

One Centre of Power: THE AFRICAN NATIONAL CONGRESS AND THE VIOLENCE OF MAY, 2008

by Steven Friedman



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Part

EXECUTIVE SUMMARY

ANC

While government representatives deplored the May 2008 violence, government policy and practice helped to create a climate conducive to violence. But, what was the role of the ANC? There is a distinction between ruling party and government, and the active members of the governing party may have actively combated violence before and after it had occurred. This paper examined the ANC's role and concludes that it did not, in any significant way, depart from government policy. The ANC response was no more a counterweight to action against immigrants than that of the government.

Problems & recommendations

Can the ANC as a political party promote active citizenship in combating or mitigating violence against foreigners?

- Members of political parties can use the party as a vehicle to engage in active citizenship, and so it is certainly possible that ANC members could have decided to play a significant role in countering prejudice against foreigners or in mitigating its effects after it occurred. While the ANC may not be part of civil society, there is nothing preventing it from cooperating with civil society organisations.

The statements by ANC-led Government leaders criticising xenophobia seemed to have little or no role in moderating public attitudes, because they were not followed by a serious attempt to match words with actions.

- The ANC-led Government needs to also ensure that it has a number of government-funded and sustainable educational programmes on xenophobia. These programmes should also target government employees, especially the police and home affairs department. Additional funding has to be availed to Community-Based Organisations and Non-Governmental Organisations (NGOs) that work with migrants and their organisations. This funding should help in strengthening migrants' organisations so that they can also have a voice and social agency.

Although the 2002 Immigration Act did provide for a campaign against xenophobia, there was no serious and systematic attempt to put in place government-wide mechanisms and programmes to give effect to the anti-xenophobia provisions of the new Act.

- The ANC-led Government has to ensure that a public campaign against xenophobia is implemented as a counterweight to xenophobic sentiments of ordinary people. In addition, the ANC-led Government needs to engage and educate the public about its ideas on SADC regional integration and Pan-Africanism. South Africa has to ratify the United Nations Convention on the Rights of All Migrant Workers and Members of their Families, which may form the basis for a continuing campaign urging respect for immigrants' rights.

The report of the ANC Secretary General's Office to the 2005 ANC National General Council meeting found that only 50% of ANC branches were functioning and in good standing. For much of the period in which government actions were likely to promote fear of foreigners, the branches were, therefore, apparently unable to combat prejudice against foreigners, even if they had wanted to do this.

- The revival of ANC branches and internal education on xenophobia can go a long way in combating xenophobia at the localities in poor urban and rural areas.

The ANC Mafikeng Resolution in 2007 argued that since the establishment of the democratic dispensation in South Africa, illegal immigration from the sub-continent, the rest of the continent, and other parts of the world have reached unprecedented proportions, and have placed considerable pressure on certain sectors of society.

- This resolution is part of general xenophobic discourse and such arguments are often cited by the media and those who promote xenophobia. It becomes necessary for the ANC to also conduct introspection on its approach to xenophobia. An approach that sees foreigners as contributors to the economy is much needed. In addition, viewing the SADC as a single economic and development zone will definitely help in combating xenophobia.

The violence occurred in those parts of Gauteng where the ANC's electoral support is strongest, not those where it is weakest. There is no reason to believe that the trend is different elsewhere in the country.

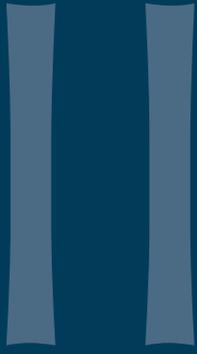
- Perhaps the ANC requires a special conference on xenophobia so that its branches and members can be introduced to education that promotes anti-xenophobic sentiments among its members. Inviting members of local foreign organisations to such a conference can probably help in the sharing of experiences and difficulties that confront migrants.

While there have been problems with the ANC's handling of xenophobia, the ANC in Tembisa seems to have been the only branch that helped foreigners during the attacks.

- Documentary evidence and some of the studies undertaken for this project find that some ANC responses on the ground did seek to assist. In one of the areas visited by the parliamentary task team (Tembisa) the ANC worked with NGOs and 'representatives of civil society', as well as the SA Communist Party and SANCO. Here it and the other organisations formed a Crisis Committee to respond to the violence. These positive experiences need to be generalised and reinforced through documentation and branch-to-branch interactions.

This type of response from Tembisa seems, however, to have been uneven and sporadic, the exception rather than the rule. The study of the Ramaphosa informal settlement conducted for this project finds that the ANC is the dominant party in the area, but that criticism was levelled against local leadership for a lack of trying to quell the violence. The same argument can be extended to include other areas such as Masiphumelele in Cape Town and Durban where the xenophobic attacks also took place in May 2008.

- As part of the ANC's Polokwane plan to build its cadre, the ANC has to look into developing a training programme for its members. Such a programme should also help in engaging members around combating and mitigating xenophobia. This can also be part of reviving political discussions and debates in ANC branches. The national leadership will have to play an important role in such endeavours. Here the General Secretary of the ANC, the Education Department and Campaigns Departments can also monitor and ensure the effective implementation of such a programme.



What role did South Africa's governing party, the African National Congress, play in seeking to prevent, and responding to, the violence directed against African foreigners in May, 2008?

As this paper will try to show, the government which the ANC leads was at best ineffective in preventing and responding to violence, and at worst complicit in it, because government policy and practice encouraged South Africans to see African immigrants as a problem and a threat rather than an asset. The official expressions of horror at the violence conveniently ignored the role of several government agencies in encouraging the attitudes which made it possible.

Since the government has, through the period in which anti-immigrant perceptions were created, been either dominated by or entirely run by the ANC, it might seem appropriate to assume that the government's actions and attitudes were also those of the ruling party and to dismiss a separate inquiry into the ANC's role as superfluous. But, there are good reasons, conceptual and empirical, why it is inappropriate to assume without further inquiry that the ANC's and the government's role can be conflated.

Conceptually, there is a clear distinction between ruling party and government. The former may provide the elected officials who preside over the machinery of government, but it does not necessarily – and should not, according to mainstream democratic theory – control all aspects of government: thus it may appoint the minister of police, but usually does not and should not, according to normative democratic theory, appoint the tens of thousands of officers who perform police functions. Nor can a governing party be reduced to its function in government: many dues-paying members of the party, including some who may be very active in party work, play no direct role in government. The party may thus engage in activities which have nothing to do with government, and may even adopt policy positions which are not adopted by the government over which the party presides.

Empirically, it was repeatedly claimed during the Mbeki administration in particular, that the positions adopted by the government were not those of the ANC: macro-economic policy is the area in which the claim has been repeatedly made¹. Policy adopted since 1996 was, it was claimed, that of government officials supported by the ANC leadership in government, not that of the branches and provincial and national structures which constitute the ANC. And so it is possible that the government's approach to African foreigners, too, was not that of the ANC. This possibility is enhanced by the fact that, for a large part of the period since 1994, the ministry responsible for implementing immigration policy, the Department of Home Affairs, was controlled not by an ANC minister but by the leader of the Inkatha Freedom Party (IFP), Mangosuthu Buthelezi. This in turn means that the government approach may have been shaped not by the ANC but by one of its opponents.

There are, therefore, ample grounds for insisting that the attitude of the ANC towards immigration and immigrants is an important object of study in its own right - that whether the ANC supported or sought to counter government policy and practices which infringed the rights of immigrants before, during and after the 2008 violence is a question to be investigated. The inquiry is important not only because it tells us what an important group of citizens, the active members of the ANC, contributed to the tragic events of 2008, but because it also tells us something important about the relationship between the ruling party and government and, more importantly, about the degree to which participation in the ANC offers the more than 600 000 citizens who belong to it a say in government decisions. The question raises an important democratic issue, then, as well as a crucial human rights question.

This paper will attempt to address this question.

¹ Tom Lodge 'The ANC and the development of party politics in modern South Africa', *Journal of Modern African Studies* (Cambridge), 42, 2, 2004, pp. 189-219.

Methodology

The paper relies on secondary, published, sources and information gleaned from civil society activists who have participated in a series of round-table discussions on civil society options in the current political context which was hosted by the Centre for the Study of Democracy².

This means, of course, that no interviews were conducted specifically for this paper. The chief reason for this was that insufficient time and resources were available to enable us to undertake field work. It was suggested initially that the paper could benefit from the inclusion of a small number of interviews with ANC office bearers, but this suggestion was ultimately rejected by the author. A careful reading of the available secondary sources does enable us to construct a credible and evidence-based account of the ANC's role. It is, of course, likely that thorough field work, which would entail speaking to ANC activists at various levels of the movement, their political opponents and independent sources on the ground, would have offered a more detailed and precise account. But an approach which supplemented the literature only with a handful of interviews with ANC officials, would not have achieved this: it might well have made for a less accurate paper by privileging only one of the many voices which we would need to hear if the paper was to offer a richer account than the published material. It seemed more appropriate, therefore, to concentrate on canvassing as broad as possible a set of secondary sources, than to rely on the very limited set of interviews time and resources would allow.

² Steven Friedman and Eusebius McKaiser 'Civil society and the post-Polokwane South African state: assessing civil society's prospects of improved policy engagement' CSD, Forthcoming.

Before discussing the ANC's response to the violence, it is necessary to elaborate on an important conceptual and empirical issue which lies at the heart of this paper: whether it is appropriate to include the ANC in a study which seeks to understand civil society's responses to the violence.

