.¹¹⁷

Despite the rise of social movements and the prominent civil society organisations, ultimately, **the above situation confirms weak popular forces that are capable of acting outside the state, the market and the family.**

In the South African reality that is so dominated by the ANC, we also need an understanding of its political contestations that are largely about 'grievance' and 'conspiracy' politics combined with masked calls for the inclusion of an elite group in decision-making. This kind of dramatic politics inevitably spirals up to schemes, plots, counter-conspiracies, hype, sensation and doing everything to deliver the next blow against the other side. In this drama, the 'walking wounded' doubled up as

¹¹⁵ Desai (2003).

¹¹⁶ von Holdt and Webster (2005).

¹¹⁷ Desai (2003).

'emotive forces' (and not motive forces) and aligned in the now infamous 'coalition of the wounded': the bloc that dislodged Thabo Mbeki from state power.

All this potentially leads to the systemic political demobilisation of popular forces, the forsaking of democratic values and the undermining democratic impulses in broader society. In this scheme, politics becomes a kind of theatre in which the majority of the people are reduced to disempowered spectators whilst some of them are drawn into vocal players on the stage. The majority do not have much of a choice: they cannot choose not to watch the show, they have a choice when to applaud, failing which they can fall asleep or, at worst, grumble in muted protest. In such a plot, we see the death of a progressive democratic politics. Such politics have a debilitating effect on the extent to which popular forces can boldly and confidently struggle for the deepening of democracy.

Many strata amongst the popular forces have not completed the transition from being 'subjects' into being 'citizens'. Instead, many have become 'objects' and passive (dissatisfied) recipients of development. More fundamentally, the state of being poor undermines the ability of poor people to participate fully in their own lives: poverty and the lack of power of poor households mutually reinforce each other. Whilst poverty may not rob the popular forces of their agency, however, it 'circumscribes and limits the forms of agency that are available to them'. This political disempowerment weakens popular capacity to challenge the very social, economic and political processes which marginalise them. Instead, poor people are further integrated into the circuits and networks that marginalise them thus undermining their ability to control and impact upon the systems into which they are locked.

Despite South Africa's celebrated constitutional framework, we have to ask what are the structural limitations on accessing constitutional rights? These are identified and discussed below as structural inequality, the lack of a comprehensive social security system and the limited nature of a democratic system. Discussing these is to also suggest that the key (potential) drivers for change in South Africa derive from effective strategies that can overcome the given structural limitations. Absent in South Africa's 'miracle' is wider economic transformation that brings significant material changes in the lives of a large sections of society. Instead the overall trend of human development and inequality indicators has pointed to growing misery and inequality. This shows how many of the positive human rights and constitutional changes will ultimately be hemmed in by the systemic and structural features of our socio-economic system.

What are the real systemic and structural limits to human rights even though South Africa has an impressive human rights infrastructure in place?

Structural and systemic foundations of inequality remain intact even in conditions of restored profitability.

Civil society in SA has only rarely focused on challenging the systemic and structural foundations of inequality. This perspective and voice are sorely needed. The unemployment problem in South Africa is systemically rooted in apartheid under-development, but it may also be related to the global restructuring of production and the increasing global inability of capitalism to absorb working-age

people into formal employment. To what extent can the strengthening of civil society also concern itself with debates and activities that seek to address the systemic and structural foundations?

Current economic policy debates in the ruling ANC are important here. In these debates, there is a clear shift away from private sector led growth towards the notion of a developmental state. This is important. It is less certain whether such a move will necessarily address structural inequality and unemployment particularly given the silence on the role that ordinary people must play in economic transformation. Also absent in the public debate on economic policy are well-researched and well-informed voices of civil society. Are there spaces to build the voice of civil society in economic policy debates and actual implementation? Access to rights and services hinges on the extent to which there is sustained economic growth, development and transformation.

One other key absence in the human rights infrastructure is pluralities of democratic social power of the people: many sites of power where ordinary people recognise their social power, build their social weight, have effective multiple social voices and impact on all aspects of their lives. What is civil society doing to optimise and deepen democracy through building the social power, voice and weight of the constituencies that they work with? How to overcome the fragmentation of social movements and bring together broader coalitions for social justice? How should social movements engage with formal political structures and formations? How do we grow a new generation of activists?

Also, what degree of engagement with a broadly neoliberal state is appropriate? The detail of the case studies undertaken reveal that while some organisations have built a partnership with the government, as in the Gift of the Givers (GoG), churches and NGOs in various communities, other organisations have been described as part of uncivil society given their potential to challenge fundamental economic policies of the government, as well as the militancy that they display, using even illegal means such as the Soweto Electricity Crisis Committee's (SECC) reconnection of electricity and the Anti-Privatisation's advocacy of the removal of water meters in places like Phiri. Furthermore, the cases of Coalition Against Xenophobia (CAX) and the APF, as opposed to many NGO and faith-community responses, point to the difference between structural analysis and more immediate relief. On the one hand, the reactive responses by NGOs such as the Gift of the Givers have been necessary to mitigate the grief and suffering caused by the xenophobic violence in May 2008. On the other, COSATU, CAX and the SECC have attempted to deal with the issue of xenophobia in a more systemic and long-term manner, but these responses have varied across time and space.

Applying the above implications to the local context, civil society has to go beyond the limits of assimilation by the state, its constrained 'service delivery' frameworks, rights-based approaches and local power dynamics. Since the national policy framework has significantly institutionalized neoliberalism in the governance of localities, 'community struggles in the local terrain cannot be isolated from or successfully prosecuted without linkages with struggles against neoliberalism at a national level'.¹¹⁸ In the local scale there are possibilities to break some new ground.

¹¹⁸ Kgara (2007), Op cit.

Critical here is the need for civil society to **understand the spatial economic dimensions of neo-apartheid cities**, and therefore seek to build a political approaches that challenges this.

Critical here is the development of a localised approach to sustained mass participatory organising which would go beyond clientelism, rights-based approaches and assimilation by the state. But this is not possible if civil society is not self-critical and is not based amongst those who are on the peripheral social, economic and political zones.



Synthesis Report:

THE MEDIA'S COVERAGE OF XENOPHOBIA AND THE XENOPHOBIC VIOLENCE PRIOR TO AND INCLUDING MAY 2008

by Matthew J. Smith

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Synthesis Report:

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Introduction

Researchers have been tracking the media (specifically the print media, and primarily the English speaking press) and the manner in which it portrays migrants and immigrant related issues since South Africa's independence in 1994. The major studies which systematically assessed South African print media using discourse analysis¹ during this period include Danso and Macdonald (2001)², Fine and Bird (2002)³, Macdonald and Jacobs (2005)⁴, and Bekker et al (2008)⁵. Whilst a number of other researchers have also commented on the role of the media, for instance see Desai, 2008, Hadland, 2008, and Crush et al. 2008)⁶, they have typically done so relying on the research conducted by those already mentioned previously.

Why is the media important when it comes to examining xenophobia in South Africa? The media play an important role in disseminating information about foreigners to the South African public and also offer a platform for the public to comment on foreigners through letters to the editor, talk

¹ Researchers have relied on the electronic database set up by the Southern African Migration Project, whose vast collection of articles from the region goes all the way back to 1974 or the Media Monitoring Project's collection which has monitored more than 50 English and Afrikaans publications since 1994.

² Danso R. & McDonald D. (2001) Writing Xenophobia: Immigration and the Print Media in Post-Apartheid South Africa, *Africa Today*, 48(3): 114 - 37

³ Fine, J & Bird, W. (2002) Shades of Prejudice: An Investigation into South African media's coverage of racial violence and xenophobia. Research conducted by the Media Monitoring Project.

⁴ McDonald, D.A., & Jacobs, S. (2005) (Re)writing Xenophobia: Understanding Press Coverage of Cross-Border Migration in South Africa, *Journal of Contemporary African Studies* 23(3), 295-325.

⁵ Bekker, S., Eigelaar-Meets, I., Eva, G., & Poole, C. (2008) Xenophobia and Violence in South Africa: a desktop study of the trends and a scan of explanations offered, unpublished paper.

⁶ Desai, A. (2008) 'Hell is waiting for them': The aftermath of the May 2008 xenophobic violence in South Africa, unpublished paper. Hadland A (2008) Shooting the Messenger: Mediating the public and the role of the media in South Africa's xenophobic violence, paper presented at CODESRIA, 12th General Assembly: Governing the African Public Sphere, held in Yaounde, Cameroun 7-11 December 2008. Crush, J. (2008) (ed) *The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa*. Migration Policy Series No. 50, The South African Migration Project.

shows on television debates⁷. Contemporary research shows that the media do not just transmit information to the public, but rather, they also reproduce certain ideologies and discourses that support specific relations of power. It is therefore important not only to look at the media as a means to gauge public perceptions of foreigners, but also the manner in which perceptions are created. It is not simply about whom the press quotes or gets to comment on migrant issues but it is also “the way in which these comments are framed and presented that is also significant”⁸. The same would of course apply to the use of visual images in the press, the captions associated with the images, the positioning of the images on the page and so on.

This is further expanded upon by Bird and Fine, who note an interconnectedness between society and the media. Whilst “the press responds to news and reports on incidents as they occur, thereby reflecting issues pertinent to the broader societal context ... the press also shapes and influences social issues in the ways in which news is chosen, highlighted and covered”⁹.

This resonates with the work of Berg, writing about the (xenophobic) press in Sweden, who has argued that it is not just about the media constructing reality, but that there is sometimes an almost invidious element to this reality:

“The media helped maintain the invisibility of the paradigm by constructing a perception of diverse opinion through standards such as balance objectivity and fairness. This masks what was in reality a narrow range of perspectives reported in the media, which accounts for striking similarities among news text”¹⁰.

So what do these studies tell us, or not as the case may be, about print media in South Africa? The following section briefly summarise what can be gleaned from this research.

Main findings

“Several research studies have shown how the media has uncritically reproduced xenophobic language and statements, time and time again. The media has certainly been complicit in encouraging xenophobic attitudes among the population”¹¹.

⁷ Harris, B (2001). A Foreign Experience: Violence, crime and xenophobia during South Africa's transition. Violence and Transition Series, Vol 5, August 2001. Published by the Centre for the Study of Violence and Reconciliation

⁸ Harris, 2001: no page numbers provided in the report.

⁹ Fine & Bird, 2002: 10.

¹⁰ Berg, P.(2003) More Multicultural than Thou: The News Paradigm and the Sjobo Affair in the Swedish Press. Paper presented at the annual meeting of the International Communication Association, Marriott Hotel, San Diego, CA. Article accessed 18/08/2009 – <http://www.allacademic.com>

¹¹ Crush et al., 2008: 42.

The key points that the studies are in agreement about are that the majority of print media articles:

- Are anti-immigration, or at least make negative references to migrants and immigrants;
- Of an un-analytical/ simplistic approach, with little in-depth analysis;
- Persist in using certain labels when referring to migrants such as 'illegal immigrants'; and
- Perpetuate negative stereotypes about migrants using such terms as 'job stealers', 'criminals', and 'illegals'.

These extensive studies of the English speaking press convincingly demonstrate that for more than a decade newspapers have been running stories that are anti-immigration/ xenophobic and provide little analysis of the subject. It will suffice to provide one example of this. Fine and Bird argue that their extensive monitoring of the media has led them to conclude that the "media does indeed place prominence on incidents of a racial slant". Moreover, that the media provides "an incomplete picture of incidents", coverage is simplistic "with minimal in-depth discussion of the issues raised", and "the media persists in their patterns of labelling the majority of immigrants from Africa as illegal immigrants, even though their only crime is a lack of appropriate documents", and that little differentiation can be found in the media with regards to different categories of migrant¹².

With respect to what the reviews of the print media don't tell us, a couple of key points can be made. One, previous research has confined itself solely to print media. It should be stated up front that all of the studies referred to above acknowledge this limitation, but nevertheless there simply does not exist any extensive review of the broadcast media in relationship to xenophobia in South Africa, nor has there been any extensive efforts to analyse photographs that accompany many of the xenophobic stories identified by the studies already mentioned. This needs to be urgently addressed¹³.

Two, the complete absence of any gender awareness or of civil society in any of the existing studies. Very little research on the media has for example, disaggregated analysis by gender, explored how women are portrayed in incidents and so on. Instead the research on the media does not differentiate between women and men, old and young and rather talks generally about the perceptions and attitudes of South Africans as if they were an homogenous group. Similarly, researchers in their analysis of the print media have largely ignored civil society and no researcher has used civil society as a variable in their analysis.

In addition, the existing research as so far failed to demonstrate that there is a direct link to what was printed in the press and violent xenophobic incidents in South Africa. It is extremely difficult to do so, as the Media Monitoring Project (MMP) discovered when it went to the Press Ombudsmen to complain about the Daily Sun in 2008.

¹² Fine and Bird, 2002: 58 - 59.

¹³ Interestingly the only "academic" piece that was found with respect to published photographs during the search for relevant research as part of this meta-review is the short piece that the then editor of the Sunday Times wrote defending the editorial decision to run the photograph of the burning man. For details see Hartley R (2008) The Burning Man Story, Rhodes Journalism Review, 28: 15 – 16.

In conjunction with several other partners, the MMP complained to the Press Ombudsmen that the *Daily Sun* in its reporting of the events of April/ May 2008 had not only contributed to the xenophobic climate by it consistently referring to foreign nationals as “aliens”; but that it also “portrayed violence as an understandable and legitimate reaction to this state of affairs”¹⁴. However, whilst the MMP received extensive support from those across civil society and within government for pursuing this matter, the original charges against the *Daily Sun* were not proved and the case was dismissed. As Hadland has noted:

*As convinced as some have evidently been with regard to media complicity in the xenophobic violence, scholarship in media studies, psychology, sociology and anthropology has long mulled over the extent of mass media influence on human behaviour. In general, there does seem to be a link between fictionalised violence (on television or in film) and aggressive behaviour, though this is contested, but nothing more than anecdotal evidence that suggests a causal, linear relationship between mass media non-fictional content and violence. Few studies attempt to measure the impact of print journalism on aggression or violence*¹⁵.

Certainly most researchers in South Africa have been careful to emphasise that a direct correlation cannot be made between what has been written in the press and acts of violence, for instance:

*Although it is impossible to draw direct causal links between this kind of any anti-immigrant media coverage and anti-immigrant policy-making and xenophobia in South Africa, the paper does argue that the two are mutually reinforcing and that the print media has a responsibility to be more balanced and factual in its reporting on the issue*¹⁶.

However, whilst many studies have shied away from arguing that the media is complicit, not all have. For instance, in introducing their paper McDonald and Jacobs have argued that “we draw on the long-standing recognition in the academic literature on the press that media is both a reflection of racism and xenophobia as well as an instigator”¹⁷.

Nevertheless, whilst complicity may be difficult to prove, Desai makes the important point that “what becomes clear though is that by the time of the May 2008 attacks a powerful xenophobic culture had been created and state organs were geared to hounding African immigrants, the media to stigmatisation and stereotyping, while in many townships African immigrants lived under threat of scapegoating that carried within it the use of violence”¹⁸.

¹⁴ For more details see the ruling by the Press Ombudsmen Thloloe, J. (August 8, 2008), The Media Monitoring Project (MMP) and Consortium for Refugees and Migrants in South Africa (CorMSA) vs Daily Sun, accessed from <http://www.presscouncil.org.za>.

¹⁵ Hadland, 2008: 7.

¹⁶ Danso and Macdonald: 2001: 115.

¹⁷ Macdonald & Jacobs, 2005: 296.

¹⁸ Desai, 2008: 6.

Conclusion

A review of researchers who have analysed the role of the print media leading up to and including May 2008 has found that

while the evidence is convincing that **the print media in South Africa has contributed to the development of a xenophobic environment**, particularly in the manner in which the media has stigmatized those from outside South Africa's borders, **this does not necessarily imply that the print media was complicit in the events** of April/May 2008.

Further evidence-based research is urgently needed to understand more fully the effect that the print media has on attitudes and perceptions in South Africa. Furthermore, if, as most researchers have called for, there is going to be a concerted campaign to lobby and thus convince the press to develop a more analytical and informed view on migration, then such a campaign should be based on a more informed view as to why the press has been xenophobic for more than a decade.

More specifically the review noted a number of gaps in the analysis, in particular there has yet to be a systematic academic review of print media stories (or any other form of media) for the period April – May 2008. We would therefore recommend that the Research teams that have previously monitored the print media need to be supported to ensure that the print media is assessed for the period April/ May 2008 and beyond if feasible; and that attention is turned to other forms of media, in particular both the broadcast media and the impact of photographic images on shaping xenophobic perceptions and attitudes in South Africa.

Moreover, it was noted earlier that there is insufficient evidence as to how South Africans are influenced by the media and how they use this information. It is therefore recommend that there is a need to support further research by appropriate civil society organisation so that they can conduct necessary research to understand in far more detail how media messages are transmitted and amplified, how individuals translate such messages, the role that visual images play and so on.

It was also noted above that studies of the print media have displayed little awareness of gender.

It is therefore recommended that there is an **urgent need for studies that are gender sensitive in their appraisal of the effect of the media** on xenophobia in South Africa.

Similarly, it was found that the voice of civil society is largely absent from the reviews of the print media. To address this gap, it is recommended that capacity is built within civil society in order for it to develop pro-active communication strategies, provide journalists with consistent and reliable information, build mature media relations by designating and training a specialized spokesperson, produce media guides, develop and support media initiatives from within civil society as an

alternative source of information to mainstream media (also promote/build information exchange networks), and encourage minority youth to pursue journalism as a career.

Furthermore, with respect to civil society, it was found that the role of civil society as media monitors is apparent in the research that has been conducted, but not in how they challenged government with the information that was collected. Therefore it is recommended that the media monitoring capacity of civil society is strengthened by developing skills and capacity to monitor media reporting, and developing skills and capacity to interact with complaints bodies (e.g. press ombudsmen and press councils).

Research referred to earlier also found that in certain instances prompt reporting by the media may have saved the lives of many. It is therefore recommended that civil society organisations need to give thought to how to develop an early warning system based on the gathering of information by means of both the formal media and informal/community based media.

Also with respect to media monitoring, the evidence produced by this process draws attention to the problematic manner in which stories are chosen, highlighted and covered in South Africa. It is therefore recommended that Media monitoring by civil society needs to be used, amongst other uses, to promote through incentives such as awards) positive news stories; and inform (possibly through a forum) media owners/ editors on the impact of media reporting on intercultural understanding.

Media monitoring projects also emphasize the weak analysis found in most stories found in the print media. It is therefore recommended that civil society initiate campaigns to sensitise and capacitate the media to undertake responsible reporting on migrants and migration issues. Such a programme could include ensuring the media understands the different categories of migrants, various aspects of migration, and the rights and responsibilities of migrants.

However such campaigns do need to pay more attention to the context within which journalists operate in order to ensure any campaign to promote multi-culturalism in the media is well grounded. Promoting multi-culturalism in the media could include better representation of migrants in newsrooms through active recruiting and training, making training in intercultural understanding a core component of journalist education, networking and sharing of best practice among media from different regions, promoting increased dialogue between different ethnic/cultural/religious groups and the media, and supporting self-regulation initiatives by the media to promote ethical and professional standards in reporting.

In conclusion, several recommendations have been made with specific emphasis on the role that civil society can play in transforming mainstream media. Such an approach would do well to be driven by an empowered civil society that continues to:

- › Monitor and expose xenophobia in the media;
- › Intensify its research on the effects of the media on perceptions and attitudes towards migrants
- › Advocate and lobby mainstream media to transform its approach to reporting migrant issues;
- › Be proactive its communication regarding efforts to combat xenophobia;
- › Educate the public through effective utilisation of the media; and
- › Strengthen its own information exchange networks as an alternative to mainstream media.



Synthesis Report:

MIGRANT VOICES

by Baruti B. Amisi

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MIGRANT VOICES

by Baruti B. Amisi

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Introduction

// The rule – according to Hans Magnus Enzenberger – is conquest and pillage, expulsion and exile, slavery and abduction, colonisation and captivity. A considerable proportion of humanity has always been in motion, migrating or in flight for the most diverse reasons, in a violent and peaceful manner – a circulation, which must lead to perpetual turbulence [at home and in the destination countries]. It is a chaotic process which frustrates every attempt at planning, every long-time forecast (Jensen, 2007: 3). //

Or, in other words,

// We have been on foot a lot more than we have been sitting down, or squatting. This is not due to a lack of trying to sit down, it is just that, when you tried, somebody else would come along and push you on. It is one of history's fateful domino effects. In European [and both traditional and modern African] history, for a long time, migration was a constant feature of war, with which it had everything to do (Jensen, 2007: 3). //

People take leave – voluntarily or forcibly – from their countries of origin for different and sometimes conflicting reasons. In the countries to which they flee, they become either legal or illegal migrants, depending on the human and/or financial capital that they bring to their host countries, as well as the documents they provide at the ports of entry. Since time immemorial, legal and illegal migrants have presented their 'sending' as well as their host countries with both problems and opportunities.

