# MIGRANTS IN COUNTRIES IN CRISIS

SOUTH AFRICA CASE STUDY

The Double Crisis – Mass Migration From Zimbabwe And Xenophobic Violence in South Africa

Jonathan Crush, Godfrey Tawodzera, Abel Chikanda, Sujata Ramachandran & Daniel Tevera
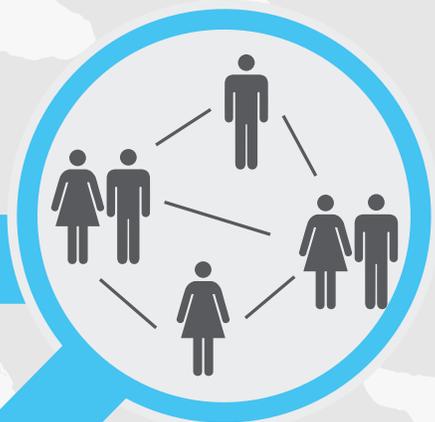
Migrants in Countries in Crisis (MICIC)

South Africa Case Study:
The Double Crisis – Mass Migration From Zimbabwe And Xenophobic Violence in South Africa

Jonathan Crush, Godfrey Tawodzera, Abel Chikanda, Sujata Ramachandran & Daniel Tevera

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List of Acronyms

ACHPR	African Commission African Commission on Human and People's Rights
ADF	African Diaspora Forum
AU	African Union
AISA	Amnesty International South Africa
AVRR	Assisted voluntary return and reintegration
CTRC	Cape Town Refugee Centre's
CSO	Civil Society Organisation
CAXREP	Coalition Against Xenophobia, Racism, Ethnicism and Poverty
CoRMSA	Consortium for Migrants and Refugees South Africa
DHA	Department of Home Affairs
DAAX	Durban Action Against Xenophobia
EU	European Union
FIC	Financial Intelligence Centre
ICBT	Informal cross-border trading
IMC	Inter-Ministerial Committee on Migration
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organization
IOM	International Organization for Migration
LHR	Lawyers for Human Rights
MSF	Médecins Sans Frontières
MICIC	Migrants in Countries in Crisis Initiative
MDC	Movement for Democratic Change
NAP	National Action Plan
NATJOC	The National Joint Operational Centre
NIBUS	National Informal Business Upliftment Strategy
NGO	Non-governmental Organisation
PASSOP	People Against Suffering, Oppression and Poverty
PCAX	People's Coalition Against Xenophobia
PWG	Protection Working Group
PROVJOCS	Provincial Joint Operational Structures
RMRP	Refugee and Migrant Rights Programme
SMME	Small, medium and micro enterprise
SJC	Social Justice Coalition
SAHRC	The South African Human Rights Commission
SAPS	South African Police Services
SARS	South African Revenue Services
SADC	Southern African Development Community
SAMP	Southern African Migration Programme
SRG	Special Reference Group
TAC	Treatment Action Campaign
UNDESA	United Nations Department of Economic and Social Affairs
UNHCR	The Office of the United Nations High Commissioner for Refugees
ZANU-PF	Zimbabwe African National Union Patriotic Front
ZDP	Zimbabwe Dispensation Programme

Executive Summary

The protracted economic and political crisis in Zimbabwe led directly to a major increase in mixed migration flows to South Africa. Migrants were drawn from every sector of society, all education and skill levels, equal numbers of both sexes, and all ages (including unaccompanied child migration). Many migrants claimed asylum in South Africa which gave them the right to work while they waited for a refugee hearing. Many others were arrested and deported back to Zimbabwe. Migrants who were unable to find employment in the formal economy turned to employment and self-employment in the informal economy. These migrant entrepreneurs used personal savings to establish small and micro enterprises in many urban areas. The businesses focused on retail trading, manufacturing and services and contributed to the South African economy in various ways, including providing employment for South Africans.

Nationwide xenophobic violence in 2008 targeted all migrants, irrespective of origin and legal status. From 2008 onwards, violent attacks on migrant-owned informal businesses began to escalate. This culminated in a second round of nationwide xenophobic violence in early 2015 when migrant-owned businesses were targeted by mobs. Migrants send essential remittances to family in Zimbabwe and return migration is not a viable or long-term response until Zimbabwe's economic crisis is resolved. As a result, informal migrant entrepreneurs have adapted to hostile business conditions by adopting a range of strategies to avoid and protect themselves and their businesses from xenophobia.

Against this backdrop, this report first discusses the nature of the crisis in Zimbabwe and its connections with large-scale out-migration, particularly to South Africa. The South African response to crisis-driven migration is reviewed showing how the government shifted from a predominantly coercive and control-oriented policy towards a more realistic assessment of the need to accommodate migrants through an immigration amnesty and the right to work in the formal and informal sector. One of the major challenges facing migrants and all stakeholders in South Africa is xenophobic violence. Nationwide attacks on migrants and refugees in 2008 and 2015 have been interspersed with ongoing lower-level episodes of violence. These attacks have increasingly targeted migrants and refugees, including many Zimbabweans, seeking to make a living in the country's urban informal economy.

The research for this report focused on the business activities and responses to xenophobic violence of Zimbabweans in the informal economy. Amongst the key findings were the following:

- Between 20-30% of Zimbabwean migrants in South African cities are involved in the informal economy and the importance of informal sector employment to Zimbabweans has increased over time.
- Zimbabweans operating enterprises in the informal economy are predominantly young (50-75% under the age of 35) and male (60-70%)
- Nearly two-thirds of the migrant entrepreneurs arrived in South Africa in the peak years of the Zimbabwean crisis between 2000 and 2010 (42%). Another 32% migrated after 2010. Less than 2% migrated to South Africa before the end of apartheid.
- Economic hardship, unemployment and political persecution are the main push drivers of migration to South Africa. Pull drivers include the assistance of relatives already in South Africa and the prospect of employment.
- The majority of the Zimbabwean migrant enterprises are in the retail, trade and wholesale sector, followed by services and manufacturing. Around three-quarters of the migrants relied on their personal savings to start their businesses and many worked in the formal economy first.
- Business expansion has occurred despite the prime obligation of the entrepreneurs to support family still in Zimbabwe. Instead of reinvesting all of the business profits into further expansion, a portion is therefore diverted into remittance channels. Over one-third remit funds at least once per month and only 12% never send remittances.
- A significant number of the entrepreneurs had been victims of or knew other who had been victims of crime such as looting and robbery, xenophobic abuse and police misconduct abuse.

The report then presents the results of in-depth interviews with Zimbabwean business-owners who had experienced xenophobic violence in 2008 and 2015 or at other times. The narratives of the migrants provide insights into the unpredictable nature of the violence, their vulnerability to attack, the loss of business goods and property during mob violence and the need to restart from scratch, and the various strategies that they adopt to reduce risk. These strategies include operating in safer areas (not feasible for all), avoiding areas where corrupt police tend to operate, paying for protection and flight when xenophobic violence erupts. Return to Zimbabwe is not considered a viable option because of the economic conditions there.

The interviews also provide insights into the migrants' perceptions of government and stakeholder responses to the xenophobic violence. Almost without exception, the migrants felt that neither government (the Zimbabwean or South African) had done anything to protect or assist them during and after the violence. This perception of inaction also extended to international and non-governmental organisations. The migrants were particularly harsh in their comments about the police who were widely seen as either conniving in the violence or uninterested in protecting migrants.

The perceptions of the migrants that nothing is done may simply be a function of who was interviewed and does not necessarily reflect the actual reality. The report therefore evaluates the response of the South African government to the ongoing crisis of xenophobia and concludes that some actions – such as sending in the army – are taken during episodes of nationwide violence but that ongoing daily and weekly attacks are generally ignored. There is a strong official line that these attacks are not motivated by xenophobia and. Indeed, that xenophobia does not even exist. This is clearly contradicted by the migrants who view the attacks as motivated by xenophobia. A second element of the official response is that the migrants are partially to blame for what happens to them as their business success builds resentment amongst South Africans. Government has yet to acknowledge that migrant-owned informal enterprises make a valuable contribution to the economy of the country, including through job creation for South Africans. The primary response to the violence of 2015 was the launching of a military-style Operation *Fiela* which was justified as a crime-fighting initiative but appears to have targeted migrant enterprises.

The final sections of the report examine the responses and programmes of various non-governmental and international organisations to the crisis of xenophobia. During large-scale xenophobic violence there is considerable mobilisation of anti-xenophobia civil society organisations to offer protection and protest. Their effectiveness and impact tends to dissipate when the violence is more scattered and random. The South African Human Rights Commission (SAHRC) has played a major role in the past in holding government to account and articulating extensive recommendations for remedial action, most of which have not been taken up and many of which are still highly relevant. International organisations have tended to target integration and education programming at the community level but there has only been one systematic evaluation (of the UNHCR's response) which was highly critical of the organisation. These organisations and other governments are considerably hamstrung by xenophobia denialism at the highest level because it means that government will avoid the kinds of partnership that are urgently needed to address this endemic crisis.

"It is a problem, but I would never define it as a crisis"
(*Charles Nqakula, South Africa's Safety and Security Minister, 2008*)

"They are very xenophobic – they are the owners of xenophobia"
(*Zimbabwean Migrant, Cape Town, 2016*)

"Our country will one day be stable and we will go back. Tomorrow it might be them in a crisis and when they come to us, people will hold on to that grudge. So if they treat us well, we will also"
(*Zimbabwean Migrant, Johannesburg, 2016*)

1. Introduction

In 2015, the European Union (EU) launched 'Migrants in Countries in Crisis: Supporting an Evidence-based Approach for Effective and Cooperative State Action', a four-year project implemented by the International Centre for Migration Policy Development (ICMPD). This EU-funded project is a contribution to the global Migrants in Countries in Crisis (MICIC) initiative, a government-led process co-chaired by the governments of the Philippines and the United States, which shares similar goals. The project aims to improve the capacity of states and other stakeholders to assist and provide protection to migrants who find themselves in countries affected by crisis, as well as address the long-term implications of such situations. Within the project, six regional consultations with states and other relevant stakeholders have been conducted, contributing to the development of the MICIC initiative 'Guidelines to protect migrants in countries experiencing conflict or natural disaster'[1], which provide guidance for states and other stakeholders in responding to the needs of migrants caught in crisis situations. In addition, the project also develops capacity building activities to follow up on key recommendations that have emerged over the course of the project.[2] This case study report presents the results of one case study among six[3] of the Research Component of the EU-funded MICIC project, whose goal is to complement these efforts by providing policy-relevant analysis of the implications of crises in host countries.

Humanitarian emergencies involving human migration are generally perceived to be of a singular, unidimensional character, affecting one of two categories of migrant: either those forced to leave their home countries by crisis conditions or those living in another country affected by a crisis. Most attention has been given to the first category and the precarious circumstances of those displaced to other countries by political, economic and social conditions in their countries of origin.[4] Indeed, the global humanitarian regime is based on principles of protection and assistance for those forcibly displaced by political events, violent conflict and individual persecution.[5] The second category are migrants who have been trapped by unexpectedly volatile and dangerous situations in countries of destination, including natural disasters, civil conflict or anti-migrant intolerance. The term "migration in countries in crisis" is usually taken to refer to the plight of these migrants caught up in an unexpected crisis situation in a "host country".[6]

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[1] Migrants in Countries in Crisis (MICIC) Initiative. (2016). Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster. Retrieved from: https://micicinitiative.iom.int/sites/default/files/document/MICIC_Guidelines_english_web_13_09_2016.pdf.
[2] For more information on the capacity building activities, as well as the regional consultations, see: http://www.icmpd.org/our-work/migrants-in-countries-in-crisis/.
[3] The other case studies under study are: Central African Republic political unrest of 2013-2014; Côte d'Ivoire political unrest of 2002-2003 and 2010-2011; Libya political unrest of 2011; Lebanon situation of migrant domestic workers and the 2006 crisis; and Thailand natural disaster of 2011.
[4] Fiddian-Qasmiyeh, E., Loescher, G., Long, K., & Sigona, N. (Eds.). (2014). *The Oxford handbook of refugee and forced migration studies*. OUP Oxford.
[5] Martin, S. F., Weerasinghe, S., & Taylor, A. (2014). *Humanitarian crises and migration: Causes, consequences and responses*. Routledge.
[6] Koser, K. (2014). "Non-Citizens Caught Up in Situations of Conflict, Violence and Disaster" In S. Martin, S. Weerasinghe and A. Taylor (eds.), *Humanitarian Crises and Migration: Causes, Consequences and Responses* (London: Routledge), pp. 267- 286.

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Although emergencies affecting migrants are becoming increasingly complex and multifaceted, the intersection of crisis situations in countries of origin and destination have been given insufficient attention[7], although referenced in the recently produced MICIC guidelines. A dual or multiple crisis situation spanning origin and destination presents new, and not easily resolved, challenges for the management of crisis and the safety of displaced migrants.[8] The distinction between refugees and other types of migrant is certainly blurred in such complex circumstances.[9] Moreover, the intersection of crises affects the kinds of assistance that can be given to migrants by both sending and receiving governments as well as by humanitarian agencies and other actors. Significant protection gaps also exist for those trapped by a double crisis.[10] For example, migrants in a country in crisis may not have the option of return migration if crisis conditions in their country of origin make return unviable. The newly forged vulnerabilities that such complex circumstances generate have not yet been adequately documented or understood.[11] As Martin et al.[12] argue, effective, humane and implementable principles and practices are required to respond to these types of complex crisis-related movement.

Lindley has examined the relationship between "crisis" and "migration" and shows that both processes are largely viewed as exceptional, aberrant phenomena.[13] While "crisis" circumstances are seen to occur outside the realm of regular, "normal" development and change, migration is seen as a threat to the regular order of relationships between state and its citizens. As she notes, "there is a deep well of sedentarist thinking (which) frames migration as crisis and staying put as the natural and desirable human condition".[14] In such circumstances, large-scale flows to another jurisdiction precipitated by crisis conditions are inevitably viewed in a negative light and as placing a significant strain on host populations. Far from appreciating the crisis-driven nature of these movements, host populations very often respond with a mixture of anxiety, animosity and intolerance to the physical presence of migrants who have been forced to flee intolerable circumstances in their home countries. The result can be the generation of a different set of crisis conditions for migrants to confront in their country of destination.

In this context, migration from Zimbabwe to South Africa tends to be seen as an atypical, exceptional, and temporary phenomenon, characterised almost entirely in negative or abnormal terms. Migration is seen solely as a speedy response to crisis in Zimbabwe, overlooking the many reasons people leave and the fact that more people stay put than migrate. Longer histories of migration and previous ties connecting these countries in the past are all forgotten. Also ignored are the ways in which older patterns of migrations have influenced later ones. On the South African side, migrants from Zimbabwe are viewed as an unwanted burden, usurping what are regularly characterised as 'limited' or 'scarce' resources meant exclusively for citizens. Exaggerated numbers feed the alarmist view of uncontrolled waves of migrants 'flooding' and 'swamping' South Africa. The many benefits South Africa and its citizens receive from migrants

[7] IOM (2012). *Moving to Safety: Migration Consequences of Complex Crises*. Background Paper, International Organization for Migration, Geneva; McAdam, J. (2014). Conceptualizing 'Crisis Migration': A Theoretical Perspective. In S. Martin, S. Weerasinghe and A. Taylor (eds.), *Humanitarian Crises and Migration: Causes, Consequences and Responses* (London: Routledge), pp. 28-50.

[8] Hendow, M., Pailey, R. and Bravi, A. (2016). *Migrants in Countries in Crisis: Emerging Findings, A Comparative Study of Six Crisis Situations*. International Centre for Migration Policy Development, Vienna; Perching, B. (2016). *Actor and Stakeholder Involvement in Crisis Mitigation*. MICIC Research Brief, International Centre for Migration Policy Development, Vienna.

[9] Betts, A. (2013). *Survival Migration: Failed Governance and the Crisis of Displacement* (Ithaca, NY: Cornell University Press).

[10] Betts, A. (2014). The Global Governance of Crisis Migration. In S. Martin, S. Weerasinghe and A. Taylor (eds.), *Humanitarian Crises and Migration: Causes, Consequences and Responses* (London: Routledge), pp. 349-367.

[11] Pailey, R. (2016). *Long-term Socio-Economic Implications of 'Crisis-Induced' Migration on Countries of Origin*. MICIC Research Brief, International Centre for Migration Policy Development, Vienna.

[12] Martin, S. F., Weerasinghe, S., & Taylor, A. (2014).

[13] Lindley, A. (2014). Exploring Crisis and Migration: Concepts and Issues. In A. Lindley (ed.), *Crisis and Migration: Critical Perspectives* (London: Routledge), pp. 1-23.

[14] Lindley, A. (2014).

through skills acquisition and job creation are forgotten. However, the 'plight' of Zimbabweans in South Africa represents a very different scenario since most are only there in the first place because of an enduring crisis at home. This is therefore a case study of a double bind where migrants are caught up in crises (albeit of different kinds) in both countries simultaneously.

Zimbabwean migrants in South Africa have therefore been forced to navigate not a singular emergency at a particular location, but two protracted crises occurring concurrently. While these two crises have unfolded in neighbouring states, their decisive moments or turning points have similar timeframes, suggesting a direct association between them. It is the simultaneity and intersectionality of these two crises, the actual and perceived relationships between them, their multi-sited nature, and the transnational governance of migration by two separate states that need to be taken into account. By intersectionality, we refer to the manner in which these two crises are linked and the combined effects they produce for the management of xenophobic violence in the country of destination, South Africa. Given the specific set of crisis circumstances, and their protracted nature, a linear, straightforward sequence of humanitarian assistance and effective management from pre-crisis and post-emergency stages is unsettled.

One crisis involves the political turmoil and economic meltdown in Zimbabwe after 2000, which has driven hundreds of thousands of citizens to seek a less precarious existence for themselves and their families by migrating to other countries.[15] As a politically stable and economically robust neighbouring state, with low transaction costs for migration, South Africa has become an attractive destination for many crisis-driven migrants. Yet far from providing a safe space for refuge and rebuilding, South Africans have responded with increasing prejudice to the presence of Zimbabwean migrants.

The other protracted and simultaneous crisis is therefore the xenophobic intolerance and violence in South Africa in which Zimbabwean migrants have become enmeshed. Xenophobia is not simply a response to migration from Zimbabwe, however, but part of a more general post-apartheid response to the opening up of South Africa to migrants from the rest of Africa and further afield.[16] The targets of xenophobia and xenophobic violence are all foreign migrants and refugees, although the particular circumstances of migration from Zimbabwe have done little to insulate or protect Zimbabwean migrants. Zimbabwean migrants in South Africa who fled political violence and/or the desperate economic circumstances in their country of origin, have faced the daunting challenge of securing employment and re-building their lives in South Africa, while continuing to face routine challenges of discrimination, social exclusion, xenophobic harassment and violence.[17]

Whether opposition to immigration, negative attitudes towards and stereotyping of migrants, and restrictive policies constitute a 'crisis' is certainly debatable, for much of the world would then fall into this category. In a world of sovereign states, most would defend the right of the South African government to decide what kind of migration policy it wishes to follow and understand why South Africans might resent migrants whom they feel, however mistakenly, are depriving them of their entitlements as citizens. At the same time, South Africa is often singled out as a uniquely xenophobic society, or as the migrant quoted in the epigraph observed, South Africans are "the owners of xenophobia." Researchers have attached various labels to South African xenophobia

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[15] Crush, J. & Tevera, D. (eds.). *Zimbabwe's Exodus: Crisis, Migration, Survival* (Ottawa: IDRC).

[16] Crush, J. and Ramachandran, S. (2014). *Xenophobic Violence in South Africa: Denialism, Minimalism, Realism.* SAMP Migration Policy Series No 66, Cape Town and Waterloo.

[17] Hungwe, C. and Gelderblom, D. (2014). Understanding the Social Exclusion of Zimbabwean Migrants in Johannesburg, South Africa. *Journal of Community Positive Practices* 14: 75-91; Idemudia, E., Williams, J. and Wyatt, G. (2013). Migration Challenges Among Zimbabwean Refugees Before, During and Post Arrival in South Africa. *Journal of Injury and Violence Resolution* 5: 17-27; Manik, S. (2014). `We are Working Hand to Mouth': Zimbabwean Teachers' Experiences of Vulnerability in South Africa. *Migration and Ethnic Themes* 30: 171-191; Muzondidya, J. (2010). *Makwerekwere*: Migration, Citizenship and Identity Among Zimbabweans in South Africa. In J. McGregor and R. Primorac (eds.) *Zimbabwe's New Diaspora: Displacement and the Cultural Politics of Survival* (New York and Oxford: Berghahn Books), pp. 37-58.

including "the politics of fear", "a new pathology", "the dark side of democracy", "apartheid vertigo", "the demons within" and "new racism".[18]

Rather than seeing South Africa as exceptional or as an aberration, however, it would be more fruitful to view it as one point on a spectrum of intolerance and as offering salutary lessons for other jurisdictions – both on the drivers of xenophobia and how to respond to its malevolent effects. The main reason is that xenophobia is on the rise in both the global North and South and if its general and specific causes are not understood, recognised and addressed, then it has the potential to escalate into the kind of violence regularly witnessed in South Africa.[19]

The crisis of xenophobia in South Africa is defined by discrimination and intolerance to which migrants are exposed on a daily basis, which assumes an acute, volatile and violent form at particular moments. Recurrent episodes of xenophobic violence represent 'tipping points' or intense moments in the general ongoing crisis of xenophobia. In this report, we therefore propose a distinction between routine and extreme forms of xenophobia. Routine xenophobia manifests itself in negative stereotyping, exclusionary language, verbal denigration, denial of access to services such as health and education, and insistent demands from citizens that government rid their communities and the country of 'foreigners'.