Political parties are rarely seen as a part of civil society and there are good reasons for this. While civil society has, over the past quarter century, come to be seen as a remedy for all political ills, as a virtuous realm where citizens infused with a sense of the common good combine to pursue it³, there are strong grounds for questioning whether this particular understanding is helpful. If the term civil society is useful to an understanding of democracy, then it needs to be used in a very specific sense – as the realm in which citizens are able to combine independently to make their voice heard by those who control the state. This is a fundamental democratic requirement, since democracy is essentially a system of popular sovereignty in which citizens enjoy the right at all times to an equal say in the decisions which affect them. Elections are one way in which this right can be expressed, but they are not the only way since the right to participate in decisions is a permanent and intrinsic feature of

³ Friedman and McKaiser 'Civil society and the post-Polokwane State'

democracy and therefore does not lapse once citizens have cast their ballots – democracies should be judged by whether they enable citizens to participate in decisions whenever they wish to do so.⁴ Between elections, the vehicle which enables citizens to combine to be heard, is the maze of voluntary associations with an interest in influencing public decisions which we call civil society. Not everyone in civil society is virtuous – if everyone has a right to participate, the realm is open to those whose views we would consider abhorrent, as well as those with whom we agree – and there are other ways of expressing ourselves politically which may be as necessary to democracy as participation in civil society. But, the democratic notion of civil society rests on the assumption that, if citizens are able to combine in independent associations to express themselves on the issues which affect them, the goal of a society in which all are heard is enhanced, and other democratic values such as accountability, participation and tolerance may also be served.

Because this activity is meant to be independent of the state, there are good reasons for excluding political parties since they, among other functions, compete for an electoral mandate which would enable them to control the state. This marks them off from civil society organisations which, although they engage with the state, are not trying to take it over, merely to influence its decisions. And so, the role played by civil society – organising and mobilising citizens to influence state policy – is different to that of a political party which may offer its members a voice, but which is concerned, among other roles, to seek and exercise state power.

Some important studies have argued that the distinction between civil and political society is overly rigid and fails to capture the degree to which the two interact in alliance as well as conflict⁵.

It is argued that this is **a particular problem in South Africa** because **a significant section of civil society worked with political organisations to challenge and ultimately to defeat apartheid.**

Cherry thus uses the term ‘political civil society’⁶ to refer to civic associations which fought apartheid and, after it, were meant to act as a ‘watchdog’ on the government on behalf of urban residents. But, while these arguments do remind us that the divide between political and civil society is often far less fixed than mainstream analysis would concede – civil society is always dependant on the state at the very least to safeguard its right to operate and often for far more of that, while state actors often establish or at least ally themselves to civil society organisations – they do not collapse the distinction. Indeed, Cherry’s work on Kwazakele township in the Eastern Cape points out that citizens see ‘political civil society’ performing very different functions to political organisations: ‘It is ...clear from a recent survey of residents of Kwazakele that they do not see their political salvation as coming from this quarter’⁷. Most residents, then, see differing roles for the ANC and for ‘civics’.

⁴ For an elaboration see Steven Friedman Power in Action: Democracy, Collective Action and Social Justice Research Report Submitted to the Institute for Democracy in South Africa and the Ford Foundation (Publication Forthcoming).

⁵ Elke K. Zuern ‘Fighting for Democracy: Popular Organizations and Postapartheid Government in South Africa’ *African Studies Review*, Vol. 45, No. 1 (Apr., 2002), pp. 77-102.

⁶ Janet Cherry ‘Cynicism at the Grassroots: Political Opposition in KwaZakele Township, Port Elizabeth’ *Democratization* Vol 8 No 1, 2001, pp. 237-254.

⁷ Cherry ‘Cynicism at the Grassroots’ p. 240.

Research suggests that this trend is not restricted to Kwazekela –it can be safely generalised to the entire country.

Zuern also notes significant tensions between civics and the ANC, even though civics played a significant role in the ANC-led alliance which defeated apartheid and the national organisation representing civics, the SA National Civic Organisation (SANCO), has at times been regarded as almost a formal ally of the ANC. SANCO branches have mobilised protest against the ANC⁸ and: 'Intentionally and unintentionally, ANC leaders at the national and local levels have worked to undermine civic organizations that they felt could potentially challenge ANC control'⁹. Despite this, SANCO continued to campaign for ANC candidates (as did Cosatu despite tensions with the ANC) because, in the main, the leaders of these organisations, like citizens, understand that they are not in competition because they have differing roles.

That the ANC is not a part of civil society, seems to be accepted by the ANC itself as well as by political theorists. In a much-discussed article in the early 1990s, current SA Communist Party general secretary Blade Nzimande and his co-author Mpume Sikhosana¹⁰ argued that independent civil society activity ought to be subsumed under the leadership of the ANC if were to contribute to the 'national democratic revolution'. They argued – like Marx before them - that civil society obstructed political change: but, while they did not see civil society as a democratising force, and were concerned that its role might threaten the ANC, they did acknowledge the difference between political and civil society organisations.

So did current ANC Gauteng secretary David Makura – then a national executive member of the ANC Youth League - in a 1999 edition of the ANC publication *Umrabulo*:¹¹ 'The national democratic state, like MDM formations, is an organ of people's power. This is the reason why we do not fit the civil society description in the same way that anti-state NGOs do'¹². Makura notes, accurately in the view of this analysis, that the anti-apartheid resistance in the 1980s was not civil society activity because the latter is possible only in a democratic state in which citizens with rights are seeking to make their voices heard, not in a racial oligarchy in which the rightless are demanding the democratic state without which civil society activity is impossible:

“ To us, it is clear why we could not use concepts such as civil society in the 80s. It is mainly because civil society, by definition, would not want to 'dirty its hands' with state power, while on the other hand organs of people's power have always sought to replace the apartheid state with a people's national democratic state. ”

⁸ Zuern 'Fighting for Democracy', p.88.

⁹ Zuern 'Fighting for Democracy', p.94.

¹⁰ Blade Nzimande and Mpume Sikhosana 'Civil society' does not equal democracy. *Work in Progress*, 84, September 1992.

¹¹ Makura 'The MDM, Civil Society and Transformation: The challenges of building a popular movement for transformation' *Umrabulo* Number 7, 3rd Quarter 1999. <http://www.anc.org.za/show.php?doc=ancdocs/pubs/umrabulo/umrabulo7.html>.

¹² Makura 'The MDM, Civil Society and Transformation'. MDM refers to Mass Democratic Movement, a term which denotes either the ANC's internal allies during the last phase of the fight against apartheid or the ANC with these allies. Either way, the MDM refers to organisations concerned to advance the broad political goals endorsed by the ANC.

This is an important point for our purposes because it once again draws attention to the distinction between political and civil society organisation. Makura then draws the logical conclusion:

It is therefore still correct to argue that MDM formations remain organs of political society (referred to earlier as people's power). This is not to argue that structures such as civics, religious groups, sports and cultural bodies, school governing bodies, development forums, RDP committees, water committees, transformation forums, etc., should be an exclusive domain of the Congress movement.¹³

In other words, the political movement and civil society organisations remain separate, even though civil society organisations are often supportive of particular political organisations and political movements may actively seek support in civil society.

This does not, however, mean that a study of the ANC's role has no place in an examination of the role of active citizens in contributing to or mitigating violence against foreigners. Members of political parties can use the party as a vehicle to engage in active citizenship, and so it is certainly possible that ANC members could have decided to play a significant role in countering prejudice against foreigners or in mitigating its effects after it occurred. And, while the ANC may not be part of civil society, there is nothing preventing it from cooperating with civil society organisations – or they from cooperating with it. We will discuss the empirical evidence below. But, it is all well to stress here that a decision by the ANC to form an alliance with civil society organisations to combat xenophobia or attend to the needs of its victims would be a highly unusual step. There are several reasons for making this claim.

First, the ANC has tended to view itself as a national liberation movement which represents the aspirations of the entire society – or at least of its black majority. During the period before its banning, the ANC's annual congresses were styled as the Parliament of the African People, with an upper house of chiefs and a lower house of commoners. The clear implication was that the entire nation could be found within the ANC, and that differences between Africans were debated within the ANC, not between it and other organisations¹⁴. During the fight against apartheid, the ANC was thus concerned to ensure that the organisations which black people formed became part of the ANC family – the trade union movement was a key case in point¹⁵. The purpose was less to form alliances with them, than to subsume them under ANC leadership. It could be argued that this was an appropriate response given that, as noted earlier, the ANC was engaged in a fight to overthrow a racial oligarchy and that, in these circumstances, there could be no such thing as civil society for disenfranchised black people. But elements of this approach survive - they are to be found in, for example, the Nzimande and Sikhosana article cited earlier. Makura makes a similar point: "The ANC

¹³ Makura 'The MDM, Civil Society and Transformation'

¹⁴ See University of Witwatersrand Library *African National Congress Records 1928-1975* <http://www.historicalpapers.wits.ac.za/inventory.php?iid=8085>.

¹⁵ Steven Friedman *Building Tomorrow Today: African Workers in Trade Unions 1970-1984*, Ravan Press, 1985.

has evolved over a long period of time to become the leader of our national liberation struggle"¹⁶. Not only does the ANC not see itself as part of civil society, but it also does not regard itself as just one among many participants in civil society: a movement which is the leader of an entire nation's struggle for liberation clearly sees itself as more than simply one among many organisations seeking to offer citizens a voice.

While **this approach does not rule out alliances with civil society organisations**, it does suggest that it could not be an alliance of equals, but one in which the ANC assumed the leadership position.

Nor does it seem likely that the ANC as a movement rather than a party of government would make common cause with civil society organisations to challenge the policy of an ANC government. One of its allies, Cosatu, did admittedly do precisely that when it worked with the Treatment Action Campaign (TAC) to challenge the ANC's position on HIV and AIDS, but Cosatu remains a civil society organisation independent of the ANC – albeit in alliance with it – and it is also worth noting that it refused to participate in TAC's civil disobedience campaign because it felt that this would jeopardise its alliance with the ANC¹⁷. ANC attitudes to cooperation with TAC were expressed in substantial pressure on activists not to align themselves with the organisation despite the fact that TAC's chair, Zackie Achmat, insisted that he was a loyal ANC member. The story of Gordon Mthembu, a former Umkhonto we Sizwe guerrilla and ANC activist, who lost his post in the ANC because he was an active member of TAC¹⁸, illustrates the extent to which loyalty to the ANC is a key benchmark by which alliances or, indeed, permissible social action by ANC activists, are judged.