Indeed, in the 1990s there were an estimated 80,000, 300,000 and 1,000,000 illegal migrants in Australia, Japan and Malaysia respectively (Massey and Taylor, 2004: 94). In 2007, the UNHCR¹ (2008: 23) estimated that there were 31.7 million displaced people in the world. In South Africa, the cumulative number of officially counted refugees and asylum seekers was, respectively, 125,904 and 396,715 at the end of 2006 (DHA², 2006, cited in Wa Kabwe-Segatti, 2008: 222). Of the total number of asylum seekers, refugees and migrants recorded in 2006, less than 5% were foreign-born (Wa Kabwe-Segatti, 2008: 215).

The term ‘migrants’ refers to people who move between nations as well as between different regions within the same country. Regardless, wherever they go:

“Once settled, people begin to believe, first of all, that this place is theirs, exclusively, and always has been, and secondly, that their culture, especially, is of universal value – their nomos³ being the nomos, and everybody else’s nomos being just forms of anomie (Jensen, 2007: 3).”

The arrival of migrants is often, according to Freeman (1995: 886), the subject of emotive debate in the host country. Pro-immigration groups represent “client politics” (Freeman, 1995: 886), “a form of two-sided influence in which well organized [minority or] interest groups benefit at the expense of the public” (Kricorian, cited in Glazov, 2008; Freeman, 1995: 886). Groups that support immigrants include employers in labour-intensive industries and those dependent on an unskilled workforce, as well as businesses that profit from population growth (e.g., real estate, construction etc.) (Freeman, 1995: 885). Strong ethnic groups will also protect the interests of their kith and kin. Collectively, these parties defend migrants’ rights within the sphere of domestic politics. In contrast, poor and marginalised communities within the host countries often view migrants as competitors for scarce, highly sought-after resources such as jobs, housing, education and health care. These local communities believe that immigrants pose a threat to the country’s national security, social fabric and moral values (Statham, 2003: 169). As highlighted by Stratham (2003: 169), “It is national political discourse that makes immigration and immigrants the scapegoats for social problems such as unemployment and the crisis of the welfare.” Anti-immigration groups are often more vocal than pro-immigration groups, thus augmenting latent or overt xenophobic attitudes in many communities and entrenching the idea that migrants threaten host societies. This is illustrated by the quotes of South African interviewees:

“We don’t want these foreigners. They are taking our children’s jobs. They are the ones committing rape. Girls drink so much liquor because they are being bribed by the foreigners with money (African female, 50-59, Orange Farm; cited in Everatt, 2009: 3).”

¹ The United Nations High Commission for Refugees

² The South African Department of Home Affairs

³ Nomos is Greek and denotes law, order and community.

What I think is wrong is when they allow foreigners to live in the country. These people mess things up, they rob, and employers prefer them because they accept any amount of wages (African male, 18-25, student, inner city of Johannesburg; cited in Everatt, 2008: 10).

Anti-immigrant campaigners often accuse immigrants of introducing and spreading diseases (Pickering, 2001: 169), committing criminal activities, taking jobs from indigenous residents (Van Nierkerk, 1995; Colyn, 1996; Salmon, 1996; Swanepoel, 1996, as quoted by McDonald *et al.*, 1998: 8), and of 'stealing' local women (and men) (Amisi, 2008: 2; Steinberg, 2008: 6). As such, it is often difficult for migrants to become integrated into host societies. In order to address community concerns regarding migrants, policy-makers tighten up on immigration and labour policies, thereby limiting further immigration and excluding refugees already in the country from formal employment, social welfare and equal protection rights. This approach sends the message to anti-foreigner activists and individuals that anti-immigrant attitudes and behaviour are acceptable, and that migrants are less 'moral' than local people. A case in point is the May 2008 outbreak of xenophobic violence in South Africa. Across the country, local communities perpetrated xenophobic attacks on people who were deemed too dark-skinned to be South African or who couldn't name body parts in local languages. Many migrants were killed as well as a few South African citizens.

This chapter firstly argues that the xenophobic attitudes of South Africans have affected migrant groups in different ways. Migrants have thus organised themselves to respond to the xenophobic violence. Secondly, it is argued that any efforts to protect poor black African migrants from xenophobic violence is undermined by several key factors, namely: diverging interests among migrants; the lack of trust within and between the migrant communities; the factitious nature of migrant organisations; the abuse of newcomer migrants and those living in abject poverty; and a manifest lack of commitment from wealthy migrants to uplifting the plight of illegal and poor migrants. Thirdly, wealthier migrants, migrant business people and professionals were not affected (or only minimally) by the xenophobic violence, although they are sometimes stereotyped. Fourthly, migrants' local integration initiatives have been and continue to be undermined by unscrupulous migrants, government and local NGO officials.

This chapter comprises four main sections (including the introduction). Section Two investigates migrants as actors and agents of positive change in South Africa. Section Three explores the migrants' views of the response of civil society to the xenophobic violence. The chapter ends with a conclusion and recommendations.

Migrants as actors and agents, and the role of migrant civil society

In the context of this research, the word migrant refers to an individual who moves from one location, country, or region to another by “chance, instinct, or plan”⁴, and it encompasses refugees and asylum seekers. This research addresses three groups of migrants: (1) black refugees, asylum seekers and unskilled foreigners from the African continent; (2) middle-class people from different countries and races; and (3) wealthy individuals from different countries and races.

Initially, the appropriateness of the concept of ‘xenophobia’ is explored. Xenophobia refers to “unfounded and unverified fears concerning foreigners; it inclines people to stereotype foreigners as the cause of certain social and economic problems that are being experienced in the host country” (Parliament of South Africa, 2008: 10).

In South Africa, **generally only poor, black immigrants from other African countries are the victims of xenophobia**. As such, it might be more apt to term the type of xenophobia prevalent in South Africa as **black-poor-phobia**.

The South African migrant community has been, and still is, active in raising awareness of the challenges its members face. Some migrants make people aware of their presence and the problems that they face in South Africa by speaking to whomever they meet. Others prefer to convey the same message through informal and formal institutions, such as (1) ethnic associations, (2) registered non-profit organisations, (3) religious organisations, (4) football teams, and (5) cultural events. So many migrants are making an effort to spread the message about their plight because xenophobia is the biggest challenge that the migrant poor face on a day-to-day basis. For those at risk from xenophobic violence, it is literally a matter of life or death.

Migrants and xenophobia in South Africa

Xenophobia is not unique to South Africa. In fact, Whitehouse’s (2009: 39-40) research findings, based on a study conducted in Congo-Brazzaville, reveal that permanent tensions exist between the host community and the many immigrants from Togo, Senegal, Mali and other countries, who have been fleeing to Congo-Brazzaville since the 1950s because of socio-economic and political rights issues in their native countries. Whitehouse (2009: 39-40) writes:

⁴ www.thefreedictionary.com/migrant. Accessed on 15/09/2009.

In privileging certain criteria of belonging over others, social and political movements predicated on autochthony call into question the very concept of national identity based on equal rights for all citizens. Yet the population flows which fuel these autochthony movements can also create perceptions among Africans of international immigration as a problem in their own societies. [...] The presence of significant immigrant populations in African societies also opens the door to economic, social, and political tensions, even when those immigrants are Africans themselves; friction may emerge around questions of national as well as ethnic or local origin.

In India, anti-foreigner attitudes have been directed at illegal migrants from Bangladesh. In April 2008, a parliamentary report declared that “a large presence of illegal Bangladeshi immigrants poses a grave threat to the internal security [of India] and it should be viewed strongly” (Crush and Ramachandran, 2009: 17). In fact,

There are as many as 20 million Bangladeshis scattered across India. Some are genuine refugees, men and women fleeing persecution. But many are seeking to make a quick buck at the Indians’ expense. More worrying, an increasing number are criminals allied to terrorists (The Press Trust of India News Dispatch, 2008, cited in Crush and Ramachandran, 2009: 17).

It is therefore unrealistic that the Indian government be expected to grant them temporary work permits, as the following quote from a right-wing politician reveals:

With the battalions of the jobless swelling day after day in India, it is absurd to roll out the red carpet for Bangladeshis. By admitting them into our own farms and factories, the union government will rob our own people of their legitimate right to work (Crush and Ramachandran, 2009: 17).

In many ways, South Africans’ attitudes towards foreigners mimic those of Indians. However, the anti-foreigner rhetoric has only been a permanent feature of the South African mindset since apartheid (Crush, 2008: 16-33; Danso and McDonald, 2000: 6, 10, 13-21) and, in India, the anti-immigrant rhetoric exists in both pre- and post-independence epochs.

The fuel for this anti-foreigner bias in India stems from a mix of pride and prejudice. Pride in the fact that Indians value their freedom and would deem it uncomfortable to justify a foreigner at the helm of affairs; prejudice at the fact that India was divided on caste factors for centuries and there is a bias against anyone that is not deemed part of [the] socio-cultural milieu (Press Trust of India, 2005).

In India the hatred towards foreigners is often fuelled by xenophobic rhetoric from certain key government officials (Crush, 2008: 17-18; Peberdy and Crush, 1998: 18-36) and can spring from discriminatory policies. For instance, in India the Lombroso test was used to measure foreigners' "physical attributes and differences to test the social and physical abilities, character and health of aspiring immigrants" (Peberdy, 2009: 51). In South Africa we see xenophobia resulting from the populist rhetoric of key government officials, and in Durban, a Ward Councillor and some members of the Community Policing Forum were accused of murdering two foreigners by pushing them out of a fifth-floor window from the Venture Africa building (Broughton, 2009; Attwood, 2009).

Moreover, the existing xenophobic rhetoric and the subsequent attacks on foreigners that occurred in South Africa in 2008 began with politicians' anti-immigration speeches, and can be traced to leadership decisions (or vacuums) as well as to explicit discourses in both the apartheid and post-apartheid era governments. Politicians everywhere have long utilised divide-and-rule strategies and, in South Africa, the history of organised, top-down xenophobia includes an appeal made by the then Prime Minister, Jan Smuts, to Parliament in the 1930s:

“We will prevent aliens from entering this land in such quantities as would alter the texture of our civilization. We intend to determine ourselves, the composition of our people. [...] South Africa runs the danger of being flooded by undesirable elements of all kinds [...] Owing to the extent of the borders of our country, it is easy for aliens to enter from Angola, from Bechuana-land and from Southern Rhodesia or from Lourenço Marques. [...] We know that there are a great number of aliens in this country who are not legally here (Crush, 2008: 26).”

In the same spirit, the first post-apartheid Home Affairs Minister, Mangosuthu Buthelezi, made the following claim (without supporting documents) to the National Parliament in 1997:

“With an illegal population estimated at between 2.5 million and 5 million, it is obvious that the socio-economic resources of the country, which are under severe strain as it is, are further being burdened by the presence of illegal aliens. [...] Citizens should] aid the Department and the South African Police Services in the detection, prosecution and removal of illegal aliens from the country. [...] The cooperation of the community is required in the proper execution of the Department's functions (Crush, 2008: 17).”

Xenophobic attitudes are also endorsed by the media as well as by public servants who exaggerate immigration figures, thereby inflating tensions between pro- and anti-foreigners. Duncan (1998: 151) agrees, arguing that:

“ [Anti-immigration politicians] repeatedly quote discredited figures for the number of ‘illegal aliens’ said to be in South Africa and then very often go on to link those figures to the crime wave. They are aided and abetted by some sections of the media who do not investigate but merely report inaccurate statements. ”

Migration researchers Misago, Landau and Monon (2009: 7-12) contend that violence against (black) immigrants in South Africa has been a permanent feature of both the apartheid and post-apartheid eras. They tell us that otherness or ‘outsider-ness’, stereotypes and structural exclusion, which occur when “societal structures and public/private institutions work to systematically exclude individuals or groups” (Whitley, 2005: 93), prevent immigrants from exercising “political rights and rights to residence in the cities.” Maharaj (2004: 2-3) argues that the “historical influx of migrants to South Africa has created a high proportion of *rightless* non-citizens, despite their length of residence, which sometimes spans generations.” Outsider-ness and rightless-ness translate into a lack of policy to efficiently deal with migrant-related issues and lack of public awareness of migrants’ rights. This results in the rise of migrant civil society organisations, which must deal with xenophobic violence and strive to be agents for positive change.

Migrant civil society organisations and their response to the xenophobic attacks

In the absence of assistance from the international community and sufficient protection from the UNHCR before and after May 2008, migrants rely on informal and formal networks, whose responses to xenophobic violence vary. Reactions to xenophobia are informed by several factors, such as: the particular context in which the violence erupts; the presence and/or absence of formal structures to which they can turn; the degree of sympathy or apathy of the host community; the scale and intensity of the violence; the level of socio-economic and political integration of the migrant community and their social and economic backgrounds, as well as the available political networks. Some migrants respond collectively and/or through organised structures, while others respond individually. For instance, individuals might try to actively remedy some of the triggers of xenophobic violence, such as unemployment, crime and the social divide between migrants and South Africans, while others might work in cooperation with individual South Africans and local organisations.

Migrants’ social networks often take the form of **associations or organisations arranged according to country of origin**. Joining such groups tends to benefit future immigrants and, to an extent, encourages further migration, as **each new member is a potential resource for a newly-arrived migrant**.

Griffith’s (2000: 281-297) findings on the origin and role of community associations amongst Somali and Kurdish refugees in London include four aspects, some positive and some negative. First of all,

refugee community associations rebuild community life and provide a sense of belonging, which has been disrupted by being in exile. They also help to alleviate boredom and depression and empower refugees to overcome discrimination through the provision of legal services. Secondly, refugee communities offer coherent political projects. They offer social, cultural and political organisation and cohesion, allowing refugees to remain united while in exile. Thirdly, there may be competition over scarce local resources, particularly as this is mediated by the multicultural discourse of the local state, which may promote discord amongst refugees from the same country. Lastly, the capacity of particular groups within a refugee community to coherently voice their concerns may strongly influence their access to the host country's resources.

Al-Sharmani's (2003: 10-22) findings on the livelihood strategies of Somali refugees in Egypt and El-Abed's (2003: 5-12) research on Palestinian refugees in the same country both point in the same direction: social networks help refugees to find jobs and learn the survival skills necessary for them to adapt to their new setting. These networks also provide refugees with economic sustenance through remittances and aid money. Goza's (1999: 8-15) research on Brazilian migrants in the USA and Canada presents social networks as livelihood strategies that help with the actual migration itself as well as the acquisition of jobs on arrival in destination countries. Amisi (2005: 71-75) and Amisi and Ballard (2005: 310-312) concur, arguing that social networks constitute a safety net for migrants and a way around structural exclusions and legal barriers that have been erected by policy-makers. In addition, social networks teach new members how to survive in both the formal and informal sectors by sharing strategies and tactics with them.

This research assesses migrants' reactions to xenophobic violence before, during and after May 2008 using two broad, socio-economic categories: (1) poor, unskilled, less skilled and forced migrants; and (2) highly skilled and professional migrants, former politicians of different nationalities from, but not limited to, the Democratic Republic of Congo (DRC), Angola and Zimbabwe, and migrants who have become relatively successful in business. In South Africa, the successful transition from the apartheid regime to an inclusive democracy and subsequent political stability creates a magnet and a safe haven for migrant skilled professionals, successful entrepreneurs, politicians as well as former government officials from various African regimes. As a result, the second group has either businesses or property (or both) in this country, which should promote its involvement in attempts to fight xenophobia.

Poor, unskilled and forced migrants

Xenophobia experienced in South Africa has prompted some migrants to **make concerted efforts in their individual capacity to counteract it, while others have joined formal and informal organisations which have engaged in discussions with marginalised communities** or have focused on lobbying and advocacy on their behalf.

The direct actions of unskilled, poor and forced migrants

Migrants from this group have been both individually and collectively active in creating awareness about the challenges they face in South Africa and in lobbying different strata of the South African community (i.e., the poor and working class, ordinary citizens, key government officials, politicians, business and the voluntary sector) to be compassionate and supportive when it comes to the migrants' struggle to rebuild their shattered lives. Individually, refugees continue to highlight the challenges they face on a daily basis in terms of their lack of access to proper identification documents, primary health care, decent jobs, family planning and so on. However, their livelihood strategies are often compounded by the difficult task of acquiring trading permits and business sites in the informal sector. Nevertheless, migrants try to integrate themselves into their host community through, but not limited to, intermarriage, friendship, and moving to townships where the majority of poor live.

The next section focuses on the direct actions of migrant groups and organisations to deal with xenophobia. These include the Schooling Solidarity for Women and Children Project (SSWC), the Refugee Women's Forum Project (RWP), the Refugee Pastoral Care Project, the Union of Refugee Women, the Siyagunda Association, and the KwaZulu-Natal Refugee Council (KZNRC). These groups/organisations are not homogeneous, and some are: origin-country-specific whilst others represent several nationalities; non-political and non-religious whereas others are shaped by religious beliefs and memberships; gender-centric whereas others are more inclusive. However, almost all share the same weaknesses: divisiveness, self-interest, and mistrust among and between migrant communities. The strength of these communities is derived from members' diversity, divergent skills and experiences, which could assist these communities to achieve their goals.

The Schooling Solidarity for Women and Children Project (SSWC) is a registered NPO that was created in 1998 by six Durban-based Congolese refugees (including the author). The author was also the Academic Coordinator of the project, which had three main objectives: (1) to bridge the gap between refugees and migrants from French-speaking countries and South Africans; (2) to empower refugee women and children who cannot afford school fees through the provision of free education, as educating refugee children will have a positive impact on future refugees; and (3) to teach French to both refugee parents and children in order to secure their future integration into their native countries when the wars and/or political instability that prompted their exile is over. The first phase of the project – the French School, based at the Ecumenical Centre at the Diakonia Council of Churches – did not receive any funding from local or international organisations. The school functioned for eight months and then moved to Queen Street before closing down, unable to survive financially. Its assets were confiscated by the school's landlord because the limited contributions of its members were not sufficient to pay the rent. Its membership fees were also unable to cover administrative costs or provide any incentives to the teaching staff. Then a South African 'good Samaritan' appeared in the form of an official from a local NGO. This official offered to assist the organisation with fundraising. Resurrected, the French School relocated to a Durban township. Two migrants from the DRC, one of whom was also an executive member of the project, pledged to teach the refugee children and thus thirty children (twenty-five migrant children from various countries and five South African children) were enrolled. However, the project closed when the SSWC was unable to pay the teachers and the rental fee.

The Refugee Women's Forum Project (RWP) was the second initiative undertaken by Durban-based migrants and was started in 2000. Its focus was on women migrants, and its aim was to bridge the gap between refugee women and South African women of similarly poor and under-resourced backgrounds. This organisation was never registered but it did receive monthly membership fees, keep records of meetings, and had a democratically-elected structure and constitution (Interview, Anonymous, 02.09.2009).

The idea behind the RWP was to provide a platform for female refugees and poor South African women, with **the aim of helping the women to better understand one another** through the sharing of their experiences as women, mothers, wives or partners.

It was hoped that these forums would help to overcome the challenges of structural exclusion and xenophobia that refugee women face. The RWP lobbied both the government and the public on refugee issues. The RWP's secondary objective was twofold: Firstly, it aimed to teach women (South Africans and non-South Africans) life skills and thereby bring the two groups together to conquer xenophobic attitudes and other related challenges; and secondly, the RWP aimed to empower women and free them from patriarchal systems by helping them generate their own income and thus financial freedom. Indeed, the two groups of women realised that gender equality should be articulated around economic empowerment and that the more economically independent a woman becomes, the more likely she is to be able to support herself and break out of the stereotypical patriarchal mould wherein she is seen as being the property of a man.

The Refugee Pastoral Care Project (RPC), initially created in 2002 by a few Congolese refugees, ended up being adopted by the Roman Catholic Emmanuel Cathedral in Durban because of the ingenious and tactical strategies of its Christian founders. This project has grown and is still making a difference to the lives of migrants, both legal and illegal, through provision of food parcels, distribution of used clothes, uniforms and bus fare to the most vulnerable migrant children (Matate, 09.08.2003; Interview, Anonymous, 27.01.2010). The project, under the auspices of the Emmanuel Cathedral, employs South Africans as well as non-South Africans and has introduced a French language service and a French choir. These activities allow for South Africans and foreigners to sit together and talk, and thereby come to know one another better, with the hope of preventing any future xenophobic violence (Matate, 09.08.2003). As a result of these pre-May 2008 activities, a number of migrants looked for refuge on the Emmanuel Cathedral premises when the violence began. Emmanuel Cathedral provided a shelter for migrants fleeing from Chatsworth, Bottlebrush, Cato Manor and several other locations in Durban.

The Union of Refugee Women Project (URW) is a registered NPO. It emerged as a means for channelling refugee women's voices concerning their daily challenges experienced living in Durban and in South Africa in general (President URW, 07.05.2009). The URW originated through the collective efforts of numerous refugee women from Rwanda, Burundi, the DRC and other countries. The lack of funding discouraged many of its members and many left the organisation. Only Rwandan women continue with its work. As a result, refugee women from countries other than Rwanda argue that the

URW is not a representative organisation, despite that the URW is committed to the cause of refugee women in general. These claims point to intra-migrant conflict, which hinders the URW's ability to obtain long-lasting solutions to the structural exclusion that its members face. Non-members would also like to see their individual concerns included in the organisation's endeavours and channelled to the relevant authorities, yet they are reluctant to join the group to negate the issue of 'non-representivity'.