But the nub of the crisis of xenophobia in South Africa is when feelings of hostility and intolerance manifest as extreme xenophobia which Crush and Ramachandran define as "a heightened form of xenophobia in which hostility and opposition to those perceived as outsiders and foreigners is strongly embedded and expressed through aggressive acts directed at migrants and refugees (and) recurrent episodes of violence.[20] Recent national surveys of South African citizens by the Southern African Migration Programme (SAMP) found that a significant minority were willing to resort to violence against migrants. As many as a quarter said it was likely or very likely that they would take action to prevent migrants moving into or opening a business in their home area, and one in ten that they were likely to use violence against migrants in their community.[21]

The deadliest examples of extreme xenophobia in South Africa to date were high-profile and widespread violence against migrants and refugees in May 2008 and March 2015. The nature and impacts of the 2008 crisis are now well-documented, although there remain differences of opinion about its causes.[22] For all its strengths, the literature on May 2008 tends to treat the

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[18] Respectively: Adjai, C. and Lazaridis, G. (2013). Migration, Xenophobia and New Racism in Post-Apartheid South Africa. *International Journal of Social Science Studies* 1: 192-205; Crush, J. (2000). The Dark Side of Democracy: Migration, Xenophobia and Human Rights in South Africa. *International Migration* 38: 103-134; Harris, B. (2002). Xenophobia: A New Pathology for a New South Africa?. In D. Hook and G. Eagle (eds.), *Psychopathology and Social Prejudice* (Cape Town: UCT Press), pp. 169-184; Landau, L. (ed.) (2012). *Exorcising the Demons Within: Xenophobia, Violence and Statecraft in Contemporary South Africa* (Johannesburg: Wits University Press); Matsinhe, D. (2011). *Apartheid Vertigo: The Rise in Discrimination against Africans in South Africa* (Farnham: Ashgate); Neocosmos, M. (2008). The Politics of Fear and the Fear of Politics: Reflections on Xenophobic Violence in South Africa. *Journal of Asian and African Studies* 43: 586-594.

[19] Adam, H. (2015). Xenophobia, Asylum Seekers, and Immigration Policies in Germany. *Nationalism and Ethnic Politics* 21: 446-464; Crush, J. and Ramachandran, S. (2010). Xenophobia, International Migration and Development. *Journal of Human Development and Capabilities* 11: 209-228; Taras, R. (2012). *Xenophobia and Islamophobia in Europe* (Edinburg: Edinburgh University Press); Whitaker, B. and Giersch, J. (2015). Political Competition and Attitudes towards Immigration in Africa. *Journal of Ethnic and Migration Studies* 41: 1536-1557.

[20] Crush, J. and Ramachandran, S. (2014).

[21] Crush, J. (2008). *The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa.* SAMP Migration Policy Series No. 50, Cape Town; Crush, J., Ramachandran, S. and Pendleton, W. (2013*). Soft Targets: Xenophobia, Public Violence and Changing Attitudes to Migrants in South Africa After May 2008.* SAMP Migration Policy Series No. 64, Cape Town.

[22] Bekker, S. (2015). Violent Xenophobic Episodes in South Africa, 2008 and 2015. *African Human Mobility Review* 1: 229-252; Cabane, L. (2015). Protecting the 'Most Vulnerable'? The Management of a Disaster and the Making/Unmaking of Victims after the 2008 Xenophobic Violence in South Africa. *International Journal of Conflict and Violence* 9: 56-71; Crush, J. (2008); Hassim, S., Kupe, T. and Worby, E. (eds.) (2008). *Go Home or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa*

victims of xenophobic violence in rather undifferentiated fashion, leading to the assumption that all migrants – irrespective of national origin, legal status, length of time in the country and livelihood activity – were equally at risk. Yet, attitudinal surveys clearly show that South Africans differentiate between migrants of different national origin and that Zimbabweans are amongst the most disliked by South Africans.[23] Discussions of May 2008 also do not differentiate sufficiently between the types of targets that were attacked. For example, many African migrants and refugees operated small businesses in the informal economy of affected urban areas and these enterprises came under sustained attack during the wave of violence. In 2015, one of the explicit targets of the xenophobic attacks were informal businesses run by migrants and refugees.

As this report demonstrates, violent attacks on migrant and refugee entrepreneurs and their businesses have certainly not been confined to acute episodes of extreme xenophobia such as in May 2008 and March 2015.[24] Ongoing acts of extreme xenophobia have increasingly manifested in the form of collective violence targeted at migrant- and refugee-owned businesses. We refer to this phenomenon as chronic extreme xenophobia and a situation of continuous low-level crisis. The frequency and ferocity of such attacks have increased over time. The chronic form of extreme xenophobia has prompted various responses and remedial actions by migrants and refugees including paying protection money to the police, local authorities and taxi associations; beefing up personal and business security; arming in self-defence; avoiding neighbourhoods and public spaces known to be particularly dangerous; and moving away from the major cities in search of safer and less contested business environments in smaller urban centres.[25]

The focus of this report is an important sub-group of Zimbabwean migrants in South Africa: that is, those who earn their livelihoods through informal entrepreneurship in urban spaces. The primary rationale for choosing this sub-group is that both acute and chronic forms of extreme xenophobia have increasingly manifested in the form of violence against this group of migrants. Zimbabweans are not the only small business-owners who have become victims of acute and chronic extreme xenophobia in South Africa: attacks on migrants and refugees from other countries are also well documented.[26] However, there have been no studies to date specifically examining the case of migrant entrepreneurs from Zimbabwe trying to make a living in the South African informal economy.

This report is therefore a contribution to our understanding of the crisis of xenophobia in South Africa focused on a group of migrants who are an integral part of two other groups: Zimbabwean migrants as a whole and migrant and refugee entrepreneurs in general. It is also a contribution to the general literature on migrants in countries in crisis in a situation of intersectionality where migrants are in a double bind, forced to navigate a state of crisis in both the country of origin and the country of destination.

(Johannesburg: Wits University Press); Hayem, J. (2013). From May 2008 to 2011: Xenophobic Violence and National Subjectivity in South Africa. *Journal of Southern African Studies* 39: 77–97; Landau, L. (ed.) (2012); Steinberg, J. (2012). Security and Disappointment: Policing, Freedom and Xenophobia in South Africa. *British Journal of Criminology* 52: 345-360.

[23] Crush, J., Ramachandran, S. and Pendleton, W. (2013).

[24] Charman, A. and Piper, L. (2012). Xenophobia, Criminality and Violent Entrepreneurship: Violence Against Somali Shopkeepers in Delft South, Cape Town, South Africa. *South African Review of Sociology* 43: 81-105; Crush, J. and Ramachandran, S. (2015a). Doing Business with Xenophobia. In J. Crush, A. Chikanda and C. Skinner (eds.), *Mean Streets: Migration, Xenophobia and Informality in South Africa* (Ottawa: IDRC), pp. 25-59; Crush, J. and Ramachandran, S. (2015b). Migration Myths and Extreme Xenophobia in South Africa. In D. Arcarazo and A. Wiesbrock (eds.), *Global Migration: Old Assumptions, New Dynamics* (Santa Barbara, CA: Praeger), pp. 71-96; Tevera, D. (2013). African Migrants, Xenophobia and Urban Violence in Post-Apartheid South Africa. *Alternation* 7: 9-26.

[25] Crush, J. and Ramachandran, S. (2015a).

[26] Gastrow, V. (2013). Business Robbery, The Foreign Trader and the Small Shop: How Business Robberies Affect Somali Traders in the Western Cape. *SA Crime Quarterly* 43: 5-16; Gastrow, V. and Amit, R. (2015). The Role of Migrant Traders in Local Economies: A Case Study of Somali Spaza Shops in Cape Town. In J. Crush, A. Chikanda and C. Skinner (eds.), *Mean Streets: Migration, Xenophobia and Informality in South Africa* (Ottawa: IDRC), pp. 162-177; Piper, L. and Charman, A. (2016). Xenophobia, Price Competition and Violence in the *Spaza* Sector in South Africa. *African Human Mobility Review* 2: 332-361.

2. Research Methodology

The research for this report focused on a number of key, inter-related questions with a particular focus on the relationship between the double crisis and informal entrepreneurship by Zimbabwean migrants in the informal economy of South African cities:

- The nature of Zimbabwean participation in the South African informal economy including entrepreneurial motivations (survivalist or opportunity-driven), types of activities, business strategies and challenges, and contributions to the South African economy;
- The experiences of xenophobic attitudes, behaviours and violence of Zimbabwean migrant entrepreneurs in South Africa and the impact of xenophobia on their businesses and livelihoods;
- The business strategies adopted by Zimbabwean entrepreneurs to minimise their vulnerability to xenophobic violence and their responses when actually caught up in collective attacks.
- The response of the two governments to xenophobic violence targeting the informal economy and what strategies, if any, they have put in place to mitigate the situation of migrants whose businesses have been plundered or destroyed.
- The response of other stakeholders, including NGOs, CSOs, international organisations and migrant associations to xenophobic violence affecting migrants in the informal economy and the effectiveness of these responses.

In addition to a comprehensive review of the existing secondary and grey literature relevant to this topic, the research undertaken for this report included the following:

- Documentary research including review of all commissions of enquiry, independent reports, official press statements, and media reporting on xenophobic violence covering the period 2008 to 2016;
- SAMP surveys of migrant enterprises in the informal economy conducted in Cape Town and Johannesburg in 2015. This survey captured a random sample of over 1,000 migrant-owned businesses, of which 304 were run by migrants from Zimbabwe. For the purposes of this report, we extracted a database of the subset of Zimbabweans which amounted to 186 in Johannesburg and 118 in Cape Town. The informal enterprises had to meet three basic criteria for inclusion in the study: (a) owned by a Zimbabwean; (b) in operation for at least two years; and (c) unregistered with the South African Revenue Services (SARS).
- In-depth interviews were conducted with 46 Zimbabwean informal entrepreneurs in mid-2016 who were operating businesses in Johannesburg (18), Cape Town (19) and Polokwane (9) (Annex A);
- A total of 30 key informant interviews were undertaken in Cape Town, Johannesburg, Polowane and Harare with representatives of NGOs, human rights organisations, Zimbabwean migrant associations, international organisations, the South African Department of Home Affairs and the City of Johannesburg (Annex B). Repeated requests were made for interviews with the Zimbabwe Consulate in South Africa and the Zimbabwean Department of Home Affairs. At time of writing, these requests had not been successful.

3. The Crisis in Zimbabwe

3.1.   Political Persecution, Economic Collapse

There is now a large literature on the causes, characteristics and impacts of the economic and political crisis and near-collapse of Zimbabwe into failed state status.[27] Some date the economic crisis from the imposition of the failed Structural Adjustment Programme in the 1990s, and out-migration from the country did start to increase during that decade.[28] But the general descent into economic and political chaos escalated rapidly after 2000 and is generally reckoned to have reached its nadir in 2008. Until 2014, the Failed States Index consistently identified Zimbabwe as one of the top ten countries in the world at high risk for widespread catastrophe, ranking not far below states that have experienced protracted violent conflict and civil war like Somalia, the Democratic Republic of Congo and Sudan.

The depth of the crisis in Zimbabwe is indicated by the fact that by 2008, inflation had reached 231 million % (making the Zimbabwean dollar completely worthless); the collapse of the country's manufacturing, tourism and commercial agricultural sectors; the shuttering of banks; mass layoffs and unemployment soaring to over 75%; deepening urban and rural poverty and food insecurity. Exacerbating the crisis and hardship for ordinary citizens was a government assault on all forms of informal activity and a crisis of failure of urban livelihoods.[29] In 2005, the Mugabe government launched Operation Murambatsvina (Restore Order/Clear the Trash) which attempted to destroy all forms of informality (including housing and livelihoods) in the urban areas of the country. An estimated 650,000 to 700,000 people lost their homes and livelihoods. According to Potts, "the possible motives for this terrible campaign involved a lethal mix of vindictive electoral politics, a particularly strong attachment to planned environments, and a wish to reduce the urban population for political and economic reasons. A major (unsuccessful) objective was to forcibly displace, to rural areas, those urban people whose houses were demolished".[30]

Mass out-migration was a "perfectly predictable consequence of Zimbabwe's economic and social collapse"[31] Zimbabwe was transformed from a migrant receiving to a major global sending country in the space of two decades.[32] The mixed migration "exodus" affected all parts of the country and all social and economic strata.[33] Allied to the globally unprecedented shrinkage of the

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[27] Chan, S. and Primorac, R. (eds.) (2007). *Zimbabwe in Crisis: The International Response and the Space of Silence* (London: Routledge); Chiumbu, S. and Musemwa, M. (eds.) (2012). *Crisis! What Crisis? The Multiple Dimensions of the Zimbabwean Crisis* (Cape Town: HSRC); Derman, B. and Kaarhuis, R. (eds.) (2013). *In the Shadow of a Conflict: Crisis in Zimbabwe and Its Effects in Mozambique, South Africa and Zambia* (Harare: Weaver); Kararach, G. and Otieno, R. (eds.) (2016). *Economic Management in a Hyperinflationary Environment: The Political Economy of Zimbabwe, 1980-2008* (Oxford: OUP); Moore, D., Kriger, N. and Raftopoulos, B. (eds.) (2013*). 'Progress' in Zimbabwe?: The Past and Present of a Concept and a Country* (London: Routledge); Stoeffler, Q., Alwang, J., Mills, B. and Taruvinga, N. (2016). Multidimensional Poverty in Crisis: Lessons from Zimbabwe. *Journal of Development Studies* 52: 428-446.

[28] Potts, D. and Mutambirwa, C. (1998). 'Basics Are Now A Luxury': Perceptions of Structural Adjustment's Impact on Rural and Urban Areas in Zimbabwe. *Environment and Urbanization* 10: 55–76; Tevera, D. and Zinyama, L. (2002). *Zimbabweans Who Move: Perspectives on International Migration in Zimbabwe*. SAMP Migration Policy Series No. 25, Cape Town.

[29] Potts, D. (2006). 'Restoring Order'? Operation Murambatsvina and the Urban Crisis in Zimbabwe. *Journal of Southern African Studies* 32: 273-291; Vambe, M. (ed.) (2008). *The Hidden Dimensions of Operation Murambatsvina* (Harare: Weaver Press).

[30] Potts, D. (2010). Internal Migration in Zimbabwe: The Impact of Livelihood Destruction in Rural and Urban Areas. In J. Crush and D. Tevera (eds.), *Zimbabwe's Exodus: Crisis, Migration, Survival* (Ottawa and Cape Town: IDRC and SAMP), pp. 79-111, p.101.

[31] Crush, J. and Tevera, D. (eds.) (2010), p.1.

[32] Crush, J. and Tevera, D. (eds.) (2010); de Jager, N. and Musuva, C. (2016). The Influx of Zimbabweans into South Africa: A Crisis of Governance that Spills Over. *Africa Review* 8: 15-30; McGregor, J. and Primorac. R. (2010). *Zimbabwe's New Diaspora: Displacement and the Cultural Politics of Survival* (New York and Oxford: Berghahn Books).

[33] Crush, J. and Ramachandran, S. (2015b).

formal economy, there were what Howard-Hassman has described as "massive human rights violations" between 2000 and 2008.[34] This was a period of intense political conflict and human rights abuse in Zimbabwe, as internal and external challenges to the ruling political party, the Zimbabwe African National Union Patriotic Front (ZANU-PF) and the government of Robert Mugabe intensified. The formation and growth of the opposition Movement for Democratic Change (MDC) provided the first real political opposition to ZANU-PF since independence in 1980 and the government responded with considerable brutality.[35]

The formation of a Government of National Unity in 2009, following national elections, led to a decline in political persecution and stabilisation of the shattered economy. Zimbabwe's national economy made a strong recovery between 2009 and 2013, largely due to this political stability, the 'dollarisation' of the economy (which made US$ legal tender); and a new *laissez faire* policy towards the informal economy on which many households had come to depend.[36] The period of stability and growth came to an abrupt end with the disbanding of the Government of National Unity after the 2013 elections and a marked decline in the still fragile economy.[37] The years between 2009 and 2013 do not appear to have led to a slowing or decline in migration out of the country, although they made it more difficult for Zimbabweans to obtain refugee status in other countries. Clearly, the shocks of a decade of political and economic turmoil up to 2008 were so severe that they continued to reverberate.

In the latest Failed States Index, Zimbabwe remains a 'high alert' country. The extraordinary growth of around 9% during the period 2009 to 2012, albeit from a low base, has disappeared and there has been a continuous deceleration since then, from 3.8% growth in 2014 to an estimated 1.5% in 2015.[38] The World Bank estimates feeble economic growth of only 0.4% this year for the country.[39] Zimbabwe is thus a long way from returning to the pre-economic crisis era and poverty and food insecurity remain endemic (Figure 1).[40] The negative effects on agricultural productivity of the *El Niño*-induced drought of 2015 have been compounded by global economic slowdown in which commodity prices are low and terms of trade unfavourable to Zimbabwe. In recent months, there have been renewed cash shortages, government failure to pay civil servant salaries, and growing public discontent over declining economic conditions.

Zimbabwe is therefore again experiencing a downward economic spiral, with emerging political fragilities and serious fiscal challenges. An added problem due to the sluggish global economy is the weakening of remittance flows to Zimbabwe, which perform a key function in supplementing incomes, particularly for the most vulnerable households.[41] The humanitarian situation is deteriorating steadily, with new estimates by the Zimbabwe Vulnerability Assessment Committee indicating that 4.1 million persons (42% of the rural population) will need food assistance in early 2017. This is expected to be the highest level recorded since 2009.

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[34] Howard-Hassman, R. (2010). Mugabe's Zimbabwe, 2000–2009: Massive Human Rights Violations and the Failure to Protect. *Human Rights Quarterly* 32: 898–920.

[35] Duri, F. (2016). From Victims to Agents: Zimbabweans and Xenophobic Violence in Post-Apartheid South Africa. In M. Mawere and N. Marongwe (eds), *Myths of Peace and Democracy: Towards Building Pillars of Hope, Unity and Transformation in South Africa* (Bamenda: Langaa Research and Publishing Group), pp. 21-60.

[36] Chan, S. and Primorac, R. (eds.) (2013). *Zimbabwe Since the Unity Government* (London: Routledge); Raftopolous, B. (2013a). *The Hard Road to Reform: The Politics of Zimbabwe's Global Political Agreement* (Harare: Weaver Press); Richardson, C. (2013). Zimbabwe: Why is One of the World's Least-Free Economies Growing so Fast?. Cato Institute Policy Analysis No. 722), Washington, D.C.

[37] Raftopolous, B. (2013b). The 2013 Elections in Zimbabwe: The End of an Era. *Journal of Southern African Studies* 39: 971-988.

[38] ADB (African Development Bank) (2013). *Zimbabwe, Country Brief 2013-2015*. African Development Bank, Centurion; ADB (2016). *Zimbabwe Country Profile*. African Development Bank, Centurion.

[39] World Bank. (2016). *Macro Poverty Outlook for Zimbabwe*. Washington, D.C.: World Bank Group.

[40] Kararach, G. and Otieno, R. (eds.) (2016).

[41] KNOMAD (2016). *Migration and Remittances: Recent Developments and Outlook*. Migration and Development Brief No. 26, World Bank, Washington D.C.

Figure 1:Poverty and Food Insecurity in Zimbabwe (2011-2017)
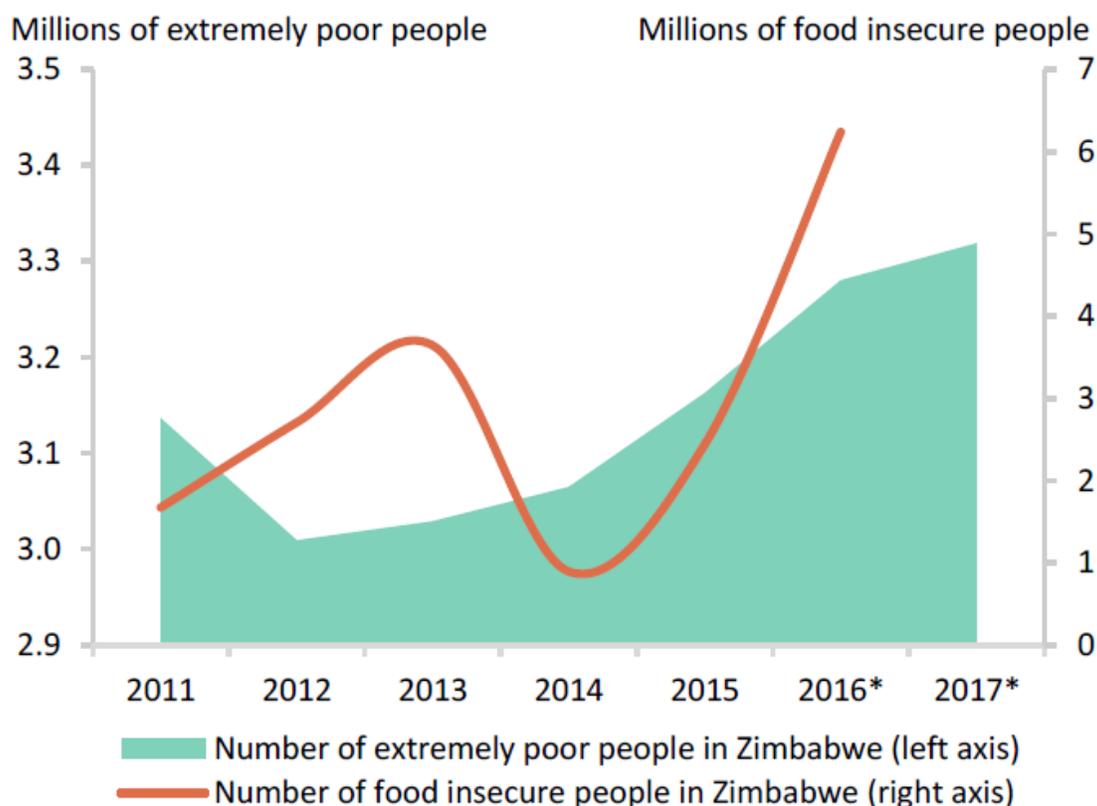
Source: World Bank (2016)

A major consequence of the protracted economic crisis in Zimbabwe has been extensive informalisation of the economy. FinMark Trust estimates that there are now as many as 3.5 million micro, small and medium enterprises in the country.[42] Of these, two million (or 71%) are individual entrepreneurs and 800,000 (29%) have employees. 46% of the adult population nationally are small business owners. Nearly half report that the business is their only source of income. Informal cross-border trading (ICBT) with neighbouring countries such as Botswana, South Africa and Zambia has also become a significant livelihood activity for many.[43]

Although the volume of ICBT is unknown, a recent SAMP survey of over 500 traders in Harare found that the trade was female-dominated (68% women).[44] Nearly 90% had started their businesses in the post-2000 era and most had never held a formal sector job. The traders cited a number of business challenges including long delays at the border, heavy import duties, theft,

[42] Finmark Trust (2014). *FinScope MSME Survey Zimbabwe 2012* (Harare: Finmark Trust).