Second, the concrete effects of the theoretical point made earlier – that the ANC, as a ruling party, has important connections to the state which civil society organisations do not have (even if they are sympathetic to the governing party) – cannot be underestimated as an influence ensuring that the ANC and its active membership are likely to react to issues in a different manner to civil society organisations. Two aspects may be mentioned here. The one is that a desire to play a role in the state – as an elected representative, a minister or member of a provincial executive council or even perhaps as a senior public servant – has clearly become an important rationale for participating in ANC activity since it became a ruling party (and one which is likely to retain this status for quite some time). An ANC branch chair interviewed in a recent study puts the problem this way: "This is no more a liberation movement. This is a movement for the careers"¹⁹. Clearly, activists who are hoping that ANC leaders may support their nomination to a party list or appoint them to an office, are unlikely to seek out alliances with civil society organisations to act independently of the governing party. The

¹⁶ Makura 'The MDM, Civil Society and Transformation'.

¹⁷ Steven Friedman and Shauna Mottiar 'A Rewarding Engagement? The Treatment Action Campaign and the Politics of HIV/AIDS' *Politics & Society* 2005 no 33 pp 511-565.

¹⁸ Steven Friedman *The Extraordinary 'Ordinary': The Campaign for Comprehensive AIDS Treatment in South Africa* Institute for Development Studies, Sussex University, Web Version September, 2007 <http://www.ids.ac.uk/ids/Part/proj/pnp.html>;

¹⁹ Aubrey Matle, chair of ANC Zone 3, Johannesburg region, interviewed in Vincent Darracq 'Being a "Movement of the People" and a Governing Party: Study of the African National Congress Mass Character' *Journal of Southern African Studies*, Volume 34, No. 2, June 2008, p.433.

statement may have been made before the change in ANC leadership at Polokwane in 2007 and it could be argued that the incentive for ANC members to show loyalty to the leadership in the hope of securing positions has declined since political competition has become the norm within the ANC. In theory, that might create incentives for ambitious politicians to seek out allies in society in the hope of boosting their prospects of winning election to party lists. But the political competition occurs within the ANC and the electorate is restricted to the movement's dues-paying members. There is now much more of an incentive to listen to the concerns of other ANC activists, but little or none to seek support in society by working with civil society organisations.

Its status as a governing party also inhibits the ANC from engaging in independent mobilisation in society.

This point – that a party in government will obviously be far less eager to mobilise independently of that government – is not as obvious as it seems: governing parties may seek to mobilise citizens in support of their objectives, and the SA Communist Party has, for example, mobilised against financial institutions. But mobilisation is clearly not going to be encouraged if it challenges government policy or programmes. Also, a presence in government can have a demobilising effect on a party or movement, since it may be persuaded that its presence in government enables it to achieve the changes which mobilisation once sought to gain. This may well be what has occurred within the ANC, which has not been engaged in mobilising effective grassroots campaigns since it became the governing party. Phillip Dexter, then an ANC National Executive member (and now a Congress of the People member of Parliament), told an interviewer that the ANC has, since 1994, only successfully run election campaigns: “Except for that, we have little activity on the ground, we don’t run campaigns as we used to.” He argued that campaigns would strengthen the government and would be popular among members, but that the ANC no longer engaged in them²⁰. This last point raises the possibility that, even if the ANC wished to mobilise its members in support of goals which it had determined, a sustained period of demobilisation would make it very difficult to do this.

In sum, then, the ANC sees itself as a liberation movement, not as a civil society organisation. It is unlikely to seek alliances with civil society organisations unless the purpose is to mobilise behind goals set by the ANC. And a lengthy period of relying on government office rather than mobilisation to achieve goals has ensured that election campaigns are usually the only triggers to mobilisation. These points make it unlikely that the ANC would play a significant role in mobilising and working with civil society organisations to defend foreign migrants.

Many of these conceptual points will be reinforced when we examine the ANC’s role in the period before and after the violence. It is to this discussion that the paper now turns.

²⁰ Darracq ‘Being a “Movement of the People”, p.434

Do what we say, not what we do: The government and immigrants

Before addressing the role of the ANC, it is necessary to place it in context by describing the government's response to immigrants before and after the violence.

It would be fair to describe **the government response to the violence as judgmental outrage.**

Not only were the attacks on African foreigners condemned, but government leaders joined much of the rest of the society's elite in passing severe moral judgment on the perpetrators. Government reaction portrayed the events as a bolt from the blue, an entirely unexpected disturbance of the tranquillity of post-apartheid SA.

In a televised address on Africa Day, then President Thabo Mbeki complained that:

// The shameful actions of a few have blemished the name of South Africa through criminal acts against our African brothers and sisters from other parts of the continent, as well as other foreign residents especially from Asia... Never since the birth of our democracy, have we witnessed such callousness. As part of the reflection that Africa Day requires of all of us, we must acknowledge the events of the past two weeks as an absolute disgrace. //

He insisted that the violence was the consequence of 'criminality' by 'a few individuals'.²¹ Cabinet ministers echoed the President's theme. Safety and Security minister Charles Nqakula, for example, said that it was strange that foreigners were being attacked when some South Africans had taken refuge in neighbouring countries during the apartheid years.²² Deputy President Phumzile Mlambo-Ngcuka said on May 23, as violence escalated in the Western Cape: "I just cannot believe that normal South Africans are anti their African brothers and sisters. I just cannot believe this."²³ 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."²⁴ 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

²¹ Thabo Mbeki *Radio and television address to the nation by the President of South Africa, Thabo Mbeki, on the occasion of Africa Day* The Presidency, May 25, 2008 <http://www.thepresidency.gov.za>

²² 'Minister: Xenophobic violence under control' *Mail and Guardian* May 26 2008

²³ The Presidency *Deputy President Phumzile Mlambo-Ngcuka speaks out against the violent attacks on foreigners and calls for calm* Statement issued by the Presidency, 23 May 2008. <http://www.info.gov.za/speeches/2008/08052610451001.htm>

²⁴ 'It was the Third Force in Alex' *Sowetan* May 13 2008.

election.²⁵ None of these reactions acknowledged a truth very close to home – that 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.

It is important to clarify the government’s role, for this is of great importance to our analysis.

Mbeki himself and some of his Cabinet colleagues did not send overtly xenophobic messages into the society – on the contrary, they were concerned to counter prejudice against foreign others.

On several occasions, Mbeki used his column in the ANC’s on-line newsletter, *ANC Today*, to lambaste xenophobes and to insist on tolerance for African immigrants in particular.²⁶ He also denounced prejudice against foreigners at the 2001 World Conference on Racism in Durban: “xenophobia and related intolerance constitute a global challenge to the effort to construct a humane world.”²⁷ In 2004, minister Mapisa-Nqakula told hearings organised by the SA Human Rights Commission and parliament’s portfolio committee on foreign affairs: “the scourge of xenophobia needs to be condemned because it is based on prejudice, is frequently violent and most of the time, racist. There is no way that as the South African government and as a nation we can tolerate or justify xenophobia.”²⁸ She said more could be done to protect refugees, acknowledged that there were government officials with xenophobic attitudes, and affirmed her own commitment to countering xenophobia.²⁹

Her deputy minister, Malusi Gigaba, went much further in an article for *Umrabulo* in late 2006. While Mbeki’s and Mapisa-Nqakula’s statements merely argued against overt hostility to foreigners, Gigaba argued that migrants from other countries were a development asset:

If effectively and progressively managed, increasing international migration can be harnessed as a vehicle for social and economic development rather than a source of instability and conflict... International migration is related to globalisation and cannot be stopped... A ... challenge ... is to ensure that everyone awakens to the developmental potential of international migration and hence to ensure that all countries integrate it into their national development strategies and social and foreign policies. It is inevitable that immigrants will impact on social services such as education, social grants, health and others and this must be factored into policy and planning.³⁰

²⁵ ‘Xenophobia attacks orchestrated by racists’ *City Press* 22 May 2008.

²⁶ See for example Thabo Mbeki ‘Is there anybody there!’ *ANC Today* Vol 5 No 40, www.anc.org.za.

²⁷ Thabo Mbeki *Speech meant for delivery by the President of South Africa, Thabo Mbeki, at the Closing Session of the WCAR, 7 September 2001* <http://www.racism.gov.za/substance/speeches/mbeki010907.htm>.

²⁸ *Report: Open hearings on Xenophobia and problems related to it*. Hosted by the SAHRC and the Parliamentary Portfolio Committee in Foreign Affairs p.44.

²⁹ ‘Open Hearings’ p.33.

³⁰ Malusi Gigaba ‘Migration as a vehicle for development’ *Umrabulo* Number 27, November 2006 <http://www.anc.org.za/show.php?doc=ancdocs/pubs/umrabulo/umrabulo27/art8.html>.

In 2006, Gigaba, writing in *ANC Today* in his capacity as a National Executive Committee member, had written a similar article challenging the view that immigration caused crime and taking issue with calls for tougher controls on foreigners :

Why should South Africa join the band of countries who, like King Canute, are hell-bent on staving off the ever-approaching waves of the sea? The challenge for South Africa, southern Africa, Africa and all other countries experiencing large inflows of migrants is to move away from control and prevention towards the management of migration.³¹

Both Gigaba's articles would not be out of place in a publication produced by academic opponents of immigration control – they are lucid arguments for the view that foreigners contribute to the society and that migration should be managed rather than prevented.