The initial objective of the URW was "to make all refugee women aware of all issues affecting them directly and indirectly to promote their effective participation in the process to find solutions to their problems" (Interview, President URW, 07.05.2009). This project then extended its actions to include: (1) creating awareness of the plight of women when it comes to all forms of discrimination, including xenophobia; (2) fighting for human rights and social justice and raising awareness through traditional dances in several celebrations such as Africa Day, World Refugee Day and other events in the eThekweni Municipality, as well as assisting with court cases against the South African government on behalf of Durban migrants; (3) providing jobs to a few South African women and refugee women in a crèche; and (4) encouraging community dialogue under the auspices of the Nelson Mandela Foundation.

In Cape Town, Jara and Peberdy's (2009: 35-39, 45) research on migrant civil society's response to xenophobic violence revealed that the **African Disabled People's Organisation** and national associations like the **Somali Association of the Western Cape**, the **Ogoni Solidarity Forum** and the **Alliance for Refugees in South Africa** (Afri-South) receive some financial support, though are still significantly under-funded. With the exception of People Against Suffering, Suppression, Oppression and Poverty (PASSOP) and Africa Unite, all these organisations focus on meeting the needs of asylum seekers and refugees, rather than of migrants and immigrants. In part, the focus on asylum seekers and refugees reflects the stronger social networks of migrants and immigrants, and the relative vulnerabilities of asylum seekers and refugees. **Tutamike**, a coalition of refugee organisations and NPOs working with refugees, was notable by its absence in seven civil society forums/committees established in reaction to the violence to coordinate and strategise the response as well as to discuss issues that emerged. Tutamike last met in April 2008, and has no funding to support its activities.

These organisations respond to xenophobia by **providing legal advice, playing an advocacy role, providing material support** (although this is extremely limited), and helping to **educate and train migrants**.

They also attempt to promote integration through inclusive membership of migrants and South Africans, through programmes that assist migrant and South African orphans, and through activities that bring together South African and other African youth. Afri-South provides computer training, English lessons and sewing classes, which are open to all, regardless of one's nationality. The African Disabled People's Organisation and Africa Unite have played an instrumental role in bringing together key players from communities where there has been xenophobic tension and violence

(such as in Masiphumelele in 2006). Members of Africa Unite have organised activities between South African and other African youth. Some organisations' services focus specifically on asylum seekers and refugees or on nationals of a particular country, in part because these groups are often excluded from 'mainstream' services and/or have specific needs that are not being met (Jara and Peberdy, 2009: 35-39, 45).

The Siyagunda Association is a NPO of 242 foreign barbers, mainly from the DRC, who live in Durban and largely congregate at Warwick Junction as well as the Early Morning Market, the Fish Market and the Emmanuel Cathedral. The majority of the association's members are so poor that they struggle to pay their membership fees. The objectives of the association are: (1) to protect the human rights of its members; (2) to engage with the municipality and other stakeholders so that members can become recognised as economic contributors to the city; (3) to assist the city in fighting crime; and (4) to diffuse tensions between South Africans and non-South Africans around trading sites. Although members sometimes disagree on the benefits of the organisation, Siyagunda has long been active in the fight against crime (Interview, Anonymous, 13.09.2009).

Indeed, the Siyagunda Association was created at a time when non-South Africans did not have any rights permitting them to trade in the area. They were threatened with forcible removal from trading areas because the majority of barbers are foreign and it was assumed that they were involved in criminal activities such as buying stolen goods (cell phones, clothes, electronic appliances etc). There were indeed a few barbers who were buying and selling stolen goods, but this certainly did not apply to all of the migrant barbers. Those barbers not involved in criminal activities should be given back their trading permits, be protected by the law and allowed to trade in the area. Stereotyping foreign traders as being criminals is commonplace, as expressed by one local trader:

Foreign nationals arrive in the area very poor, malnourished, skinny, and dirty. But few weeks later, they wear expensive brands, driving car [...] that they cannot afford in normal circumstances (Interview, Anonymous, 13.09.2009).

The leadership of the Siyagunda Association engaged in talks with city officials and asked for trading permits for foreigners, emphasising that this might cut down on crime and encourage members to assist locals and government to report criminal activities. After many delays and broken promises, the association did eventually receive trading permits for its members. Thereafter, the association promised city officials that it would efficiently deal with and report all members suspected of having stolen goods inside and around the Warwick Junction. An association member confirmed this self-policing function:

The danger of closing all the tents was real for two reasons. First, they [locals] do not like us [foreigners]. They will use all pretexts in order of discredit the association and its members. Second, one or two members were involved indeed in some of these activities. [...] We reported to the police the first two transactions of stolen mobile phones. The refugees

who bought the two stolen mobile phones were arrested by the police. Unfortunately, the suspects were later released after they bribed the police. The message was, however, clear. Since then, these transactions [have] stopped, at least officially and both customers and traders in the Pinetown Rank move peacefully (Interview, Anonymous, 13.09.2009).

Indeed, the Siyagunda Association not only reported those buying or selling stolen goods, but its leadership also called in the police whenever there was a suspicious deal being made in the area. Two members of the association who were involved in illegal practices were arrested and fined. The positive effects were immediate. The buying and selling of stolen goods has stopped because all the members have agreed to report any such cases to the police and everyone is aware that any attempt to buy or sell stolen goods will not be tolerated.

The second struggle for the Siyagunda Association was to ensure the survival of the Early Morning Market. There are city officials and those in the private sector who plan to remove informal traders from the area in order to build a shopping mall there. This site is strategic to the businesses of many foreign informal traders because of the high number of commuters who pass through it as they either enter or leave the city. In support of this, Robinson and Dobson (2004) argue:

Today, Warwick Junction is the city's primary transport node with the confluence of rail, minibus taxi and bus services. Berea Road Station is the busiest commuter interchange in metropolitan Durban with 460,000 daily commuters; 2,000 minibus taxis operating from 22 taxi ranks; 130,000 daily taxi departures; and 70,000 bus and 70,000 train commuters pass through Warwick Junction daily. The annual turnover of the 8,000 market and kerb-side traders is estimated to be in the region of Rand 1-billion. The context in which this activity occurs is important in understanding the driving forces of this bustling informal economy. Many of the commuters live in under-served residential areas with no refrigeration, so that perishable goods have to be purchased daily.

Yet the future of barbers in this strategic location is uncertain. When the police ceased harassing members, the association faced another challenge: the closure of the Early Morning Market by the municipality because the proposed mall supposedly would "reduce crime and regulate people's movements in the area. The Mall will be also part of Black Economic Empowerment" (Sutcliffe, 2009). In this regard, the Siyagunda Association has kept a low profile. The project is highly emotive and its leaders believe that uncoordinated public protest could have detrimental effects for members.

Refugees and non-South Africans are generally the most vulnerable when it comes to informal trade. As it is, locals fight one another for the right to trade in the city. Thus, migrants are blamed for taking trading space and, simultaneously, for the high cost of living, because their presence means there is greater demand for commodities, and retailers can sometimes increase prices as a result. The view of immigrants as competition for scarce resources was publicly endorsed by Diane Kohler-Barnard, an opposition Member of Parliament, who contended that: "illegal immigrants were wandering in and out of the country, attending our schools, using our hospitals and clinics and eating our food" (SAPA, 2008). However, locals who advocate for the mall and those who oppose it need the barbers' support in order to swell their numbers.

The KwaZulu-Natal Refugee Council (KZNRC) is a registered NPO and a provincial umbrella body that covers twenty African and Asian refugee communities and six refugee organisations. Baruti Amisi is the co-founder and coordinator of this organisation, which was founded in 2004. The main objectives of the KZNRC comprise: (1) protecting the human rights of refugees through providing access to health care, education, employment, identification and travel documents, and freedom of speech and movement; and (2) raising awareness within the refugee community concerning the responsibilities and obligations of refugees towards their host country. The secondary objectives of the KZNRC include: (1) facilitating self-integration into the South African community; (2) promoting peaceful cohabitation and the exchange of dialogue on several shared issues (e.g., how to survive in the formal economy, lack of entrepreneurial know-how, and how to become self-reliant); and (3) fighting all forms of discrimination and xenophobia. The KZNRC has managed to unify refugee communities regardless of their language, culture and political orientation and agenda, and to build a partnership with the Durban Reception Centre of the Department of Home Affairs. It is working toward bridging the gap between all South African grassroots organisations and the migrant community, as well as lobbying the municipality on behalf of the migrant communities in KwaZulu-Natal (Mukambilwa, 08.09.2008).

In Johannesburg, **Asian migrants create job opportunities in the retail sector through the existing Asian networks and the creation of new ones.** They do not necessarily compete with poor South Africans for scarce job opportunities. Nevertheless, local xenophobes target them.

In addition, they are often victims of police harassment and certain corrupt police officers try to extort money from them – chiefly immigration officers, traffic police and from crime prevention units. These corrupt police officers demand bribes from Asian migrants; for instance, they confiscate documents of legal Asian migrants then insist on payment to either return or re-issue them (Park and Rugunanan, 2009: 4, 13-18).

The **Asian migrant civil society organisations** – Bangladeshi, Pakistani and Chinese – all have the broad aim of protecting their members and their interests in South Africa, and they engage different strategies when it comes to achieving their objectives. The Bangladeshi community functions in parallel with the Bangladeshi High Commission in South Africa. The Pakistani community has, however, had a slightly longer history in South Africa. This community launched a 2000-strong South African Pakistani Association on 9 September 2009. Its constitution states:

Our aim is to assist the Pakistani community living in South Africa, and promote bilateral cooperation between South Africa and Pakistan in social, political, economical [sic] and in art & culture fields [sic]. [...] Pakistani community would like to be the scintillating star in the galaxy of the South African immigrant kinship, and to be an exemplary foreigner community living in South Africa (Park and Rugunanan, 2009: 23).

The Chinese community seems to be even better organised than the Bangladeshi and Pakistani communities. There are over 120 different Chinese associations, varying in size and focus, spread across South Africa and Lesotho. Chinese South Africans founded about sixteen of these associations. Several of the associations are members of the national umbrella body, the Chinese Association of South Africa. There are three Chinese-language newspapers in South Africa. The Chinese community responded to the May 2008 xenophobic violence under the auspices of their Consulate and Embassy.

// The Consulate and the Embassy spread word of the violence, cautioning Chinese to maintain a low profile, remain vigilant and stay safe; they told Chinese nationals to watch the local news for the latest reports of the xenophobic attacks, and recommended that they close their businesses until the violence had ended. The Consul-General also issued a warning notice on its website. These notices were then dispatched by word-of-mouth, shop-to-shop, person-to-person, either in person or via telephone, across the country (Park and Rugunanan, 2009: 24). //

In addition, Asian migrant civil society organisations have:

// [...] greater integration in the formation of a neighbourhood watch group, in becoming police reservists, in the establishment of the South African Pakistani Association, the South African-Chinese Policing Forum, or the Cyrildene Chinatown Community Association. New Asian migrants are finding ways to fit in and to protect themselves and their communities from the insecurities they face. Their informal community and social networks serve as watchdogs and support networks in the absence of formal civil organizations and support networks of local Indian communities (Park and Rugunanan, 2009: 28). //

This should make them less vulnerable to attacks than the remaining migrant civil society organisations, which are often excluded from local structures and institutions and are often seen as being criminal in nature.

The Coordinating Body of the Refugee Communities (CBRC), also based in Johannesburg, is a registered NPO that assists refugees living in Gauteng. The CBRC emerged from the ruins of the **Gauteng Refugee Forum** (GRF), which collapsed because of “personal self interests at the expense of the refugee communities, and subsequent conflicts within the GRF” (Ndessomin, 25.11.2003). There was a wave of refugee forums across South Africa by the end of the 1990s. The Johannesburg Refugee Forum was run by South Africans and one or two refugees, and there were allegations of corrupt practices, a lack of transparency and accountability. Beneficiaries were divided on the issue of who was actually benefiting from the forums, and some maintained that the leadership would keep tabs on those who were against its internal divide-and-rule approach and would blatantly ignore their requests for assistance.

The CBRC lobbies and advocates for the causes of Gauteng-based refugees. It particularly focuses on improving members' education as it posits that "knowledge is power". It has developed a network with several local and migrant civil society organisations. It also convinced First National Bank to accept refugee clients, a huge achievement as all the major banking institutions have strict policies on opening a bank account, which generally exclude refugees, who lack the relevant paperwork. The CBRC also mediates between the Jesuit Refugee Service and refugee communities. The CBRC generally does not stage protest marches or make inflammatory statements to the media, in an effort to avoid confrontation with both the South African government and civil society. This body opts for direct lobbying and advocacy, focusing on issues such as refugees' access to job opportunities in the formal sector, education of refugee parents and children, and health care. The CBRC has found that confrontation often leads to negative repercussions for the refugee community (Ndessomin, 25.11.2003).

The Somali Association of South Africa is a registered NPO with branches in all of the nine provinces. Somalis were the community most affected by the 2008 xenophobic violence. The association's membership includes the majority of Somali nationals living in South Africa, many of whom are professionals in their native country.

The main objectives of the Somali Association are: (1) to organise and energise the Somali community living in South Africa; (2) to educate newly-arrived Somalis on their rights and responsibilities as well as the 'Dos and Do-Nots' of living in South Africa; (3) to foster unity by inculcating a culture of peace, reconciliation and tolerance; (4) to facilitate the mobilisation of internal and external resources; (5) to promote an ethos of self-reliance and local integration; (6) to promote language skills and higher education among the youth and to organise recreation facilities and health awareness; (7) to combat the scourge of xenophobia, racism and all other social ills; (8) to collect and disseminate information about and relating to the South African refugee community and to defend their rights and welfare; (9) to liaise with all relevant government institutions, national and international organisations and civil society groups; and (10) to support and coordinate social welfare programmes aimed at alleviating the plight of vulnerable members of the Somali community, especially women, children, the disabled and the elderly (Interview, Anonymous, 15.01.2010).

Indirect actions of unskilled, poor, forced migrants through a third party

In addition to working directly with individual South Africans to **prevent or at least reduce the impact of xenophobia** in the refugees' host country, **migrant civil society also works through its local partners.**

These partnerships are particularly important when the migrant civil society needs to reach decision-makers and high profile politicians to convey its message of peaceful cohabitation with the poor of South Africa and its desire for compassion from the host community. Migrant civil society organisations utilise diverse strategies to achieve their goals. In fact, whereas some migrant communities focus their efforts on promoting a peaceful environment in South Africa, others use their institutional

partners to improve their lives in South Africa as well as the socio-political environment that initiated their forced migration. Moreover, some migrant civil society organisations have political ambitions for their native country, while others are purely non-political and not-for-profit, with their immediate focus being on issues pertinent to South Africa.

The **Abahlali baseMjondolo** was approached by Durban immigrants in an effort to convince its members that poor migrants are not the enemies of poor South Africans. The two groups both lack basic rights and services, are discontent with their socio-economic and political situation, and are repressed when they attempt to affect positive change. Poor migrants and citizens should share survival skills, support one another, and combine efforts to improve their lives. One result was statements by Abahlali base Mjondolo against xenophobia in May 2008.

Migrants' indirect actions in the Western Cape, Gauteng, KwaZulu Natal (KZN), the Eastern Cape and Mpumalanga were reinforced by the Nelson Mandela Foundation's Community Dialogue or Community Conversation Project, which was piloted in five provinces. In the pilot phase of this project, at least one representative from the KZNRC, the URW (KZN), the Coordinating Body for Refugee Communities, the Somali Association of South Africa (i.e., from their Gauteng, Eastern Cape and Mpumalanga organisations), and the Eastern Cape Refugee Forum attends a series of 'train the trainers workshops', which aim to teach them how to educate their communities in much-needed 'community dialogue techniques' to assist with conflict resolution. This will hopefully help members to amicably resolve conflict with South Africans, bridge the gap between poor South Africans and migrants, and equip migrants to deal with their native country's problems when they return.

The Community Conversation Project provides a platform for migrant and South African civil society organisations to sharpen their skills in community conversation techniques, with the view of bringing together South Africans and foreigners so that they might discuss their shared issues and search for a sustainable solution together. This approach facilitates people discovering their common interests, passions and challenges. In this way, all those involved will hopefully become more tolerant towards one another. In KZN, the first fruit of the Community Conversation Project was the agreement to include migrants in the structure of the Albert Park Community Policing Forum (CPF). Prior to this coming together of the two communities, the CPF:

[...] indicated [in January 2008] during a meeting that they want non-nationals living in that area to leave. The community is said to be calling for non-nationals to leave as they feel that non-nationals are contributing to high crime levels, overcrowding and other negative incidents that are happening in this neighbourhood (CoRMSA, 2008: 2).

In addition, on 11 January 2009, members of the Albert Park CPF fatally pushed Victor Zowa and Said Omari – foreigners – out of a fifth floor window of the Venture Africa building (Broughton, 2009; Attwood, 2009).

Through the University of KwaZulu-Natal's Centre for Civil Society, the KNRC and the migrant community at large is working with several community-based organisations to develop anti-xenophobic programmes. The organisations include **Abasha and Youth in Action** from Inanda,

Bayview Flats Dwellers and Westcliff Flats Residents Association from Chatsworth, **Umlazi Youth Organisation** from Umlazi, **Ubuntu Babasha Youth Organisation** from Clermont, **Imisembezi Yentsha Youth Organisation** from Folweni, and several others. The aim is to instil the youth with humanistic values and to inspire peaceful cohabitation with migrants, thereby generating a new generation of leaders who understand and value human diversity.

Professional and wealthy migrants

This group includes people who are relatively well established and economically successful. They often live in wealthy suburbs, with rich neighbours, and belong to professional associations. They have legal protection and the communities in which they live employ private security companies. These wealthy migrants are so protected that xenophobes have little chance of successfully attacking them. However, from time to time, this group is still stigmatised in the work environment and in other public places. As a result, wealthy migrants have little incentive to organise protection against possible or real xenophobic violence. They also tend to disassociate themselves from both co-ethnic poor migrants and marginalised South Africans who they believe threaten their security. They generally do not belong to ethnic networks. DESA (2004: 152) argues that:

“Migrants who are of urban origin and have higher education tend to rely relatively more on the support of friends than on family members; however, the duration of residence in the host country is also an important factor. The longer the migrant’s stay at a destination, the more developed the network of friends and people. Family networks are crucial on arrival, but as time goes on, networks of friends assume higher importance. At the destination, friends from work and people coming from the same hometown get together to celebrate parties, to share information about jobs and housing, and to provide and to plan for providing economic support to each other.”

This group of migrants did not worry much about xenophobia, generally were not targeted in the xenophobic attacks and did not anticipate them, despite their involvement in labour migration and labour brokering. Ironically, the cheaper labour provided by migrants represented one of the structural causes of the xenophobic attacks (Amisi, *et. al*, 2009: 12, 34-36, 77). Nyar’s (2008: 12-15) research on “the response of the corporate sector to the May 2008 xenophobic violence” reveals that “this sector [both local and international] looked at the issue of the xenophobic violence as a sleeping dog that people did not want to wake up.” More importantly, Nyar (2008: 12-15) continues, “the story of corporate capital is not a morality tale of good versus evil. It is a story of multiple shades of complexity and understandings of it must resist simplistic or uni-dimensional critiques which posit ‘bad’ capital in opposition to ‘good’ civil society”. Incidentally, the compassion and humanity that Johannesburg residents demonstrated towards the victims of xenophobic violence was overwhelming; however, their strong opposition to having the same victims hosted in the temporary camps in their residential areas demonstrates that compassion is easy to give when it is at arm’s length.

Strengths and weaknesses of immigrant civil society

Immigrant civil society is a diverse group, comprising people from different layers of society, religious, socio-economic and socio-political backgrounds, beliefs and networks in South Africa. Indeed, the migrant community includes highly qualified professionals, extremely successful business people, former government officials and politicians in their native countries, people whose children are politicians, and, of course, legal and illegal forced migrants in search of protection and/or a better way of life. The diversity of this small but very complex and dynamic community represents useful assets that migrant civil society should draw on in order to fight xenophobia and other forms of discrimination, and to secure staying in a “hostile and xenophobic community” (Interview, Abdul, 2009). While South African nationals are generally friendly and peace-loving, there is a small percentage that do not like to see, let alone live with, non-South Africans, as this twenty-year-old xenophobe illustrates:

It's a war I tell you; it's South Africa versus Maputo. [...] We had not planned to launch an attack on foreigners like the people of Alexandra did, but this incident made us very angry. [...] We go out together in groups, men and women, break into the Shangaans' houses and we beat them and take what we want. If there is shack [sic], we burn it; if it is a house, we take the keys (Wandile Langa, 2008, cited in Thabalala and Dibete, 2008: 4).

Another twenty-one-year-old xenophobe agrees with Wandile, arguing that: “we are afraid to walk at night because we fear to be [sic] mugged by these people [...] We also tired of white people thinking that we're criminals when these people are worse than us” (Thabang Mokolane, 2008, cited in Thabalala and Dibete, 2008: 4). With attitudes like this prevalent in the local population, migrant civil society clearly needs to utilise its diversity and assets to protect its women, the elderly, children, people with disabilities, and newcomers and poor migrants.