[43] Ama, N., Mangadi, K., Okurut, F. and Ama, H. (2013). Profitability of the Informal Cross-Border Trade: A Case Study of Four Selected Borders of Botswana. *African Journal of Business Management* 7: 4221-4232; Chikanda, A. and Tawodzera, G. (2017). *Informal Entrepreneurship and Informal Cross-Border Trade Between Zimbabwe and South Africa*. SAMP Migration Policy Series No. 74, Cape Town and Waterloo; Kachere, W. (2011). Informal Cross-Border Trading and Poverty reduction in the Southern African Development Community: The Case of Zimbabwe. PhD Thesis, University of Fort Hare, South Africa; Makombe, P. (2011). *Informal Cross-Border Trade and SADC: The Search for Greater Recognition*. Open Society Initiative for Southern Africa, Johannesburg; Muzvidziwa, V. (2015). Gendered Nature of Informal Crossborder Trade in Zimbabwe. *Journal of Social Development in Africa* 30: 131-46; Peberdy, S., Crush, J., Tevera, D., Campbell, E., Zindela, N., Raimundo, I., Green, T., Chikanda, A. and Tawodzera, G. (2015). Transnational Entrepreneurship and Informal Cross-Border Trade with South Africa. In J. Crush, A. Chikanda and C. Skinner (eds.), *Mean Streets: Migration, Xenophobia and Informality in South Africa* (Ottawa: IDRC), pp. 207-228.

[44] Chikanda, A. and Tawodzera, G. (2017).

and competition from other traders. Xenophobia in South Africa was not seen as a significant challenge with 78% saying their operations have not been affected by xenophobia at all and only 4% saying they had been affected a great deal. The primary reason is probably because the traders spend so little time in South Africa (an average 1.8 days per visit).

The biggest challenge confronting ICBT traders at the present time is Zimbabwean government policy. In June 2016, through Statutory Instrument 64 of 2016, the government banned the importation of a wide variety of goods by informal traders including various processed and tinned foods, bottled water, dairy products, household furniture, fertiliser, cotton fabric and some building materials. The announcement triggered widespread and sometimes violent protests by traders in Harare and at the Beitbridge border post between Zimbabwe and South Africa.[45] Circumventing the ban has now become a major clandestine activity by so-called 'night runners' who smuggle goods into the country on behalf of traders under cover of darkness.[46]

3.2.   Migrating Out of Crisis

Migration from Zimbabwe to South Africa is not a new phenomenon.[47] However, unlike other neighbouring countries such as Mozambique, Malawi, Botswana, Lesotho and Swaziland, the numbers of Zimbabweans migrating temporarily to South Africa was relatively limited for much of the twentieth century.[48] In part, this was because most migrants from these other countries worked on contract on the South African mines and commercial farms.[49] Local employers in Zimbabwe resisted the efforts of South African industry to recruit labour, fearing a loss of their own labour supply.[50] Indeed, for many decades Zimbabwe was an importer of migrant labourers from countries such as Malawi and Mozambique. In the 1970s, there was brief relaxation of this policy and the South Africans attempted, with limited success, to recruit Zimbabweans to work on the country's gold mines.[51] In the 1980s, after independence, many whites left the country and were welcomed by the apartheid government of the time.

Contemporary large-scale migration from Zimbabwe has its origins in the structural adjustments reforms of the 1990s when growing unemployment started to increase and a brain drain of skilled Zimbabweans began. However, it was not until 2000 as the political and economic situation began to deteriorate, that migration from Zimbabwe began to accelerate and become far more mixed in character.[52] The 2015 United Nations Department of Economic and Social Affairs (UNDESA) Bilateral Migration Database shows Zimbabwean migrants now live in at least 50 countries worldwide. Of the 856,345 documented Zimbabwean migrants outside the country, 252,569 (or 29%) were in the North and 603,776 (71%) were in the South. Neighbouring countries such as Botswana, Malawi, Mozambique, South Africa and Zambia are the major destinations for South–South migrants from Zimbabwe (Table 1). Some countries, especially in the North, recognise Zimbabweans as refugees and rates of acceptance of refugee claims are relatively high. Others, including South Africa, generally do not and rates are low. Fewer than 1% of Zimbabwean applications for asylum have been granted refugee status (amounting to less than 1,500 in total). Zimbabweans are officially categorised in South Africa as 'economic migrants' and

[45] Kalaba, M. (2016). Lessons to be Learnt from Zimbabwe's Blunt Use of an Import Ban. *The Conversation* 27 July; Scoones, I. (2016). Zimbabwe's Riots: The Rise of the Informal Trader and a New Political Economy. *The Conversation* 14 July.
[46] Keletso, P. (25 August, 2016). The Night Run: How Zimbabwean Traders are Dodging Suffocating Import Restrictions. *GroundUp*.
[47] Mlambo, A. (2010). A History of Zimbabwean Migration to 1990. In J. Crush and D. Tevera (eds.). *Zimbabwe's Exodus: Crisis, Migration, Survival* (Ottawa: IDRC and Cape Town: SAMP), pp. 52-78.
[48] Crush, J., Jeeves, A. and Yudelman, D. (1992). *South Africa's Labor Empire: A History of Black Migrancy to the Gold Mines* (Boulder: Westview).
[49] Crush, J., Jeeves, A. and Yudelman, D. (1992); Jeeves, A. and Crush, J. (eds.) (1997). *White Farms, Black Labor: The State and Agrarian Change in Southern Africa, 1910-1950* (Portsmouth NH: Heinemann).
[50] Jeeves, A. (1986). Migrant Labour and South African Expansion, 1920-50. *South African Historical Journal* 18: 73-92.
[51] Crush, J., Jeeves, A. and Yudelman, D. (1992).
[52] Crush, J. and Ramachandran, S. (2015b).

are not afforded the rights and protections of the 1998 Refugees Act, including the right to work and earn a livelihood.

Table 1: Major Destination Countries for Zimbabwean Migrants (2015)

Country of Destination	Number of Migrants
South Africa	475,406
United Kingdom	132,942
United States	50,001
Australia	38,843
Malawi	36,753
Botswana	31,625
Mozambique	25,429
Zambia	19,503
Namibia	13,247
Canada	11,118
New Zealand	8,416
Ireland	3,098
Netherlands	1,423
Portugal	1,109
Switzerland	1,074

Source: Compiled from: UNDESA (2015). *International Migrant Stock 2015*. Dataset. United Nations.

The only available time series data comes from official South African entry figures collected at land and air ports of entry. Data on exits from the country is unavailable. The data set excludes undocumented migration but shows how legal entries from Zimbabwe to South Africa (for all purposes) began to rise in the early 1990s and peaked in 1995 when the South African government imposed visa restrictions on Zimbabweans (Figure 2).The apparent reduction and stabilisation in migration numbers during the visa period (1995–2005) was offset by irregular migration which increased significantly during this decade. From 2005 onwards, when visa requirements were abolished by South Africa, there was an inexorable increase in cross-border movement that has shown few signs of abating. There was a small decline in 2007-8, but the economic recovery between 2009 and 2012 appears to have had no impact as the numbers continued to rise and passed two million per annum for the first time in 2013.

Figure 2:Legal Entries to South Africa from Zimbabwe (1983–2014)
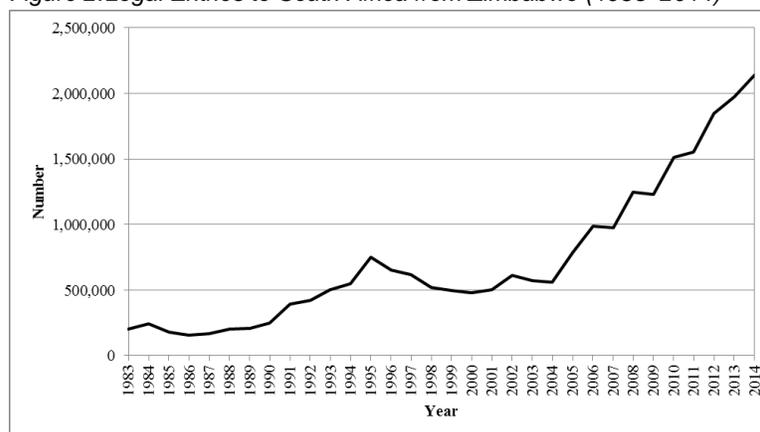
Source: Compiled from Statistics South Africa data

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The crisis-driven nature of migration from Zimbabwe is reflected in the reasons given by migrants for leaving the country. Makina interviewed over 4,000 Zimbabweans in Johannesburg in 2007.[53] Figure 2 shows the primary reason given for migration by year of first migration. Political reasons were cited as the most important reason for migration between 2002 and 2006 (a period of intense political conflict and crisis). After 2006, economic conditions in Zimbabwe and employment opportunities in South Africa became the most important factors, as they had been before 2001.

Figure 3: Main Reason for Leaving Zimbabwe by Year of Departure
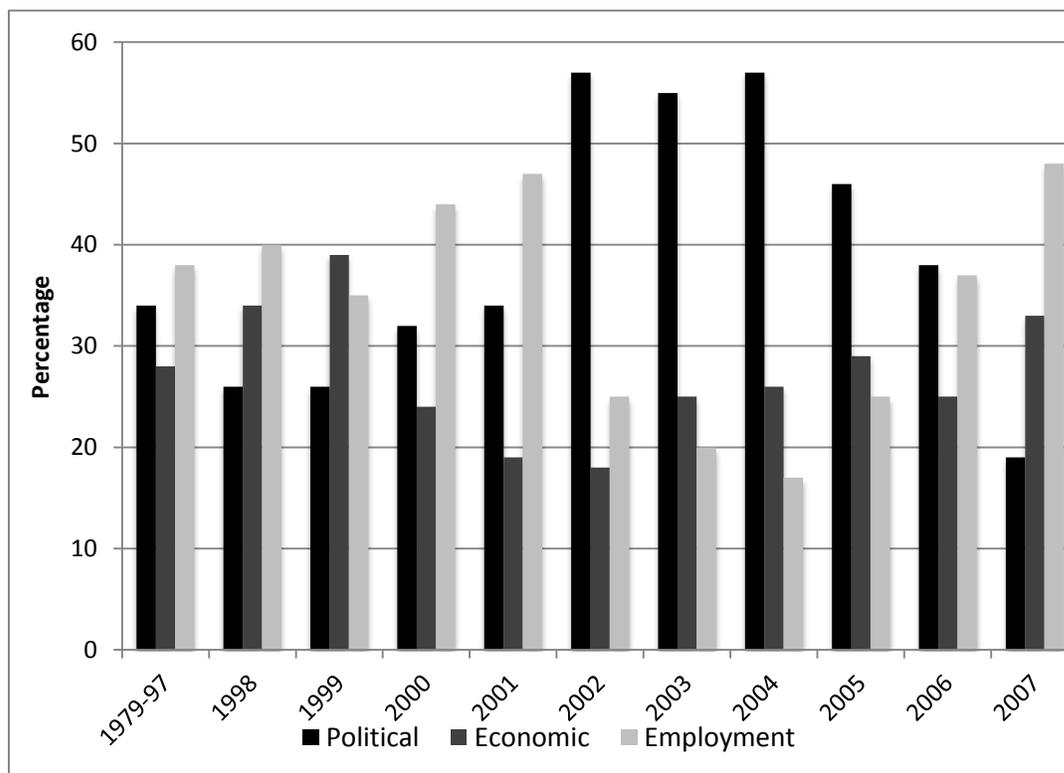
Source: Makina, D. (2010), p.229.

SAMP's survey of 500 Zimbabwean migrants who had come to South Africa between 2005 and 2010 confirmed the importance of poor economic prospects and living conditions in Zimbabwe as drivers of migration, with 84% citing overall living conditions, and 44% citing food and hunger as reasons for migrating (Table 2).[54] Given continued limited job opportunities in Zimbabwe, the main pull factors were the search for formal and informal employment in South Africa (given by 71% and 30% of interviewees respectively). The decline in forced migration first observed by Makina is clear with only 11% of the migrants giving political persecution or the search for asylum as a reason for migrating from Zimbabwe.[55]

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[53] Makina, D. (2010). Zimbabwe in Johannesburg. In J. Crush and D. Tevera (eds.), *Zimbabwe's Exodus: Crisis, Migration, Survival* (Ottawa: IDRC), pp. 225-243.
[54] Crush, J. and Ramachandran, S. (2015b).
[55] Makina, D. (2010).

Table 2: Reasons for Migration from Zimbabwe to South Africa (2005–2010)

Push Factors	%
Overall living conditions	84.0
Food/hunger	44.4
Education/ schools	13.2
Safety of self/family	15.0
Asylum	6.2
Political exile	4.6
Drought	4.2
Pull Factors	%
Informal sector job	71.2
Formal sector job	30.2
Moved with family	16.4
Attractions of urban life	6.2
Marriage	5.6
Freedom/democracy/peace	2.6
Sent to live with family	1.4
Housing	0.3

Note: multiple response question
Source: SAMP

Zimbabwe's crisis-driven migration is not confined to job-seekers or one particular demographic or age group, however. The Zimbabwean migrant population in South Africa is extremely heterogeneous and comprises both sexes (in roughly equal numbers), all age groups from young children to seniors, and all education and skill levels. Crush et al. found that there were more female migrants, a greater proportion of youth migrants, and many more unmarried migrants and sons and daughters in households than in the past (Table 3).[56] Not captured in this table was the increase in family migration and unaccompanied child migration.[57]

Betts and Kaytaz label the exodus from Zimbabwe an example of "survival migration" which they define as including refugees and also "people who are forced to cross an international border to flee state failure, severe environmental distress, or widespread livelihood collapse".[58] Under conditions of survival migration, the traditional distinction between refugees and economic migrants breaks down.[59] The argument that all Zimbabwean migrants should be defined as 'survival migrants', while superficially attractive, requires closer scrutiny. For example, it is based in part on the view that conditions in Zimbabwe are so dire that out-migration for survival is the only option.

However, this does not explain why the majority of Zimbabweans have not left nor the role of migration in reducing pressures for further out-migration through remittances.[60] The argument that all Zimbabweans are 'survival migrants' also runs the danger of homogenising migrant flows

[56] Crush, J. and Ramachandran, S. (2015b).
[57] Save the Children UK (2007). *Children on the Move: Protecting Unaccompanied Migrant Children in South Africa and the Region*. London: Save the Children UK.
[58] Betts, A. and Kaytaz, E. (2009). *National and International Responses to the Zimbabwean Exodus: Implications for the Refugee Protection Regime*. Research Paper No. 175, UNHCR, Geneva, p.2.
[59] Betts, A. (2013). *Survival Migration: Failed Governance and the Crisis of Displacement* (Ithaca, NY: Cornell University Press).
[60] Crush, J. and Tevera, D. (eds.) (2010).

and downplaying the heterogeneity of migration movement out of the country. The argument that all migrants from Zimbabwe are 'survival migrants' also seems to rest on the admittedly desperate situation of migrants in squalid transit shelters in the border town of Musina and at overcrowded safe havens such as the Central Methodist Church in Johannesburg.[61] The idea of 'survival migration' fits with this sub-set of Zimbabwean migrants but certainly does not encompass them all.

Table 3: Demographic Profile of Zimbabwean Migrants (2010)

Sex	%
Male	56
Female	44
Age	
15 – 24	31
25 – 39	59
>40	10
Marital Status	
Unmarried	49
Married	41
Formerly married *	10
Status in Household	
Household Head	28
Spouse	15
Sons/Daughters	43
Other Family	12
Other	2
* Separated/divorced/abandoned/widowed	

Source: Crush, J. and Ramachandran, S. (2015b).

Far from being the desperate and destitute people conveyed by images of 'survival migration', many Zimbabwean migrants to South Africa exhibit considerable ingenuity, industry and energy. Crush et al. found that 62% of post-2004 Zimbabwean migrants surveyed in Cape Town and Johannesburg were employed and another 20% worked in the informal economy.[62] Only 18% were unemployed including 14% who had never had a job in South Africa. At the same time, increasing numbers were doing more menial jobs including a quarter in manual work, 13% in the service industry and 8% in domestic work (Table 4). A longitudinal study of day labourers in Tshwane clearly demonstrates the increase in Zimbabweans seeking casual work from 7% in 2004 to 33% in 2007 to 45% in 2015 (Figure 4).[63]

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[61] Betts, A. and Kaytaz, E. (2009); Kuljian, C. (2013). *Sanctuary* (Auckland Park: Jacana).

[62] Crush, J. and Ramachandran, S. (2015b).

[63] Blaauw, D., Pretorius, A. and Schenck, R. (2016). Day Labourers and the Role of Foreign Migrants: For Better or for Worse?. *Econ 3x3* May.

Table 4: Occupations of Zimbabwean Migrants (2010)

	%
Manual worker	23.8
Professional	14.1
Service worker	12.6
Domestic worker	8.4
Security	4.1
Office worker	4.1
Student	2.9
Employer/manager	1.0
Unemployed	18.0

One of the major consequences of migration from Zimbabwe to South Africa has been a reverse flow of remittances in cash and goods, particularly food. Without remittances the flow of migrants from Zimbabwe to South Africa would have been even larger since remittances exercised a stabilising effect and encouraged some family members to remain behind. [64] There is considerable evidence that remittances are primarily used for basic household expenditures such as food, clothing, health and education.[65] The actual volume of remittances, and how this might have changed over time, is not known since the use of informal channels is common.[66] The World Bank bilateral remittances database contains a blank cell for remittance flows from South Africa to Zimbabwe. Two recent studies have estimated the total annual amount of cash remittances from South Africa to Zimbabwe at between ZAR 5 and ZAR 7 billion (3 and 5 billion EUR).[67] However, both estimates are based on the remitting behaviour of small samples and unsubstantiated assumptions about the size of the Zimbabwean population in South Africa.

Makina and Masenge argue that the level of remitting first increases with the time spent in South Africa and later declines after an estimated 8 years of migration experience.[68] They also found that the level of remittances was positively related to the number of dependents in Zimbabwe, legal status, access to banking, and income and savings levels, and negatively related to

[64] Crush, J. and Tevera, D. (eds.) (2010); Egger, M., Landau, L., Litchfield, J., Mutopo, P. and Nyikahadzoi, K. (2015). *Migrating Out of Poverty in Zimbabwe*. WP 29, Migrating Out of Poverty Consortium, Brighton.

[65] Bracking, S. and Sachikonye, L. (2010). Migrant Remittances and Household Wellbeing in Urban Zimbabwe. *International Migration* 48: 203-227; Dzingirai, V., Mutopo, P. and Landau, L. (2014). *Confirmations, Coffins and Corn: Kinship, Social Networks and Remittances from South Africa to Zimbabwe*. WP 18, Migrating Out of Poverty Consortium, Brighton; Maphosa, F. (2007). Remittances and Development: The Impact of Migration to South Africa on Rural Livelihoods in Southern Zimbabwe. *Development Southern Africa* 24: 123-136; Mishi, S. and Mudziwapasi, L. (2014). Remittances and Sustainability of Family Livelihoods: Evidence from Zimbabwe. *Journal of Economics and Behavioral Studies* 6: 958-973; Tevera, D. and Chikanda, A. (2009). Development Impact of International Remittances: Some Evidence from Origin Households in Zimbabwe. *Global Development Studies* 5: 273–302.