But these are not the only messages from the government on immigration – nor are they those which are most likely to influence public opinion. On the first score, Buthelezi was, while minister, aggressively hostile to immigrants. In 1998, he blocked an attempt to secure South African support for a Southern African Development Community Protocol on the Free Movement of Persons in Southern Africa, declaring: "South Africa is faced with another threat, and that is the SADC ideology of free movement of people, free trade and freedom to choose where you live or work. Free movement of persons spells disaster for our country."³² As early as 1994, just after he was appointed a minister, Buthelezi had warned: "If we as South Africans are going to compete for scarce resources with millions of aliens who are pouring into South Africa, then we can bid goodbye to our Reconstruction and Development Programme."³³

Buthelezi was, of course, not an ANC minister. But he did serve in an ANC Cabinet which did not rebuke him for these or other xenophobic statements. And some ANC members of that government conveyed different messages to those detailed above. In 1997, then Defence Minister Joe Modise blamed migrants for crime: "... what can we do? We have one million illegal immigrants in our country who commit crimes."³⁴ Perhaps more surprisingly, President Nelson Mandela, in an address to a Defence Force Day Parade in 1997, referred to the "threats posed by illegal immigrants, gun running and drug smuggling."³⁵ In 2000, when a 'crime offensive' known as Operation Crackdown focused primarily on arresting and deporting undocumented migrants, then Police Commissioner Jackie Selebi and Minister of Safety and Security Steve Tshwete were unapologetic about evidence of police abuse of migrants.³⁶ In 2000, 'when the Human Rights Commission meekly "raised its

³¹ Malusi Gigaba 'Blame crime on criminals, not foreigners' *ANC Today* Volume 6, No. 26, 7-13 July 2006 <http://www.anc.org.za/anctoday/2006/text/at26.txt>.

³² 'Keynote Address by MG Buthelezi, MP, Minister of Home Affairs' SA Migration Project Conference *After Amnesty: The Future of Foreign Migrants in South Africa*, Pretoria, 20 June 1997.

³³ Cited in Southern African Migration Project (SAMP) *The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa* – Migration Policy Series No. 50 Institute for Democracy in South Africa, Cape Town, July 16 2008 p. 44.

³⁴ South African Defence Minister on arms sales' *London Al-Quds al-'Arabi* 19 November 1997 Africa – Migration Policy Series No. 50 Institute for Democracy in South Africa, Cape Town, July 16 2008 p. 44.

³⁵ Cited in SAMP 'The Perfect Storm' p.17.

³⁶ Cited in SAMP 'The Perfect Storm' p.17.

concerns” regarding “the ill-treatment of ‘illegal immigrants’ in recent police blitzes in Gauteng”; a government spokesperson was quoted as saying that the HRC “was creating the impression of being sympathetic towards illegal immigrants.”³⁷ So statements by Mbeki and others in the government deploring prejudice against foreigners were cancelled out by other remarks portraying immigrants as a menace to the society.

Citizens at the grassroots may have been more influenced by government actions than by statements reported in the Press. Frequent actions against immigrants by police Aliens Control Units - who, as noted above, often emulated apartheid-era police who had devoted much of their ‘anti-crime’ raids to arresting black people who lacked passes, by concentrating much of their efforts on arresting ‘illegal immigrants’ - may have had a more profound effect than politicians’ statements and writings in impressing on citizens that aliens were a problem:

“ Citizens planning anti-foreign attacks ... need have looked no further for inspiration than the often lawless activities of these Units in the 1990s as they swept through townships; arresting people at random on the basis of vaccination marks, skin colour or the way they pronounced words; tearing up documentation; allowing local residents to help themselves to the spoils; dumping the deportees in holding centres like the notorious Lindela and loading them up like convicts on trains at Johannesburg Station.”³⁸

This action was made possible by a legislative and regulatory regime which imposed precisely the xenophobia which Mbeki and his colleagues denounced: “South African immigration policy has been actively hostile to foreign nationals, and explicitly towards particular groups [of foreigners]...”³⁹ For the first seven years of democracy, immigrants were subject to a regime which explicitly sought to repel foreigners, not to integrate them into the society – as the name of the principle law, the Aliens Control Act, suggests. While racial references in the legislation were removed after 1994, the core intent of the legislative regime remained in place: ‘...categories of immigrants were seen as contaminating or diluting national identity, and posing an economic threat.’⁴⁰

A White Paper in 2001 reviewed immigration policy and was translated into law by the Immigration Act of 2002 and an amendment to this law in 2004. While the White Paper had recognised immigrants’ rights to social services, privacy and due process, the law withholds these rights in practice. An analysis of the law argues that, while it contains commitments to respect immigrants’ rights, counter xenophobia and to educate civil society about migrants’ and refugees’ rights, it makes several assumptions and intentions ‘absolutely clear’: that migrants with high levels of formal skill are more desirable than others; that South Africa should be made as unattractive as possible to

³⁷ Michael Neocosmos *The Politics of Fear and the Fear of Politics (Essay on the pogroms)* 5 June 2008 <http://www.abahlali.org/node/3561>

³⁸ SAMP ‘The Perfect Storm’ p.18.

³⁹ Maxine Reitzes ‘Xenophobic triggers situated in the history and legal provisions of domestic and international migration policies in South Africa’ in Centre for Policy Studies Synopsis Volume 10, Number 3, August 2009, p. 9.

⁴⁰ Reitzes ‘Xenophobic triggers’, p. 10.

undocumented migrants; and that private actors are responsible for policing controls on migrants.⁴¹ It is perhaps no coincidence that all three of these assumptions are shared by most citizens and that they translate into hostile attitudes to foreigners. While no direct link between the law and citizen attitudes can be proved, the violence of 2008 was clearly an expression, albeit an extreme one, of the notion that South Africa should be made uncomfortable for foreigners and that citizens have a role in achieving this goal.

The attitude and conduct of the Department of Home Affairs also served to underpin hostile attitudes to foreigners. The Department repeatedly, for example, issued exaggerated and unsubstantiated claims about the number of 'illegal immigrants' - at one stage it put the number at more than 7 million⁴² - which were designed to instil alarm, creating a sense that the country was under siege. Since these and similar claims were regularly reported by the media, it does not seem unreasonable to assume that they influenced public attitudes. More generally, the chairperson of the SA Human Rights Commission has accused the Department of Home Affairs of being 'rabidly xenophobic'⁴³ and noted that minister Mapisa-Nqakula 'recognised that there were government officials with xenophobic attitudes' during the 2004 hearings - which also heard calls for the 'urgent transformation' of the Department of Home Affairs, including training in tolerance for departmental officials.⁴⁴

Government leaders' statements criticising xenophobia seemed to have little or no role in moderating public attitudes, because they were not followed by a serious attempt to match words with actions. South Africa has not yet ratified the United Nations Convention on the Rights of All Migrant Workers and Members of their Families, which might have formed the basis for a continuing campaign urging respect for immigrants' rights, despite the fact that the convention is consistent with domestic law.⁴⁵ Nor were statements condemning xenophobia on websites or at seminars translated into '(b)old political leadership and a broad based public education campaign in the media, schools, communities and the work-place' which 'would have done much to mitigate and even avoid the mayhem'. Although the 2002 Immigration Act did provide for a campaign against xenophobia, '...there was no serious and systematic attempt to put in place government-wide mechanisms and programmes to give effect to the anti-xenophobia provisions of the new Act.'⁴⁶ It seems more than fair to conclude that the government 'pursued SADC regional integration and pan-Africanism without ever convincingly selling either to its own electorate at home.'⁴⁷

In sum, **the occasional muted condemnation of xenophobia by government leaders had little effect on public opinion** and so played little or no role in reducing the prospect of violence directed at immigrants.

⁴¹ Reitzes 'Xenophobic triggers', p. 12.

⁴² SAMP 'The Perfect Storm' p. 47.

⁴³ SAMP 'The Perfect Storm' p. 47.

⁴⁴ 'Open Hearings' p.33.

⁴⁵ SAMP 'The Perfect Storm' p. 10.

⁴⁶ SAMP 'The Perfect Storm' p. 39.

⁴⁷ SAMP 'The Perfect Storm' p. 40.

Citizens were far more likely to take their cue from the observed behaviour of police and Home Affairs officials, as well as from the stream of rhetoric and inflated claims in the media, such as the unsubstantiated claims of mass undocumented migration, sourced from government departments – particularly since the condemnations were not followed by a sustained attempt to influence citizen attitudes. The environment which promoted the attacks on African immigrants has thus been summarised as:

“ Government departments, parliamentarians, the police, the Lindela detention centre, the law itself have all been reinforcing a one way message since the 1990s: We are being invaded by illegal immigrants who are a threat to national stability, the RDP, development, our social services, the very fabric of our society. Moreover African migrants are fair game for making a fast buck by those with power, (police, state bureaucrats, employees at Lindela).⁴⁸ ”

Despite the protestations of government leaders then, the violence was no aberration: those who perpetrated it were simply acting out the messages which government actions and the law had been conveying – that immigrants were a threat to South Africa’s well-being, and needed to be made to feel as uncomfortable as possible, and that citizens ought to assist in making them unwelcome. To what extent did the ANC reinforce or counter the government and act as a counterweight to the pressures which produced the violence?

A distinction but no difference? The ANC and Xenophobia

The distinction made at the beginning of this paper between the ANC and the government is often easier to assert in theory than in practice.

There are, firstly, conceptual problems raised by trying to unravel the distinction. When Mbeki or Gigaba write in *ANC Today* or *Umrabulo*, are they expressing government’s view because they serve in the administration or the ANC’s view because they are writing in the movement’s publications? What of the positions taken by ANC Members of Parliament at portfolio committee meetings? Yes, they are in parliament to represent the movement and are meant to exercise oversight over the executive, but a closed list proportional representation system allows party leaders to remove from parliament MPs who are too independent and, during the Mbeki presidency, put pressure on the ANC caucus to conform to leadership – and therefore government positions were very strong.