The migrant community has many weaknesses that hamper efforts to reduce xenophobia, three of which will be addressed because they are at the root of all the others. First of all, there is a lack of trust between different migrant communities and ethnicities. Migrants leave their home countries for various reasons. However, all migrants monitor the social, economic and political developments in their home countries; sometimes migrants might be exiled politicians or have networks with government officials, or else be connected with the official opposition. Thus any development in migrant-sending countries sends shockwaves to the migrant communities living in host countries. In other words, political tension or reconciliation at home may hinder or strengthen ties between migrants in exile. A Congolese respondent (Amisi, 2005: 99) in another study stated that:

What is happening here, on a small scale, is a copy of the big picture of what is occurring in the DRC. From these wars in the Congo I strongly believe that rebels' friends and relatives should be avoided because they benefit from the suffering of our brothers and sisters. I cannot, even if someone who had links with rebels has helped me, assist people who are working closely with rebels and their relatives (Interview, Anonymous, 30.06.2002).

An elderly lady concurred with the sentiments of the previous respondent regarding the link between the wars in the DRC and the functioning of the Congolese refugees' tribal networks in Durban.

I live in hiding as if I was a criminal because of the wars which entail insecurity and lack of trust between people. Thus, it is normal to see people helping one another within their tribal ties and networks. Let me give a simple example. In this church which is very far from the city centre, we find that the majority of people are from one tribe, Bakongo, since it is easier to communicate and trust these people to some extent compared to just anybody coming from the Congo (Interview, Anonymous, 13.09.2002).

Secondly, exploitation and abuse is rife among the migrant community. Exploitative practices also include those that are accepted by the recipient and are, in this sense, 'voluntary' rather than 'forced'. Sexual exploitation, for example, affects females more negatively than it does their male counterparts and it frequently results in pregnancies, which increase women's dependency on men (Crisp, 2002: 16). Sexual exploitation contributes also towards the spread of HIV/AIDS, and many of these children will end up living on the streets. This situation is particularly disturbing as women can be powerful agents of change in addition to being primary caregivers (Hovy, 2003: 1). Other exploitative practices include irregular and/or low wages, and child labour.

Thirdly, there is a general lack of commitment among the migrant community to the cause of the poor and to providing the funds necessary to deal with xenophobic violence. Wealthy migrants, whether they have South African citizenship or not, have to some extent lost their migrant identity and any interest in migrant-related issues. They are therefore uninterested in investing money in migrant causes.

In Cape Town, Jara and Peberdy's (2009: 35-39, 45) research findings point to similar challenges, and they argue that refugee and migrant organisations have four main problems. Firstly, there is a very real and crippling lack of funding from donors and the government. For instance, UNHCR funding is limited to providing assistance to asylum seekers and refugees only, and it is largely channelled through the Cape Town Refugee Centre (its implementation partner), thus benefits migrants living in the Cape more than elsewhere. Secondly, competition for resources can cause tension between different organisations, and the time spent on fundraising can negatively affect their ability to pursue progressive activism. Thirdly, taking a politicised, activist approach can threaten possible funding opportunities. It can also cause tensions within and between organisations. Fourthly, it can be difficult to bring together asylum seekers, refugees and migrants, even if they are of the same nationality and have common concerns, as some may be from opposing political and ethnic groupings.

Migrant perspectives on treatment during the attacks

This section describes what migrants think about the response of the UNHCR; of the main political force in South Africa, the Tripartite Alliance (African National Congress - ANC, South African Communist Party - SACP, and the Confederation of South African Trade Unions - COSATU); and of individual South Africans.

General Assessment

The UNHCR's Response

The UNHCR has the international mandate to protect and provide assistance to refugees. The migrant community expects to see this institution actively involved in preventing or alleviating xenophobic violence and the impact thereof. However, from the rise to the decline of the May 2008 violence, the UNHCR did not provide adequate or appropriate humanitarian support. Many respondents in Durban agree that “the Pretoria Office of UNHCR should simply close down because it is useless and harmful for refugees through false expectations and smokescreen of protection and assistance” (Focus group with refugees, 20.02.2010). An Amnesty International Report (2008: 35) on the May 2008 xenophobic violence contends that:

While the South African state is primarily responsible for human rights protections for individuals in its country, in circumstances where either they are unwilling or unable to meet these obligations, others including UN agencies also have duties to assist. The United Nations High Commissioner for Refugees (UNHCR) is responsible under its mandate for the protection of refugees, asylum-seekers, internally displaced persons (IDPs) and others in need of international protection. This responsibility can be met through supporting the state to meet its obligations. However in situations where the state fails to meet its own obligations, UNHCR has a duty to intervene to ensure respect for the rights of the aforementioned individuals.

Amnesty International acknowledges that UNHCR has been attempting to work with and support the government in meeting its obligations under international law. However, in light of the evidence in this report detailing numerous failings on the part of the South African state in its response to the current crisis and the real risk of further breaches of human rights obligations, including the fundamental principle of non refoulement. Jara and Peberdy (2009: 37) had similar findings in Cape Town:

Soon after the violence erupted in May 2008, refugees, with the support of activists and human rights organisations, began to assert themselves through press statements and protests that challenged the government, camp management, and UNHCR for failing to adequately protect or provide for them in terms of internationally recognised standards....

In addition, Jara and Peberdy (2009: 40) argue,

With the exception of Médecins sans Frontières (MSF) and OXFAM, international organisations were slow to respond in the Western Cape. The UNHCR did not have an office or representation in Cape Town when the violence started, but sent representatives [one month later] in June 2008 who subsequently opened an office.

The UNHCR undermined the efforts of the local and national civil organisations as well as international humanitarian assistance, on the one hand; and community cohesion on the other hand to assist the victims of the xenophobic attacks as the quote below demonstrates:

[...] for some sectors of civil society, particularly migrant organisations, problems with the role of the UNHCR were expressed. These related to expectations of the role that UNHCR would play; the role of UNCHR funding in creating divisions between organisations; and the Stakeholders Forum being used to coerce civil society into acting on and for the government and UNHCR agendas (Jara and Peberdy, 2009: 48).

Although frustration is high, migrant communities generally argue that the UNHCR should lead and coordinate the protection and the humanitarian assistance of the people who justify its presence in South Africa before, during, and after the xenophobic attacks. It should not be represented by its implementing partners or wait to be called in by Civil Society Organisations' memorandum in Pretoria, after complaints against UNHCR Pretoria (SA CSOs and individuals, 2008: 6-11, 16-20; SA CSOs, 2008). The UNHCR's lack of political will in refugee-related issues is not new in South Africa. It takes three forms since the time of the original agreement between the UNHCR and South African government on protection and assistance of refugees. First, UNHCR personnel make only irregular visits to different cities which host large numbers of refugees. Second, the UNHCR was inadequate during the withdrawal of funding from the Roll Back Xenophobia Campaign Project and its subsequent 1997 closure, during sporadic attacks of refugees and migrants across the country, and in condemning xenophobic attitudes in the country. Some believe that the May 2008 xenophobic violence could possibly have been prevented or minimised if the campaign had continued beyond 1997. Lastly, migrants complain about the delay and reluctance of the UNHCR to get humanitarian assistance initiative during and after the xenophobic violence, and its adequacy.

Lawyers for Human Rights (LHR) is an implementing partner of the UNHCR in Durban, Johannesburg, Stellenbosch, Pretoria (Gauteng), Musina (Limpopo) and Upington (Northern Cape), whereas the RSS is only an implementing partner of the UNHCR in Durban. Respondents believe strongly that these institutions do not live up to their expectations because they are South African organisations and might consequently be tainted by anti-foreigner attitudes. In fact, the RSS has no clear criterion for assisting refugees, no transparency mechanism and/or accountability policy, and it is not open to dialogue with the different refugee communities it supposedly assists (Focus group with community leaders, 30.09.2009). Regarding the LHR, a female respondent contends:

They do not assist refugees in court or efficiently advocate the refugee issues to the Department of Home Affairs. If a refugee is rejected, the LHR do not assist him in reversing the decision of the Refugee Status Determination Officer. What is worse is that this institution employs one or two qualified staff members who consult only by appointment. There is no emergency! Each case is dealt [with] by appointment through a South African lady without any qualification (Interview, Anonymous, 16.09.2009).

Other refugees agreed (Focus group, Anonymous, 30.09.2009). The respondents did not know if the LHR and the UNHCR have actually ever done anything to help refugees, whether before, during or after the xenophobic attacks of 2008. They would like the UNHCR to be closed down because they feel it does not assist refugees and its complex bureaucracy means it is not in a position to assist people in need of protection or help. Some respondents became very emotional when talking about the UNHCR's failures. The reality is that the UNHCR and its implementing partners have done little to help the refugee community countrywide.

The Durban Refugee Service Providers' (DRSP) mandate may not be aligned with respondents' expectations, which might be unrealistic. A series of workshops and awareness campaigns around what migrants should expect from the DRSP might help them to adjust their expectations and reduce their ill will towards the DRSP.

The Tripartite Alliance (ANC-SACP-COSATU)'s response

The 1996 constitution of South Africa allocates specific tasks to the government and to political parties. However, in practice and with a large majority in Parliament, it is difficult to differentiate the ANC from the South African government because the ANC dominates all public spheres. In addition, ANC appointees are accountable to the party only and not to the people of South Africa. The recall of former President, Thabo Mbeki, is a good example of the mechanism of accountability within the ruling party. This section will therefore use the terms ANC and South African government interchangeably.

The xenophobic violence of May 2008 occurred within the context of a leadership vacuum in South Africa and the power struggles being played out between the ANC and the government. Ordinary citizens were also feeling the pressure of a negative socio-economic situation. Indeed, if the structures were functioning as they do during times of election, the xenophobic violence could at least have

been minimised at ground level, if not prevented. Everatt's (2009:6) series of focus groups conducted between April and July 2008 point in the same direction:

It was remarkable – and deeply depressing – how speedily and repeatedly the groups came to focus on foreigners as the cause of their current ills. [... In addition, it] is worth recalling that the groups occurred at a very low point in the national mood, with the ESKOM [sic] black-outs just beginning to peter out, the ruling African National Congress (ANC) having just completed its Polokwane conference which saw Jacob Zuma oust President Mbeki from ANC leadership, the cost of living rising, energy prices soaring, and a generally bitter mood prevailed. This may have led some participants to overstate their negativity, or others to sound more hostile or aggressive than otherwise – this is unknown, but the context should be borne in mind.

The Tripartite Alliance (ANC-SACP-COSATU) has condemned the attacks and positively responded almost two weeks later to save lives. But the delay with which the members of the Tripartite Alliance responded to the xenophobic sent confusing messages. In addition, the contradictions on whether violence was xenophobic or not, and whether the information at hand by the Intelligence Ministry could lead to such magnitude of violence or not had detrimental effects of the efforts to stop the attacks. In fact, former Intelligence Minister, Ronnie Kasrils (2008, cited in Johwa, 2008), acknowledged that his department was aware of socio-economic discontent and of tensions that could lead to xenophobic violence. However, as intelligence is not an exact science, it was difficult to predict when or how such violence would emerge. In fact, "Government was appraised of the situation but not in a sense of a flashing red light" (Johwa, 2008). In addition,

Although certain signs of localised organisation have come to light, and with hindsight intelligence services could have discerned some of the links and intentions, much of what subsequently happened has been extremely spontaneous and aimed particularly at looting people's shacks and shops (Ronnie Kasrils, 2008, cited in Johwa, 2008).

The Deputy Minister of Foreign Affairs, Aziz Pahad (2009), argues in the same vein, saying that:

Government was not taken by surprise by the possibility of these attacks. What has taken us by surprise is the extent and nature including the violence of what we have witnessed. It was not expected that the Mamelodi and Atteridgeville would lead to this. We tried to address the root causes but we were aware that criminal elements had exploited concerns and fears of the people.

South African Civil Society Organisations

Civil society organisations hosted a wide range of individuals including academics, spiritual and activists, ordinary South Africans committed to contribute to the lives of migrants, and victims of xenophobic attacks.

Durban Action Against Xenophobia (DAAX)

Different migrant communities have different opinions concerning the response of Durban civil society to the xenophobic violence, including former Albert Park dwellers. On the one hand, migrants are very grateful to the DAAX because of its sustained assistance – in the form of food and advocacy – to those displaced migrants who found refuge in Albert Park. On the other, these former Albert Park dwellers have been disappointed by the sudden retreat and lack of interest shown by the DAAX when it comes to refugee-related issues, as the quote below illustrates:

The DAAX brought us hope and some human dignity because these [academics] are very important people who advise government officials [...]. We were happy to see them all the time in the Park [sic] because it helped us to forget our day-to-day struggles for life and positively expect [sic] a radical change to our lives and struggles for human rights. This institution however failed to bring the UNHCR back in the refugee-related challenges (Interview, Anonymous, 03.09.2009).

Refugees who did not choose to go to Albert Park for security reasons wondered why so much energy and resources were spent on so small a refugee community when the entire refugee community (comprising thousands of people) was also in need, as were several hundred non-South Africans. In fact, one respondent argues:

If refugees' issues were dealt with so [sic] much enthusiasm as the Albert Park crisis, the xenophobic violence could be avoided or at least reduced. In fact, we have seen articles in the newspapers almost every morning; we received visits all the time, and there were also soccer game and picnic on Sundays in the Park but today [sic]. Only God knows why this organisation has lost interest in refugee-related issues and refugees' struggles [sic] for survival (Interview, Anonymous, 08.09.2009).

Durban refugee communities have mixed feelings concerning the role that the DSRP's network played before, during and after the violence. In fact, some of these institutions are funded by the UNHCR to assist refugees and asylum seekers. In practice, however, these institutions have little to show, as the quote below demonstrates:

“ The RSS pretends to assist refugees and migrant poor. But in practice, when we [refugees and poor migrants] go to this institution for assistance, we are treated as rubbish. Its coordinator or chairperson insults us, tells widows to get married to get assistance or go back home. She does not understand why so many refugees come to South Africa to complain against [sic] a lack of assistance. [...] It is painful to hear that (Interview, Anonymous, 23.12.2009). ”

Faith-based organisations: churches, mosques, synagogues and temples

Churches, mosques and temples around Durban were temporary and longer-term shelters for hundreds of refugees during May and June 2008. Emmanuel Cathedral in the Warwick Triangle area housed the largest number of refugees, and was most able to provide care and resources due to its ongoing involvement in refugee service provision in the city. [...] in most cases this was to ensure their safety, but there was some suggestion that churches felt they did not have the capacity to accept further displaced people and did not want it known that they were sheltering people for fear others would follow (Schwarer and Mwelase, 2008: 10) with the aim of bringing the migrants closer to the decision-makers and thereby forcing the decision-makers to assist them.

The KwaZulu-Natal Christian Council (KZNCC) in Pietermaritzburg was active before, during and after the May 2008 xenophobic violence. Indeed, long before the attacks it provided both material and financial assistance to those migrants based close to its office. In Durban, the Diakonia Council of Churches provided food, shelter and clothes to victims of the xenophobic attacks.

A lack of funding from the government, the UNHCR and international humanitarian agencies, as well as the loss of revenue from not being able to let the church halls for events, prevented religious organisations from continuing with their material assistance to the migrant community. As a result of this financial constraint, after unsuccessfully negotiating funding from the government, “at least one church bussed a group of displaced people to the City Hall and left them on the steps of the building” (Schwarer and Mwelase, 2008: 10), with the aim of bringing the migrants closer to the decision-makers and thereby forcing the decision-makers to assist them.

The Treatment Action Campaign (TAC)

The TAC, based in the Western Cape, provided victims of the 2008 xenophobic violence with antiretrovirals (ARVs) as well as other forms of assistance (Interview, Anonymous, 19a.01.2010; Interview, Anonymous, 20a.01.2010). Bin Ngulu (2009, cited in Jara and Peberdy, 2009: 38), a migrant from the DRC, states:

“ After our fifth day outside the station, I went on a hunger strike. [...] TAC volunteer doctors asked me to consider my health, and to at least drink water. But I would only end it if the UNHCR responded to our needs or we received help from lawyers. It was only then that a legal team decided they would help us. A lawyer advised us to leave and offered us accommodation on his farm. ”

On 22 and 23 May 2008, violence against foreign nationals broke out in the Western Cape. The TAC immediately mobilised and by the evening of Friday 23 May it had established a 24-hour call centre. One of the central elements of the TAC's early involvement was humanitarian aid. By the middle of the first week of the attacks, the TAC had set up a fully-fledged distribution centre and was providing food, sanitary products, baby food, blankets and other necessities to approximately 8,000 people each day, at eighty-four different sites around Cape Town (Jara and Paberdy, 2009: 38).

Through the Eyes of Women and Children

Refugee women were severely affected by the 2008 xenophobic violence. Some women were murdered, leaving their children motherless and sometimes parentless, and rape was commonplace. As one woman expressed, rape is highly traumatic: "When you talk about rape, you do not only talk about the physical act but also about the consequences of the act: unplanned children who will remind you all the time of what happened, where and when; sexually transmitted diseases and AIDS; psychological trauma; and many other consequences" (Interview, Anonymous, 20b.01.2010). There is also a social stigma attached to having been raped. Rape victims are worried that other migrants might send letters back home or call family members to report what happened (Interview, Anonymous, 20c.01.2010). Husbands, boyfriends or brothers also experienced rape-related trauma, many having witnessed these atrocities without being able to protect the victims (Interview, Anonymous, 20d.01.2010).

Women strongly believe that SA civil society organisations should prevent the xenophobic attacks rather than reacting to the attacks. In addition, it was not the first time. Somali national were murdered every month in South Africa and for several years. "What happened to the perpetrators? They are criminals... and then what? They [might] let them go free because our lives are less important", asked an angry respondent (Interview, Anonymous, 23.02.2010). Another respondent (Interview, Anonymous, 08.02.2010) supports this position, noting that

These xenophobes have parents and relatives in our communities. They live and laugh with us [in our communities]. Their parents go to church, mosque, temples, and attend civil society organisations' meetings. It is therefore impossible that a large scale killing could be organised without anybody being alerted. In addition, it is illegal in this country to walk with pangas and weapons. What happened to these xenophobes? Why were not they arrested because we all saw them on television? Their photos were put of the front pages of several newspapers, were they arrested? If yes, what is the outcome of the court cases? (Interview, Anonymous, 08.02.2010).

SAPC General Secretary, Blade Nzimande (2008) explained why the xenophobic violence occurred and why it is more likely to happen again even though his explanation does not improve the lives of the victims of the attacks. He argues, indeed, that

“The current violence against ‘foreigners’ is one particular expression of the weakening and ‘near-decay’ of the structures of the ANC on the ground, and their inability to lead progressive community struggles and failure to detect reactionary plans against our African brothers and sisters.”

Refugee children were also badly affected and they do not believe that civil society did enough to protect the refugee children and adults, men and women. In Durban for example, a ten-to-thirteen-year-old classmate stabbed two primary school pupils because they are not South Africans. Fortunately, they both survived. Many parents consequently kept their children in places of ‘safety’, such as churches, mosques, and at home mainly in Albert Park, instead of sending them to school (Interview, Anonymous, 18.01.2010). A group of refugee children told the researcher that they were so affected by the violence that they had lost the motivation to go to school or study. They explained that some of them had been traumatised in their home countries but had finally ‘settled’ in South Africa, only to be traumatised again. As a result, some want to seek asylum in another country (Interview, Anonymous, 19b.01.2010).

South African civil society organisations should create conducive environments for education of migrant children as long as their parents will afford to support their children’s education. Otherwise, the number of unskilled people and consequently unemployable individuals will increase and negatively impact on security and welfare.

The impact of the May 2008 xenophobic violence is beyond the imagination of those who were not affected by it or involved. Victims didn’t even have access to basic medical treatment after the attacks.

Conclusion and Recommendations

This chapter explored the attitudes, actions and reactions of migrants prior to, during and after the May 2008 xenophobic violence, which severely affected the migrant poor living in South Africa. Migrant communities, as defined in the introduction, are diverse and complex because they are here by accident not by design. The South African migrant community is comprised of people who left their countries for different, often overlapping, reasons.

Xenophobia is a multifaceted phenomenon. Thus, while some migrants tend to respond individually to xenophobic attacks, others prefer to respond by way of informal and formal organisations. In addition, there are migrants who prefer to engage directly with individual community members in order to inform them of migrant issues. Still others interact with local communities and individuals through a third party.

Different migrant groups were affected differently by the xenophobic violence.

They therefore organised themselves to prevent and/or minimise the impact of the violence levelled against their members. Those who were not affected seem to be uninterested in the challenges of the victims, many of which are ongoing.

Xenophobia is augmented by many factors: Divergent interests; divisiveness; mistrust within and between migrant communities; the abuse of poor and newcomer migrants; and a manifest lack of commitment from wealthy migrants to uplifting the plight of poor migrants and refugees. The xenophobic attitudes of certain government officials also continue to hinder migrant integration initiatives. Consequently, living together in harmony with locals is not easy.

The migrant community greatly appreciates the different interventions that have been staged by local civil society organisations. However, there was and still is room for improvement from those who have political and economic power, influence over decision-making processes, and much-needed resources. The Tripartite Alliance has not done enough in terms of awareness campaigns and creating policies that combat xenophobia and other forms of discrimination.