[66] Makina, D. (2013a). Financial Access for Migrants and Intermediation of Remittances in South Africa. *International Migration* 51: e133-e147; (2013b). Migration and Characteristics of Remittance Senders in South Africa. *International Migration* 51: e148-e158; Tevera, D., Crush, J. and Chikanda, A. (2010). Migrant Remittances and Household Survival in Zimbabwe. In J. Crush and D. Tevera (eds.), *Zimbabwe's Exodus: Crisis, Migration, Survival* (Ottawa and Cape Town: IDRC and SAMP), pp. 307-323; Thebe, V. (2010). From South Africa With Love: The 'Malayisha' System and Households' Quest for Livelihood Reconstruction in South-Western Zimbabwe. *Journal of Modern African Studies* 49: 647-670; (2015). The Malayisha Industry and the Transnational Movement of Remittances to Zimbabwe. In J. Crush, A. Chikanda and C. Skinner (eds.), *Mean Streets: Migration, Xenophobia and Informality in South Africa* (Ottawa: IDRC), pp. 194-206.

[67] Orpen, G. (2015). *Remittances from South Africa to SADC*. FinMark Trust, Pretoria; von Burgsdorff, D. (2012). *Strangling the Lifeline: An Analysis of Remittance Flows from South Africa to Zimbabwe*. Report for PASSOP, Cape Town.

[68] Makina, D. and Masenge, A. (2015). The Time Pattern of Remittances and the Decay Hypothesis: Evidence from Migrants in South Africa. *Migration Letters* 12: 79-90.

education level, return intentions, frequency of home visits and economic and political reasons for migrating. On the other hand, Crush et al.'s study of Zimbabwean migrants who arrived in South Africa for the first time after 2004 argues that this cohort remits less, and less frequently, than its predecessors.[69] They attribute this to the greater incidence of family migration and the fact that the nature of migration is changing with greater interest amongst migrants in settling permanently or semi-permanently in South Africa.

Figure 4:Zimbabwean Day Labourers in Tshwane (2004–2015)
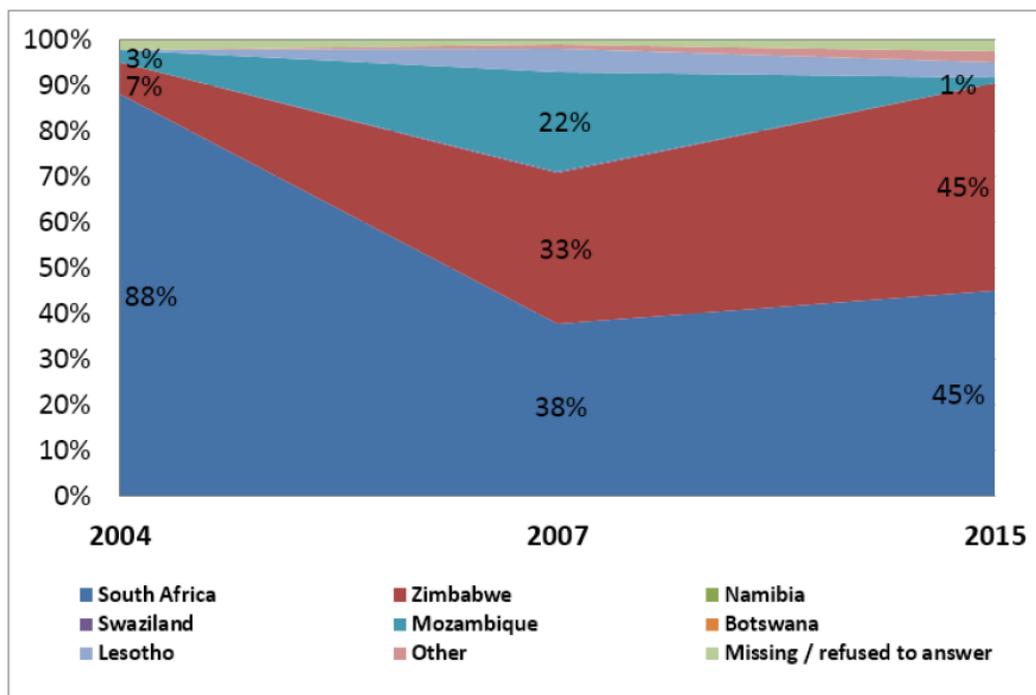
Source: Blaauw, D., Pretorius, A. and Schenck, R. (2016), p.3.

The legal status of Zimbabweans in South Africa has fluctuated over time. At present, most Zimbabweans in South Africa either hold work permits or short-term visitor's permits which allow a stay of up to 90 days. The number holding wok permits greatly increased (to close to 300,000) in 2010 when the South African government introduced an immigration amnesty for Zimbabweans (see below). Prior to that, many Zimbabweans had been applying for, and automatically receiving, asylum-seeker permits. Very few Zimbabweans (less than 3,000) have ever been granted full refugee status in South Africa. At the present time, around 20-30,000 Zimbabweans per annum are still acquiring asylum-seeker permits. The numbers who are in the country without any documentation or who entered legally and have overstayed is unknown but is probably not as large as the media often claims (that is, in the millions). The Southern African Development Community (SADC) Draft Protocol on the Facilitation of Movement has never been implemented so has had no material effect on facilitating migration from Zimbabwe.

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[69] Crush, J. and Ramachandran, S. (2015b).

3.3. South African Policy Responses to Crisis Migration

Polzer has reviewed the response of the South African government to the political and economic crisis in Zimbabwe and observed that "a rapid influx of hundreds of thousands of people would be treated by most countries as a serious crisis requiring immediate attention".[70] On the contrary, South Africa's official reaction to this movement has been characterised by "a studied determination not to acknowledge that anything is out of the ordinary".[71] In May 2007, President Thabo Mbeki even noted that the influx was just "something we have to live with".[72] In general, what has struck most observers about the South African response is the "totality of the silence" from Parliament and the central government. The failure to provide any kind of strategic policy response to the influx is seen as consistent with South Africa's foreign policy of accommodation of the Mugabe regime and associated downplaying and minimisation of the magnitude of the crisis in Zimbabwe itself.[73]

The policy silence towards crisis-driven migration from Zimbabwe did not mean paralysis on the ground, as the Department of Home Affairs (DHA) and the South African Police Services (SAPS) intensified efforts to identify, arrest and deport Zimbabweans from South Africa back to Zimbabwe. Between 2000 and 2013, South Africa deported over two million migrants, of whom 960,000 (or 42%) were from Zimbabwe (Table 5). Deportations peaked in 2007 and 2008, when the economic crisis in Zimbabwe was at its most severe. In part of 2010 and 2011, there was a temporary moratorium on deportations to Zimbabwe, which resumed again in 2012. There is little evidence that mass deportations were anything other than a costly failure as most of those deported soon returned.[74] The deportation machinery was also plagued by bribery, corruption and abuse of migrants' basic human rights.[75]

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[70] Polzer, T. (2010). Silence and Fragmentation: South African Responses to Zimbabwean Migration. In J. Crush and D. Tevera (eds.), *Zimbabwe's Exodus: Crisis, Migration, Survival* (Ottawa and Cape Town: IDRC and SAMP), pp. 377-399.

[71] Polzer, T. (2010), p.377.

[72] Polzer, T. (2010), p.387.

[73] Lipton, M. (2009). Understanding South Africa's Foreign Policy: The Perplexing Case of Zimbabwe. *South African Journal of International Affairs* 16: 331-346; Polzer, T. (2010).

[74] Mthembu-Salter, G., Amit, R., Gould, C. and Landau, L. (2014). *Counting the Cost of Securitising South Africa's Immigration Regime*. Working Paper No. 20, Migrating Out of Poverty Research Consortium, University of Sussex, Brighton.

[75] Amit, R. and Kriger, N. (2014). Making Migrants 'Il-legible': The Policies and Practices of Documentation in Post-Apartheid South Africa. *Kronos* 40: 269-290; Hornberger, J. (2008). Policing Xenophobia – Xenophobic Policing: A Clash of Legtimacy. In S. Hassim, T. Kupe and E. Worby (eds.), *Go Home or Die Here* (Johannesburg: Wits University Press), pp. 132-143; Sutton, R. and Vigneswaran, D. (2011). A Kafkaesque State: Deportation and Detention in South Africa. *Citizenship Studies* 15: 627-642; Vigneswaran, D. (2008). *Making Mobility a Problem: How South African Officials Criminalize Migration*. Political Geography 27: 783–801; (2011). Taking Out the Trash? A 'Garbage Can' Model of Immigration Policing. In L. Landau (ed.), *Exorcising the Demons Within* (Johannesburg: Wits University Press) pp. 150-172; Vigneswaran, D., Araia, T., Hoag, C. and Tshabalala, X. (2010). Criminality or Monopoly? Informal Immigration Enforcement in South Africa. *Journal of Southern African* Studies 36: 465-481.

Table 5: Deportations of Zimbabweans from South Africa (2000–2013)

Year	Number of Zimbabwean deportations	Total deportations from South Africa	Zimbabwean deportations as % of total deportations
2000	45,922	145,575	31.5
2001	47,697	156,123	30.6
2002	38,118	135,870	28.1
2003	55,753	164,808	33.8
2004	72,112	167,137	43.1
2005	97,433	209,988	46.4
2006	109,532	266,067	41.2
2007	204,827	312,733	65.5
2008	164,678	280,837	58.6
2009	35,693	105,960	33.7
2010	4,805	56,793	8.5
2011	10,100	65,383	15.4
2012	38,897	103,259	37.8
2013	35,251	113,554	31.0
Totals	**960,818**	**2,284,787**	**42.1**

Source: DHA (South Africa) Annual Reports

Mass deportations prompted an immediate counter-response by many migrants who were seeking to legalise their stay in South Africa. Under Section 22 of South Africa's 1998 Refugees Act, all asylum-seekers are entitled to apply for and be granted a six month renewable asylum-seekers permit which legalises their stay in the country. The law was unclear on whether asylum-seekers (as opposed to refugee permit holders) were allowed to work or study in the country. In 2003, the South African Supreme Court of Appeal ruled that asylum-seekers did, in fact, have such rights in a case involving the Minister of Home Affairs versus Muriel Watchenuka, a Zimbabwean migrant in South Africa.[76] While the new South African Green Paper on International Migration proposes to deny asylum-seekers such rights, from 2003 to the present they have been able to work and study pending adjudication of their application for refugee status.[77]

As a direct result of the Watchenuka judgement, as well as the intensification of deportations, Zimbabwean applications for asylum rose from less than 200 in 2002 to nearly 20,000 in 2006 and to almost 150,000 in 2009 (Figure 5). Thus, the unintended consequence of mass deportations and the 'total silence' surrounding a coherent policy response to crisis migration from Zimbabwe was that South Africa's refugee determination system was quickly overwhelmed by Zimbabwean asylum-seekers. Applications by Zimbabweans for asylum comprised more than half (51%) of the total received in South Africa during the period 2000-2012. In 2010 alone, Zimbabweans made up 81% of the applications for asylum. A total of 587,520 asylum applications were received from Zimbabweans in South Africa between 2003 and 2015, of which only 153,924 (26%) were adjudicated. However, only 1,292 Zimbabweans were granted refugee status over the entire period (an approval rate of less than 1% and amongst the lowest globally), adding credence to the view that the South African government considers Zimbabwean asylum-seekers to be economic rather than forced migrants (Table 6).

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[76] Supreme Court of Appeal (2003). *Minister of Home Affairs et al v Muriel Millie Watchenuka*. Case No. 10/2003.
[77] DHA (2016). *Green Paper on International Migration* (Pretoria: Department of Home Affairs).

Table 6: Adjudication of Zimbabwean Refugee Claims (2003–2015)

Year	Applications	Decisions	Approved	Rejected	Approval Rate %
2003	2,588	25	9	16	36.0
2004	5,789	93	24	69	25.8
2005	7,783	271	83	187	30.7
2006	18,973	1,981	103	1,878	5.2
2007	17,667	1,894	271	1,623	14.3
2008	111,968	0	0	0	0.0
2009	149,453	15,701	200	15,370	1.3
2010	146,566	33,179	429	32,750	1.3
2011	51,031	15,987	83	15,904	0.5
2012	20,842	16,926	9	16,881	0.1
2013	16,670	16,816	65	15,978	0.4
2014	20,405	33,855	16	32,811	0.1
2015	17,785	17,206	0	17,203	0.0
Totals	**587,520**	**153,934**	**1,292**	**150,670**	**0.8**

Source: Compiled from: UNHCR Population Statistics database (2016).

Figure 5: Zimbabwean Asylum Applications in South Africa (2000–2010)
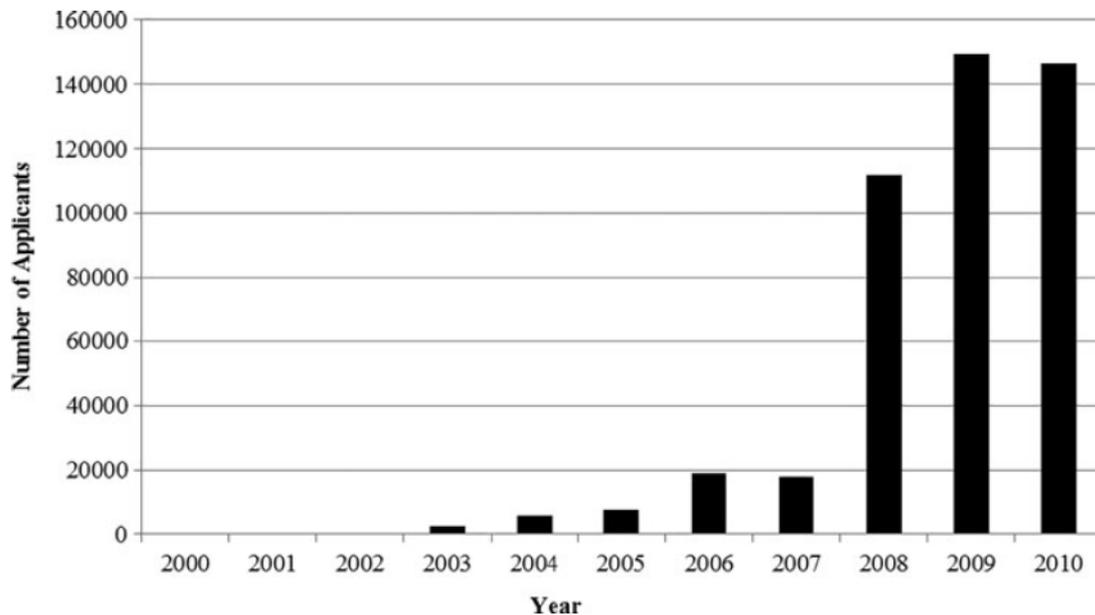
Source: Crush, J. and Ramachandran, S. (2015b).

The resort to asylum-seeker permits by Zimbabwean migrants mean that the South African refugee determination system became so overburdened that an asylum-seeker permit effectively

operated as a work permit.[78] To encourage Zimbabweans out of the refugee protection system and reset the clock, the government offered an "immigration amnesty" to Zimbabwean migrants in 2010 – the Zimbabwe Dispensation Programme or ZDP – with four-year residence and work permits.[79] Around 270,000 migrants took advantage of the offer. In 2014, new permits were issued for another 4 years.

Makina found a relatively high intention to return to Zimbabwe amongst his Johannesburg interviewees.[80] Two-thirds of his interviewees indicated that they intended to return and only a third said they intended to stay. Intention to return was positively related to sex (with males more likely to return than females), the reason for migrating (with those who left for economic reasons more likely than those who left for political reasons), whether or not they had dependants they supported in Zimbabwe (with those without dependants more likely to stay), level of education (with the more educated more likely than the less educated), economic activity, income (with higher earners less likely to return) and length of stay in South Africa (with recent migrants more likely to expect to return). Amongst migrants who had migrated in the worst years of the Zimbabwean crisis (between 2005 and 2010), however, Crush et al. found that 46% intended to stay for a few years and 21% to stay in South Africa indefinitely.[81] Another indicator of growing intention to remain in South Africa is the frequency of return visits to Zimbabwe. As Table 7 shows there was a marked difference between Zimbabwean migrants canvassed in 2005 and 2010.

Table 7: Frequency of Return to Zimbabwe

	2005 (%)	2010 (%)
At Least Once A Month	31	<1
Every Few Months	19	9
Once or Twice A Year	26	28
Less Frequently	25	9
Not Returned	0	46
Cannot Return	0	3
Will Never Return	0	2

Source: Crush, J. and Ramachandran, S. (2015b).

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[78] Kriger, N. (2010). The Politics of Legal Status for Zimbabweans in South Africa. In J. McGregor and R. Primorac, (eds.), *Zimbabwe's New Diaspora: Displacement and the Cultural Politics of Survival* (New York and Oxford: Berghahn Books), pp. 77-102.
[79] Thebe, V. (2016). Two Steps Forward, One Step Back": Zimbabwean Migration and South Africa's Regularising Programme (the ZDP). *Journal of International Migration and Integration* (online).
[80] Makina, D. (2012). Determinants of Return Migration Intentions: Evidence from Zimbabwean Migrants Living in South Africa. *Development Southern Africa* 29: 365-378.
[81] Crush, J. and Ramachandran, S. (2015b).

4. The Crisis of Xenophobia in South Africa

4.1.   Xenophobic Violence in 2008

The crisis of xenophobia in South Africa is generally associated with the 'perfect storm' of anti-migrant violence of May 2008. However, the 'crisis' is better viewed as an ongoing phenomenon with a number of different dimensions. First, there is pervasive negative attitudes and stereotyping among the general population of migrants and refugees, from the rest of Africa in particular. The strength of these xenophobic attitudes have been repeatedly demonstrated in attitudinal surveys.[82] Second, xenophobic treatment of migrants and refugees, often accompanied by hostile rhetoric and hate speech, has been well-documented in the public health sector, in schools and on the streets, including against many Zimbabwean migrants.[83] Third, xenophobic attitudes, language and treatment are all pre-conditions for xenophobic violence. Misago et al. describe the link as follows[84]:

> "Xenophobia in South Africa translates into a broad spectrum of behaviours including discriminatory, stereotyping and dehumanizing remarks; discriminatory policies and practices by government and private officials such as exclusion from public services to which target groups are entitled; selective enforcement of by-laws by local authorities; assault and harassment by state agents particularly the police and immigration officials; as well as public threats and violence commonly known as xenophobic violence that often results in massive loss of lives and livelihoods."

This report focuses primarily on xenophobic violence (or extreme xenophobia), which has been characterised above as manifesting in both an acute and chronic form. Violent attacks on migrants and refugees in South Africa have been documented from as early as the mid-1990s. Some of these incidents certainly affected migrants from Zimbabwe:

- In late 1994 and early 1995 in Alexandra, Johannesburg, an aggressive campaign called *buyelekhaya* (literally 'go home') unfolded when armed youth groups attempted to forcibly remove Mozambican, Zimbabwean and Malawian migrants, holding them responsible for increased crimes and unemployment. Some of the affected migrants were long-time residents of this township;
- In 2001, after a Zimbabwean migrant was blamed for the death of a South African woman, local residents attacked many migrants from Zimbabwe, ransacked 124 shacks and burned 74, and forced the occupants to abandon the Zandspruit settlement outside

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[82] Crush, J. (2000); Crush, J. (2008); Crush, J., Ramachandran, S. and Pendleton, W. (2013*). Soft Targets: Xenophobia, Public Violence and Changing Attitudes to Migrants in South Africa After May 2008*. SAMP Migration Policy Series No. 64, Cape Town; Gordon, S. (2015). The Relationship Between National Well-Being and Xenophobia in a Divided Society: The Case of South Africa. *African Review of Economics and Finance* 7: 80-103; (2016a). Welcoming Refugees in the Rainbow Nation: Contemporary Attitudes Towards Refugees in South Africa. *African Geographical Review* 35: 1-17; (2016b). A Desire for Isolation? Mass Public Attitudes in South Africa Toward Immigration Levels *Journal of Immigrant & Refugee Studies* DOI: 10.1080/15562948.2016.1151096; Gordon, S. and Maharaj, B. (2015). Neighbourhood-Level Social Capital and Anti-Immigrant Prejudice in an African Context: An Individual-Level Analysis of Attitudes Towards Immigrants in South Africa. *Comparative & Commonwealth Politics* 53: 197-219; Nyamnjoh, F. (2006). *Insiders and Outsiders: Citizenship and Xenophobia in Contemporary Southern Africa* (London: Zed Books).
[83] Crush, J. and Tawodzera, G. (2014a). Exclusion and Discrimination: Zimbabwean Migrant Children and South African Schools. *Journal of International Migration and Integration* 15: 677-693; (2014b). Medical Xenophobia and Zimbabwean Migrant Access to Public Health Services in South Africa. *Journal of Ethnic and Migration Studies* 40: 655-670; Hungwe, C. and Gelderblom, D. (2014). Understanding the Social Exclusion of Zimbabwean Migrants in Johannesburg, South Africa. *Journal of Community Positive Practices* 14: 75-91; Manik, S. (2014). `We are Working Hand to Mouth': Zimbabwean Teachers' Experiences of Vulnerability in South Africa. *Migration and Ethnic Themes* 30: 171-191.
[84] Misago, J-P., Freemantle, I. and Landau, L. (2015). *Protection from Xenophobia: An Evaluation of UNHCR's Regional Office for Southern Africa's Xenophobia Related Programmes* (Pretoria: UNHCR), p.17.