Secondly, just as the parliamentary caucus was subject to pressure to conform, so was the rest of the ANC, making it difficult to determine whether resolutions at conferences, for example, are expressions of the will of the movement or simply pro forma endorsements of government policy. Lodge, who

⁴⁸ Neocosmos ‘The Politics of Fear’.

argues that (at least until 2007), ANC conferences had become mere 'legitimizing ritual(s)' notes that at the policy conference held prior to the ANC conference at Stellenbosch in 2002:

the four pages of constitutional and disciplinary issues reviewed by the ... conference did not include two new rules that were going to be proposed in December. One of these would define as a "serious offence... collaboration with a political organization or party... in a manner contrary to the aims, policies and objectives of the ANC", a measure that was clearly directed at curtailing ANC rank and file involvement in pressure groups such as the Treatment Action Campaign. Another amendment to the constitution introduced fresh restrictions on the questioning of party policy by individual members, imposing upon them the "individual and collective" obligations to defend policy positions adopted at national conferences.⁴⁹

This attempt to ensure conformity, Lodge notes, explains why, in his speech marking the 90th anniversary of the ANC, former Cabinet minister Pallo Jordan chose as his theme 'toleration and participation in internal and external debates' as a 'core value' in the ANC's history, but that all the examples he selected as illustrations predated 1994. It may also explain why, in a contribution to Umrabulo, Eastern Cape ANC activist and current minister of Rural Development Gugile Nkwinti conceded that though "as policy the ANC allows for criticism...its leadership tends to be defensive when responding to criticism. One is frightened to criticize for fear of being labelled as a member of this or that group". ANC representatives insist that members participate in decision-making to a greater degree than members of parties around the world because branches must discuss draft conference documents and comment on them.⁵⁰ But many members are said to lack the information to participate fully. Branch meetings are also said to be too infrequent (monthly) and too short (one or two hours) and branches apparently often do not receive all the documents: 'only key documents are discussed and then not in any extended way'. While discussion at conferences may at times be vigorous, then, the circle able to participate in them is limited.⁵¹

Given this, it comes as no surprise that: 'Neither in 1997 nor in 2002... do we find evidence of serious and successful opposition to leadership initiatives by delegates at (ANC) conferences.'⁵² To a degree, the claim of some of Mbeki's critics – that he suppressed debate within the ANC and that he and others in the government also ignored the stated wishes of the ANC – is contradictory since, if the voice of the movement was suppressed, there was nothing for the government to ignore. That there were significant constraints on disagreement for much of the decade leading up to the violence, means that an independent voice of the ANC on all policy issues is hard to find.

⁴⁹ Lodge 'The ANC and the development of party politics' p.200.

⁵⁰ Interview with ANC MP Yunus Carrim (now deputy minister of Co-Operative Governance' cited in Darracq 'Being a "Movement of the People",p. 435.

⁵¹ Darracq 'Being a "Movement of the People", p.436.

⁵² Lodge 'The ANC and the development of party politics' p.200.

If there was an independent view, we might expect to find it in the branches, where activists may not have been subject to the same constraints as members of parliament or other office holders because, since most branch members did not hold government office, they clearly could not be removed from it. But again, there is little or no evidence of independent policy initiatives within the branches. A study by University of the Witwatersrand researchers, quoted repeatedly by Lodge, found that branch members were often very active, but not in debating policy. Rather, activity centred around volunteering to perform a variety of community services in response to the ANC's decision to declare 2004 the 'Year of the Volunteer' to 'recapture the community spirit of letsame ilima'.⁵³ It is, of course, significant that this attempt to revive the branches centred on a – largely successful – attempt to engage participants in good works rather than an enhanced role in shaping the ANC's direction.

That a revitalisation was needed was, of course, a symptom of the very limited role which branch activity has played since the advent of democracy: in 1998, an ANC report noted that grassroots support for the organisation was waning, '...(because) our people are of the feeling having voted for the ANC there is no reason to then still pay the R12.00 for ANC membership'.⁵⁴ A study of ANC branches by Darracq finds that:

*Many local branches don't function properly. Ordinary members have relatively poor influence over party policies. This is mainly due to the 'governmentalisation' of the party, leading to an overall weakening of the ANC...structures ...with policy-making capacity lying mainly in Cabinet departments and a focus on state-led governance.*⁵⁵

This finding seems to be confirmed by the report of the Secretary General's Office to the 2005 ANC National General Council meeting which found that only 50% of ANC branches were functioning and in good standing.⁵⁶ For much of the period in which government actions were likely to promote fear of foreigners, the branches were, therefore, apparently unable to combat prejudice against foreigners, even if they had wanted to do this.

This background may explain why there is no evidence during the decade before the violence of any attempt by ANC conferences, MPs or branches to adopt a substantively independent position on migration – despite the fact that Buthelezi's tenure as Home Affairs minister coincides with a large part of this period and that we might expect ANC activists to feel free to distance themselves from an IFP minister, particularly one who had, during his tenure, sometimes adopted a confrontational attitude to the governing party's role in his department.⁵⁷ In reality, however, neither the positions adopted by the ANC before the violence nor its response to it suggests any fundamental difference between the movement and the government.

⁵³ Lodge 'The ANC and the development of party politics' p. 197.

⁵⁴ Lodge 'The ANC and the development of party politics' p. 196.

⁵⁵ Darracq 'Being a "Movement of the People"', p. 431.

⁵⁶ Organisational Report, National General Council, 2005, cited in Darracq 'Being a "Movement of the People"', p. 431.

⁵⁷ Buthelezi was engaged in fairly constant conflict with his Director-General, former ANC intelligence operative Billy Masethla. In Buthelezi's view, Masethla had been foisted on him by the ANC. See for example 'Masethla a danger to SA, says Buthelezi' *Cape Argus*, 1 November 2001. <http://www.capeargus.co.za/index.php?fSectionId=3571&fArticleId=ct20011101214449920B342145>.

Before the carnage

How did the ANC respond to government policy on immigrants in the period in which **both government and media messages were portraying immigrants as a threat?**

This paper will attempt to answer this question by examining conference resolutions, MPs' attitudes and the response of branches.

Conference resolutions

With the possible exception of the 2007 conference at Polokwane, to which we will return, ANC conference resolutions on immigration suggest that the movement is largely content to remain within the parameters of government policy. They suggest too that the immigration policy has not been a high priority at most conferences.

The longest and most detailed resolution was passed at the 1997 Mafikeng conference: it seems to have responded to a complaint, voiced in an ANC discussion document of the same year, which notes:

“The ANC does not have a policy on immigration. Despite our input into a number of immigration related bills, we remain handicapped in our potential to decisively channel the drafting of the immigration green paper that has been completed by the Minister. An ANC committee has been put together under the policy unit to draft a comprehensive policy on immigration.”⁵⁸

Since that document did not appear, it seems that the resolution sought to provide the policy direction which had been lacking. It is entirely consistent with the government approach of the time, since it stresses the threat posed by immigrants and urges more stringent control. While it differs from Buthelezi in decrying xenophobia, and suggests that development rather than enhanced border control are the long-term answers to 'illegal immigration', it is clearly in favour of tougher action to curb immigration. This may well place in perspective critiques of xenophobia by Mbeki and other ANC leaders: tougher action against foreigners is considered compatible with criticism of prejudice against them because it is claimed that it is lax immigration control which encourages xenophobia by swamping South Africans in a tide of immigrants. The effect is to ensure that it is possible both to oppose the prejudice and, in effect, to continue enforcing it.

⁵⁸ 1997: Commission on Social Transformation Service Delivery Discussion Document *Policy Challenges for Social Transformation Towards the Next Millennium* <http://www.anc.org.za/ancdocs/history/conf/conference50/discoms2.html>.

The resolution declares: 'Since the establishment of the democratic dispensation in our country, illegal immigration from the sub-continent, the rest of the continent, and other parts of the world have reached unprecedented proportions, and have placed considerable pressure on certain sectors of our society'. It adds that: 'Competition for scarce resources since the opening up of democratic space has fostered in our people xenophobic hostility to illegal immigrants particularly those from the subcontinent and the rest of the continent, and that we have failed to respond to this in satisfactory terms'. While '(t)he long-term solution to illegal immigration from SADC countries, in the ultimate analysis, lies in the establishment of viable political and economic institutions in the region', the resolution notes that: 'Even the best immigration policies will always be susceptible to illegal violation, particularly in our region with a long history and tradition of cross-border migration'. There is thus 'a need to draw a distinction between those who are in our country legally and those who are here illegally, and against whom appropriate action is deemed necessary'. The resolution concludes by insisting that: 'The security of the borders has to be tightened' and proposes measures aimed at achieving that goal.⁵⁹ While it does not elaborate, the discussion document may give some clue to its thinking. It urges that policy 'maintain balance between free movement of persons and complete control', and that this should '(i)nvolve the regulation of flow of people. e.g. through setting annual quotas in terms of the region and sub-region'.⁶⁰

Although this document, like other official statements on the issue, includes passages which do seem to recognise immigrants' rights – it urges 'Equal treatment of immigrants in the labour market, i.e salaries and conditions of employment' – the emphasis remains strongly on control, albeit exercised in a manner which takes the rough edges off immigration policy. The idea that a numerical quota be imposed on migrants from particular regions could be seen as a concession to migrancy, since it does envisage a continued influx of people from other countries.

But clearly **the notion that government should impose quotas on people from particular areas continues to assume that migrancy is a problem to be controlled**, not an opportunity to be welcomed.