Any recommendations about the way forward ought to consider the findings of this research, the fact that xenophobic violence is endemic, and that it is not yet clear who South African xenophobes' next target group will be. This chapter thus recommends that urgent action be taken by: migrant civil society, South African civil society, and the Tripartite Alliance (ANC-SACP-COSATU).

Poor migrants and refugees should lobby wealthy and professional migrants to help with empowering migrant civil society organisations with the necessary skills and funding; (2) wealthy and professional migrants need to energise their networks in South Africa and across the world, with the aim of making the government and the international community more proactive in their efforts to combat xenophobia and xenophobic violence; (3) migrant societies should explore some of the root causes of the attacks in order to address them; and (4) migrant communities need to transcend

their differences so as to build a strong and responsible diaspora that can promote the development of its members and community.

South African civil society organisations need to establish solidarity and direct the energy of the masses toward real issues (i.e. poor or lacking service delivery, unemployment, corruption, lack of marketable skills etc.).

The Tripartite Alliance needs to use its **power to deal with xenophobia, which, if left unchecked, will have a negative impact on local communities** (which will lose out on the skills, job creation and foreign investment that migrants may bring) and will **threaten the peace and security of our young democracy.**

References

- ▶ Al-Sharma, M. 2003. "Livelihood and Identity Construction of Somali Refugees in Cairo". Cairo: Forced Migration and Refugee Studies, American University in Cairo.
- ▶ Amisi, B.B., Bond, P., Cele, N., Hinely, R., ka Manzi, F., Mwelase, W., Naidoo, O., Ngwane, T., Shwarer, S., and Zvavanhu, S. 2009. "Xenophobia and Civil Society: Durban's Structured Social Divisions". Durban: Centre for Civil Society of the University of KwaZulu Natal.
- ▶ Amisi, B.B. 2008. "Our Struggle Is Tough; Our Enemy is Common". Introductory speech in the first meeting between progressive South African Community Based Organisations and Refugee Community Leaders at the Centre for Civil Society.
- ▶ Amisi, B.B. 2005. *Social Capital, Social Networks, and Refugee Migration: An Exploration of the Livelihood Strategies of Durban Congolese Refugees*. Dissertation submitted in partial fulfilment of the requirement for the Degree of Master in Social Sciences (Development Studies). Durban: University of KwaZulu-Natal, Durban.
- ▶ Amisi, B.B. and Ballard, R. 2005. "In the Absence of Citizenship: Congolese Refugee Struggle and Organisation in South Africa." In R. Ballard, A. Habib, and I. Valodia (eds.) *Voices of Protest. Social Movements in post-apartheid South Africa*. Scottsville: University of KwaZulu-Natal Press, 301-324.
- ▶ Amnesty International. 2008. "South Africa: Talk for us please. Limited Options Facing Individuals Displaced Xenophobic Violence". London: Amnesty International UK Headquarter.
- ▶ Arango, J. 2000. "Explaining Migration: A Critical View". *International Social Science Journal*, Volume 52, Issue 165, 284-295.
- ▶ Attwood, A. 2009. Foreign nationals still await burial. *Pretoria News*. January 2009. [Online], available: <http://www.pretorianews.co.za/?fSectionId=&fArticleId=vn20090120111152939C506039>. Accessed on 18/02/2010.
- ▶ Broughton, T. 2009. ANC councilor 'led xenophobic attacks'. *The Mercury*. November 13. [Online], available: <http://www.themercury.co.za/index.php?fArticleId=5243713>. Accessed on 18/02/2010.
- ▶ CoRMSA (Consortium of Refugee and Migrants in South Africa). 2008. CoRMSA Newsletter, Edition 6 – 22nd, January 2008, p 3.
- ▶ Crisp, J. 2002. "No Solution: The Problem of Protracted Refugee Situation in Africa", Working Paper No. 68, University of California-San Diego.
- ▶ Crush, J. 2008. "The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa." Migration Policy Series No. 50. Cape Town: The Southern African Migration Project (SAMP).
- ▶ Crush, J. and Ramachandran, S. 2009. "Research Paper 2009/47. Xenophobia, International Migration and Human Development". New York: United Nations Development Programme. Human Development Reports.
- ▶ Danso, R. And McDonald, A.D. 2000. "Writing Xenophobia: Immigration and the Press In Post-Apartheid South Africa." Migration Policy Series No. 17. Cape Town: The Southern African Migration Project (SAMP).
- ▶ DESA (The Department of Economic and Social Affairs). 2004. *World Economic and Social Survey 2004. International Migration*. New York: The United Nations publication.

- › Duncan, S. 1998. "Bad Law: Applying the Aliens Control Act." In J. Crush, ed., *Beyond Control: Immigration and Human Rights in a Democratic South Africa*. Cape Town: Southern African Migration Policy.
- › El-Abed, O. 2003. "The Palestinians in Egypt: An Investigation of Livelihoods and Coping Strategies." Cairo: Forced Migration and Refugee Studies, American University in Cairo.
- › Everatt, D. 2009. "That violence was just the beginning... Views on foreigners and the May 2008 xenophobic violence as expressed in focus groups staged at the time." Johannesburg: Group City-Region Observatory.
- › Freeman, G.P. 1995. "Modes of Immigration Politics in Liberal Democratic States." *International Migration Review*, Volume, 29, No. 4, 881-902.
- › Glazov, J. 2008. "The New Case Against Immigration." *Frontpage Magazine*. July 18. [Online], available: <http://97.74.65.51/readArticle.aspx?ARTID=31703>. Accessed on 20/02/2010.
- › Goza, F. 1999. "Immigrant Social Networks: The Brazilian Case." Bowling Green: Department of Sociology, Bowling Green State University
- › Griffiths, J.D. 2000. 'Fragmentation and Consolidation: the Contrasting Cases of Somali and Kurdish Refugees in London'. *Journal of Refugees Studies*, Volume 13, Number 3, 281-302.
- › Hlatshwayo, M. 2009. "Research Report on COSATU's Responses to Xenophobia." Centre for Sociological Research, University of Johannesburg.
- › Hovy, B. 2003. "Building a Gender and Age-Sensitive Approach to Refugee Protection." Washington, DC 20036: Migration Policy Institute.
- › Jara, M.K. and Peberdy, S. 2009. "Progressive humanitarian and social mobilisation in a neo-apartheid Cape Town: a report on civil society and the May 2008 xenophobic violence in Cape Town." Cape Town: University of Western Cape.
- › Jensen, H. 2007. *A Migrating Species? Or 'Dort, wo du nicht bist, dort ist das Glück!'*. A. K. Isaac (ed) Immigration and Emigration in Historical Perspective. (Migration: transversal theme 1). Pisa: Pisa University Press.
- › Johwa, W. 2008. "Intelligence agencies' reported on xenophobia long before attacks." *Business Day*, 29 May 2008. [Online], available: <http://www.intelligence.gov.za/MediaStatements/2008/Intelligence%20agencies%20reported%20on%20xenophobia.doc>. Accessed on 20/01/2010.
- › Maharaj, B. 2004. "Immigration to post-apartheid South Africa". *Global Migration Perspectives* No. 1 Geneva: Global Commission on International Migration.
- › Massey, D., Arango, J., Hugo, A., Kouaouci, Pelligrino, A., and Taylor, E.J. 1998. *World In Motion: Understanding International Migration at the End of the Millennium*. Oxford: Oxford University Press
- › Massey, D. and Taylor, J. E. 2004. *International Migration: Prospects and. Policies in a Globalised Context*. Oxford: Oxford University Press.
- › McDonald, D., Gay, J., Zinyama, L, Mattes, R., and de Vletter, F. 1998. "Challenging Xenophobia: Myths and Realities about Cross-Border Migration in Southern Africa." Cape Town: Southern African Migration Policy Series Number 7.
- › Misago, J.P.; Landau, L.B.; and Monson, T. 2009. "Towards Tolerance, and Dignity: Addressing

Violence against Foreign Nationals in South Africa." Johannesburg: The Forced Migration Studies Programme at the University of the Witwatersrand.

- ▶ Nyar, A. 2009. "Business as Usual: The response of the corporate sector to the May 2008 xenophobic violence." Johannesburg: Gauteng City Region Observatory.
- ▶ Nzimande, B. 2008. "South African Communist Party: Back to basics: Rebuild organisation, defeat patronage and corruption, to defeat the scourge of xenophobia." *Umsebenzi Online*, Volume 7, No. 8.
- ▶ Pahad, A. 2008. "Xenophobic Attacks: Notes following briefing to media by Deputy Foreign Minister Aziz Phad." [Online], available: <http://www.info.gov.za/speeches/2008/08052113451001.htm>. Accessed on 19/01/2010.
- ▶ Papasterigiadis, N. 2000. *The Turbulence of migration. Globalisation, Deterritorialisation, and Hybridity*. Polity Press: Cambridge.
- ▶ Park, Y.P. and Rugunanan, P. 2009. "Visible and Vulnerable: Asian migrant communities in South Africa." Johannesburg: Centre for Sociological Research, University of Johannesburg.
- ▶ Parliament of South Africa. 2008. "Report of the Task Team of Members of Parliament Probing Violence and Attacks on Foreign Nationals in pursuance of a National Assembly resolution agreed on Tuesday, 13 May 2008." Cape Town: Government of South Africa.
- ▶ Peberdy, s. and Crush, J. 1998. "Rooted in Racism: The Origin of Alien Control Act". In J. Crush (ed.) *Beyond Control: Immigration and Human Rights in a Democratic South Africa*. (Cape Town), 18-36.
- ▶ Perberdy, S. 2009. *Selecting Immigrants. National Identity and South Africa's Immigration Policies 1910-2008*. Johannesburg: Wits University Press.
- ▶ Pickering, S. 2001. "Common Sense and Original Deviancy: New Discourses and Asylum Seekers in Australia." *Journal of Refugee Studies*, Volume 14, Number 2, 169-185.
- ▶ *Press Trust of India*. 2005. Rule Sonia! Is India xenophobic? <http://www.expressindia.com/news/fullstory.php?newsid=46580>. Accessed on 20/02/2010.
- ▶ *Robinson, P. and Dobson, R.* 2004. "The creative use of public space in Warwick Junction, Durban." Paper presented at Cities Alliance Conference 2004.
- ▶ SAMWU (South African Municipal Workers Union). 2008. "SAMWU Press Statement [on xenophobia] 19 May 2008' and SAMWU's poster 'There are no foreigners, only comrades', 22 May 2008.
- ▶ SAPA (South African Press Association). 2008. "Xenophobia-Parly Parliament 28 May 2008" [Online], available: <http://70.84.171.10/~etools/newsbrief/2008/news0529.txt>. Accessed on 22/02/2010.
- ▶ Schwarer, S. and Mwelase, W. 2008. "Stepping into the Breach: Civil Society Responses to Xenophobia in Durban 2008." Research Report - Centre for Civil Society. Unpublished.
- ▶ SA CSOs (South African Civil Society Organisations). 2008. "World Refugee Day – South Africa 20 June 2008: Civil Society Memorandum of Demands to the United Nations High Commissioner for Refugees (UNHCR)". [Online], available: <http://www.saemergency.info/news-info/Civil%20Society%20Memo%20to%20UNHCR.pdf/view>. Accessed on 10/01/2010.
- ▶ SA CSOs and individuals. 2008. "Complaint by WC CS re UNHCR 13 October 2008 ...". [Online], available: <http://www.tac.org.za/community/files/file/xenophobia/complaint%20by%20WC%20CS%20re%20UNHCR%2013%20October%202008%20final%20vers.pdf>. Accessed on 10/01/2010.

- › Sutcliffe, M. 2009. "New plans for Warwick Triangle: Putting policy based research into practice." Public Seminar, University of KwaZulu Natal, Howard College, Shepstone 4.
- › Statham, P. 2003. "Understanding Anti-Asylum Rhetoric: Restrictive Politics or Racist Publics?." In S. Spencer (ed.), *The Politics of Migrations. Managing Opportunity, Conflict and Change*. Massachusetts: Blackwell Publishing, 163-177
- › Steinberg, J. 2008. "South Africa's Xenophobic Eruption." Pretoria: Institute for Security Studies.
- › Tshabalala, T. and Dibete, M. 2008. "Inside the mob." *Mail and Guardian*, May 23 to 29.
- › UNHCR (United Nations High Commissioner for Refugees). 2008. *Statistical Yearbook 2007. Trends in displacement, protection and solutions*. Geneva 2: The United Nations High Commissioner for Refugees.
- › Wa Kabwe – Segatti, A. 2008. *Migration in post-apartheid South Africa: Challenges and questions to policy-makers*. Johannesburg: French Institute of South Africa (in collaboration with Loren Landau from the Forced Migration Studies Programme, University of the Witwatersrand).
- › Whitehouse, B. 2009. "Discrimination, Despoliation and Irreconcilable Difference: Host-Immigrant Tensions in Brazzaville, Congo." *Africa Spectrum* 1/2009: 39-59.
- › Whitley, R. 2005. "Stigma and the Social Dynamics of Exclusion". *Research and Practice in Social Sciences*, Volume 1, No. 1, 90-95

Interviews

- › Anonymous: 30.06.2002, 02.09.2009, 03.09.2009, 08.09.2009, 12.09.2009, 13.09.2009, 16.09.2009, 30.09.2009, 10.11.2009, 23.12.2009, 04.01.2010, 15.01.2010, 18.01.2010, 19a.01.2010, 19b.01.2010, 20a.01.2010, 20b.01.2010, 20c.01.2010, 20d.01.2010, 27.01.2010, 08.02.2010 and 23.02.2010.
- › Abdul, Manirakiza; 05.12.2009, Durban
- › Bin Ngulu, Kabemba (undated), sent in email correspondence by Fatima Hassan, Cape Town.
- › *Ndessomin*, Dosso; CBRC, 25.11.2003, Johannesburg
- › Matate, Pierre; Refugee Pastoral Care, 09.08.2003, Durban
- › President URW; Union for Refugee Women, 07.05.2009, Durban
- › Ngoetjana, Luas; KwaZulu Natal Christian Council, 23.05.2009, Durban
- › Steve, Faulkner; SAMWU, 30.07.2009, Johannesburg
- › Mukambilwa, Theophile; KwaZulu Natal Refugee Council, 08b.09.2009, Durban
- › Louw, Mike; COSATU Western Cape; 24.08.2009, Cape Town
- › Tseki, Phutase; COSATU Gauteng, 11.09.2009, Germiston

Focus Group

- › Anonymous, 30.09.2009.
- › Anonymous, 20.02.2010



Synthesis Report:

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Introduction

The Great Lakes Region (GLR) of Africa typically refers to the central and eastern African states grouped around Lake Tanganyika, Lake Kivu, Lake Albert, Lake Victoria, Lake Turkana, and Lake Nyasa (Tshiband, 2008). The countries within this region comprise Burundi, the Democratic Republic of the Congo (DRC), Kenya, Rwanda, Tanzania and Uganda. For the purposes of this short section of the chapter genocide will be examined primarily in the DRC, Rwanda, Burundi and Uganda¹.

The GLR, for more than a decade (and some would argue that genocide has been ongoing for several decades), has witnessed an extreme form of xenophobia² that has claimed the lives of more than six million. According to Tshiband the scale of the genocide can be roughly broken down as follows³:

The purpose of this short piece on the GLR is not to argue the similarity between the xenophobic attacks in South Africa and the genocide that occurred in the GLR. There are some obvious and significant differences, these include:

- i. Whilst xenophobia played a crucial role in the genocide in the GLR, there were a multitude of other factors that also fuelled the violence across the region.
- ii. The duration and scale of the violence in the GLR far outweighs what happened in South Africa.

¹ Xenophobia in Kenya is discussed separately in this chapter, and the incidents of reported xenophobia in Tanzania are relatively few in comparison with the events that occurred elsewhere in the region.

² Whereas xenophobia is a term that is typically used to describe a fear or dislike of foreigners or of people significantly different from oneself, often in the context of visibly differentiated minorities. Genocide takes this fear to another level and is defined as "the systematic **killing** of substantial numbers of people on the basis of **ethnicity, religion, political opinion, social status**, or other particularity" (<http://en.wiktionary.org/wiki/genocide>).

³ Tshiband, SAN (2008) *Transnational Actors and the Conflicts in The Great Lakes Region of Africa*, unpublished MA thesis, Department of Politics and International Relations, Lancaster University, p.10.

- iii. The organisation and structure of the warring parties in the GLR was very different to the piecemeal approach that characterised the violence in South Africa (in much of the conflict different groups were well organised into structured armies)
- iv. The presence of natural resources to finance and fuel the conflict within the GLR, meant that the militia in GLR were able to afford both a prolonged war and also equip themselves with sophisticated weaponry (contrast this with South Africa where weapons used in the violence were relatively crude)
- v. The involvement of nation states in the conflict in the GLR (both from within the region and from without), whereas South Africa kept it as an internal matter and reacted accordingly.

Nevertheless, there are however some key lessons that can be learnt from what occurred within the GLR, in particular lessons relating to the media and civil society, which and of direct relevance to South Africa, several of which are tabulated in Annexure A. Would rather have them as text (not in boxes/tables) in the text, summarised up front and repeated at the end.

This brief piece on the GLR begins by outlining the history of the region prior to the genocide, it then identifies key moments during the violence and then concludes with a discussion of the key lessons for South Africa that can be learnt from events in the GLR.

The tragedy unfolds

Although distinct and separate countries, the events that happened in Burundi, Rwanda, and the DRC will be shown to be interlinked, and that the common issues of land scarcity, ethnic and racial distrust, political violence, economic factors (in particular disputes over the exploitation of natural resources in the region) and the Belgian colonial legacy all contributed to the tragedy that unfolded in the GLR.

In addition, and of particular interest to those examining xenophobia in South Africa, is the issue of trans-border factors, i.e. the importance of taking into account “cross border interactions such as the flow of information, trans-boundary cultural or ethnic identities, and various linkages and networks with the capacity to mobilize as well as increase the propensity for the occurrence of conflicts”⁴. The constant movement of “others”/ internally displaced persons (IDPs) escaping the violence often contributed to unsettling the delicate socio-economic and political balance of the area they moved into, thus perpetuating yet another round of violence.

Moreover, the ability of rebels to move across the borders between the DRC, Rwanda, Burundi and Uganda as a result of the inability of the respective governments to control their territorial borders (and/ or the governments “turning a blind eye” to these movements) certainly created a series of linkages, some based on ethnic identities others on political allegiances and economic interests, which played a significant role in shaping the conflict.

⁴ Tshiband, 2008:20.

Space does not permit a detailed exploration of the complex factors that shaped what occurred in the GLR. Instead what follows is a brief sketch of key moments in the tragedy, beginning with the events that led up to the Rwandan genocide in the early 1990s.

Rwanda

“ Rwanda’s history is not that of two discreet and different groups, the Hutu and Tutsi, but of diverse Kinyarwanda speaking peoples and kingdoms assimilated into a single state.”⁵

The roots of the 1990 genocide in Rwanda can be traced to pre-colonial days when the area now known as Rwanda was largely populated by Tutsi cattle-herders, Hutu pastoralists and Twas hunter-gatherers. The distinctions between these groups were hardened during colonial times, when Belgian and German colonizers typically used Tutsi to supervise Hutu labourers⁶.

By the late 1950s this artificial reorganization of Rwandan society by the colonizers promoted such resentment amongst the majority of the population (primarily Hutus) that many Tutsi were driven out of Rwanda (1959 – 1961) into the Congo, Burundi and Uganda, and the Tutsi monarchy/elite was replaced by a Belgian backed Hutu elite⁷. Not only did this bring about a significant shift in political power, but traditional land ownership patterns were fundamentally changed as the Tutsi monarchy’s hold on the land was severely weakened.

The period from the early 1960s to 1990 were characterised by Tutsi exiles in Uganda attempting to regain political control in Rwanda through a series of attacks, the Rwandan government instigating counter attacks against the “rebels”, and the Tutsi government in Burundi oppressing Hutu who resided in Burundi and thus leading to thousands of Hutu fleeing Burundi and seeking refuge in Rwanda⁸. Nevertheless, for much of this period the Rwandan political economy was relatively stable and ethnic violence was significantly diminished.

Issues came to a head when coffee and tea prices collapsed in the late 1980s, accentuated by crippling initiatives imposed by the IMF and the World Bank. The resulting inflation, land shortages and increased unemployment fostered a strong sense of discontent amongst many within Rwanda. The fragile situation within Rwanda was further weakened when in October 1990, Tutsis from Southern Uganda (primarily the Rwandan Patriotic Front - RPF) swept across the border into Rwanda, and whilst they found little popular support in Rwanda, for President Habyarimana the invaders were a lifeline. He skilfully manipulated popular opinion away from domestic economic issues to focussing on ‘the foreign invaders’.

⁵ ACTIONAID, 1996: 17.

⁶ Colonial policy included the infamous clause that Tutsis were “born to be chiefs”. Prior to this the nature of the clan system across the region typically allowed Hutu, Tutsi and Twa to all be members of the same clan. Moreover, intermarriage between these groups was relatively common and it is also worth noting that a Hutu with a large herd of cattle could join the Tutsi elite, and conversely an impoverished Tutsi, without cattle, could join a Hutu group (Tshiband, 2008).