Johannesburg. South African women in relationships with Zimbabwean males were also attacked;

- In 2005, Zimbabwean and Somali refugees were assaulted by residents during a protest against the municipality in Bothaville, Free State. Some 80 refugees were displaced and robbed of all their belongings;
- In 2006, two Zimbabweans were killed during clashes between South Africans and non-South Africans in the informal settlement of Olievenhoutbosch. Some Zimbabweans left the settlement and returned home;
- In 2007, after an altercation between a South African and Zimbabwean family spiralled out of control in Mooiplaas, Gauteng, local residents attacked migrants from Zimbabwe, resulting in two deaths, eleven injuries and ransacking of over 100 migrant-run businesses;
- In March and April 2008, Zimbabwean migrants were attacked in the informal settlement of Diepsloot in northern Johannesburg, resulting in three deaths and the destruction of migrant homes.

The important point is that xenophobic attacks on Zimbabwean migrants pre-dated the nationwide violence of May 2008. The attacks that month began in Alexandra in Johannesburg where a mob began attacking the homes of all those they deemed to be "outsiders".[85] What started as an isolated incident within this settlement soon engulfed many different locations in Gauteng province and then spread to other provinces, including the Western and Eastern Cape.[86] Violence was also reported from KwaZulu-Natal and Limpopo. Although anyone perceived as a 'foreigner' in the affected communities came under attack, some accounts suggested that certain migrant groups such as Zimbabweans were being especially targeted. South Africa's Mail & Guardian newspaper reported that in settlements like Cleveland near Johannesburg, Zimbabweans were singled out, resulting in five deaths and fifty injured migrants.[87] By mid-May, the violence had spread to Cape Town, where many migrants, including Zimbabweans, were being viciously assaulted.[88]

By the time the xenophobic violence subsided, there had been at least 60 murders, dozens of rapes and 700 serious injuries, and more than 100,000 migrants had been displaced from their homes to 90 temporary shelters around the country.[89] Property and possessions worth millions of ZAR were looted or destroyed. A Parliamentary Task Team investigating the violence noted that the "impact of the violence and attacks was severe as many people were gripped by fear and experienced the trauma of people being evicted from their homes, being physically assaulted, killed and in some instances, burnt".[90] Many of those who were displaced during the May 2008

[85] Sinwell, L. and Podi, N. (2010). Evaluating Civil Society and Local Government Responses to Xenophobic Violence in Alexandra. In D. Evaratt (ed.), *South African Civil Society and Xenophobia* (Johannesburg: Strategy & Tactics and Atlantic Philanthropies).

[86] Crush, J. (2008); Hassim, S., Kupe, T. and Worby, E. (eds.) (2008). *Go Home or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa* (Johannesburg: Wits University Press); Landau, L. (ed.) (2012). *Exorcising the Demons Within: Xenophobia, Violence and Statecraft in Contemporary South Africa* (Johannesburg: Wits University Press); Nyar, A. (2010). What Happened: A Narrative of the May 2008 Violence. In D. Everatt (ed.), *South African Civil Society and Xenophobia* (Johannesburg: Strategy & Tactics and Atlantic Philanthropies).

[87] Johnston, N. and Wolmarans, R. (18 May, 2008). Xenophobic Violence Grips Johannesburg. *Mail & Guardian*.

[88] Jere, D. (14 May, 2008). Zim Exiles Face New Fear and Loathing in SA. *Mail & Guardian*.

[89] Cabane, L. (2015). Protecting the 'Most Vulnerable'? The Management of a Disaster and the Making/Unmaking of Victims after the 2008 Xenophobic Violence in South Africa. *International Journal of Conflict and Violence* 9: 56-71; Everatt, D. (ed.) (2011a). *South African Civil Society and Xenophobia* (Johannesburg: Strategy & Tactics and Atlantic Philanthropies); Landau, L. (ed.) (2012); SAHRC (2010). *Report of the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity Arising out of the 2008 Public Violence Against Non-Nationals* (Pretoria: South African Human Rights Commission).

[90] Parliamentary Task Team (2008). *Report of the Task Team of Members of Parliament Probing Violence and Attacks on Foreign Nationals* (Cape Town: Parliament of Republic of South Africa), p.9.

violence elected not to return to the settlements from which they were displaced for fear of further attacks. Early returnees faced renewed violence or were murdered at various locations.[91]

4.2. Xenophobic Violence in the Informal Economy

While the mob violence of May 2008 remains unmatched in its ferocity, scale and devastating impact, xenophobic attacks did not cease thereafter. The main shift has been in the targeting of certain migrants. The violence of May 2008 was relatively indiscriminate. Mob attacks since that time have increasingly focused on migrant and refugee business owners in the informal economy.[92] Between mid-2009 and late 2010, for example, there were at least 20 deaths, 200 foreign-owned shops looted and more than 4,000 displaced due to violence targeting migrants. In 2012, there were 140 deaths and 250 serious injuries. And in early 2014, an estimated 200 shops were looted and 900 persons were displaced.[93] Crush and Ramachandran document 220 episodes of collective violence against migrants and refugee businesses in various locations around the country between 2005 and 2014 (not including May 2008).[94] The violence has increased in frequency over time (Table 6). Pre-2005 incidents constitute less than 5% of recorded episodes. A definite upswing is seen from 2006 onwards, with the sharpest growth occurring after 2008. Excluding events in May 2008, nearly 90% of episodes of group violence against migrant businesses were recorded since the beginning of 2008. The five years with the largest number of incidents were from 2010 to 2014. The highest annual number (20% of the total) was recorded in 2010.

Table 8: Frequency of Collective Xenophobic Attacks

Year	No. of Incidents	% of Total
Pre-2005	9	4
2005	4	2
2006	9	4
2007	9	4
2008	19	8
2009	17	7
2010	46	20
2011	22	10
2012	25	11
2013	36	16
2014 (to end-August)	32	14
Total	**228**	**100**

Source: Crush, J. and Ramachandran, S. (2015a).

The majority of South African provinces have been affected by collective violence against migrant-owned businesses. In 2005-6, incidents occurred in six distinct locations within three provinces. In 2009, they occurred in at least 14 separate locations extending over six of the nine provinces in South Africa. In 2010, there were at least 37 separate locations situated in six provinces. The number of affected areas fell somewhat to 22 in 2012 and 27 in 2013, but the number of affected provinces was still six and seven respectively. In general, the Western Cape and Gauteng have experienced the highest levels of this form of xenophobic violence.

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[91] Misago, J-P (2009). *Violence, Labor and the Displacement of Zimbabweans in De Doorns, Western Cape.* Report for Forced Migration Studies Programme, University of Witwatersrand, Johannesburg.
[92] Crush, J. and Ramachandran, S. (2015a). Doing Business with Xenophobia. In J. Crush, A. Chikanda and C. Skinner (eds.), *Mean Streets: Migration, Xenophobia and Informality in South Africa* (Ottawa: IDRC), pp. 25-59.
[93] Misago, J-P., Freemantle, I. and Landau, L. (2015). *Protection from Xenophobia: An Evaluation of UNHCR's Regional Office for Southern Africa's Xenophobia Related Programmes* (Pretoria: UNHCR), p. 21.
[94] Crush, J. and Ramachandran, S. (2015a).

Each episode of collective violence targeting small businesses includes some combination of the following: written or verbal threats and insults; public intimidation through protests or marches; forced shop closures; direct physical assaults of migrant store owners or their employees; looting of store contents; damage to the physical structure of shops, especially through arson; damage or destruction of other business property belonging to migrants, including homes and cars; temporary or permanent forced displacement of migrant entrepreneurs and their families from an area; and extortion for protection by local leaders, police and residents. The nature and intensity of the violence against migrants between 2008 and 2015 is illustrated by a brief description of some of the attacks reported in the media:

- In 2009 in De Doorns, Western Cape, local residents looted and destroyed the homes of Zimbabwean migrants, accusing them of stealing jobs from citizens and accepting lower wages.[95] Migrants from this country were singled out for attacks and an estimated 3,000 migrants were forcibly displaced. Seven Zimbabwean migrants were killed in the informal settlement of Stofland after they were cornered in a shack which was set ablaze.
- In 2011, in Lebokwagamo near Polokwane, residents attacked migrants living in the area, looting and damaging their homes and businesses.
- In 2011, many Zimbabweans living in Seshego township near Polokwane in Limpopo Province were forcibly displaced following attacks by large groups of local residents during which one migrant was stoned to death.
- In 2012, more than 700 shops were looted and/or destroyed and over 500 migrants were displaced because of public violence in Botshabelo in the Free State province.
- In 2012, four *spaza* shops (informal convenience shops) were bombed in Mitchells Plain, Cape Town, after their migrant owners refused to pay protection money.
- In 2012, two Bangladeshi traders suffered third degree burns and later died after a group of assailants threw a petrol-bomb on their container store in Thokoza and blocked the store's entrance preventing their escape. Three shops were petrol-bombed during large-scale looting of Somali-owned businesses in the Valhalla Park area of Cape Town.
- In 2013, after an altercation in Duduza on the East Rand over a cellphone airtime voucher between a Somali shop owner and a local youth, who was shot, some 200 stores belonging to Somali, Ethiopian, Eritrean and Bangladeshi migrants were stripped of their contents and several structures were incinerated.
- In 2013, more than 150 migrant-owned shops were looted in four days in Port Elizabeth. A Somali refugee, Abdi Nasir Mahmoud Good, was publicly stoned to death while attempting to salvage his belongings from his ransacked store.
- In 2013, more than 200 migrant shopkeepers operating small-scale businesses in the town of Delmas east of Johannesburg were forced to close their stores after a spate of attacks against them.
- In 2014, two refugees were killed when nearly 100 migrant businesses were looted or torched in Mamelodi East outside Pretoria. The violence was repeated in the Phomolong area of Pretoria two months later when three persons were killed and several others were wounded during a rampage that lasted for three weeks.
- In 2015 there were sustained xenophobic attacks in Grahamstown in the Eastern Cape. More than 500 people were displaced and more than 300 shops and homes looted and, in some cases, destroyed.

South African competitors in the informal economy have increasingly adopted a strategy of "violent entrepreneurship"; that is, the use of violence to intimidate and drive migrant entrepreneurs out of an area.[96] A distinctive feature is the emergence and incendiary stance of loosely formed groups, purportedly representing many or all South African small business owners. These groups range from localised structures like the Zanokhanyo Retailers' Association operating in townships, settlements and urban areas such as Khayelitsha, to larger regional

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[95] Misago, J-P (2009).
[96] Charman, A. and Piper, L. (2012). Xenophobia, Criminality and Violent Entrepreneurship: Violence Against Somali Shopkeepers in Delft South, Cape Town, South Africa. *South African Review of Sociology* 43: 81-105.

forums like the innocuously-named Greater Gauteng Business Forum. The Middelburg Small Business Community Forum claimed credit for mobilising local authorities after the Steve Tshwete Municipality shut down fifty Somali-owned shops and refused to issue them with trading licenses to these traders. Accusing them of unfair competition and rising crime, the local Forum stoked group violence against migrant-run shops in Lephalale in Limpopo in 2013 in the course of which five shops, two houses and three vehicles were razed. Such groups have engaged in numerous public hate campaigns against migrant businesses, liberally using belligerent tactics ranging from forced store closures, coerced increase of store prices, limits on the number of migrant businesses in an area, and public threats through letters or by radio.

4.3.   Xenophobic Violence in 2015

A second major wave of xenophobic violence erupted in Kwazulu Natal in early 2015 following a labour strike in Isipingo, Durban, where a supermarket owner was accused (incorrectly) of employing foreign migrants to break a labour strike and residents began looting and burning foreign-owned shops. The violence escalated after the traditionalist Zulu leader King Goodwill Zwelethini reportedly denounced foreign nationals and businesses in a public speech attended by the Minister of Police and demanded that they leave the country.[97] Almost immediately, the anti-migrant violence spread rapidly from Isipingo to other places in the province of KwaZulu-Natal, including Chatsworth, Sydenham, Malukazi and KwaMashu.[98] Within days, mob violence also broke out in and around Johannesburg, including in Soweto, leading to further loss of life, displacement of thousands and large-scale damage to property. A good deal of the March 2015 violence targeted informal business owners in KwaZulu Natal, Gauteng and Limpopo. Large numbers of migrant-owned businesses were looted and torched in towns in all three provinces. The Ethiopian Community in Kwazulu Natal later claimed that 600–700 shops owned by its members were targeted and burnt and six people were burnt alive inside their shops.[99]

The Special Reference Group (SRG), an independent commission of enquiry appointed by the KwaZulu-Natal provincial government and headed by Judge Navi Pillay (formerly the United Nations Commissioner for Human Rights), investigated the violence and released its 150-page report in late 2015.[100] The SRG reported that over 5,000 displaced migrants in KwaZulu-Natal were temporarily housed in shelters outside the areas affected by the violence. A census of the shelters on 21 April 2015 recorded 5,603 people of whom the majority were Malawians (3,399), Mozambicans (1,074) and Zimbabweans (667) (SRG, 2015: 122). While some of the displaced migrants were directly attacked, many more fled their homes out of fear because of widely circulating rumours about fresh violence (SRG, 2015). A Médecins Sans Frontières (MSF) psychologist visited the camps and observed:

> "The kind of trauma I saw in the Chatsworth camp is similar to what I've seen in displacement camps in Central African Republic and South Sudan where people have been exposed to active conflicts. From our interviews with these camp residents it's clear that some have suffered cumulative traumas. They have experienced violence in their countries of origin; again during the 2008 xenophobic violence; and yet again in 2015. However, they also tell us about the daily level of discrimination and alienation they experience – at hospitals, in minibus taxis and from the police."[101]

The SRG argued that the immediate cause of the outbreak of violence was "deliberate efforts of select individuals, some of whom had interests in the informal trading sector, to drive away

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[97] SAHRC (2016). *Final Report in Respect of Complaints Lodged with the Commission by the African Diaspora Forum and 30 Other Complainants Against King Goodwill Zwelethini*. 30 September.
[98] Desai, A. (2015). Migrants and Violence in South Africa: The April 2015 Xenophobic Attacks in Durban. *Oriental Anthropologists* 15: 247-259.
[99] SRG (2015). *Report of the Special Reference Group on Migration and Community Integration in KwaZulu-Natal* (Pietermaritzburg: Provincial Government of ZwaZulu-Natal), p.112.
[100] SRG (2015).
[101] SRG (2015), p.162.

competition by foreign national-owned businesses… These deliberate efforts sparked the outbreak of widespread incidents of criminality, violence and looting of properties owned by foreign nationals".[102] Furthermore, "many of the perceptions of foreign national traders, although largely unfounded, contributed to heightened tensions":

> "Competition between local and foreign national communities in the small enterprise and informal business sector is amongst the most divisive and immediate causes of the violent attacks. The rapidly changing environment of the informal '*spaza* and tuck shop' sector, characterised by the entrance of large retail chains into the townships, has resulted in the displacement of many traders. Foreign national traders appear to find ways of surviving in this competitive environment."[103]

Interestingly, the SRG studiously avoided labelling the violence as xenophobic or seeing xenophobia as a contributing or even motivating factor. At most, it conceded that "the violent attacks against foreign nationals were, in some measure, fuelled by dominant and negative perceptions that exist amongst locals and foreign nationals about one another".[104] However, it is hard to see how the attitudes of foreign nationals could be responsible for their own victimisation. Also, none of the mob violence was perpetrated by migrants on South Africans. An anti-xenophobia protest march organised by NGOs and migrant groups to City Hall on 7 April was actually declared illegal and the police used water cannons, teargas and rubber bullets to disperse the crowd.

The SRG's view that the attitudes of migrants towards South Africans were equally culpable in "fuelling" the violence seems misplaced and a clear example of xenophobia denialism.[105] The Ad Hoc Parliamentary Committee's investigation of the 2015 violence went even further, repeatedly asserting that xenophobia as a phenomenon does not exist in South Africa.[106] Citing a standard dictionary definition of xenophobia as an attitudinal orientation of "fear, hostility and dislike" of foreigners, the Committee claimed that South Africans do not hate or loathe migrants and refugees. In the parliamentary deliberations leading up to the adoption of the report, it was recommended that the term 'xenophobia' be omitted completely from the report because no convincing evidence had apparently been found that the phenomenon even existed.[107] The final report notes that "Parliament had not yet come to the conclusion that the incidents of violence against foreign nationals were due to xenophobia as per the dictionary definition of extreme, irrational hatred of foreign nationals".[108] Instead, the report focuses on "increased economic competition" between citizens and migrants, and the growing entry of unskilled migrants whose presence supposedly disadvantages the poorest citizens.

4.4.   Explanations for Xenophobic Violence

Crush and Ramachandran classify explorations of the relationship between xenophobia and violence into three main types: (a) denialism (which essentially denies that xenophobia even exists and that the violence was the actions of criminal elements looting for material gain); (b) minimalism (which argues that xenophobia may exist but is an epiphenomenon and that the structural causes are grinding poverty and dissatisfaction with government).[109] Minimalists also

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[102] SRG (2015), p. 9-10.
[103] SRG (2015).
[104] SRG (2015).
[105] SRG (2015).
[106] News24 (10 July, 2015). Attacks on Foreigners Not Xenophobia: Committee. *Mail & Guardian*; Parliamentary Joint Committee (2015). *Report of the Ad Hoc Joint Committee on Probing Violence Against Foreign Nationals* (Cape Town: South African Parliament).
[107] PMG (Parliamentary Monitoring Group) (2015). *Meeting to Adopt Ad Hoc Joint Committee on Probing Violence Against Foreign Nationals Report*. South African Parliament, Cape Town.
[108] Parliamentary Joint Committee (2015).
[109] Crush, J. and Ramachandran, S. (2014). *Xenophobic Violence in South Africa: Denialism, Minimalism, Realism*. SAMP Migration Policy Series No 66, Cape Town and Waterloo.

argue that South Africans are equally vulnerable to violence as 'foreigners'; and (c) realism which sees the rise of xenophobia in post-apartheid South Africa and the pre-disposition of a significant minority of South Africans to use violent means to drive 'foreigners' out of their communities as a prime causes of the attacks. Examples of all three positions can be found in both the research literature and the public pronouncements of politicians and officials (see below).

A national survey by SAMP in 2010 asked a representative sample of South Africans in violence-affected areas why they thought the violence of May 2008 had occurred.[110] Many reproduced the common negative stereotypes of migrants as a way of explaining the violence, implying that migrants themselves were to blame: they were criminals, cheat South Africans, use the public health system without paying, take jobs from South Africans, and take housing earmarked for South Africans. These explanations all suggest, in one way or another, a belief that the presence of migrants materially disadvantages South Africans and that this precipitates violence against them. However, nearly two-thirds of interviewees attributed the violence to non-material factors including that that migrants are "culturally different", "do not belong in South Africa" and "steal South African women" (a paternalistic and disparaging reference to marriages between South African women and migrant men).

Table 9: Explanations for May 2008 Violence by South Africans

Explanations	% Agreed
Migrants cause crime in South Africa	70
Migrants cheat South Africans	66
Migrants are culturally different	64
Migrants use health services for free	63
Migrants do not belong in South Africa	62
Migrants take jobs from South Africans	58
Migrants take RDP houses from South Africans	57
Migrants steal South African women	57

Source: Crush, J., Ramachandran, S. and Pendleton, W. (2013*).*

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[110] Crush, J., Ramachandran, S. and Pendleton, W. (2013*).*

5. Zimbabweans in the South African Informal Economy

5.1.   Migration Profile

The extent of participation by Zimbabwean migrants in the informal economy is not known with any certainty. SAMP's 2005 national survey of migrant-sending households in Zimbabwe found that 21% of migrants outside the country employed in non-agricultural work were working in the informal economy (although this included all destinations not just South Africa).[111] Makina's survey of migrants in Johannesburg found that 19% were working as hawkers or artisans.[112] SAMP's 2010 survey of recent Zimbabwean migrants in Johannesburg and Cape Town found that 27% were working or deriving income from the informal economy.[113] Crush and Tawodzera's survey of the food insecurity of Zimbabwean households in South Africa found that 36% of household members in employment were working in the informal economy.[114] While no more than indicative, these studies suggest that somewhere between 20–30% of Zimbabwean migrants in major South African cities could be involved in the informal economy. They also suggest that the importance of informal sector employment to Zimbabweans has increased over time.

A demographic profile of Zimbabwean informal business-owners in Cape Town and Johannesburg can be constructed from the SAMP survey of 304 entrepreneurs. First, the survey found a distinct gender bias in both cities with 60% of the Zimbabwean entrepreneurs in Cape Town and 65% of those in Johannesburg being male. This is in marked contrast to the business of informal cross-border trading between Zimbabwe and South Africa which is dominated by female Zimbabwean entrepreneurs.[115] Compared to other groups of migrants in the South African informal economy, however, women are better represented. Women comprised 30% of the entire sample of migrant entrepreneurs in Cape Town and 27% in Johannesburg (compared with 40% and 35% of the Zimbabwean sub-sample).

Second, the age profile of Zimbabwean migrant entrepreneurs in South Africa is heavily slanted towards youth (Figure 4). Adopting the ILO definition of youth in Africa as anyone under the age of 35, then 75% of those operating in Cape Town and 50% of those in Johannesburg qualify as youth entrepreneurs.[116] At the other end of the age spectrum, there were more older Zimbabwean migrant entrepreneurs in Johannesburg with 22% over the age of 45 compared to only 10% of those operating in Cape Town.

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[111] Crush, J. and Tevera, D. (eds.) (2010

[112] Makina, D. (2010). Zimbabwe in Johannesburg. In J. Crush and D. Tevera (eds.), *Zimbabwe's Exodus: Crisis, Migration, Survival* (Ottawa: IDRC), pp. 225-243.

[113] Crush, J. and Ramachandran, S. (2015a).