The document and the resolution suggests that the difference between Buthelezi's statements and ANC policy on the issue is one of degree, only, and that the debate between them centres on how control is to be exercised, not on whether it is needed.

At its next conference, in Stellenbosch in 2002, the ANC contented itself with repeating this message in much pithier form. Again, it endorsed government policy although so briefly that it seems safe to assume that the issue was not considered a priority. The resolution urges that: 'The ANC and government revisit and deal with necessary amendments of the Immigration Act, which must include measures to deal firmly with illegal immigration'. This time the acknowledgment that development is the longer-term solution is repeated, but in language which, in contrast to the 1997 resolution,

⁵⁹ Resolutions, 50th National Conference, Mafikeng, 16-20 December 1997, <http://www.anc.org.za/ancdocs/history/conf/conference50/resolutions6.html>.

⁶⁰ 'Commission on Social Transformation'

disparages immigrants: 'We remain committed to accelerate the economic growth of countries in Africa, within the framework of NEPAD as the economic prosperity of these countries will contribute to the reduction of the number of so-called economic refugees.'⁶¹ While it seems unwise to make too much of what seems like a fairly perfunctory endorsement of the government position, it could be argued that this brief resolution is less accommodating to immigrants than government policy. It will be recalled that the 2002 Act was meant to signal a change in policy – one which is more accommodating to immigrants, albeit those with skills. The resolutions, however, remain firmly moored in official thinking before the change in the law: to the extent that they suggest a difference between ANC and government policy, then, they suggest that it is the movement which is less inclined to accommodate immigration.

The resolution passed at the celebrated Polokwane conference in 2007 seems to a degree to break with thinking at the previous two ANC meetings. Since Polokwane was meant to assert the right of ANC branches and members to reclaim their organisation – and the resolution is virtually a carbon copy of that passed at the ANC's mid-2007 policy conference⁶², at which rank-and file delegates were again said to have asserted themselves - it might be possible to argue that the ANC membership's innate sympathy for immigration has finally found expression. Closer examination, however, suggests that it remains consistent both with a stress on control and with control of the agenda by leaders who are in government. The more benign approach seems to be expressed in clauses which urge that: 'The ANC structures must take a lead in fighting xenophobic practices and ensure the integration of refugees in society and that security of children, women and the elderly is protected'. The ANC resolves that it '...must facilitate the process of establishing local committees to assist with the promotion of cooperation, mutual understanding, monitoring and integration to build solidarity between South Africans, refugees and immigrant communities'. But the resolution also urges that: 'The Immigration Act be revised to make it more comprehensive to ensure that while it promotes development, national and regional security concerns are addressed' and proposes that: 'The Immigration Act should be revised to allow for stringent screening processes to prevent law fugitives from other countries from entering the country as refugees.'⁶³

The call for the ANC to actively combat xenophobia seems to chart **a new course independent of the government stress on control.**

But it is perfectly consistent with the 2002 Act's provision urging measures to combat xenophobia – it merely transfers the responsibility for implementing the government's obligations to ANC structures. The resolution does not urge a relaxation of government control, and so at best, it proposes a more vigorous attempt to filter Mbeki and Mapisa-Nqakula's messages to society's grassroots. It seems also to endorse a division of labour which assigns to government the role of making law and policy,

⁶¹ Resolutions, 51st National Conference, Stellenbosch, 16-20 December 2002 <http://www.anc.org.za/ancdocs/history/conf/conference51/index.html>.

⁶² ANC National Policy Conference 2007 'Immigration and Refugees' <http://www.anc.org.za/ancdocs/policy/2007/conference/peace.html>.

⁶³ Resolutions 52nd National Conference Polokwane, 16-20 December 2007 <http://www.anc.org.za/ancdocs/history/conf/conference52/index.html>.

to ANC structures the task of sending government messages to the citizenry. While Polokwane may have changed the ANC's leadership, it did not – on immigration at least – change the patterns discussed earlier in this paper which reserved primacy to government. And again, to the extent that the resolution differs from government policy, it does so by urging more stringent control. The revision of the act it urges is meant to take 'national security' concerns into account, and it seems to give these priority over development. More stringent measures are also proposed for 'law fugitives'. While neither of these clauses poses a significant change to policy, both seem concerned to express a desire for control and, therefore, to repeat the approach of the previous two conferences.

The Parliamentary Caucus

If the voice of ANC members expressed at conferences did not challenge government thinking on immigration, neither did the movement's parliamentary caucus. During the period under discussion, the parliamentary portfolio committee for Home Affairs was chaired by an ANC member and it remained broadly supportive of immigration control.⁶⁴ A more detailed and illustrative account of MPs' attitudes is offered by minutes of a hearing of the committee on the White Paper on International Migration held in 2000.⁶⁵

Two ANC MPs at the hearings were eager to distance themselves from anti-immigrant sentiment:

Mr Sikakane (ANC) commented to his colleagues that he once held a negative view toward immigration but he now feels that he has been educated. He sees his previous views as ones based on fear. He suggested that opposition to immigration comes not from poor South Africans, but from the skilled and educated people who want to put blocks to corner the markets for themselves and charge exorbitant fees.⁶⁶

Similarly, Mr Skhosana (ANC) commented that whereas "South Africans feel threatened by skilled foreigners, it should be the other way around and South Africans should see that the foreigners are helping the country on its path to development"

But these views were hardly the norm: most of the rest of the ANC responses were focussed very clearly on immigrants as a threat which needed to be controlled. Thus: 'The Committee Chair, Mr Mokoena (ANC), pointed out ... that aliens have the right to remain in South Africa, and that the government has no constitutional obligation to issue visas to them. In short, the Constitution of South Africa does not guarantee any rights for aliens.' ANC members expressed concern that relaxed immigration controls would lead to a 'free for all' in which anyone would be allowed into the country, and that allowing foreigners judicial appeals against action taken against them could be 'drawn out while, in the meantime, a foreign national can remain in the country'.

⁶⁴ Centre for Policy Studies Research during this period monitored legislative developments and was reported in a series of policy monitors produced at the time. See for example CPs *Topical Trends*.

⁶⁵ Parliamentary Monitoring Group *White Paper on International Migration: hearings* Date of Meeting: 16 May 2000 <http://www.pmg.org.za/minutes/20000515-white-paper-international-migration-hearings>.

⁶⁶ Parliamentary Monitoring Group *White Paper Hearings*.

One ANC member accused an organisation making representations to the committee of seeking an 'easy road' to South Africa for foreigners, while an organisation urging that skilled immigrants be admitted to meet business's need for skills was asked by an ANC MP why it did 'not recommend to businesses that they train South Africans, rather than inviting skilled people from outside of the country?', a question which implies that government approaches were too sympathetic to immigrants since the White Paper, as noted above, was recommended a more accommodating approach to skilled immigrants: 'Mr Chikane (ANC) remarked that the country should focus on training, rather than immigration'. Later, the same member remarked that "the disparities of South Africa's past are still in place, but that opening the doors to immigrants is not a solution".

The minutes show a degree of sympathy for immigrants which would not be found, for example, in the statements of the then minister, Buthelezi. But, like Gigaba's stated view, these seem to be minority positions – most ANC members on the committee expressed positions which were either consistent with government policy or more ill-disposed towards immigrants than the official position. Nor is there any evidence that the criticism of anti-immigrant prejudice offered by the two ANC members prompted any attempt to challenge the government approach: like Gigaba, these members either felt that government practice and law were consistent with their position or that, if it was not, there was little they could do about it.

Certainly, **the caucus did not challenge the government stress on control**, neither did it seek a more accommodating stance which **could have sent a message into the society less hostile to immigrants**.

Evidence is provided by an analysis of the 2004 Immigration Amendment Bill compiled by the caucus.⁶⁷ It offers no criticism of the bill, insisting rather that it 'will reduce levels of bureaucracy and effect security appropriately'; that it 'contributes to the economic development of the country, in that it addresses concerns that have been raised on difficulties in acquiring skills from outside the country' and 'encourages law enforcement agencies to maintain peace and stability taking into account the implications of the 1994 democratic break-through, which has resulted in people coming to the new democratic country for various reasons'. It makes the highly questionable claim that the bill 'tries to treat citizens and non-citizens equally'. It is also clear that the caucus believes that its own role, and that of voters, is to assist in the smooth implementation of the new law: 'Communities must be informed of these amendments to ensure awareness and implementation, and Parliamentary Constituency Offices (PCOs) must play an important role in making communities aware about the bill'. Whether MPs ever did, in the main, use their constituency office to tell citizens about the bill is unclear. But, if they did, it is likely that the message they conveyed would repeat the legislation's concern to control immigration, even while seeking to do so in a more humane way, and that this may well have reinforced perceptions that migration remained a threat to South Africa and its citizens.

⁶⁷ ANC Parliamentary Caucus *Sephadi: Immigration Amendment Bill B28-2006(S75)* <http://www.anc.org.za/caucus/index.php?include=pubs/sephadi/2007/october.html>.

In sum, while a willingness to embrace rather than control immigration can be found in the statements of a couple of ANC MPs, the pattern in the parliamentary caucus seems much the same as that in national government: an emphasis on control and threat which, if it seeped down to the grassroots, would have joined government policy and practice in portraying immigrants as a threat to the society which must be combated.

The Branches

While **the branches were**, given the points made earlier, **unlikely to initiate different policy responses to immigration, they could have, had they wished, played a significant role in countering the threat of violence** without overtly criticising the government and ANC leadership.