⁷ This shift in support by Belgium was primarily due to pressure from other European colonizers, as decolonization gathered speed throughout Africa, and probably also a belated attempt to redress past injustices (Eriksson, 1996).

⁸ In 1972 the Burundi government massacred many Hutu, who fled Burundi and subsequently helped to inflame ethnic tensions in Rwanda and joining in on attacks on the Tutsi in Rwanda.

This unleashed a series of violent anti-Tutsi incidents for the next 3 ½ years⁹. Tensions between those residing in Rwanda and those who had come in from outside Rwanda's borders were further heightened with the assassination of President Habyarimana and the President of Burundi on 6 April 1994¹⁰. Exactly who killed the President and why has never been established, but its effect was both immediate and devastating.

The presidential guard immediately initiated **a campaign of retribution**, and within hours recruits were despatched across the country **to massacre Tutsis and moderate Hutus**¹¹.

The role of the media, particularly private radio stations, played a critical role in inciting ethnic hatred and violence amongst a population that has high rates of illiteracy. Moreover, the almost complete absence of the international community, and the failure of international peace-keeping bodies such as the United Nations, for much of the genocide also provided ideal conditions for the ethnic hatred to foster.

With the capture of Kigali by the RPF in July 1994 the Rwanda government finally collapsed and a ceasefire was declared. According to Amnesty International (1996) whilst nearly one million people were killed during the 100 days of the genocide (this included at least three-quarters of all Tutsi living in Rwanda at the time) the violence also resulted in more than 2 million people fleeing Rwanda, taking refuge in the DRC, Uganda, Tanzania and Burundi¹².

Burundi

The genocide in Burundi is inextricably linked to that which that occurred in Rwanda. It too was colonized by Belgium, after the Belgians acquired it with Rwanda from the Germans during the post- World War One period. Prior to independence in 1962 the territory was known as Ruanda – Urundi. However, despite having the same colonial master, Burundi was traditionally less stratified than Rwanda, and until the fall of King Mwambutsa in 1996 both Hutu and Tutsi were involved at a national leadership level.¹³

As a result of the ethnic violence in Rwanda in the early 1960s hundreds of thousands of Hutus fled Rwanda and moved into Burundi, which significantly altered the balance of power in the country.

⁹ Typically referred to in the literature as the Rwandan Civil War.

¹⁰ Whilst many argue this was the start of the genocide, others argue that massacres of Tutsis had already been carried out in October of 1990, January and February of 1991, March and August of 1992, January and March of 1993, and also in February of 1994. Furthermore, most commentators would argue that whilst there was no blueprint for the genocide, there were nevertheless signs of well organised attacks by both the police and the army and those organised by militia affiliated to various political parties.

¹¹ It has been estimated that the militia eventually numbered around 30,000, roughly one militia member for every 10 families in Rwanda.

¹² Prior to the genocide the population in Rwanda was estimated to be about 7 million, and about 5,7 million in Burundi (Amnesty International, 1996). Estimates of the death toll have ranged from between 500,000 to 1,000,000. Amnesty International estimates that the post the ceasefire Rwanda will be faced with supporting thousands of widows who were subjected to rape and have become HIV – positive, and about 400,000 orphans, many of whom who have become head of families.

¹³ ACTIONAID, 1996.

A number of the recent arrivals participated in the 1965 election, and helped the Hutu-led political party win an outright majority. However, King Mwambutsu's refusal to appoint a Hutu prime minister, led to many rejecting the nascent democracy and so began a violent cycle of coups and counter coups.

The brutal suppression of the first coup immediately after the elections helped foster an environment of extreme political violence, aggravated by the sharp economic inequalities in the country ¹⁴. When King Mwambuta's son Ntare V was assassinated in 1972 a reign of terror was unleashed and an estimated 150,000 Hutus were massacred, ostensibly because the Hutus were blamed for the assassination of the King.

During the 1980s and the 1990s the cycle of political violence never ended. A series of coups in the late 1980s led to thousands more Hutus being massacred in 1988, and many more fleeing into Rwanda and thus helped shape the civil war that broke out in Rwanda in 1990. Whilst the first few years of the 1990s began optimistically what with a new constitution providing for a multi-party system, the fragile democracy lasted less than a year when in October 1993 the leader of the pro-Hutu government (President Ndadaye) was assassinated by Tutsi soldiers. And so began another wave of reprisals by Ndadaye supporters and counter-reprisals by the Tutsi led army. The situation was further aggravated when the newly appointed president (Cyprien Ntaryamira) was shot down whilst flying over the Rwanda capital with the Rwanda President.

Again, **thousands are killed and thousands of IDPs flee** to neighbouring countries.

With the next decade starting the same way as the 1990s ended (coups and counter-coups) the United Nations finally took over peace keeping duties in the country from African Union troops and a peace deal was brokered by former South African President, Nelson Mandela in 2001. After many false starts the remaining active rebel group (Forces for National Liberation – FNL) finally agreed to a cease-fire in 2008 and the fragile democracy could finally begin much needed social and economic reconstruction¹⁵.

¹⁴ 10% of the Burundi population control the country's cotton and coffee industries, the foundation of the Burundi economy, and it was in the main agricultural areas which much of the violence occurred again and again (ACTIONAID, 1996).

¹⁵ Burundi is one of the world's poorest countries in the world, ranked 174th out of 182 countries in the latest UNDP's human development index (HDI). (http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_BDI.html).

Democratic Republic of the Congo

The Congo (or what is today known as the DRC) was, like its neighbours Rwanda and Burundi, a Belgian colony. However, unlike Rwanda and Burundi where there was some semblance of colonial administration, the Congo was the private fiefdom of the infamous King Leopold II who literally raped and plundered the country between 1885 and 1908¹⁶.

The Congo became independent in 1960 under premier Lumumba, and became known as the DRC. It was the Mobutu regime, which on taking power in 1971 renamed it as Zaire, the name it kept until 1997 when it reverted back to the DRC.

Throughout much of the 20th century incidents of political violence were not uncommon, and certainly Mobutu's regime was arguably as brutal as that perpetrated by King Leopold II, however much of the literature argues that it was not till during and after the Rwandan genocide when the scale of the violence in the DRC accelerated dramatically¹⁷.

By late 1990 onwards hundreds of thousands of IDPs flooded into the DRC from Rwanda, including more than 50,000 ex Rwandan National Army (FAR), Hutu militias and many other groups not necessarily affiliated to any of the main warring political groups. This lethal mix of bitter adversaries spilling into a failed state which chose to support one side against the other (Mobutu's regime condoned violence against the Tutsi) not surprisingly exploded into a war that still simmers to this day.

The spark that ignited the war was provided in 1996 when the new Tutsi leadership in Rwanda supported the Alliance of Democratic Forces for the Liberation of Congo/Zaire (ADFL) in successfully overthrowing the Mobutu regime. Principal reasons for Rwandan support of the rebellion include security concerns about the presence of large numbers of ex – FAR residing in the DRC and ongoing persecution of Tutsis in the DRC. The rebellion was characterised by two chilling features: one, the common use of child soldiers; and two, the massacre of Hutu refugees in refugee camps administered by the UNHCR.

However, the removal of Mobutu simply created a power vacuum, which between 1998 – 2003 various internal and external groups unsuccessfully attempted to fill¹⁸. Although peace accords were signed in 2003 between all the major partners and international peace keeping forces moved into most of the affected areas, the conflict in the Kivu region within the DRC remains unresolved.

¹⁶ For a full account of the horror of the Belgian rule, including the draconian forced labour practices instituted by the colonizers, read Adam Hochschild's (1998). *King Leopold's Ghost*. London: Houghton Mifflin Harcourt.

¹⁷ Tshiband, 2008.

¹⁸ Some authors refer to this period as the *Seven Nation War* or even *The African World War* (Tshiband, 2008) as it involved 7 African states – Angola, Namibia and Zimbabwe supported the President Kabila (DRC) against attacks allegedly supported by Burundi, Rwanda and Uganda.

Civil Society Responses

The scale and level of the violence, and its duration, across the region played havoc with coordinated efforts by civil society¹⁹ to engage in a meaningful way during the genocide.

It was noted earlier that even the UN agencies, purportedly supported by peace keeping troops, were powerless to fend off attacks from rebel groups and this it is not surprising that civil society often helpless in the face of the genocide. Nevertheless, civil society did respond, but not always how one might expect civil society to respond.

On the one hand, civil society was lauded for its role both during and in the aftermath of the genocide, on the other hand it was criticised for being “highly politicised and aligned with political parties that were fighting for control over the state”²⁰. Moreover, the *Joint Evaluation of Emergency Assistance to Rwanda*²¹ in its synthesis report noted that

The performance of NGOs in providing humanitarian assistance was mixed. A number behaved professionally and compassionately and delivered high-quality care and services. But, ... other NGOs performed in an unprofessional and irresponsible manner that resulted not only in duplication and wasted resources but, in a few egregious cases, in unnecessary loss of life²².

However, these reports on the conduct of civil society do not quantify the number of unprofessional organisations, thus it is unclear how widespread the problem was across the region. Especially as other reports on civil society in the region make no mention of this issue and have instead emphasized the ‘traditional’ role that these organisations typically play in humanitarian emergencies. During the genocide civil society typically engaged in activities such as the gathering and exchange of information (for instance, about past atrocities, potential threats and the trafficking of arms), the denouncing of abuses, and the supply of food, healthcare and accommodation. There were also

¹⁹ Space does not permit a discussion of the definition of what is meant by civil society or who is civil society in the Great Lakes Region, it is however worth noting that it is the problematic notion of citizenship that was at the heart of much of the genocide, “despite long histories of movement and integration throughout the continent, notions of who is ‘indigenous’ versus who is ‘settler’ persist and are politicized in ways that strip people of rights and make them vulnerable to violence and displacement” [Klopp, J (2004) *Civil Society and the State: Partnership for Peace in the Great Lakes Region. Proceedings of the Task Force Meeting, Nairobi Kenya, 21 – 22 June 2004*]. Thus the membership of civil society has been, and continues to be, heavily contested in the region.

²⁰ Baines EK, Thomson SM, & Wilson JZ (2004) *Summary of the Kigali Workshop on Civil Society Perspectives on the Responsibility to Protect: 10 Years after the Rwandan Genocide, 15 - 17 February, 2004*.

²¹ The review team reported to steering committee that composed of representatives from 19 OECD-member bilateral donor agencies, plus the European Union and the Development Assistance Committee (DAC) secretariat of the OECD; 9 multilateral agencies and UN units; the two components of the International Red Cross and Red Crescent Movement (ICRC and IFRC); and five international NGO organizations.

²² Eriksson 1996.

instances when civil society was called upon to reconcile differences between different IDPs and also in protecting refugees from external attacks²³.

In the aftermath civil society responded by training paralegals to document atrocities, providing counsellors/counselling services to those traumatised and brutalised by the genocide, and promoting human rights (particularly with regards to vulnerable groups in society such as women and children) within the school curriculum and also in promoting civic education more broadly²⁴. Civil Society also played an important role in negotiating the transitional government in the DRC²⁵ and in helping to facilitate the demobilization and the reintegration of former combatants into society²⁶.

Yet whilst the literature recognises “the key role that civil society actors play in threading together the social fabric, providing networking opportunities and fuelling collaborative efforts...the basic building blocks for peace” it also recognises that apart from in the DRC civil society was largely excluded from the peace talks that were held to end the genocide,²⁷. Thus regardless of how effective civil society was in providing humanitarian assistance in the region, civil society found it extremely difficult to help get involved in formal attempts to resolve the crisis. It is for this reason that there has been a very strong drive in the region since the mid-2000s to start building a ‘partnership for peace’ between civil society and the governments in the region²⁸.

Conclusion

The genocide that unfolded in the GLR came about as the result of a complex combination of factors, some of which are part of the brutal colonial legacy the region experienced (including the violation of a common heritage by the colonizers) and others were more immediate (including the intricate political, economic, social and cultural dynamics of the region).

It is also important to recognise that whilst **the genocide is often portrayed as Hutu against Tutsi, in many instances it was often a small elite group within a sub-clan who controlled and drove the violence** and thus few Hutu or Tutsi actually benefitted from the violence.

Whilst the scale, breadth and depth of the violence completely overshadows the events in South Africa, there are nevertheless seven salient lessons that can be learnt from the tragedy in the GLR. Firstly, the resolution – management approach in the GLR focussed primarily on the political and military aspects of the conflict and failed to address the economic resource aspects of the conflict.

²³ Klopp, 2004.

²⁴ Baines et al., 2004.

²⁵ Klopp, 2004,

²⁶ Bainomugisha A, & Issaka M (2004) The Role of Civil Society in Peacebuilding in the Great Lakes Region. Proceedings of a Civil Society Dialogue hosted by the International Peace Academy, New York, March 2004.

²⁷ Baines et al., 2004: 255 – 256.

²⁸ For more on this issue see for example Klopp (2004).

The lesson to be learnt from the GLR experience is that resolving the immediate issues (such as disarming militia) without dealing with the deep rooted issues simply prolongs the crisis and does not diffuse the situation.

The second less to be learnt is that “humanitarian action cannot substitute for political action”²⁹. Regardless of how effective NGOs were in providing humanitarian assistance, unless the political will is there to resolve the crisis the humanitarian community is put in an untenable position and the crisis is unlikely to be resolved.

A third lesson is drawn from the finding that not all regional actors participated all the peace settlement talks, which meant not all interest groups were consulted and thus those who were excluded have refused to recognise the various signed peace agreements. The lesson here is that is essential for all actors to participate in peace talks, even those from neighbouring countries. In most instances it is a regional issue as opposed to a single country issue thus a regional response is required to ensure a more sustainable approach to the crisis.

The fourth lesson relates to the refugee camps. Refugee camps were poorly planned, inadequately implemented, and insufficiently supported thus creating devastating cholera and dysentery epidemics and unsustainable exploitation of the environment (in particular deforestation). Moreover, refugees were poorly protected from outsiders in the refugee camps. Furthermore, support to IDPs often treated them as a homogenous group and no special provision was made to provide assistance to vulnerable groups (children in particular) The lesson that can be learnt is that appropriate emergency plans need to be in place prior to events of this nature happening and adequate emergency funds need to be forthcoming to ensure the plans are implemented. This includes taking steps to minimize and mitigate the adverse impact on the environment, ensuring basic water and sanitation services, and equitable distribution of food rations and shelter. In addition, it is critical to ensure the safety and security of IDPs in the refugee camps from both within and without³⁰. It is also important to remember that IDPs are seldom homogenous groups and it is critical to determine the specific needs of different sub-groups within refugee camps, in particular the needs of children who have been orphaned as a result of the violence.

The fifth lesson relates to the role and conduct of civil society during humanitarian emergencies of this nature. It was noted above that due to the scale of the violence there was an inadequate early warning system of the displacement of the population and the dramatic increase in relief needs which was not always dealt with appropriately by civil society. The lesson that can be learnt from this is two-fold: Civil society needs to play a central role in feeding in information from on the ground into a well coordinated early warning system; and a code of conduct be developed to which civil society organisation must adhere to when assisting in complex emergencies³¹.

²⁹ Eriksson, 1996.

³⁰ This includes both empowering those running the camps to have appropriate security forces, and also ensuring that those in the camps are disarmed, that those in the camps are genuine refugees, that no militia are trained in the camps, and that no hate media is distributed in the camps (Eriksson: 1996).

³¹ This could be done through some form of self-managed regulation or by an accreditation system overseen by NGOs (Eriksson: 1996) and needs to reflect on questions such as (ACTIONAID, 1996: 14): “how do humanitarian agencies ensure that their efforts do not compound the crisis? What mechanisms are in place to ensure that humanitarian agencies...act responsibly and accountably?” and what does neutrality mean in a crisis of this nature?

Like South Africa, the GLR is also beset by local conflicts that often sprung out of economic pressures (such as land shortages, grazing rights, trading rights and so on).

The key lesson to learn from this is that there is a **need for civil society to play a central role in increasing awareness of the socio-economic issues** facing local communities.

In particular, this awareness raising could focus on women's rights to land and support the means to access these rights; economic alternatives to land/ agriculture; dispute resolution methods in order to promote peaceful reconciliation of disputes; and the skills needed by local/traditional leaders to manage a community during complex emergencies.

The final lesson that can be learnt from the GLR concerns the fact that throughout the period under discussion there were fatal flaws in the mechanisms to uphold human rights in the region. The lesson to be learnt is that appropriate and effective systems need to be in place to deal with the abuse of human rights. Such a system needs to include clearly identified steps for identifying such abuses, investigating such abuses and for prosecuting such abuses. Ensuring that civil society is sufficiently well resourced to facilitate this process (including, for example, providing para-legal services and offering other advice office services) should be central feature of such a system.

References: ??? please check



Synthesis Report:

STOPPING A CONFLAGRATION: THE RESPONSE OF KENYAN CIVIL SOCIETY TO THE POST-2007 ELECTION VIOLENCE

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The
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STOPPING A CONFLAGRATION: THE RESPONSE OF KENYAN CIVIL SOCIETY TO THE POST-2007 ELECTION VIOLENCE

by Karuti Kanyinga

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Introduction

A violent conflict engulfed Kenya after a dispute over the results of the December 2007 presidential election. The dispute between the Party of National Unity (PNU) of the incumbent President Mwai Kibaki, and the Orange Democratic Movement (ODM), an opposition party, led by Raila Odinga, triggered violence and a political crisis in which over 1,100 people were killed and over half a million others were displaced. The violence began as spontaneous protests in ODM strongholds after the Electoral Commission of Kenya (ECK) declared President Kibaki as the winner in spite of a heated dispute over a flawed vote count and tallying.¹ The violence spread rapidly and assumed an ethnic dimension following the tracks of the affiliation for the two main political parties. President Kibaki's PNU drew membership from his Kikuyu ethnic group and related communities – the Meru and Embu communities in the Mount Kenya region.² On the other hand, the ODM of Raila Odinga had the support of the Luo in association with the Luhya in western Kenya, the Kalenjin in the Rift Valley Province, and the Mijikenda in the Coast. Support in Nairobi was divided between the two parties.

The violence spread along these ethno-regional patterns of party affiliation. In ODM areas, the youth organised attacks targeting especially those allied to PNU, many of who were Kikuyu. On the other hand, in PNU areas, militia groups quickly organised retaliatory attacks targeting ODM supporters many of who were Luo, Luhya, and Kalenjin. On the whole, militia and other gangs formed to violently

¹ For details on the process of voting and tallying see David Throup. 2008. The Count. *Journal of Eastern Africa Studies* 2 No.2: 290 – 304. For details on the general electoral process see Independent Review Commission (IREC) on the 2007 elections (Kriegler Commission). Nairobi: Government Printers, 2008.

² The Kikuyu, Embu and Meru constitute what is usually referred to as GEMA or Gikuyu, Embu and Meru Association. This group, whose members live around Mt. Kenya is widely believed to be politically and economically advantaged during the first post-colonial regime of President Kenyatta, a Kikuyu. Under President Kibaki, the group again began to dominate the political and economic spheres by staffing senior and powerful public sector positions with people from the region. This exacerbated feelings of marginalisation among other groups.

evict supporters of either parties in the region they considered their territory.³ The violence split the country into two in line with how each region voted: ethnic divisions deepened as anti-Kikuyu resentment spread in ODM areas. The Kikuyu resentment of other communities allied to ODM was similarly high.

International and domestic pressure resulted in the two parties agreeing to international mediation, under the auspices of the African Union's (AU) Panel of Eminent African Personalities, chaired by the former United Nations Secretary General, Kofi Annan⁴. Kenyan Civil Society Organisations (CSOs) and their networks generated and sustained domestic pressure to end the violence. A grouping of Kenya's finest civil society minds participated in international and regional advocacy to highlight the crisis and to ensure the international community had objective information about what caused the crisis and its consequence. They lobbied international donors and governments to bring pressure to bear on the two parties to resolve the crisis. The parties yielded to pressure and agreed to mediation, which began in mid-January 2008. On 28 February 2008 the parties signed the 'Principles of Partnership of the Coalition Government' and agreed to share political power in a Grand Coalition Government. The parties also agreed to amend the constitution and to enact the National Accord and Reconciliation Act, 2008, establishing Grand Coalition Government. The signing of the National Accord ended the violence.

The critical role that civil society played to end the violence and their inputs into the mediation process is yet to be documented.

Further, in the period preceding the 2002 general elections, CSOs facilitated opposition parties to form a coalition, the National Rainbow Coalition (NARC), so as to defeat the then ruling political party and begin a process of comprehensive reforms after winning the elections. In the post-2007 election violence they again made important contributions to putting out the fire. CSOs in Kenya have played what appear to be non-traditional and non-conventional roles ascribed to civil society. Their role in political leadership in Kenya's transition politics is yet to be analysed.

The new non-conventional roles that CSOs in Kenya played during the post-election violence raises a need to examine how they play such roles and what lessons can be learnt from this. This paper discusses the role that civil society played in ending the violence. The paper in particular discusses how civil society assisted in putting out the fire that was gutting the nation. This discussion therefore addresses two questions: 'How did civil society help to put out the fire' and 'What lessons are there for other African CSOs to learn'.