[114] Crush, J. and Tawodzera, G. (2017). South-South Migration and Urban Food Security: Zimbabwean Migrants in South African Cities. *International Migration* (in press).

[115] Chikanda, A. and Tawodzera, G. (2017).

[116] Kew, J. (2015). Africa's Young Entrepreneurs (Ottawa: IDRC).

Figure 6:Age Profile of Zimbabwean Informal Entrepreneurs
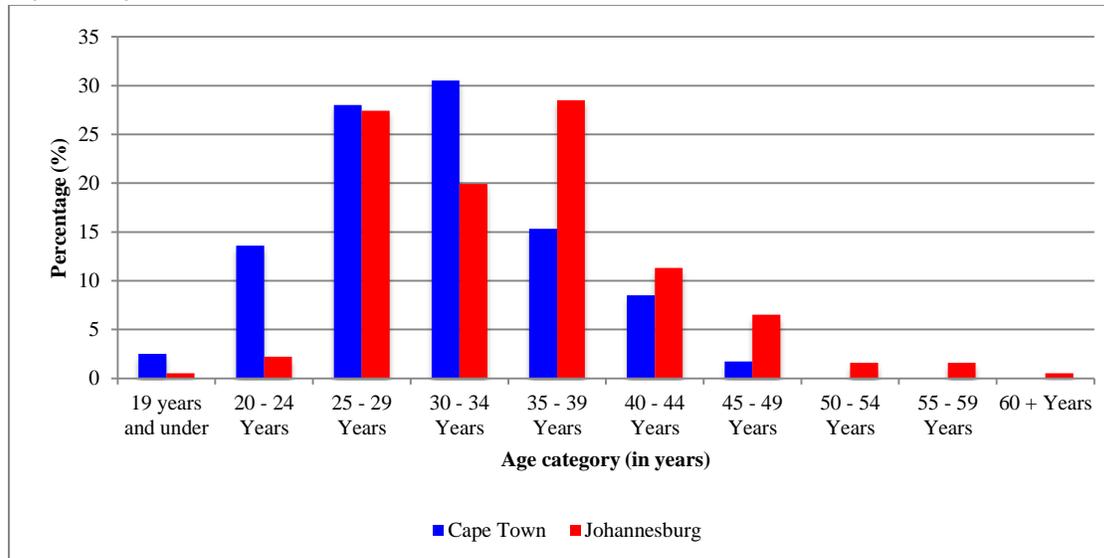
Third, the Zimbabwean entrepreneurs were relatively well-educated (Table 10). The proportion with no education at all was around 9% (which was higher than both the South African adult population as a whole and South African migrants working in the informal economy surveyed in 2016 in another SAMP study). However, half of the Zimbabweans had either finished high school or had a tertiary qualification (compared to 42% of the South African population and only 27% of the South African entrepreneurs). In general, Zimbabwean entrepreneurs in Cape Town appear to be much better educated than those in Johannesburg.

Table 10: Educational Levels of Zimbabwean Entrepreneurs and South Africans

	Zimbabwean Entrepreneurs (%)	All South Africans (2011 Census) (%)	South African Migrant Entrepreneurs 2016 (%)
No formal schooling	9.2	8.6	2.4
Primary only	6.9	16.9	16.2
Some high school	36.8	33.9	43.3
High school diploma	32.6	28.9	16.8
Post-secondary qualifications	14.5	11.8	10.0

5.2.   Drivers of Migration to South Africa

The number of interviewed migrant entrepreneurs who arrived in South Africa peaked in the crisis years between 2005 and 2010 at the height of the economic crisis in Zimbabwe and appears to have fallen thereafter (Table 11). Less than 2% had migrated to South Africa before 1994. Nearly 18% of the Johannesburg migrant entrepreneurs had moved there before 2000 compared to only 2% of those in Cape Town. Over time, Cape Town has become increasingly attractive as a destination. As many as 88% of the migrants in Cape Town arrived in the city after 2005 (compared to 52% of those who moved to Johannesburg).

Table 11: Year of Arrival in South Africa

	Total %	Cape Town %	Johannesburg %
Before 1994	1.6	0.8	2.2
1994-1999	10.2	1.7	15.6
2000-2004	22.4	9.3	30.6
2005-2009	42.4	55.1	34.4
2010-2014	23.4	33.1	17.2

The reasons for migration to South Africa were clearly related to the ongoing economic crisis in Zimbabwe. The interviewees were asked whether they agreed or disagreed with a series of statements and over 80% agreed with the proposition that that they had come to South Africa in order to provide for family back home. As many as 73% also agreed that they had come to South Africa to look for employment (Figure 7). There was a marked difference between the Johannesburg and Cape Town entrepreneurs (with 82% and 59% in agreement respectively) which may reflect differences in the perception (and reality) of labour market access in the two cities. The reverse was true with regard to starting a business as a reason for migration with 56% in Cape Town and 35% in Johannesburg in agreement. In general, this suggests that Johannesburg is seen as a place where it is easier to obtain formal sector employment and Cape Town is a more amenable location for starting an informal business.

Figure 7:Reasons for Migrating to South Africa
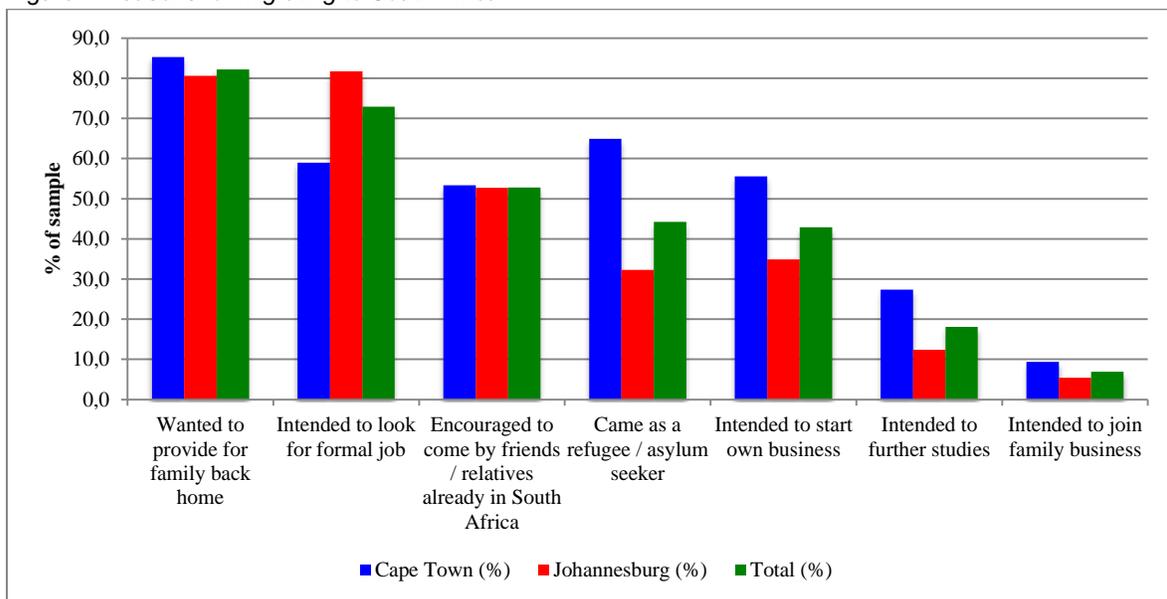
Unemployment was a significant driver of migration to South Africa, with 39% of the sample reporting that they were unemployed prior to leaving Zimbabwe (Table 12). Again, there was a marked difference between the entrepreneurs in the two cities: only 20% of the Cape Town interviewees were unemployed prior to leaving compared with 51% of the Johannesburg interviewees. This is not especially consistent with the finding about the more recent pattern of migration to Cape Town since we would expect higher levels of unemployment amongst more recent migrants. Distance and cost might therefore play a mitigating role in the choice of destinations as unemployed individuals could find it easier to raise the funds to travel the shorter distance to Johannesburg. Cape Town is obviously much further afield and those with jobs in Zimbabwe might also have had the resources to get to Cape Town.

Table 12: Occupation Prior to Leaving Zimbabwe

	Total %	Cape Town %	Johannesburg %
Unemployment	38.8	20.3	50.5
Formal Employment	36.5	45.7	30.7
Skilled manual work	9.2	12.7	7.0
Unskilled manual work	7.9	10.2	6.5
Office work	6.3	8.5	4.8
Professional	2.6	5.1	1.1
Domestic work	3.9	2.5	4.8
Farm work	3.6	3.4	3.8
Security	1.3	1.7	1.1
Health work	1.0	0.8	1.1
Mine work	0.7	0.8	0.5
Informal Employment	5.3	20.0	3.2
Other	11.5	9.1	12.4
Student	9.2	6.8	10.8
Formal business owner	1.3	0.8	1.6
Other occupation	1.0	2.5	0.0

Almost all of the in-depth interview respondents recounted how economic hardship, unemployment and the difficulty of making ends meet prompted the move to South Africa. One mentioned all of these drivers of migration but suggested there were significant 'pull' factors at work as well, including the assistance of relatives already in South Africa and the prospect of employment:

> "I used to work at ZimPlats [a mining company] in Zimbabwe. The main reason why I came here was because of inflation. The money in Zimbabwe was not buying anything and life was tough. There was a rumour that stadiums had to be built for 2010 [for the World Cup] so my aunt thought I would get a job opportunity. I already had a passport but getting money for the visa was a problem because it was ZAR 2,000 [138 EUR] and that was expensive given the financial crisis we had in Zimbabwe. So my aunt had to borrow ZAR 1,500 [103 EUR] from a loan shark and my brother hustled another ZAR 700 [48 EUR] for the visa. The problem was that there was inflation and the Zimbabwean dollar had lost power, it was not buying anything anymore. The money which I was earning was equivalent to ZAR 300 [20 EUR] by 2008 and it was not enough. I just had to come here to find something that would make me earn better." (Johannesburg Interview No 3)

In the SAMP survey, as many as one half of the interviewees agreed that social networks (in the form of family and friends) in South Africa played a role in their migration decision.

Just over 40% agreed that they had come to South Africa as asylum-seekers or refugees (Figure 7). This is a potentially confusing question since it is not completely clear whether this referred to political persecution in Zimbabwe as a reason for migration. However, there was a marked difference between Cape Town (62%) and Johannesburg (31%) which might indicate that obtaining an asylum-seeker permit was easier in the former. Only a few of the in-depth interviewees referred to political persecution, but those that did also referred to economic conditions in Zimbabwe as the reason for migration. For example, one ex-schoolteacher, now in Johannesburg, noted that "it was the politics it was also about working conditions and earning peanuts" and continued:

"Teachers became the target. Teachers were accused of supporting the opposition. I was not in politics but you cannot avoid politics if you are a teacher. You talk about history in class and you are accused of teaching politics. In 2008 things were tough. I was accused of being an opposition agent. The youth visited me at school and I was harassed and beaten in front of the other teachers and the students. That evening I just decided enough was enough." (Johannesburg Interview No. 2)

Very few (only 5%) of the SAMP survey interviewees were working in the Zimbabwean informal economy prior to migrating, although this was more common amongst the Cape Town-based migrants (23% versus only 3% in Johannesburg). Many of those who had prior informal sector experience had prior experience of being in South Africa through involvement in informal cross-border trading:

"I used to come here as a trader from the early 2000s. I stopped in 2005 and came here to South Africa to live. My business is about making and selling electric jugs and brooms. I used to come here and sell them and go back home. There are some reasons why I came to stay. One is that the economic situation was getting bad. The country was no longer the same. I was selling things and not making much money. I wanted to build a house in Zimbabwe and I was failing to do so. The cost of living was high. I had just married and things were tough. Then there was the issue of politics. My wife was harassed when I was in Johannesburg buying goods. They came and searched our house and they found nothing. They wanted evidence that I was a sell-out, but they did not find anything. My wife was pregnant so I saw that they could injure her if they came back next time. That is when I moved to South Africa." (Johannesburg Interview No. 4)

In this case, too, economic hardship and political harassment were factors in the decision to move to South Africa. This, and other MICIC interviews, as well as the SAMP survey results, make it clear that migration from Zimbabwe is also 'mixed' in the sense that individuals have a mixture of motives for migration, as they responded to the multi-faceted nature of the economic and political crisis in Zimbabwe.

There is an official and public perception in South Africa that the country is overrun with 'illegal foreigners' (in the terminology of the 2002 Immigration Act.) Zimbabweans are viewed as particularly guilty of being 'border jumpers' and in the country without proper documentation. Given that most entrepreneurs operate in public spaces, however, there are considerable risks of running a business without documents to present to the police who are constantly on the prowl for 'illegal foreigners' to arrest and deport, to confiscate goods from, or to demand bribes from. One strategy adopted by traders without papers is to operate only 'after hours'. In one part of Cape Town, for example, there are very few Zimbabweans on the streets until late in the day. After the police have gone home for the day, they open their mobile stores and begin operations. A much less risky strategy is to have legal documents to present.

The SAMP survey found that relatively few of the Zimbabwean entrepreneurs did not have papers of some sort permitting them to be in the country and even to legally work (Table 13). Just over one-third of the migrants had asylum-seeker (Section 22) permits but only 5% had recognised refugee status (Section 24 permits). Both asylum-seekers and refugees have a legal right to work and earn. Around a quarter had work permits which the majority would have acquired under the Zimbabwe Dispensation Programme (ZDP) in 2010 and 2014. Around 10% of the migrants had visitor's permits which are usually issued for 90 days at a time. Only 15% were undocumented and did not have permits to reside and/or work in South Africa.

	Total %	Cape Town %	Johannesburg %
Asylum-seeker permit	35.9	43.2	31.2
Work permit	24.7	17.8	29.0
Visitor's permit	9.5	8.5	10.2
Refugee permit	5.3	8.5	3.2
Permanent resident	4.6	3.4	5.4
Undocumented	14.5	16.1	13.4
Other	2.3	0.8	3.3
No answer	3.1	1.6	4.3

Given that so few of the Zimbabwean migrants had prior business experience, and so many came to South Africa to look for employment, it is important to know whether they moved straight into the informal economy or tried to work in the formal sector first. A comparison of the dates of migration and business establishment suggests that there is a lag between the two dates (Figure 8). For example, although three-quarters of the migrant entrepreneurs entered the country before 2010, only 47% of the businesses were established before that date. This also means that over 50% of the businesses were established after 2009. The rapid growth in the entry of Zimbabweans into informal entrepreneurship could be a factor in the growing hostility against foreign migrants in the country.

Figure 8:Comparison of Years of Migration and Business Establishment
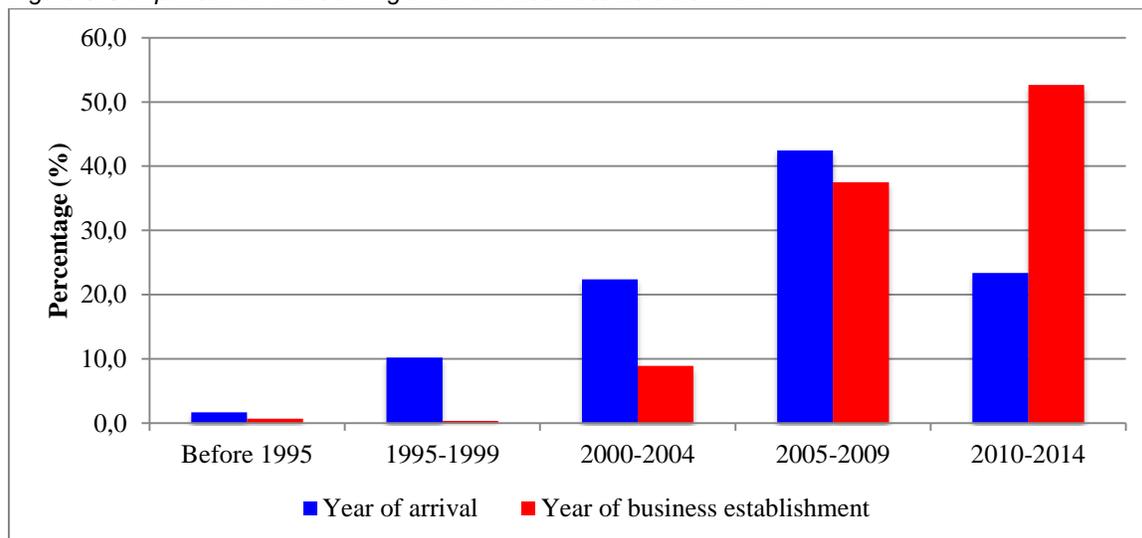
The related question is what migrants do in the period between arrival and informal business start-up. As Table 14 suggests, just over one-quarter had experienced a period of unemployment, although with significant inter-city difference (41% in Johannesburg and only 6% in Cape Town). As many as 45% had worked in the formal economy with similar numbers and types of employment in each city. The other major difference between the two groups was that 33% of those in Cape Town had experience in another informal business compared with only 10% in Johannesburg. Combining these figures with those for unemployment, we can infer that many more migrants in Johannesburg are unemployed for a period (perhaps while looking for work) and

then set up a business, while those in Cape Town move more quickly into the informal economy, possibly because that was their reason for coming to Cape Town in the first place.

Table 14: Other Occupations in South Africa

	Total %	Cape Town %	Johannesburg %
Unemployment	27.6	5.9	41.4
Formal Employment			
Skilled manual work	6.9	9.3	5.4
Unskilled manual work	18.1	19.5	17.2
Office work	2.6	1.7	3.2
Professional	1.3	1.7	1.1
Domestic work	10.2	11.0	9.7
Farm work	2.6	5.1	1.1
Security	2.6	1.7	3.2
Health work	0.3	0.8	0.0
Mine work	0.7	0.8	0.5
Other Informal Employment	18.8	33.0	9.6
Other			
Student	2.6	0.8	3.8
Formal business owner	1.3	0.0	1.3
Other occupation	3.6	6.8	1.6

5.3.   Business Ownership and Expansion

The majority of the Zimbabwean migrant enterprises interviewed in the 2015 SAMP survey were in the retail, trade and wholesale sector, followed by services and manufacturing, with slight differences between the two cities (Figure 9). Migrants and refugees face severe obstacles in accessing loans from formal sources in South Africa as they require collateral.[117] Just over three-quarters of the migrants relied on their personal savings to start their businesses (Table 15). There was slightly greater reliance on personal savings by entrepreneurs in Johannesburg (87%) than Cape Town (64%). More Zimbabwean migrants in Cape Town appear to be able to access funds from relatives and non-relatives.

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[117] Peberdy, S. (2016). *International Migrants in South Africa's Informal Economy*. SAMP Migration Policy Series No. 71, Cape Town; Tawodzera, G., Chikanda, A., Crush, J and Tengeh, R. (2015). *International Migrants and Refugees in Cape Town's Informal Economy*. SAMP Migration Policy Series No. 70, Cape Town and Waterloo.

Figure 9: Sectoral Breakdown of Zimbabwean Migrant Businesses
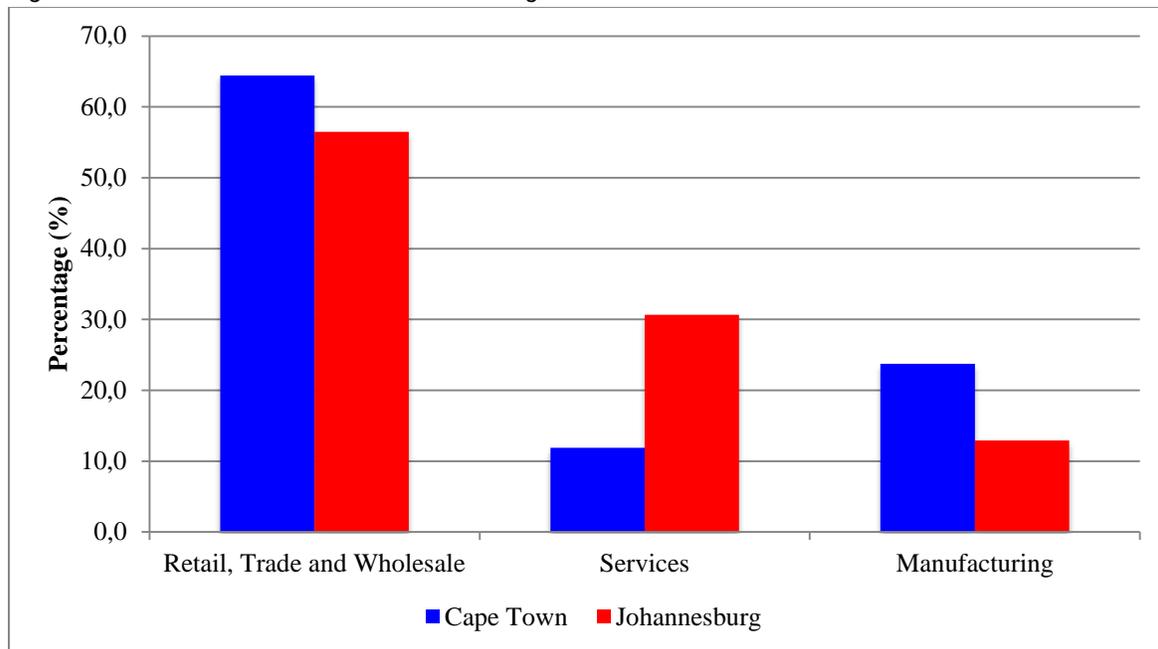
Table 15: Primary Sources of Start-Up Capital

	Total %	Cape Town %	Johannesburg %
Personal savings	78.0	64.4	86.6
Loan from relatives	9.2	13.6	6.5
Loan from non-relatives	6.6	15.3	1.1
Money lenders	2.0	1.7	2.2
Loan from informal financial institutions	2.0	1.7	2.2
Business credit (goods on terms)	0.7	0.0	1.1
Loan from micro-finance institution	0.3	0.8	0.0
Other source of capital	1.3	2.5	0.5

The majority of the businesses began with very little start-up capital (with 71% in Cape Town and 62% in Johannesburg having less than ZAR 5,000 (346 EUR)). Rather than being struggling survivalists on the margins of the informal economy, however, the Zimbabwean entrepreneurs have been relatively successful in their business operations as measured by (a) business profitability and (b) enterprise growth. In terms of profitability, the survey interviewees estimated their average profits at around ZAR 4,000 (276 EUR) per month. The average in Cape Town (ZAR 4,166 (288 EUR) per month) was slightly more than in Johannesburg (ZAR 4,045 (280 EUR) per month), although there are more low-profit enterprises in Johannesburg (with 27% earning less than ZAR 1,000 (69 EUR) per month compared to only 4% in Cape Town) (Figure 10).