The Polokwane resolution discussed above, of course, gave the branches – which were then said to have been revitalised by the change in ANC leadership – a mandate to counter xenophobic attitudes on the ground, a task they could, presumably, have tackled with the same enthusiasm as the 2004 volunteering campaign. Yet there is little evidence that they did so. Two reports which seek to understand the cause and context of the violence, one by a parliamentary task team,⁶⁸ the other an internal report by the Institute for Democracy in South Africa (Idasa),⁶⁹ make no mention of any action against xenophobia by ANC branches in the period before the violence (the parliamentary report does shed some light on the branches' response, to which we shall return). The Idasa report does find that: 'Where there were appropriate organizational structures, local leaders were able to prevent violence from escalating, and it cites Marabastad and Randfontein as examples. But the 'local leaders' were, it reported, to be found in local government, not in the ANC branches: 'government officials that had contact with the local communities were able to convince people not to participate in violence.'⁷⁰ While the report does not specify which officials these were, clearly the initiative to curb violence came from the government, not the ANC.

For an explicit judgment that the violence was an indictment of the branches, we need look no further than SA Communist Party general secretary (and now minister of Higher Education) Nzimande who saw the violence as 'one expression of the weakening and near decay of the structure of the ANC on the ground, and their inability to lead progressive community struggles and failures to detect resulting plans against our African brothers and sisters.'⁷¹ Nzimande later expanded on the critique:

⁶⁸ Parliament of the Republic of South Africa *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.*

⁶⁹ Idasa Citizen and Community Empowerment Programme (CCEP) *Report on Recent Xenophobic Violence in Gauteng May 28, 2008*, mimeo.

⁷⁰ Idasa Citizen and Community Empowerment Programme (CCEP) *Report on Recent Xenophobic Violence in Gauteng May 28, 2008*, mimeo.

⁷¹ 'ANC's legacy of violence' City Press 31 May 2008.

These developments call for very serious self-reflection, criticism and self-criticism. How does it happen that none of our political or community structures knew about such serious plans to attack `foreigners`? How come the state intelligence structures were also caught unaware? Not only that, even after the eruptions in Alexandra, and the prior events in Tshwane and parts of the Western Cape, why were we not able to prevent these xenophobic acts, and then stop them spreading to Ekurhuleni and other parts of Johannesburg?⁷²

While Nzimande is not blaming the branches alone, they are clearly one of the accused culprits – and perhaps the most culpable among them, since it is the branches which should be most able to discern ominous trends on the ground. Later in the same article he does refer explicitly to ‘the demobilisation of the ANC branches and the “colonisation” of the ANC by state structures.’⁷³ It could be argued that Nzimande is making political capital, not analysing events: he worked for Mbeki’s defeat at Polokwane and for his removal as President, and so his complaint may be motivated by a desire to demonstrate where Mbeki’s leadership had driven the ANC. But the available evidence offers nothing which contradicts Nzimande’s claim that the branches were either unable to combat anti—foreigner prejudices in their areas, or that they simply did not try. It may also be worth noting that Makura’s 1999 article, cited above, is also concerned about ‘the lamentable weaknesses of the structures of the Congress movement,’⁷⁴ which, of course, suggests that the problem had plagued the movement for a decade before the violence.

During the briefing process for this paper, it was suggested that it test whether levels of violence were lower in areas where ANC branches were active- this claim had apparently been made by some ANC Gauteng officials. Again, there is no evidence to support this claim. The violence, according to the Idasa report, ‘primarily occurred in informal settlements and areas where informal trading was taking place’: it speculated that: ‘informal areas may have less existing structures for providing an early warning when violence is likely to begin, and to enable responses by government or civil society groups.’⁷⁵ If we see ANC branch activity as one of the manifestations of formality discussed here, this may be seen to offer some support to the claim that the presence of branches deterred violence – a view which might be reinforced by the finding that hostel dwellers played a prominent role in instigating violence.⁷⁶ But there is no positive correlation between formality and a strong ANC presence on the ground. On the contrary, an ANC document prepared for its 2004 Gauteng provincial congress reveals that:

⁷² Blade Nzimande ‘Back to Basics: Rebuild organisation, defeat patronage and corruption, to defeat the scourge of xenophobia’ *Umsebenzi Online* Volume 7, No. 8, 21 May 2008 <http://www.sacp.org.za/pubs/umsebenzi/2008/vol7-08.html>.

⁷³ Nzimande ‘Back to Basics’.

⁷⁴ Makura ‘The MDM, Civil Society and Transformation’.

⁷⁵ Idasa ‘Report on Recent Xenophobic Violence’, p.9.

⁷⁶ Idasa ‘Report on Recent Xenophobic Violence’, p.9.

Informal dwellers are more likely than others to be strong ANC supporters. While a quarter (24%) of people living in formal dwellings are 'entrenched' ANC supporters, this rises to 31% among those living in informal settlements. 23% of formal dwellers are 'average' ANC supporters, while 35% of those living in informal settlements fall into this category.⁷⁷

The data refers to voting behaviour rather than participation in branch activity, and it is certainly possible in principle that high voter support does not coincide with strong branch activity. However, the finding that violence was most pronounced in informal areas and that these areas are also the strongest source of ANC votes does question the notion that people loyal to the ANC were less likely to use violence against African foreigners. And, as noted above, none of the available evidence – including the case studies researched by colleagues for this project – offers evidence to support the claim.

The violence occurred in those parts of Gauteng where the ANC's electoral support is strongest, not those where it is weakest.

There is no reason to believe that the trend is different elsewhere in the country – particularly as there is some ambiguity about whether the ANC estimates mentioned above are meant to refer only to Gauteng or to the entire country.

Of course, assuming that ANC branches would actively combat xenophobia assumes too that prejudice against foreigners is a disposition to which ANC supporters are immune. The evidence presented above – in particular the comments of ANC MPs – questions that. More persuasively, perhaps, a survey by the Southern African Migration Project conducted late in 2006, which reported very high levels of anti-foreigner prejudice among South Africans, tested the correlation between political party support and attitudes to foreigners. It too provides no evidence to support the view that ANC supporters are less prone to anti-foreigner prejudice than opposition voters. While Democratic Alliance supporters showed higher levels of xenophobia than those who backed the ANC, the difference is slight – and ANC supporters were more inclined to be hostile to foreigners than those of the IFP (despite its leader's stance while Home Affairs minister) or people who had no party preference.⁷⁸ Again the differences are slight and the safest interpretations of the findings would be that there is little difference in the attitude to foreigners between supporters of the various parties. But the study certainly offers no support for the claim that ANC supporters are likely to be less xenophobic than supporters of other parties.

It might be argued that this study polled only the attitudes of supporters, not those of active branch members. But none of the evidence presented here offers support for the notion that active participation in the ANC is likely to reduce xenophobic attitudes. On the contrary, participants in

⁷⁷ African National Congress 'Spaces in Transition: Dynamics Within Gauteng's Changing Spatial Landscape' in *The Base Document towards the 9th Provincial Conference: Understanding Gauteng's Changing Economic, Social and Political Landscape Implications and Challenges for the ANC-led Democratic Movement and the Democratic State during the Second Decade of Freedom*- 1 August 2004. <http://www.anc.org.za/show.php?doc=ancdocs/discussion/gauteng/chapt3.htm>.

⁷⁸ SAMP 'The Perfect Storm' p.35.

ANC branch meetings report that prejudices against African foreigners are expressed in branches⁷⁹ although it is obviously unclear how widespread this practice is. And, as further evidence that local ANC affiliation is no necessary inoculation against complicity in violence against foreigners, an ANC councillor is accused by the Democratic Alliance-controlled Western Cape government of instigating xenophobic violence in the Province in November, 2009.⁸⁰

Even if we assume that the ANC's opposition to xenophobia is as unambiguous as some ANC leaders claim, it should be no surprise that this tolerance has failed to percolate down to the branches, since Darracq's study, based on interviews with ANC representatives, concludes that it tended to neglect its traditional concern for political education after it won government office: 'This has led to a situation where many ANC members seem to lack a clear understanding...of the historical positions of the movement regarding gender (and) non-racialism...'⁸¹ It seems unreasonable to expect that branch members unschooled in the ANC's core positions such as non-racism and anti-sexism, would have adopted the positions on foreigners espoused, at least in principle, by Mbeki and Gigaba, given the pervasiveness of anti-immigrant sentiment in the society.

It might be relevant to note here that, in Alexandra township, the IFP and ANC traded allegations of responsibility for the violence. The ANC began by alleging that the attacks started shortly after an IFP meeting and that it began from the Nobuhle hostel in the KwaMadala area - the IFP's stronghold in Alexandra. The Alexandra ANC alleged a plan by the IFP to drive foreigners out of the township.⁸² The IFP responded with a claim that: 'The IFP has received information that a member of the Community Police Forum, who is also a policeman and an ANC Ward Councillor, is behind these attacks.'⁸³ Since this paper discusses the ANC, the question which concerns us here is alleged ANC complicity in the attacks, not the claims against the IFP. The IFP offered no evidence for its claim and it seems safe to dismiss it as a further example of politicking between the ANC and IFP, particularly as both parties told the parliamentary task team that they did not know why foreigners had been attacked.⁸⁴ What is worth noting about the original ANC report, however, is that it blames not only the IFP but also the SA National Civics Organisation (Sanco) which is usually seen as an ANC ally and which, the report said, had been implementing a plan to drive foreigners out of Alexandra.⁸⁵ The relationship between SANCO and the ANC is complex and sometimes conflict-ridden. But, if the ANC report is accurate, then an organisation whose members were likely to have been ANC supporters at the time - and who may well have belonged to its branches - were supportive of if not implicated in the violence. This would, of course, further challenge the notion that the ANC's presence deterred the violence.

In sum, **ANC branches were neither sources of an alternative approach to immigration nor the active antidotes to prejudice against foreigners which the Polokwane conference envisaged.**

⁷⁹ Discussions, CSD Project 'Civil Society at the Crossroads'.

⁸⁰ Andisiwe Makinana 'ANC man fingered in attacks on migrants' *Cape Argus* November 25, 2009.