³ The Commission of Inquiry on the Post-Election Violence (CIPEV) popularly referred to as the Waki Commission (named after Justice Philip Waki who chaired it) documented this pattern of violence in all the region. See Republic of Kenya. Commission of Inquiry into the Post-Election Violence. Nairobi: Government Printers, 2008. Muthoni Wanyeki has also filled gaps in gender-based violence; she has given an analysis of how gender based violence took place. See Muthoni Wanyeki. Kenyan Women and the Post-Election Violence. Nairobi: The Kenya Human Rights Commission (KHRC), 2009.

⁴ The cloud of secrecy and demand for high levels of confidentiality required of the mediation process has meant that few studies have been conducted on the mediation process. Two publications, Elizabeth Lindenmayer and Josie Lianna Kaye. A Choice for Peace? The Story of Forty-One Days of Mediation in Kenya. New York: International Peace Institute, August 2009; and Makumi Mwangiru. The Water's Edge: Mediation of Violent Conflict in Kenya. Nairobi: Institute of Diplomacy and International Studies, 2008 shed some light on what transpired.

Civil society and democratisation in Kenya: an overview

In Kenya, and much of Africa, the meaning of civil society is a subject of debate especially because definitions tend to draw from Western tradition and experiences. The challenges of using this tradition in identifying civil society properties in Kenya and Africa in general are quite clear.⁵

One, this type of analysis **prevents a full appreciation of the conditions** of civil society in Africa; and two, it raises **expectations on the role of civil society in spite of the constraints posed by the dominance of the state** that continues in politics and the economy in Africa.

Although this is the case, the Hegelian liberal conception of civil society has been influential in providing a basis for identifying groups that compose civil society in Kenya. In this usage, civil society broadly refers to the realm of autonomous and voluntary associations located between the state and the household. Activities of civil society are voluntarily organised and are aimed at promoting social well-being – they are involved in public good.

Kenyan civil society is heterogeneous. It comprises non-governmental and autonomous groups organising outside of the control of the state. Operating in this space are Non-Governmental Organisations (NGOs) undertaking development work, Community Based Organisations (CBOs), Religious or Faith-Based Organisations (FBOs), Trade Unions, Professional Associations, self-help and numerous other voluntary organisations. This suggests that civil society in Kenya is heterogeneous in composition and interests. These multiple interests also imply potential for divisions, especially with regard to engagement within broader political society.

In Kenya civil society has contributed to national development and democratisation processes.⁶ In terms of development, civil society development organisations are involved in service delivery activities, for instance, providing water, health care, and supporting community development efforts in addition to many other roles.⁷ Not a single sector of the economy is without the presence of CSOs. The government recognises NGOs as important partners in the development process. A national policy on NGOs' role in development is also in place. The policy seeks to facilitate the work of NGOs in the development space and to improve coordination in the sector.⁸

⁵ Mahmood Mamdani (1996) spells out these challenges in *'Citizen as Subject: Contemporary Africa and the Legacy of Late colonialism'*. Princeton, NJ: Princeton University Press, 1996; Peter Gibbon. *Civil Society, Locality and Globalisation in Rural Tanzania: A Forty-Year Perspective*. In *Development and Change*, Vol 32: 819-844, 2001.

⁶ Karuti Kanyinga, Winnie Mitullah, and Sebastian Njagi. *The Non-Profit Sector in Kenya: Size, Structure and Financing*. Nairobi: Institute for Development Studies, 2007. Connie Ngondi-Houghton. *Philanthropy in East Africa: Nature, Challenges, and Potential*. London: Allavinda, 2005.

⁷ Alan Fowler. 'NGOs, Civil Society and Social Development: Changing Rules of the Game', Geneva: United Nations Research Institute for Social Development, Occasional Paper No. 1, 2000.

⁸ Sessional Paper No.1 of 2006 on Non-Governmental Organisations. Office of the Vice President and Ministry of Home Affairs. Nairobi: Government Printers, 2006

In the period between the early 1990s and the 2002 general elections, civil society was synonymous with the democratisation process in Kenya. From the early 1990s, civil society fiercely fought against one-party repression in the country and led intense struggles for a return to multi-party democracy.⁹ In providing leadership in the democratisation initiatives, civil society groups acted as the training ground for opposition politics and political leadership in general.¹⁰ The first leaders of opposition politics in the 1990s had a strong civil society background. This organic relationship with opposition politics continued throughout the 1990s until early 2000 when civil society urged and facilitated opposition parties that were keen on reforms to form a coalition so as to defeat the ruling party, the Kenya African National Union (KANU), which had been in power throughout the post-independence period.¹¹ Civil society and opposition parties hoped to pursue democratic governance reforms once they got KANU out of power. It is this alliance of parties and civil society that won the December 2002 general election.

The coming to power of a new government with a strong civil society backing had several consequences for civil society. Some civil society leaders were elected to parliament. The government also recruited experienced leaders from civil society. This weakened the sector. Recruitment of individuals who had sharpened skills for advocacy, lobbying and mobilising for reforms depleted the sector of experienced leadership, developed over many years.

While a much more youthful leadership took over, it **lacked experience to immediately lead the sector in the new political environment.**

Secondly, the government began implementing reforms and undertaking activities similar to those that CSOs were undertaking. The government spoke the language of rights, justice, and equality and again recruited more people from the civil society into the new human rights and governance state institutions. This hastened the formulation of several policies and enactment of legislation that would promote and protect rights. At the same time, cooptation of civil society into the new institutions reduced the sector's ability to play a watchdog role.

Many of the reforms taking place were predicated on the existence of NARC as a coalition government. But the coalition itself was fragile. It was formed for the purpose of defeating KANU. Once this goal was accomplished, conflict emerged among the parties, essentially over the sharing of power. The President's party reneged on the pre-election agreement and marginalised one of the major parties

⁹ Some of the earlier works on the role of Civil Society in Kenya during this period include Stephen Ndegwa. *The Two Faces of Civil Society: NGOs and Politics in Africa*. West Hartford, CT: Kumarian Press, 1996. Others include Willy Mutunga. *Constitution-Making from the Middle: Civil Society and Transitional Politics in Kenya, 1992-1997*. MWENGO. Nairobi: SAREAT/MWENGO, 1999; Godwin R. Murunga and Shadrack W. Nasong'o. *Kenya: The Struggle for Democracy*. London: Zed Books in Association with CODESRIA, 2007; Makau Mutua. *Human Rights NGOs in East Africa: Political and Normative Tensions*. Philadelphia: University of Pennsylvania Press.

¹⁰ Willy Mutunga has detailed the role of CSOs in constitutional reforms and shown how CSOs led other groups to constitute a reform movement from the mid 1990s. From these efforts, several leaders emerged to take up leadership of opposition political parties. See Willy Mutunga. *Constitution-Making from the Middle: Civil Society and Transitional Politics in Kenya, 1992-1997*. MWENGO. Nairobi: SAREAT/MWENGO, 1999.

¹¹ Makau Mutua provides a detailed analysis of the role played by human rights organisation and the Kenya Human Rights Commission (KHRC) in particular in forming the coalition. See Makau Mutua. *Kenya's Quest for Democracy: Taming Leviathan (Challenge and Change in African Politics)*. Boulder: Lynne Rienner, 2008

that had assisted the coalition to win the election. Factions developed and divisions widened. A new draft constitution was developed amid these differences but the side that was marginalised mobilised against the draft. Eventually the coalition split into two distinct political parties in preparation for the 2007 General Election. The split was acrimonious. The divide was similarly wide and relations between the two confrontational. Their constituencies were differentiated along ethnic as well as ideological lines. This is the context that informed the violence accompanying the 2007 General Election.

The post-2007 general election and violence

Kenyans went to the polls on 27 December 2007 to vote for civic, parliamentary and presidential candidates. This was the fourth election since the return of multi-party democracy in 1991. The polling day was peaceful with isolated incidents of violence and generalised tension. Opinion polls had consistently shown ODM slightly ahead of PNU but the issues the two parties campaigned around had an equal appeal to the voters. This, combined with the tradition of ethno-regional pattern of voting pointed to a close election; observers expected a fiercely fought contest.¹² The two parties mobilised around different ideologies. The issues they campaigned around reflected certain important values and resonated with their two constituencies in an equal manner.¹³

Vote counting began after the close of polling on 27 December. In the initial vote count, ODM led. The party maintained this lead throughout 28 December when over half of the votes had been counted. In the afternoon of 29 December and with the arrival of ballots from some PNU strongholds, the gap between the two parties narrowed. This narrowing of the gap caused anxiety. By this time ECK had completed the tallying of parliamentary results. ODM had acquired half of the 210 parliamentary seats. PNU had less than 50 seats. Other parties, some of which were affiliates of PNU, shared the remaining seats. To some ODM supporters, this was an indictment of irregularities in the presidential vote count; it was enough evidence that ODM would also win the presidential election. ODM supporters questioned how the party would win half of the parliamentary seats and have its lead in the presidential election narrowed suddenly.

As anxiety built, **allegations of irregularities surfaced.**

In some constituencies, total votes for the parliamentary election differed significantly from the total votes cast for the presidential election in the same constituency. Voting for civic, parliamentary and presidential election took place simultaneously and therefore the total votes cast in each of these

¹² Thomas P. Wolf. 'Poll Poison'? Politicians and polling in the 2007 Kenya Election. *Journal of Contemporary African Studies*, Vol 27 No. 3 July 2009: 279-304.

¹³ PNU campaigned on an economic recovery platform while ODM campaigned on a platform of political reforms. The government had resuscitated the economy from about 1 percent to 7 percent growth rate. If re-elected, the party argued, growth would soon trickle down to reduce poverty levels. On the other hand, ODM argued that PNU practised 'politics of exclusion' and had marginalised several communities from the centre of power. The party campaigned on a political reforms platform. In addition, the party argued for generational and political change. The party argued that PNU leadership was in the hands of a group of old men short of ideas and innovations; they were keen to ensure dominance at any cost. These issues divided the country. The divisions also took ethnic dimensions.

elections should not have shown major differences (and historically had not done so). This caused concern, and a dispute over the vote count began in earnest. ECK added to this anxiety. ECK raised concern about delays of the results from some centres in the PNU stronghold not far from Nairobi. This concern, communicated to the public through the media by the chair, caused apprehension as the gap narrowed.

ODM revealed cases of alleged irregularities including cases where ECK results differed from those reported by their agents. On its part, PNU raised concerns about abnormally high voter turn-out in ODM areas. These allegations fed into an anxious and highly apprehensive nation with obvious consequences: increased resentment against the government and PNU in ODM strongholds that included about six of the country's eight regions. By the beginning of 30 December, the country was essentially polarised. Allegations of fraud continued to build amid new evidence as results from the remaining centres trickled in. ODM requested verification of results, which went on for hours without consensus. The verification exercise revealed results from many places had been delivered without the mandatory signature of election officials. Others showed results had been altered but no one countersigned the alteration. International and domestic observers added new evidence of anomalies. The results for some constituencies announced at the local level differed from the ECK figures at the central tallying point showed. Again these discrepancies fed into the anxiety of the nation.

These irregularities and protests against flawed vote tallying were not resolved. **The gap continued to narrow and to close in tandem with rising tension and anxiety throughout the country.**

The electronic media, TV and radio, stopped all live broadcast of the election results. Further, the police forcibly threw out the media, observers and members of the public from the tallying centre following angry protests and shouting by those in the hall. This added to the anxiety. At 17.39 on 30 December, amid this anxiety and without resolving the dispute over results from some constituencies, ECK declared Mwai Kibaki of PNU the winner of the presidential election. At 18.24, or about 45 minutes later when darkness was setting in, the Chief Justice swore in Mwai Kibaki as President in a hurriedly organised ceremony attended by his political allies and security chiefs.

The sudden announcement of President Kibaki as the winner against a background of irregularities unlocked the pressure that had built for two days. The pressure burst out in the form of spontaneous protests with people demanding justice. The protests later turned violent and spread across the country threatening the existence of Kenya as a nation state.

Patterns of post-election violence and displacement

The first form of violence broke out as spontaneous protests.¹⁴ This spread widely in areas where large numbers of ODM supporters were present. Parts of Nairobi, Rift Valley, Nyanza, North Eastern, Coast, and Western Province (six of Kenya's eight regions witnessed this form of violence). The widespread perception in ODM areas that the government/PNU stole the election contributed to attacks on government property and institutions. The youth directing the violence began targeting PNU supporters who in many cases were Kikuyu or members of communities originating from the Mt. Kenya region.

The second form of violence was organised. ODM supporters drove away hundreds of thousands of people perceived to be supporters of PNU in areas where ODM had a strong presence. Many of them were Kikuyu; they were evicted from their homes and farms. Anti-PNU/Kikuyu attacks attracted resentment in Central Kenya, the home area of the Kikuyu. This gave rise to the third form of violence - organised retaliatory attacks targeting ODM supporters. These began around the third week of January 2008 and were confined in areas such as Naivasha and Nakuru of Rift Valley where the Kikuyu presence is strong. Well-organised Kikuyu youth directed the attacks. The attacks targeted perceived ODM supporters who happened to be of Luo, Luhya, and Kalenjin. These attacks demonstrated that the Kikuyu could retaliate with similar force. How they organized also indicated that they had a rich resource base - violence requires logistical support and resources to be maintained. The youth used in these attacks comprised members of Mungiki, a well-known outlawed grouping of Kikuyu youth formed in the 1990s. The group has many youth members. It is widely known for its criminal extortionist activities and political engagement with senior Kikuyu politicians.

Mungiki itself has a long history. Starting first as a grouping of Kikuyu youth seeking cultural and spiritual fulfilment by practising African religion, the group increasingly recruited from the disposed and victims of the first wave of post-election violence in 1991. The group mutated into several forms. Some provided support to politicians acting as standing armies to violently disperse opponents of Mungiki allies. Others turned into criminal gangs living on extortion and fees from protection services that they forced on people in poor areas. Thus, what began as a civil society group providing a forum for cultural and spiritual fulfilment rapidly turned uncivil; they became uncivil elements of the civil society.¹⁵

Violence by the police comprised another form of violence. The police used excessive force in dispersing the protesting youths especially in ODM areas. They violently dispersed youth demonstrations and used force to seal off public places where ODM would hold political rallies.

¹⁴ Muthoni Wanyeki, 'Kenyan Civil Society and the 2007/2008 Political Crisis: Towards and Following the Kenya National Dialogue and Reconciliation (KNDR), a Paper Prepared for African Research Resource Foundation, Nairobi, 2010

¹⁵ For academic analysis of the Mungiki, see: Mutuma Ruteere, "Dilemmas of Crime, Human Rights and the Politics of Mungiki Violence in Kenya" Kenya Human Rights Institute (2008); David M Anderson, "Vigilantes, Violence and the Politics of Public Order in Kenya," *African Affairs* (2002) 101, 531; Peter Mwangi Kagwanja, "Facing Mount Kenya or Facing Mecca? The Mungiki, ethnic violence and the political of the Moi Succession in Kenya, 1987-2002," *African Affairs* (2003) 102, 25; Godwin Murunga, 'Mungiki and Re-Traditionalisation of society. CODESRIA Bulletin No 3&4, 2006

Related to this were other forms of violence used to intimidate ODM supporters. Sexual and gender-based violence such as rape and forced circumcision of Luo were also reported.

These different forms of violence had one important consequence. They **triggered mass displacement of people** such that by the end of February 2008 **over 600,000 people had been displaced.**

About 300,000 people were living in camps for Internally Displaced Persons spread across the Rift Valley. The Kikuyu and others perceived to be supporters of PNU were driven from their properties and land in Rift Valley, Western and Nyanza regions of the country. During the third wave of violence, the retaliatory attacks in Nakuru and Naivasha led to the eviction of perceived ODM supporters. In Nairobi, similar forms of displacement took place. In the slums people were evicted from where they were numerically smaller and their houses occupied by the youth from the evicting community. This led to zoning of slums into distinct ethnic territories. The pattern of violence and accompanying displacement continued to intensify. The potential for a more intense civil war had begun. It was at this point that international mediation under the auspices of AU began at the Serena Hotel in Nairobi. The mediation and the signing of the National Accord and Reconciliation Act through the Kenya National Dialogue and Reconciliation (KNDR) process ended the violence. Contributing to this mediation and to the end of violence, were civil society groups and leaders. They had engaged in local and international advocacy urging for an international brokered mediation and for the international community to focus on Kenya. The section that follows discusses their response to the crisis.

Civil Society response to the crisis

The heterogeneous nature of the Kenyan civil society impacted on how the sector responded to the violence and the political crisis. The values for which many of the organisations are formed and how they articulate their concerns on important national issues also shaped their approaches toward the crisis. But the crisis was also complex. It comprised a range of interwoven issues that required equally complex responses. Significantly, the factors that contributed to the crisis continued to mutate in tandem with the deepening of the crisis. The first trigger was the flawed vote count and the subsequent hot dispute over the result. The demand to know the 'truth' about the result triggered the crisis. The second trigger then was the question of justice in two interrelated senses. First was justice for victims of violence: victims of police brutality and attacks by militia and other gangs. Victims had to get justice. Those responsible for abuse of human rights and violence had to be held accountable through the rule of law.

The second aspect of justice concerned the election result. Injustice around the flawed vote count required addressing. Electoral malpractice had taken place in both areas. ECK officials had committed irregularities leading to a flawed tallying. Despite the irregularities, ECK announced the incumbent President as the winner. Identifying and punishing those who committed irregularities was critical in this context.

‘Conservatives/moderates’ versus ‘progressive/radicals’

Different civil society groups **reacted to these demands depending on their values and moral persuasion.**

The choice between peace and justice/truth divided civil society thereby evolving two distinct groups distinguished by disparate ideals and desires. On the one hand there was a group that desired peace as an end in itself while on the other hand another group focused on justice and truth as a foundation for sustainable peace. Essentially, ideological inclination and convictions about how to end the crisis evolved two blocs within civil society: conservatives/moderates; and progressive/radicals. The groups were further distinguished by what they considered as the core problem that required priority attention.

This divide between the ‘conservatives’ and the ‘progressive’ was not politically neutral. The notion of conservatives and progressives is thus employed simply as a distinction of competing ideas within the civil society at the time of the crisis rather than a Marxist sense. This distinction is between those who preferred the idea of *status quo* on election results by insisting on peace as an end in itself and those who demanded actions and other forms of accountability on the election results and the violence. The conservatives preferred ending violence with little or no accountability for the allegations of electoral fraud and the violence. Curiously this position was in consonant with the government/PNU argument. The government/PNU strongly supported this position to close the chapter on allegations of electoral fraud. On the other hand, the ‘progressives’ based their belief on the need for social and political responsibility and in particular a demand for accountability over the flawed vote count and results, violence, and the state’s role in the violence itself. The progressives did not seek to be neutral or liberal with their demand. This argument, and demand for radical action, was in consonant with the ODM’s position. This led to perceptions of linkages between the ODM and progressive elements within civil society. But there were other reasons for this perception: there were people from the civil society who vied as candidates on ODM-allied parties and/or were campaigning for change through ODM. There are some also who had lost at ODM party primaries. Essentially, the progressives and radicals, as was the case in 2002, were increasingly seen as articulating the ODM position. The conservatives were perceived as supporting PNU position.

The conservative group comprised the Faith Based Organisations and the church in particular. **The conservatives generally advocated for peace as an end in itself.**

Their major strategy for peace was endless prayers in places of worship and in the media. They nonetheless played an crucial role in bringing to international peace makers at the out set. Informing and influencing this strategy was the church’s role in politics before the December polls. The church and religious organisations in general had taken partisan positions during the elections. Senior

clerics or their associates, directly or indirectly, supported one party or the other. Some also vied for electoral posts. Also, the political divisions that accompanied the electioneering process spilled over to the religious organisations through this route of association with the party. It weakened the church's moral authority and legitimacy to command, from the pulpit, an end to the violence. This eroded the church's social authority to provide leadership. Perceptions of bias and partiality in favour of one or the other party made it difficult for religious leaders to develop pragmatic approaches towards peace. But the church also participated in the mediation initiatives. Through the Serena mediation process, the church began to re-invent itself. The church began the journey to be born again.¹⁶

Among the conservatives, there were moderates too. The moderates were not utterly religious in their approach. They did not depend on prayers alone in their demand for peace. The moderates, nonetheless, prayed as well as lobbied the government, other parties in the conflict, and the media to assist in finding peace. The moderates comprised high profile retired senior army officers, a former diplomat and a number of peace building researchers and peace-workers. Simply put, these were conflict entrepreneurs. The soldiers and the former diplomat in the group had made a career in conflict mediation through their deployment in peacekeeping missions in Somali, Sudan, and Rwanda. The moderates prioritised achievement of peace and paid little or no attention to what happened to the election results and to the question of justice in regard to flawed vote count and other irregularities. The moderates did not prioritise connecting peace to the problem of justice and truth. Peace was an end in itself.

The moderates articulated their demands for peace through Concerned Citizens for Peace (CCP), a group they founded around 31 December 2007 just when violence was spreading in the country.¹⁷ The group sought partnership with the Nation Media Group to publicize the urge for peace through electronic and print media.¹⁸ Ironically, the Nation Media Group had stopped live broadcast of results as the controversy over vote tallying went on. The company allegedly lost the data and backup. In addition to media engagement and dialogue with different actors, CPP participated in the mediation process by engaging with the AU Panel of Eminent African Personalities on regular basis.