Figure 10: Monthly Profit from Business Activities
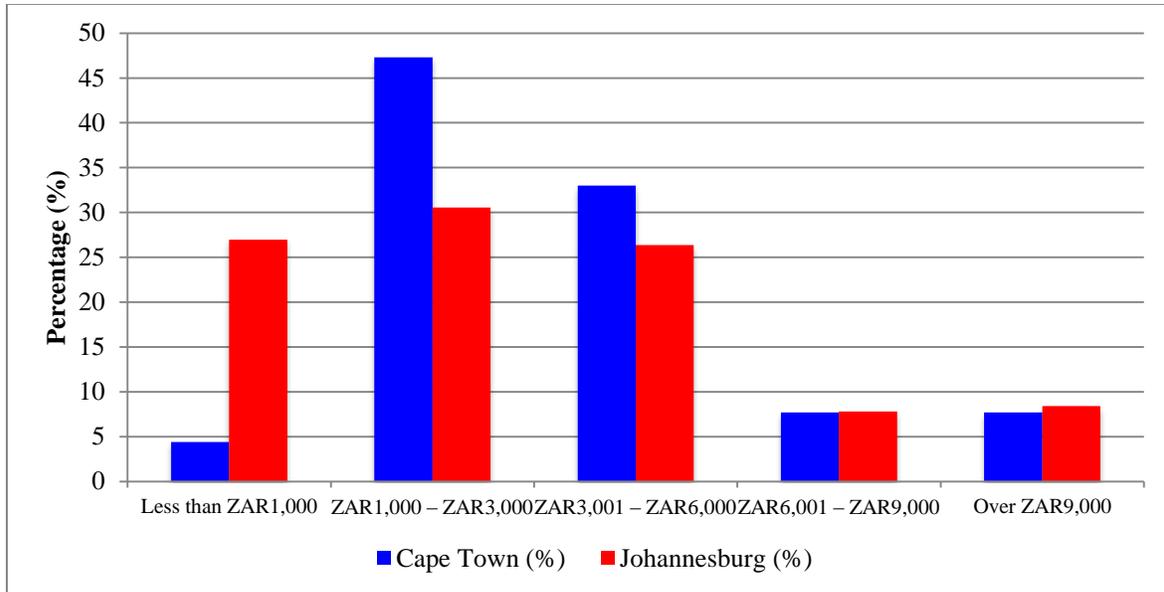
To measure business growth, we compared the start-up capital with the current value of the business. In both cities, there appears to have been significant growth. In the case of the Cape Town entrepreneurs, for example, 71% had less than ZAR 5,000 (346 EUR) in start-up capital but only 23% valued their enterprise at less than ZAR 5,000 (346 EUR) in mid-2015 (Figure 11). In Johannesburg, the equivalent figures were 62% and 33% (Figure 12). At the other end of the spectrum, while only 2% of the Cape Town entrepreneurs had start-up capital in excess of ZAR 20,000 (1,384 EUR), 18% valued their business at more than ZAR 20,000 (1,384 EUR) in mid-2015. Similarly, in Johannesburg, the figures were 7% and 27%.

Figure 11: Start-up Capital and Current Business Value in Cape Town
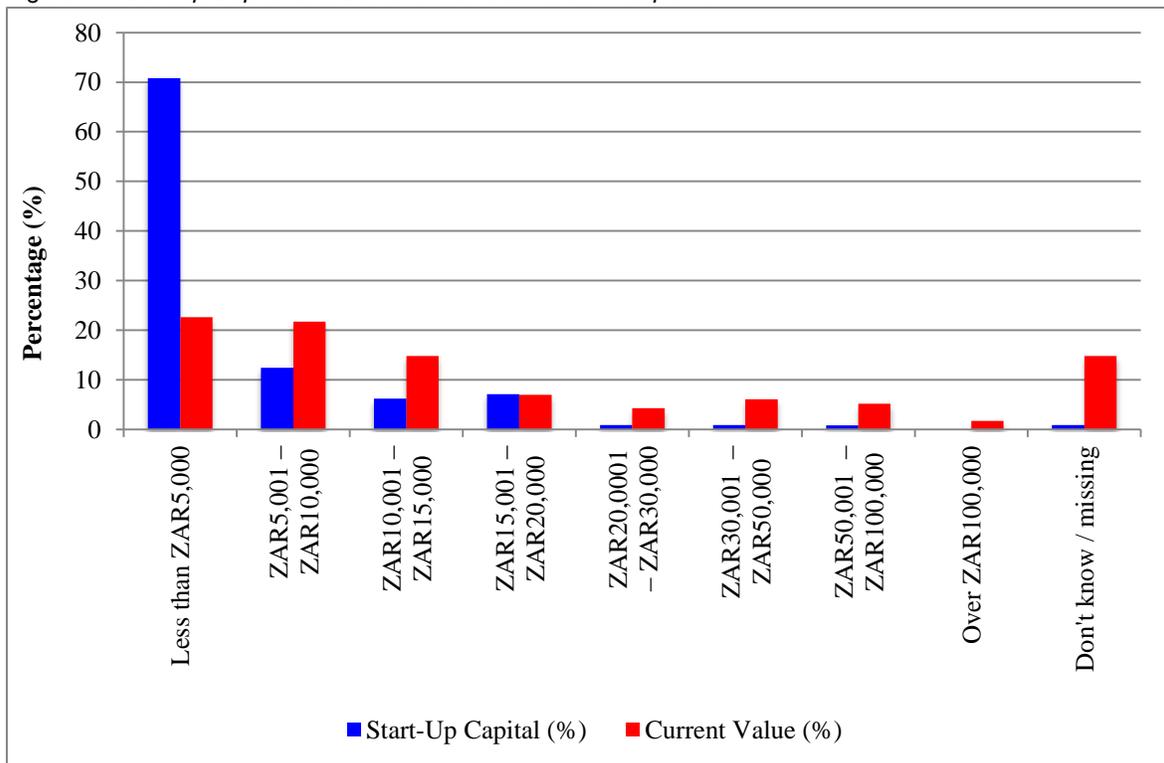
Figure 12: Start-up Capital and Current Business Value in Johannesburg
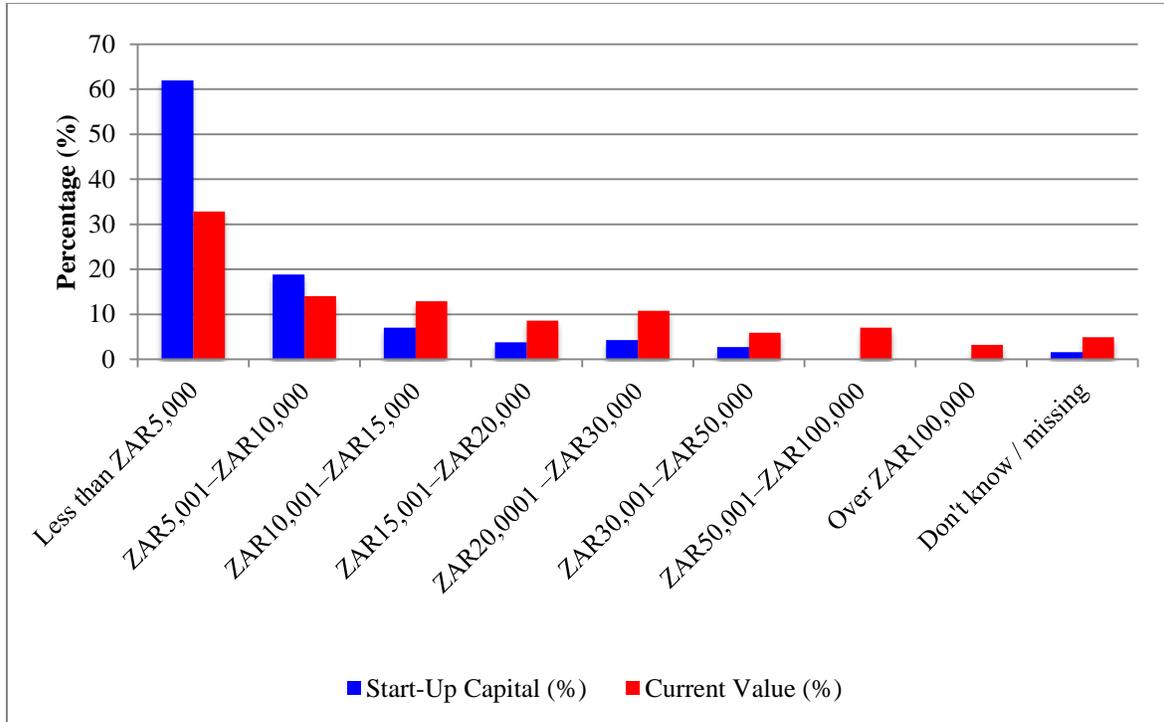
5.4.   Remitting to Zimbabwe

Business expansion has occurred despite the prime obligation of the entrepreneurs to support family still in crisis-ridden Zimbabwe. Instead of reinvesting all of the business profits into further expansion, a portion is therefore diverted into remittance channels to Zimbabwe. Over one-third of the entrepreneurs remit funds to Zimbabwe at least once a month and as many as three quarters send remittances to Zimbabwe at least once per month and a few times per year (Figure 13). Only 12% never send remittances. The entrepreneurs remit an average of ZAR 8,473 (586 EUR) per annum. However, there were significant differences in remitting volume between the two cities, with those based in Cape Town sending an average ZAR 10,217 (707 EUR) per annum to Zimbabwe compared to an average ZAR 7,326 (501 EUR) per annum for those in Johannesburg.

Figure 13: Frequency of Sending Remittances to Zimbabwe
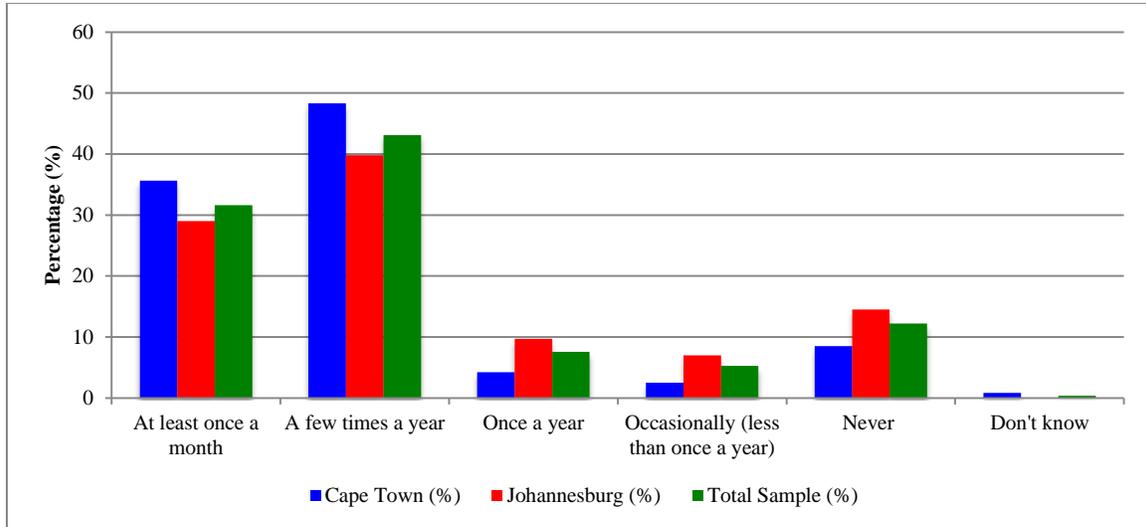
Although not explicitly canvassed in either the SAMP survey or the MICIC interviews, informal Zimbabwean remittance couriers (*omalayisha*) have established themselves as a major conduit for remitting to Zimbabwe.[118] Informal money operators such as the *omalayisha* command about 20% of the market share of remitting by these entrepreneurs (Figure 14). Traditionally, many migrants have also taken remittances on their own trips back to Zimbabwe or sent them with friends.[119] However, Zimbabwean entrepreneurs in South Africa cannot afford to return home that frequently and other formal channels (especially money-transfer companies) have now entered the market. There is a significant difference between Johannesburg and Cape Town-based entrepreneurs with regard to other channels. Probably because of the distances and costs involved, those in Cape Town are less likely to take the funds themselves and send them with friends or co-workers, and more likely to use the money transfer companies and banks.

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[118] Thebe, V. (2010); Thebe, V. (2015).
[119] Tevera, D. and Chikanda, A. (2009).

Figure 14: Money Transfer Channels Used by Migrant Entrepreneurs
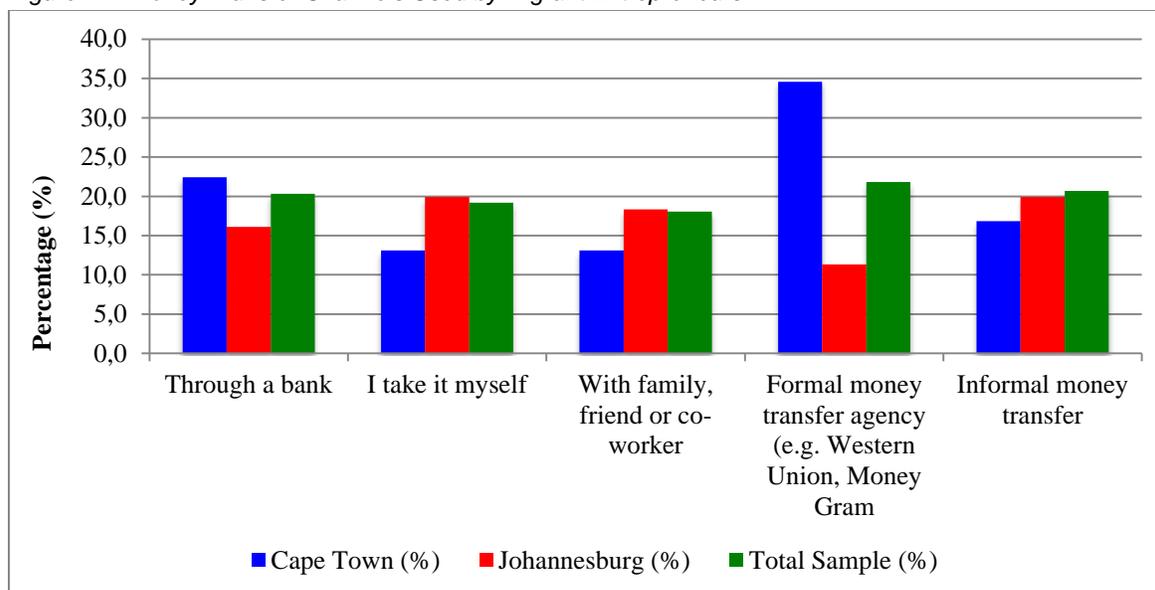
Symptomatic of the high levels of food insecurity under crisis conditions in Zimbabwe, most of the migrant entrepreneurs send funds for food purchase by the household (Table 16). Other major uses including non-food household expenses, school fees, clothing and medical costs. There appears to be very little investment of remittances in any kind of productive revenue-generating activity in Zimbabwe, a finding consistent with research on remittance usage in general.[120]

Table 16: Reasons for Remitting to Zimbabwe

	Total %	Cape Town %	Johannesburg %
Buy food	77.2	78.7	76.1
Meet other day to day household expenses	46.4	75.0	27.0
Pay educational/school fees	44.2	57.4	35.2
Buy clothes	34.1	41.7	28.9
Pay medical expenses	23.2	35.2	15.1
Build, maintain or renovate dwelling	19.9	19.4	20.1
For special events, e.g. weddings/funerals	18.0	26.9	11.9
Pay transportation costs	10.1	11.1	9.4
For savings/investment	7.9	4.6	10.1
Buy property	6.7	6.5	6.9
For agricultural inputs/ equipment	6.0	6.5	5.7

Note: Multiple response question

Several additional insights into the remitting behaviour of Zimbabwean migrant entrepreneurs came from the in-depth interviews in Cape Town, Johannesburg and Polokwane:

- The majority of the interviewees said they remit funds regularly to family members still in Zimbabwe and that these remittances are critical to their survival;
- In a few cases, especially where most, or all, of the immediate family members have joined the migrant in South Africa, remitting amounts and frequency have tailed off or

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[120] Tevera, D., Crush, J. and Chikanda, A. (2010).

ceased altogether. This is consistent with a pattern first observed by Crush et al. and Makina and Masenge that as migrants become more established in South Africa remitting tends to decrease;[121]

- A number of interviewees mentioned the increasing difficulties of remitting goods – including foodstuffs – to Zimbabwe (which is probably related to the Zimbabwean government's new restrictions on imports) and were now mostly sending cash;
- Running a business in South Africa on a continuous basis means that personal conveyance of remittances is not especially common. The *omalayisha* remain relatively popular but a new remittance channel is also making its presence felt. Web-based electronic money transfer companies were mentioned by a number of interviewees as the easiest way to send funds. The two most used are Mukuru and Ecocash;[122]

The obligation to remit is heightened by the crisis conditions in Zimbabwe but also means less capital to reinvest in business expansion in South Africa. As one entrepreneur in Johannesburg observed:

> "All the money that I get just goes straight to support my children. There is no surplus to put in the bank or to save for something big. What makes it even worse is being a single mother. When you are husband and wife and you both work, at least you can plan and try to save money for bigger things. Right now all I get is waiting to go somewhere; there are school fees, rent, uniforms, food, clothing and other necessities. I cannot even save from January to December and get something like ZAR 5,000 [346 EUR] to start something better." (Johannesburg Interview No. 1)

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[121] Crush, J., Chikanda, A. and Tawodzera, G. (2015b). The Third Wave: Mixed Migration from Zimbabwe to South Africa. *Canadian Journal of African Studies* 49: 363-382; Makina, D. and Masenge, A. (2015).
[122] See: Mukuru (http://sa.mukuru.com/) & Ecocash (https://www.econet.co.zw/ecocash/).

6. Zimbabweans and the Crisis of Extreme Xenophobia

6.1.   Experiencing May 2008

All of the Zimbabwean entrepreneurs interviewed in depth for this project had either witnessed or been the victim of xenophobic violence or both. The interviews focused on the experience and impact of the xenophobic violence on those running businesses in Cape Town, Johannesburg and Polokwane. Many of those interviewed had come to South Africa after the nationwide attacks on migrants of May 2008 but none were unaware of it or did not know some of the victims. Those who had been in the country at the time lost almost everything they had, but it did not mean a permanent return to Zimbabwe. They took refuge in shelters and churches and re-started their businesses once the worst of the violence was over. Three accounts in widely separated parts of the country (Alexandra Park in Johannesburg, Imizamo Yethu in Cape Town and Mankweng in Polokwane) illustrate both the destructive nature of the xenophobic violence and the responses of the migrants:

> "During the xenophobic attacks of 2008 I was there. My *musika* [shop] was destroyed. People came marching and asking foreigners to leave… They came and destroyed the *musika*. It was made up of cardboard and corrugated iron sheets. They destroyed it. The cardboard was burnt and the corrugated sheets were taken and some of them thrown all over. I lost a lot of money there. Maybe ZAR 3,000 [207 EUR]. I had a lot of goods and I was also selling beans, groundnuts and even *matemba* [sardines] and fish. I lost everything. I was only able to carry a few things and fled. Otherwise they would have killed me as well. What could they do? The people that start the violence are the ones that can even kill you. Many people died in Alex Park. They died. I actually saw a person who had been stoned to death and he was lying there for a day without the police getting him." (Johannesburg Interview No. 13)

> "I had just closed my *spaza* [informal shop] and had not even reached home when I saw people singing and getting up here. They were coming from the direction of the police station coming uphill. We had already heard of xenophobia and so I knew it was happening here. I wanted to go back and get some things from the *spaza* but I was too late because they were moving fast. I just had time to change direction and ended up in Hout Bay there. There were other Zimbabweans who had also run away and were there. I joined them and we went to Wynberg and stayed there at the police station. There were many of us. Like me, most people had nothing because they never had time to go home and get clothes or blankets. I called someone in Rosebank and they told us that they were staying at a church, a Methodist church there so that is where we went. We spent three weeks there. My *spaza* shop was looted. I never got anything back, not even a single sweet. They took everything so I had to start from scratch." (Cape Town Interview No. 20)

> "I was living in Mankweng with two other ladies from Zimbabwe. We were renting a room in Zone 2. We had been living there for some time and we knew most of the people there. But when xenophobia erupted it was as if we had never lived there. We saw some of the people that we knew actually looting things belonging to foreigners. We were confronted by a group of young men – and they demanded money otherwise they would kill us. It was like a dream. We could not believe it. We were robbed there, close to the road, where everyone could see. They just took what they wanted and went away singing. I lost my bag, my wallet and my friend also lost everything. I was scared that we could be killed or raped. Even now I cannot believe that I survived. We went to the highway, the N1 and hiked to Musina and then home to Zimbabwe. I only came back after a month when things had calmed down. I stopped doing business for over a month. I had no money to start over. I had to borrow some money and it took time to recover. Some of my customers moved with my money and I never recovered the money. I had to start from scratch and it was difficult." (Polokwane Interview No. 3)

6.2.   Narratives of Xenophobic Violence

Most of the respondents interviewed for the study recounted incidents of violence that had personally affected them from 2008 onwards. These accounts revealed a number of features common to most xenophobic attacks on migrant businesses. First, for the migrant entrepreneurs, much of the violence seems to be spontaneous and therefore occurs without warning. They therefore have little notice or ability to take evasive action. As one victim of violence in the informal settlement of Diepsloot near Johannesburg in 2013 pointed out:

> "They just occur haphazardly. We cannot always tell what happens next so it is difficult [to] do anything and to think of a way to respond. It just happens when you are least aware of the problems that are about to erupt. Sometimes we are caught up with all our wares and they are destroyed and stolen and so it is difficult to do anything." (Johannesburg Interview No. 10)

The journalist, Anton Harber's gritty portrait of Diepsloot paints a picture of a volatile and often chaotic informal settlement in which vigilante justice and attacks on foreign-owned businesses are common.[123] In 2008, for example, "they showed no discrimination in targeting men, women and children, and destroyed, looted and burnt down their businesses and houses".[124] However, accounts of the unpredictability of xenophobic violence were also common in other areas.