⁸¹ Darracq 'Being a "Movement of the People", p.432.

⁸² Msimelelo Njwabane 'ANC accuses IFP of Alex attacks' *Beeld* 15 May 2008 (English translation posted on www.news24.com).

⁸³ Inkatha Freedom Party *IFP Rejects ANC Lies About Alex Violence* IFP Media Statement 15 May 2008 <http://www.ifp.org.za/Archive/Releases/150508pr.htm>.

⁸⁴ Parliament 'Report of the Task Team' p.4.

⁸⁵ Njwabane 'ANC accuses'.

Handling the horror: ANC responses to the violence

The ANC did join the widespread condemnation of the violence which was common across the society's entire elite. Thus its deputy president, Kgalema Motlanthe, complained that police responded too slowly to the first attacks in Alexandra. 'The area where this problem started should have been cordoned off immediately, but the delay encouraged people in similar environments to wage similar attacks', he said.⁸⁶ But did it, like civil society organisations, actively seek to assist the victims, either by providing humanitarian aid or by intervening in an attempt to stop the violence?

Documentary evidence and some of the studies undertaken for this project find that some ANC responses on the ground did seek to assist. In one of the areas visited by the parliamentary task team – Tembisa – the ANC worked with NGOs and 'representatives of civil society', as well as the SA Communist Party and SANCO. Here it and the other organisations formed a Crisis Committee to respond to the violence.⁸⁷ It is not clear what role the committee played, but the report notes that the 'community' helped people displaced by the violence and it is possible that the committee played a role in these efforts. In Cape Town, the ANC in the Masiphumelele area was found to have opposed the violence, but it is not clear what form this took.⁸⁸ In Alexandra township, Joburg, the local ANC teamed up with its allies and the Inkatha Freedom Party in an attempt to quell the violence – in the process incurring the wrath of residents at a public meeting.⁸⁹

This type of response seems, however, to have been uneven and sporadic, the exception rather than the rule.

Thus, in the other areas, **the parliamentary task team does not report any activity by the ANC.**

The study of Ramaphosa informal settlement conducted for this project finds that the ANC is the dominant party in the area but that '... criticism was labelled among local leadership for lack of trying to quell the violence... Some were of the view that if leadership and the community were organised nothing like what happened last year should have taken place.'⁹⁰ While the term 'leadership' does not necessarily mean ANC leadership, the finding that it dominates the area but that violence occurred and continued because of a lack of leadership, suggests that the local ANC was either unwilling or, perhaps more likely, unable to curb the violence. In the Bottlebrush settlement in Durban, the

⁸⁶ SA Press Association 'ANC on xenophobia: Cops acted too slowly' May 22 2008.

⁸⁷ Parliament 'Report of the Task Team' p.6.

⁸⁸ Mazibuko K Jara and Sally Peberdy 'Progressive Humanitarian and nascent social mobilisation by civil society in a neo-apartheid Cape Town: a report on the role of civil society and the May 2008 outbreak of xenophobic violence in Cape Town' Draft Submitted to Xenophobia Project Workshop 19-20 October, 2009, p. 15.

⁸⁹ Mazibuko K Jara and Sally Peberdy 'Progressive Humanitarian and nascent social mobilisation by civil society in a neo-apartheid Cape Town: a report on the role of civil society and the May 2008 outbreak of xenophobic violence in Cape Town' Draft Submitted to Xenophobia Project Workshop 19-20 October, 2009, p. 15.

⁹⁰ Nobi Dube 'Case Study of Ramaphosa' Draft Submitted to Xenophobia Project Workshop 19-20 October, 2009, p.11.

local ANC committee was unable to prevent violence which was, in fact, avoided in other adjoining areas⁹¹ – ‘The ANC local leadership was reported by respondents to have said they adopt a neutral attitude to the invasion and they were nowhere to be seen during the drama.’⁹²The Cape Town study cited above points out that the ANC’s ‘history of good anti-xenophobic activism in Masiphumelele’ is an exception which contrasts with ANC responses in the rest of the metropole.⁹³ It notes that the ANC, with other political parties, ‘were largely absent from the civil society response’ and that, in the du Noon area, there was evidence of ‘xenophobic action within the ANC’. Even in Masiphumelele, ‘there is also evidence of contestation within the ANC depending on the business interests of various leaders...’⁹⁴ Those who own their own shops and fear competition were presumably more likely to be unsympathetic to people from elsewhere in Africa, while those who rent premises to them were likely to oppose the violence.

A study of humanitarian responses to the violence produced by the Forced Migration Studies Programme at the University of the Witwatersrand discusses in some detail the response of the government and a range of civil society organisations, but it does not report any ANC activity. It notes that the ANC ‘encouraged its structures in communities to work with their communities in bringing an end to the attacks, isolating criminals involved in the violence and working with law enforcement agencies to ensure peace and justice.’⁹⁵ But it does not report any response to this call. Cosatu, it adds, was ‘active in urging all spheres of government to do more to assist IDPs [internally displaced persons]’ – according to one of the studies researched for this project. It did, in fact, provide humanitarian assistance.⁹⁶The National Union of Metalworkers of SA (NUMSA) and Cosatu also ‘warned against making false claims about foreign nationals and criminalising them, and vowed to launch education campaigns with their memberships’⁹⁷ and this was, according to the case study, followed by an intensive campaign.⁹⁸ But, while Cosatu is, of course, an ANC ally, on this and many other issues, Cosatu and the ANC are separate organisations who respond differently to some events.

⁹¹ Trevor Ngwane ‘Xenophobia in Bottlebrush: An Investigation of the Reasons Behind Attacks on African Immigrants in an Informal Settlement in Durban’ Town’ Draft Submitted to Xenophobia Project Workshop 19-20 October, 2009, p. 26.

⁹² Ngwane ‘Xenophobia in Bottlebrush’ p. 30.

⁹³ Jara and Peberdy ‘Progressive social mobilisation’, p.34.

⁹⁴ Jara and Peberdy ‘Progressive social mobilisation’, p.15.

⁹⁵ Vicki Igglesden *Xenophobic Violence in South Africa in May 2008: The Humanitarian Response in Gauteng and the Western Cape (a narrative account)* University of the Witwatersrand Forced Migration Studies Programme 1 December 2008 p.31.

⁹⁶ Mondli Hlatshwayo ‘Cosatu’s Responses to Xenophobia’ Draft Submitted to Xenophobia Project Workshop 19-20 October, 2009, pp. 15-17.

⁹⁷ Igglesden ‘Xenophobic Violence’ p.31.

⁹⁸ Igglesden ‘Xenophobic Violence’ p.31.

Nzimande, on behalf of the SACP, also promised a vigorous effort to combat violence:

“ Our organisations, especially alliance and progressive community formations, need to urgently engage communities in affected areas and beyond in order to isolate and deal with those behind these barbaric actions. Indeed, the SACP has instructed its provincial structures to do just that. Our senior leadership will join forces with provincial structures to ensure this engagement is effective.”⁹⁹

But, with the exception of the few areas mentioned here in which the ANC worked with allies, including the SACP, there is no evidence indicating that this response moved from rhetoric to action directly undertaken by SACP structures.

The available evidence suggests, therefore, that, with one possible exception – Tembisa – the ANC played no direct role in the humanitarian response to the violence, and that the burden of assisting the victims fell to the government, whose role was seen by analysts to be inadequate,¹⁰⁰ and to non-governmental organisations. As the examples cited here show, the reaction of the ANC and its allies beyond that consisted of statements promising a response on the ground which does not seem to have materialised – or at least to have had any demonstrable effect on patterns of violence or on the humanitarian response. Whether this is a symptom of inadequate mobilisation within the ANC, resistance or indifference by active members who had no wish to assist foreigners, or merely evidence that little priority was placed on this issue, is unclear. What is evident, however, is that the ANC was not a significant force in efforts to end the violence or to cater for the immediate needs of its victims.

It could be argued that one of the points raised at the outset, whether the ANC was willing to form coalitions with civil society organisations to combat the violence, is at most a subsidiary issue because the movement did not, in the main, seek to respond to the violence on the ground. But a trend can nevertheless be discerned here: in the cases cited here in which the ANC did respond, it almost invariably did so on its own or in concert with other political organisations, rather than with civil society organisations. It may be worth noting, also, that none of the calls to action cited above urged the ANC or its allies explicitly to work with civil society organisations to respond to the violence. The ANC instructed branches to ‘work with their communities’, which does not exclude an alliance with local civil society organisations, but appears to suggest that they should engage directly with local residents. Nzimande suggests a need to work with ‘alliance and progressive community formations’ which could imply cooperation with a limited spectrum of civil society organisations, although the wording does suggest that he is referring primarily to organisations explicitly aligned to the ANC. But the few examples we have of ANC action on the ground confirm the hypothesis that, in the main, the ANC preferred to deal directly with the problem rather than forming alliances with civil society

⁹⁹ Nzimande ‘Back to Basics’.

¹⁰⁰ Tamlyn Monson, Vicki Iggesleden and Tara Polzer *Humanitarian Assistance to Internally Displaced Persons in South Africa - Lessons Learned Following Attacks on Foreign Nationals in May 2008* University of the Witwatersrand Forced Migration Studies Programme January 2009.

organisations – and that, where it did see the need for concerted action, it defined itself a political party working with other parties, rather than a partner of sections of civil society.

In sum, then, **the ANC as a political movement played at most a marginal role in preventing violence** against foreigners or in responding to it.

While, in a few isolated cases, local ANC activists did make a significant effort, either on their own or with other political parties, to end the violence or support the victims, in most cases, its role was not significant. The key players in the drama were the government and civil society organisations and the judgement that the ANC failed to emerge as a standard-bearer of its core values seems to be vindicated by the available evidence.