The second bloc of civil society comprised Kenyans for Peace, Truth and Justice (KPTJ), a grouping of over 30 organisations and individual academics and researchers who were assisting in monitoring the election outcome, the evolving violence, and other problems around the disputed elections. The group comprised organisations and individuals from the governance and human rights sector. The groups in this category were progressive and radical in their thinking about peace, social and political accountability. They argued that sustainable peace would be obtained only when the country resolved the question of justice and truth about the election result, truth and justice about the violence spreading in the country, and justice for victims of police brutality and the militia.

¹⁶ This is not to suggest that the church has completely reinvented itself. The church is yet to regain the authority it assumed over political direction throughout the post-colonial period until 2002.

¹⁷ Details of the origins of Concerned Citizens for Peace are well elaborated in George Wachira with Thomas Arendshorst and Simon M. Charles. *Citizens in Action: Making Peace in the Post-Election Crisis in Kenya – 2008*. Nairobi: Nairobi Peace Initiative – Africa (NPI-Africa).

¹⁸ Wachira et al: 9

The need to link peace to justice and truth **galvanised progressive elements in civil society leading to the formation of KPTJ**. It is the significance of this linkage that saw KPTJ begin by providing strategic leadership on how to articulate this relationship.

Small groups such as Citizens for the Re-Counting of Votes and individual leaders of human rights and governance organisations joined to generate strategic synergy in the search for Peace, Truth and Justice. The statutory human rights body, the Kenya National Commission on Human Rights (KNHCR), provided the resources required, including space for meetings.¹⁹ KPTJ thus emerged as a coalition of human rights organisations, KNHCR, and individuals interested in sustainable peace through promotion of justice and telling the truth about election and the violence. The organisation has since continued to monitor and engage with all mechanisms and processes arising from the crisis, with a particular focus on establishing truth and justice about the elections and the violence.

There were other civil society initiatives that complemented either the radicals or the conservative-cum-moderates. Women's organisation formed an inter-ethnic caucus known as the Vital Voices.²⁰ Ordinary citizens formed Citizens for the Recounting of Votes while the Centre for Multi-Party Democracy (CMD), a political parties formation, formed the National Salvation Forum to advise and buttress the political parties' efforts. Some of these groups coalesced around the progressives or had their efforts subsumed by the above initiatives. There were other groups that existed before the crisis. They too participated in responding to the crisis. They included the National Civil Society Congress and the Kenya Red Cross, among others.

The analysis that follows concerns the role of other groups. One point of caution: this is not a comparative analysis of the work of various CSOs. The discussion is meant to show how CSOs contributed to ending the violence. It should not by any means be read to imply a comparison of civil society actors.

¹⁹ Onyango Oloo, Shailja Patel and Anders Sjögren. A Citizens Response to the Kenyan Crisis: Kenyans for Peace with Truth and Justice (KPTJ). Nairobi: KPTJ.

²⁰ Njeri Kabeberi, 'The Role of Civil Society in Promoting National Cohesion', a presentation at the Kenya We Want Conference, June 2008

Putting out the fire: strategies first²¹

Civil society began by identifying appropriate approaches to end the crisis. At the beginning CSOs, ordinary Kenyans and observers in general thought that a vote re-count or re-tallying would close the debate on who actually won the election. Many assumed that this would end the violence. KPTJ and the Congress that held this view. They preferred to address the subject of electoral fraud rather than push it under the carpet on argument that failure to address it, the issue would resurface at a later stage. Moreover, holding various people to account for the fraud and violence would set a foundation for accountability from then on. They began by holding a press conference to publicise this thinking. At the same time, they lobbied the Cardinal of the Catholic Church to talk to the President.²² This approach was both strategic and political. The Catholic Church has a huge following in the country. The government would not ignore its voice. Two, the President is a Catholic. The Cardinal was an ally. It was assumed that these factors would compel the President and the government to open doors to dialogue if the Cardinal approached him. The Attorney General (AG), the government's legal advisor, reinforced this demand by also advising that a re-count be done.

One point to underline also is that **civil society adopted flexible strategies.**

The crisis had its internal dynamics that continued to rapidly take on board new dimensions. Only flexible strategies would adapt to the continually changing context. This flexibility enabled KPTJ and the civil society in general to quickly abandoned its demand for a recount when the President forcefully reiterated that those unhappy with the outcome of the election should challenge the result in the courts of law if they wished to. Neither KPTJ, the Congress and other progressive groups, nor ODM would buy into this position. It was not progressive and would mean maintaining status quo, at least, or acquiescing to a government driven process in which the government/PNU would determine what would be addressed. Moreover, the President had appointed new judges during his first term in office, 2003 to 2007, with three of them appointed in the election week. Political patronage influenced some of these appointments. Critical also is that the Judiciary lacked the required political independence from the Executive. Most attempts to achieve this independence failed due to lack of political commitment on the part of the executive. The Judiciary then appeared to play a subservient role in relations with the Executive. The judges thus lacked the critical independence and objectivity required to arbitrate a dispute between an incumbent Executive, their appointing authority to whom they owed loyalty, and an opposition political party. The court strategy favoured PNU and the government.²³ The President became belligerent. This hard-line position and his ignoring of the AG's

²¹ Muthoni Wanyeki (ibid) has identified about five interrelated contributions of CSOs to ending the crisis including their role in the mediation process. The role of KPTJ is again comprehensively discussed in Oloo et al (ibid). This section borrows from these papers.

²² Njeeri Kabeberi. Op-Cit

²³ Whether to go to courts or not invited debate from academics too. There were also clear divisions among them. The most visible support for the courts came through Peter Mwangi Kagwanja's policy brief of Africa Peace Institute. See Peter Mwangi Kagwanja, Breaking Kenya's Impasse: Chaos or Courts. Africa Peace Institute Policy Brief No. 1 2008. Godwin Murunga's rejoinder was clear: Kagwanja's piece was not neutral. There was no merit going to courts, which was PNU's argument. See Godwin Murunga. The Kenyan General Elections: Troubling Propaganda or Intellectual Garb. Dakar: CODESRIA Bulletin No 1&2 2009.

advice, closed the window for a recount. It opened a window for further politicisation and mutation of the crisis. ODM also abandoned this strategy. Records of the process may have been tampered with to make it difficult to undertake a proper audit. The recount became a political, not a legal problem. Because of this belligerence, violence became more organised in opposition areas. The youth began to target PNU supporters and evict them. And as the president and allies hardened their position, the violence became ethnic: youth in ODM areas began targeting members of the Kikuyu community.²⁴

The **president's belligerent attitude, hard-line position and the continued mutation of violence** raised the need for civil society to design new strategies.

Civil society and KPTJ in particular had to design political strategies to counter the government's and PNU's hard-line position. In the new strategy, KPTJ emphasised the need for well-researched and objective analysis of the evolving situation. This aimed to serve two purposes: developing messages for advocacy locally and internationally; and sending the government back to the drawing board by stopping the 'go to courts' argument.

The desire for social justice and accountability continually informed KPTJ position and strategies. Again KPTJ appeared to anchor this desire on ideals of freedom and rights. KPTJ argued that sustainable peace would obtain only after correcting the wrongs committed during the electoral process and ensuring the victims of violence got justice. KPTJ demanded truth and justice about elections and argued that identifying and punishing those involved in electoral irregularities as well as those behind the various waves of violence be done to enforce a culture of accountability. They demanded an end to police brutality. They called for a recount and verification of votes for the purpose of settling the question of truth and justice. KPTJ urged the parties to agree to an internationally brokered mediation and process. The group called upon aid organisations to assist those who had been displaced and refugees who had already crossed to Uganda.²⁵

In the meantime, CCP and its associated networks urged for peace through the media. They called for restraint to allow dialogue between the parties to take place. The group established an 'Open Forum' where members and others interested in assisting to bring normalcy and peace met everyday.²⁶ The group drew in the support of international peacemakers and many others who were urging Kenyans to prevent the country from drifting to civil war. As the number of peacemakers grew within the CCP constituency, the focus on electoral irregularities and the role of the police in violating and abusing rights increasingly receded into the distance.²⁷ CCP nonetheless developed a programme strategy detailing what should constitute an agenda for peace. Some of these issues reflected popular desires for peace. The programme strategy emphasised building trust among principal actors, election

²⁴ CUIPEV report, op-cit.

²⁵ Oloo Onyango et al. Op-cit; Muthoni Wanyeki, Op-cit

²⁶ Wachira et al: Op-cit

²⁷ Those involved in the drive for peace would give flowers to the police who sealed 'open spaces' to prevent ODM from holding rallies. They were also persistently knocking on the doors of the Internal Security officials to have dialogue on police brutality.

closure, formation of a government of national unity and other initiatives that would bring peace.²⁸ In addition, CCP and networks including Concerned Kenyan Writers persistently knocked on the door of the parties pleading for dialogue. The continued media coverage of their pleas for peace and persistently imploring the leaders of ODM and PNU to enter into dialogue and accept mediation was in consonance with public mood and general support for dialogue and international mediation.²⁹ This added to the pressure on the two parties to accept mediation.

KPTJ members stepped up their media and international advocacy. They gave interviews to local and international media to counter the government's strategy of focusing on the courts. KPTJ developed several working groups through which the group collected and analysed data and developed critical messages for the local and international community. Important were the international interventions that the group made with the help of progressive donors such as Open Society Initiative for East Africa (OSIEA). Through this support, KPTJ had meetings with different international agencies and governments. KPTJ visited and made presentations to the United Nations in New York, the United Nations Office for Human Rights in Geneva, the United States Senate and Congress, and the European Commission. At the African Union (AU), KPTJ made presentations to the Peace and Security Committee and met representatives of several countries.³⁰

The presentations urged the international community **to facilitate international mediation, ensure that all solutions focused on accountability and justice for victims, and that truth be known about what happened** to the election and those behind the wave of violence.

KPTJ also called for power sharing for a period of no more than two years during which preparations for a new election would be concluded. The group requested an end to the humanitarian crisis and restoration of fundamental rights and freedoms that the government had curtailed and which seemed to deepen the crisis.

These interventions ensured greater focus on Kenya and prevented international recognition of the new government before resolving the issues of peace, truth, and justice. KPTJ's international advocacy had immediate and important results. The result was clear; very few governments publicly recognised the new administration in Kenya.³¹ The international community did not recognise the government – there was greater demand for truth and justice. The advocacy by CSOs at the international level attenuated the government's position on the election and prevented the international community and even African governments from recognising the administration in Kenya as legitimate. Evidence-

²⁸ Wachira et al. Op-cit.

²⁹ The public support for dialogue and mediation should be qualified. There were divisions similar to those within the civil society. Some preferred dialogue if that would assist in resolving allegations of fraud while others preferred dialogue if this would end violence.

³⁰ Onyango Oloo et al. Op-cit

³¹ They included Uganda, Mauritania, Somalia, and, initially, the US. The US government withdrew its recognition almost immediately after allegations of fraud intensified. Uganda too clarified that it had only commended the Kenyan voters.

based analysis of the election result and the escalating violence made it clear that only international mediation would resolve the crisis. This on its own became the basis provided for discussions on political settlement.

The impact of KPTJ's analysis of issues and development of coherent messaging was also evident. The US Senate, for instance, crafted a resolution on Kenya. The Kenya Resolution borrowed extensively from KPTJ's language and analysis of context.³² The resolution emphasised the need to end violence and for the two parties to agree to international mediation. It also underlined the need to hold accountable those involved in violence and human rights violations. In addition, the resolution underlined the need for a credible audit of the election results including re-tallying or re-counting. The resolution was also passed to the US Congress. In the first week of February 2008, a representative of KPTJ addressed the Congress and called for high-level intervention from the US government. Following this address, the US government sent the Secretary of State, who, upon arrival met KPTJ representatives, among other groups, for briefing. By this time, KPTJ had done further analysis of the context. The analysis revealed that the crisis was attracting several mediators. This was a problem. It was not possible to present a coherent message to warring factions when there were many mediators. Because of this, KPTJ recommended that all mediation efforts be aligned to constitute only one team of mediators and through which others would pass messages and support. From then on, the US, the EU and others began to align their efforts with the AU. In Europe, KPTJ lobbying and messaging had a similar impact. The Africa All-Party Parliamentary Group in UK lobbied the UK parliament using KPTJ language and analysis.

At the local level, KPTJ undertook to collect and analyse data on the election and the unfolding violence. This required developing an elaborate mechanism for research through which data was collected and analysed with speed in order to generate knowledge to facilitate advocacy and lobbying for certain positions with respect to peace, truth and justice. With regard to elections, KPTJ initiated an audit of the results in what appeared as controversial constituencies or areas where results released by ECK differed from those reported by other including international observers, party agents and others monitoring the elections. From this audit, and by use of various sources of data, the verdict was clear: the results were so jumbled up that it was not possible to know who won the election. But there was one important finding: the difference between total presidential votes and those for parliamentary and civic elections in some constituencies was too huge to be credible. Some had a margin difference of more than 5 percentage points. The previous elections and the 2002 General Election, which KPTJ passed as 'clean', the margin difference was around 1.5 percentage point on average. On basis of this, KPTJ concluded that anything above a 2 per cent margin was suspicious. Such cases warranted further analysis polling station by polling station. This knowledge proved useful in terms of advocacy. It is this analysis that led to the international community to listen to local voices and to remain focused on Kenya. Addressing the question of irregularities at the election, from then on, became an important factor in terms of bringing about sustainable peace.

KPTJ networks assisted in collecting data on evolving forms of violence. Analysis showed the four forms of violence discussed above.

³² Onyango Oloo et al. Op-cit

The analyses revealed that **influential economic and political elites at the local level supported the youth by providing finances** so that the youth could evict 'enemies' from their midst.

This again was published through the media and the network organisations. In addition, KPTJ membership formed support groups to protect human rights workers and provided relief to those in distress. Working in collaboration with the main humanitarian agencies such as the Kenya Red Cross, the human rights networks gave assistance to many families who were evicted from their farms or homes. Through these initiatives, civil society ensured that there was objective data to inform knowledge making to support various interventions. Dissemination of such data through the media also ensured that the public was informed about the unfolding dynamics.

Significant also was the role civil society played in humanitarian efforts. Civil society interlinked with the national civil society organisation that was coordinating relief efforts: the Kenya Red Cross. Through the Kenya Red Cross, they networked with Office of Special Programmes in the Office of the President, the UN agencies, and the Office for the Co-ordination of Humanitarian Affairs (OCHA). Through this network, civil society reached displaced families and offered assistance to thousands of homeless people.

In search of a political settlement

Civil society had created enough pressure for peace through CCP and development non-governmental groups. Civil society also created demand for justice and truth through KPTJ, the National Civil Society Congress and the Women Consortium. They had managed to lobby the international community to recognise that sustainable peace depended on justice and truth. Objective analysis of the social-political situation proved useful in advocacy and lobbying at the international level.

At the beginning of the mediation, the parties formed the Kenya National Dialogue and Reconciliation as the forum for dialogue and under the chairmanship of Kofi Annan. Civil society contributed to the dialogue in several ways. The moderates and radicals engaged regularly with the Panel of Eminent African Personalities. Again KPTJ brought evidence based analysis to inform the various positions they presented to the team. Similarly, CCP engaged regularly with the panel and like KPTJ, identified critical issues for the mediation to focus on. While CCP focused on strategies to end violence and normalise the country, KPTJ, the National Civil Society Congress and the Vital Voices (the women's consortium) underlined the importance of justice and truth. However, this time round, discussions on truth had assumed a new dimension. Civil society observed that the country was now more deeply divided than ever and therefore reconciliation and healing would only take place if issues of impunity and lack of accountability were addressed. This gave momentum to discussions on Truth, Justice and Reconciliation (TJRC).

In the meantime, as the mediation proceeded, the Panel was able to reach agreement with the parties on a number of issues, which generally reflected demands by CSOs. First among these was the need to end violence and restore fundamental rights. Second was the need to address the

humanitarian crisis and begin healing and reconciliation. The parties signed to these agenda items early in February 2008 thus giving way to discussions on political settlement.

Civil society had demanded **a political settlement** arguing that **the crisis was not of a legal nature**, as the government had insisted.

Given the nature of the violence and split of the country into two blocs, they argued, neither side could govern without the other. The Panel, similarly, argued that the crisis was the result of long-standing issues that remained unaddressed.³³ These included failure of constitutional and institutional reforms as well as the failure to stop impunity. The mediation team concluded that these issues had to be addressed to prevent a recurrence of the violence. The parties agreed that only power-sharing would create an environment conducive to undertaking far reaching reforms in this respect. Thus the parties signed the principles for a coalition government on 28 February 2008 and agreed to have the constitution amended to allow for power sharing between PNU and ODM. This led to the creation of the post of Prime Minister and two Deputy Prime Ministers. A Grand Coalition Government was formed later in April with both parties sharing cabinet posts on a 50/50 basis.

The parties agreed to fulfil four agenda items. Agenda Item 1 concerned undertaking actions to end the violence and at the same time restore fundamental rights and freedoms. This was critical given that the government had already banned live broadcasts by the electronic media and prevented people from assembling in public spaces or even engaging in protests and demonstration. Civil society had demanded an end to this repressive decree as a means for creating a conducive environment for the dialogue. The mediation agreement also recommended an independent commission to investigate the violence and recommend how people behind the abuse and violation of human rights would be held accountable. Again this was in line with the thinking of civil society organisations.

The second agenda item concerned addressing the humanitarian crisis and promoting healing and reconciliation. About 600,000 people were displaced from their homes and were living in makeshift tents in different places away from their homes. Communities were divided along ethnic lines. Healing and reconciliation were seen as important measures to enable people to return. CSOs called for the government to support relief efforts and address underlying issues to enable people return to their homes.

Agenda Item 3 was the foundation agenda item: it emphasised the need for both parties to share power and entrench the principle of consultation and consensus as well as compromise in order to move the country forward. The mediation also recommended that an independent team audit the results of the elections and make recommendations on how to close the election chapter. The team had to comprise international representatives as well as representatives of the two parties.

Agenda Item 4 focussed on long-standing issues that had remained unresolved and which had contributed to the crisis. These included addressing constitutional, legal and institutional reforms.

³³ The Kenya National Dialogue and Reconciliation. Annotated Agenda found at www.dialoguekenya.org/agreements.aspx.

Attention was given to Judicial and Police reforms, among others. The Agenda Item also emphasised reforms on land, and the need for policies to address poverty and regional imbalances in development, which had led to the political polarisation witnessed during the crisis. The Panel also gave attention to youth on argument that the youth had participated in the violence and therefore attention had to be paid to strategies to address unemployment among the youth.³⁴

The mediation process considered inputs from civil society and other Kenyans. Analysis by CSOs helped in identifying critical issues for presentation to the Panel. Continued engagement with the Panel at the Serena mediation process also helped in ensuring that issues of concern to civil society were reflected in the agreement documents.

Conclusions and lessons

The discussion has shown the challenges that faced civil society in responding to the crisis and in a polarised social-political context.

Worth noting is that **the main ethnic divisions** around which the political divisions in the country revolved **did not affect the activities of new civil society groups** that emerged to respond to the crisis.

The new differences emerging with regard to the Kenyan crisis were ideological: they were about whether to pursue peace as an end in itself or whether to pursue sustainable peace through the search for truth, justice and accountability. They were divisions about ideals for social justice and freedoms and how these would be pursued. But the differences did not prevent civil society from impacting on the mediation process; by articulating peace and articulating demands for justice and truth, civil society informed the mediation process in many ways. The language of their messages also found its way in the final agreement signed by the parties.

Civil society was also successful in both local and international advocacy. Lobbying both parties to agree to dialogue and engaging in international advocacy had important results. KPTJ's international advocacy, for instance, affected perceptions of many governments and organisations. What had really happened was understood through KPTJ's high-level analysis and coherent messaging. Many governments held up their recognition of the new administration in Kenya pending the mediation process. It is this success in lobbying and advocacy that one can draw lessons from, for engagement by civil society. Important also is that external interests converged with the civil society interests. International actors and civil society created and sustained huge demand for peace and thereby compelled the two parties into mediation.

An important lesson is the **significance of evidence-based advocacy strategies**.

³⁴ Details on all Agenda 4 items in Annotated Agenda found at the Kenya National Dialogue and Reconciliation www.dialoguekenya.org/agreements.aspx

The detailed analysis of the evolving context that KPTJ and other organisations undertook to develop messages critically influenced how the governments and international organisations reacted to the crisis in Kenya. Knowledge led advocacy, complete with objective data analysis, therefore is important for success in lobbying and advocacy. Related to this is the importance of messaging. Coherent and objective messaging helped many actors interested in resolving the crisis to identify the problem and design appropriate approaches towards a solution. But evidence-based analysis is usually difficult under conditions of crisis. This has one important implication for civil society especially in regard to how to engage in these non-conventional and non-traditional roles. Civil society groups, at the beginning of crisis, must ready themselves to collect and analyse data to inform their strategies.

Also, partnership matters. All the civil society groups worked in partnership by bringing their experiences to develop strategies for action. But differences in values can also have attenuating outcomes; the differences in values and orientations can constrain how organisations respond to a crisis. These differences should be appreciated at the outset.