



Synthesis Report:

MIGRANT VOICES

by Baruti B. Amisi

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The
ATLANTIC
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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-representativity'.

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.**

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