Second, the perpetrators of the xenophobic violence are often from the same community and even personally known to the victims:

> "The people that robbed us are in this community and we know them. They are the community members here. Some of the people here do not like us foreigners. They pretend when you deal with them to like us. But they do not like us." (Johannesburg Interview No. 2)

The fact that migrant entrepreneurs are able to provide goods, including food, at competitive prices and offer credit to consumers is clearly insufficient to insulate them. In one low-income area of Cape Town, part of Khayelitsha, there is reportedly little violence as long as migrant business-owners pay protection money to the powerful local taxi association. In many more areas, the interviewees reported that community leaders are either ineffective in dealing with the violence or, in some cases, actively foment hostility and instigate attacks. In Diepsloot, some migrant traders entered into an agreement with their South African counterparts to keep out any new migrants who came and established businesses in the area, in exchange for protection.[125]

Third, looting and robbery of goods by opportunistic criminal elements are a constant element in the narratives. As one observed:

> "There are hard core thieves who rob people and also jobless people around who are now taking advantage of these xenophobic attacks and robbing people to get money because they have nothing to do with their lives." (Johannesburg Interview No. 1)

However, the interviewees consistently maintain that robbery per se was not the prime motive for the attacks. As one respondent noted:

> "They target shops, the owners as well as the goods inside. They only target foreign owned shops. There is more to that [than robbery], they want us to leave their country because they hate our businesses here and they say we are finishing their jobs." (Johannesburg Interview No. 3)

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[123] Harber, A. (2011). *Diepsloot* (Cape Town: Jonathan Ball).
[124] Harber, A. (2011), p.123.
[125] Harber, A. (2011), p.121.

Others pointed to the fact that South African business owners in the same vicinity are left alone during crowd violence, that attacks often involve vicious physical assaults against the person, and that they are usually accompanied by strident xenophobic language:

> "People were being beaten up and they were dying. A group of South Africans moved around this whole squatter camp terrorising all foreigners and they used to move with someone who knew where all foreigners stayed. These people moved with knobkerries, metal sticks, *sjamboks* and any sort of weapon you can think of for distraction. If you were a foreigner and did not have a passport they would beat you up." (Johannesburg Interview No. 3)

> "The violence was there for two days or so and I thought it was over. I went to service a car in Heiderveld. When I was coming back I passed through one of my friend's place and he accompanied me half way. When he had gone, and I was in Sisulu Street down there, they attacked me with a plank and something like a rubber. They hit me all over and even stomped on me. It was xenophobia. They told me that they would kill me and that I was a foreigner and not wanted here. I cried and asked for them to leave me and they continued. No-one intervened. It was past 8pm and there were still people moving about. A few other guys joined in. I was saved by a car that passed, when its lights flashed them they ran away. They told me that next time they would kill me." (Cape Town Interview No. 3)

> "I was robbed in broad daylight here in Masiphumelele. It was not a real robbery, it was a gang just saying foreigners must leave. I was about to park my car when the group of men descended on me. They asked for my ID and I did not give them and when I said let me go and get it, they pounced on me and started pushing me. My neighbours just looked on. I asked what I had done but they were just singing derogatory songs. It was pure xenophobia. Most of the locals here joined and wanted to chase me out. Even my neighbours were caught up in that chaos and were told to go. You see, when there is a small thing that happens, it ends up being that foreigners must be chased away. Is that not xenophobia? Many times here I have been insulted only because I am a foreigner. You ferry someone's goods and they pay you little and the next time you want your balance they start some story that you are a thief or so on and the others join in. Is that not xenophobia? Why do they not do that to South Africans? Why only to foreigners? These people have xenophobia in their blood." (Cape Town Interview No. 13)

Fourth, many of the accounts in all three sites describe how a protest or march about government service delivery would quickly disintegrate into mob violence and looting of shops and stores owned by migrants. The connection between the two events is not immediately obvious but, according to the interviewees, the looting is never indiscriminate but only targets migrants. The reason, according to some, is that they become scapegoats for government failure to deliver services:

> "South Africans are not friendly. They say this is their country and they do what they want to us, hurting us. These locals ask services from their government and if they are not given them they demonstrate and if their concerns are not heard they put their frustrations on foreigners. Most of them are uneducated so they think we are the cause of their problem and when they see you in business they think you are taking over their business. They target foreigners in business. They start with businesses and sometimes when their concerns are not heard they even start attacking those not in business and foreigners in their homes." (Cape Town Interview No. 11)

Fifth, there was some evidence of 'violent entrepreneurship' involving attacks orchestrated by South African competitors. One Zimbabwean entrepreneur in Polokwane, for example, described how he had established a business selling and repairing cell phones. He said that his South African competitors reported him to the police for dealing in stolen phones but his records showed

that all his transactions were legitimate. According to him they had tried several times to get him arrested. The reason? "They even tell me to my face that they want me out of this place because I am a foreigner. How can they fail to make business when I as a foreigner is doing well? That is their quarrel. Some have even organised thieves to rob me and I have been robbed twice."

Sixth, xenophobic violence is gender-indiscriminate in that both male and female migrants recounted equally harrowing stories. Lefko-Everett has argued that one of the most common strategies adopted by Zimbabwean women migrants travelling to South Africa as cross-border traders is to travel and stay in groups as a means of protection.[126] Zimbabwean women living in South Africa and selling on the streets are generally unable to benefit from group protection. One woman in Johannesburg described her experience and sense of helplessness as follows:

> "They were calling me names and some were telling me to go back to Zimbabwe saying I would die that night. Some of the foreigners who were there and had been trying to support me saw that the situation was getting serious and just disappeared. I lost most of my goods that day as people just started taking them. The lady who was selling close to me also lost her products as people just took and went. It was terrible. No-one was on our side. They just did not care that we were females. They just harassed us. I even thought of going back home that day. What sopped me is the thought of going back to look at my kids without anything. And there was nothing that I would do in Zimbabwe. Here we live with xenophobia every day. We see it happening and there is nothing that we can do." (Johannesburg Interview No. 10)

Seventh, the interviewees had different opinions on whether Zimbabweans were particular targets. Most said that all foreign-owned businesses were targeted, not simply Zimbabweans. A number commented that the type of business made a difference, with food and grocery shops being especially vulnerable. Virtually all agreed on one point, however; the purpose of the attacks was not simply to steal certain desirable goods but to clean them out and destroy their business premises and operations so that they could not continue to function. There were numerous examples of entrepreneurs who had lost all of their stock and also had their premises vandalised and wrecked, even when they were operating from containers which are generally considered to be the best form of protection:

> "They broke and took away everything as if they don't want one to be in business. If they wanted goods only they would have just broke in and took stuff only but they destroyed, breaking windows and even removing them and most people are not yet back on their feet." (Cape Town Interview No. 8)

> "In 2011, the business was attacked by local people. The shop was attacked by the mob. They looted everything and left me with almost nothing. I had goods worth over ZAR 15,000 [1,038 EUR] in here. Everything except some few bottles of cooking oil and cigarettes remained. It almost destroyed my business. I was left with very little. I had not saved much so it took me some time to be on my feet again. I had to borrow some money from friends because I needed to restock. I cannot afford to stock much as I am not sure what happens tomorrow. These days we no longer put everything here. Some of the stock is at home so that if the steal here, I will have some of my stock at home to start again. I just replenish what is in short supply here." (Cape Town Interview No. 10)

> "We had just brought stuff from Zimbabweans on a Sunday. They were worth about ZAR 10,000 [692 EUR] and included groundnuts (*nyimo*), sweet potatoes (*mbambaira*), groundnuts (*nzungu*), *matemba* and we had also just stocked the local products. We had bought a lot of crates like onions for about ZAR 15,000 [1,038 EUR]. All these products were in the container and the container was destroyed. They upended it and spilled all

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[126] Lefko-Everett, K. (2010). The Voices of Migrant Zimbabwean Women in South Africa. In J. Crush and D. Tevera (eds.), *Zimbabwe's Exodus: Crisis, Migration, Survival* (Ottawa and Cape Town: IDRC and SAMP), pp. 269-290.

the products that were inside to the ground. Some of the products were burnt, taken and we were left with nothing. And because we had just stocked we didn't have any money at home so we had to start all over from scratch." (Cape Town Interview No. 1)

Given the pervasive view amongst South African politicians that xenophobia does not even exist in the country (see below), it is important to ask whether those affected by the violence agree. Certainly, the term 'xenophobia' itself was used by all the interviewees to describe the harassment and physical abuse they experience and some even referred to the widespread violence in 2008 and 2015 as 'the xenophobia'. However, they were also asked if they thought South Africans were xenophobic and, if so, why. No-one answered the question in the negative. A selection of responses clearly indicates that for Zimbabweans, South Africans are, indeed, the "owners of xenophobia":

"I can say that three quarters of them show their hatred towards us foreign nationals. They don't like us. Xenophobia is a South African thing. It happens more than anywhere in the world I think. Everything they do shows it. They do not like us. They speak to us like we are not like them. They look down upon us. They are like that whether they are Christians or not. The children learn it from their parents. The call us *makwerekwere*.[127] Do you know even small kids can call you *makwerekwere*? Is that not xenophobic?" (Johannesburg Interview No. 2)

"If you want to see how they hate us, just have a disagreement and they will tell you bad things, telling you that you will die. What kind of a person wants to see another person dying? Life is sacred, but here in South Africa no one seems to care about that. They would rather you die so that they can get what you have. This is the only society where people kill each other over very simple disagreements." (Johannesburg Interview No. 10)

"You can see it almost every day in the train and other places when you pass they call you derogatory names like *makwerekwere*. We can see it every day in our daily life and we live with it. It does not only happen to people doing business, but it happens to any foreigner no matter whom. If you can't speak their language, you already are a *kwerekwere*[128] and you are in trouble." (Cape Town Interview No. 4)

"There are many things that happen. The way they see us, they see us as if we are lesser than them. They say bad things about us, like we are thieves and we are ugly and we do not bath, such things. But they know most of these things are not true but they like saying them anyway." (Cape Town Interview No. 10)

"Is there a country in the world where foreigners are killed and burnt like here? No. South Africa is a place like no other place. It is a country with people that do not care about other people. Look at the way the kill foreigners. The way the chase foreigners and steal their goods and injure them. That is not done by normal people. South Africans are xenophobic. They do not fear evil spirits from the dead. They just kill and the next hour they are busy *braaing* and singing and eating *amagwinya*. They are not normal people." (Cape Town Interview No. 12)

The language and practices of xenophobia cow the victims into silence and a sense of helplessness, short of returning to Zimbabwe which is not seen as a viable option. As one respondent said: "Here we live with xenophobia every day. We see it happening and there is nothing that we can do" (Johannesburg Interview No. 10). And another: "I remain silent because I am Zimbabwean and I can't go against what they say. But they have to realise that we are the

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[127] A term of insult of uncertain origin used by South Africans to describe migrants and refugees from the rest of Africa.
[128] A derivation of the same insult previously clarified, used by South Africans to describe migrants and refugees from the rest of Africa.

same we have the same skin as black people but we just keep quiet even as they insult us" (Johannesburg Interview No. 12).

6.3. Zimbabwean Migrant Reactions to Xenophobic Violence

The interviews conducted for this project provide important insights into how migrant entrepreneurs themselves respond to the threat and reality of xenophobic violence. From the responses of some of the migrants, it appears that trying to 'fit in' and integrate by learning local languages, dress codes and cultural practices is one way to try and pre-empt attacks.[129] However, these strategies were no guarantee of protection when mob violence broke out:

> "I was robbed during the day. There was a strike and I was coming from the shops. I was not here the previous day and so I did not know that there was a strike. When they saw me coming the mob ran to me. I was beaten and robbed. They knew I was a foreigner. I can speak three local languages and I spoke in isiZulu but they knew me, some of them and they said he is a Zimbabwean and they attacked me. If I was a local I was not going to be attacked. I had ZAR 1,800 [124 EUR]. All was taken. That was my money that I had collected from my customers. They robbed me because I was a Zimbabwean, a foreigner." (Johannesburg Interview No. 2)

A number of the interviewees argued that unlike some migrant groups, such as Somalis and Ethiopians, Zimbabweans were not inclined to band together to form associations or groups to lobby for and secure protection for their members. Indeed, some even went so far as to say that they had lost goods to fellow Zimbabweans during some attacks. Why else, they reasoned, were foodstuffs that only Zimbabweans liked to eat being looted?

A number suggested that there was safety in numbers and that by doing business in areas where there were lots of other migrant businesses, the chances of being attacked were considerably reduced. One respondent explained the attraction of running a business in the Johannesburg CBD as follows: "You will find that incidences of xenophobic attacks are very rare in Joburg central where they are a lot of foreigners. Also Park Station is a strategic location which supplies the whole of South Africa so our protection as foreigners is better" (Johannesburg Interview No. 13). The downside of operating in such safer locations was that business competition is extremely fierce.

Most were aware that a great deal of the xenophobic violence was confined to low-income areas, particularly informal settlements (or 'locations' as the Zimbabweans called them). Some of the most vicious xenophobic mob violence described by the interviewees occurred in informal settlements such as Imizamo Yethu, Dunoon and Masimphumele in Cape Town and Diepsloot and Orange Farm in Johannesburg. While it was possible for some to avoid doing business in these areas, and operating in areas of the city where attacks were less frequent, this was not a feasible option for all. Many Zimbabwean migrants to South Africa do not have the financial resources to afford accommodation anywhere other than informal settlements and do not have the means to run a business anywhere else.

A number of the interviewees noted that the unpredictability of the attacks made it difficult to 'plan' in advance. Some said that they made sure that they did not keep all of their stock at the place of business, storing some of it at home or in rented containers. All tried to minimise the amount of cash they kept on the premises, although not many Zimbabwean entrepreneurs have access to formal banking facilities. One noted that as soon as he had made some money, he immediately remitted it to Zimbabwe "so that even if I am attacked, there is nothing much that they can take

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[129] Hungwe, C. (2012)."The Migration Experience and Multiple Identities of Zimbabwean Migrants in South Africa. *Journal of Social Research* 1: 132-138; (2013). *Surviving Social Exclusion: Zimbabwean Migrants in Johannesburg, South Africa*. PhD Thesis, University of South Africa, Pretoria.

from me. It is better if my family can have that money" (Polokwane Interview No. 6). Another said that he was planning to relocate once he had sufficient capital saved up:

> "Surely experience is the best teacher but I think you plan when you have money, so I am thinking of saving a lot of money and looking for safer business locations like in town. I am thinking so because in 2008 they also attacked my business. They just broke and took away all my stuff, now they have burnt the structure down. So I re-constructed and started again so I am now thinking how I am to keep myself and my stuff safe." (Cape Town Interview No. 15)

Various reactive strategies were mentioned when their businesses were attacked. These included temporarily ceasing business operations, staying indoors at home, and moving to stay with friends or relatives in other parts of the city "until the dust settled" as one put it. Others said that the best strategy was simply to flee the area (or as one graphically put it "you run with your life"), if possible taking some valuable item with them which they could later sell and restart the business. None of the interviewees said that xenophobic attacks would put them permanently out of business. On the contrary, most said they would simply raise the capital and start up again.

The logical implication of the determination to stay in business is that xenophobic violence has failed in its two main aims: to drive migrant entrepreneurs out of business and to drive them out of the country and back to Zimbabwe. The interviewees were asked if they would return to Zimbabwe as a result of xenophobic attacks and the general consensus was that they would not. A significant number noted that they had settled in South Africa with their families and did not want to return. Many more made reference to the fact that the crisis in Zimbabwe meant that there was nothing for them to return to, even if they wished to do so:

> "There is nothing in Zimbabwe. I am not going back. I am trying to make my life here. My wife is here and my child is here. I am not going back there. Zimbabwe is a country I love. It's just that at the moment things are tough and there is really nothing to do when you return back home." (Johannesburg Interview No. 11)

> "While the hardships which I face in South Africa are many they are still better than the hardships I endured back in Zimbabwe. In the event of future attacks, I could try and survive because at least I will be doing something." (Johannesburg Interview No. 13)

> "I could never go back because there are no means of surviving. I could simply have to look for an alternative way to survive while in South Africa. Even if they attack me I will look for another means to survive as long as I am not dead." (Johannesburg Interview No. 19)

> "I am not going back. There is nothing to do in Zimbabwe especially because we left a long time ago. What will we do there? So we stay here because this is where our life is. We are establishing here and so if you leave you have to start again. I am not going back. When xenophobia starts we simply move to areas that are safe and return when it is quiet." (Cape Town Interview No. 7)

Particularly relevant to this project is the impact of xenophobic violence on remitting behaviour. Here there is a clear difference between Zimbabweans in wage employment and those running businesses in the informal economy. The former are assured of a reasonably regular income stream whereas the latter are not. Earnings are unpredictable and there are significant additional operational costs (including payment of rent for business properties, transportation of goods for sale, and transactional payments, such as bribes demanded by the police). All of these factors mean that informal entrepreneurs tend to remit on an irregular basis and in varying amounts. However, they (and their families in Zimbabwe) are particularly vulnerable to income and remittance interruptions resulting from xenophobic violence. All of the interviewees whose businesses had been victims of xenophobic violence were very clear about its negative impact on their ability to remit and, by extension, on their family members in Zimbabwe. As one noted

"obviously you will send less money home." The specific impacts on family in Zimbabwe were enumerated by others:

"They wouldn't be able to eat or pay for school fees, so they can't survive if I don't send." (Johannesburg Interview No. 19)

"When people steal your property and prevent you from working, then the money you send is reduced. The guy who refused to pay me affected me a lot. I could not send my mother money for four months and it bothered me because my mother and sister want to eat." (Cape Town Interview No. 3)

"Xenophobia reduces the money I send. I had to save for some time to be able to send them after the container was vandalised. If I stopped sending money they would starve. They do not have another source of money. I am the one looking after them. I do everything I can to make sure that they are okay." (Cape Town Interview No. 9)

"When these attacks happen, they (relatives in Zimbabwe) are affected, especially when they hear about these incidents. They will be worried about how we are surviving, that's why they keep phoning asking how things are because they will be having no source of income but we tell them things are not okay and we are not going to do business. Like the last incident we spent a week not going to work to do business. There was no transport and if you were seen going to do business you were attacked and killed." (Cape Town Interview No. 11)

"We give (money) and pay people going home to go and give it to our relatives. Maybe once or twice a month since children are going to school. But since the shop was burnt down it's been difficult to send money back home. Even myself I am struggling to survive even to pay rent." (Cape Town Interview No. 15)

"I have to keep sending money and goods. That is why I am here. They cannot do well without that money. I stopped remitting (during the xenophobic violence) because I had to go back home. I went back without anything because it was not a planned return. So we had problems but I returned as soon as the problem was over and people were getting back to the communities." (Polokwane Interview No. 3)

What these responses indicate is a lesson of broader importance for the study of migrants in countries in crisis. Migrants caught up in a crisis in a country of destination do not always have the option of returning to their home country. In the case of Zimbabweans in South Africa, return is certainly physically possible but the migrants are making a different kind of calculation. Zimbabwean migrants who encounter xenophobic violence in South Africa are forced to navigate two crises in their sending and receiving countries simultaneously. Xenophobic violence creates a double bind for affected migrants, who were confronted with two equally undesirable courses of action. That is, go back to the economic freefall and political repression in Zimbabwe or continue to face the constant risks of violence and discrimination by remaining in South Africa. If return migration poses a cleft-stick for most migrants, those who have additionally faced persecution for their political activities against the Zimbabwean regime are even less inclined to leave the relative security of South Africa, even if it exposes them to other forms of violence. This reality has very concrete implications for how both governments, as well as other stakeholders, might best respond to the crisis.

7. Stakeholder Responses to Xenophobic Violence

This section of the report examines governmental and non-governmental responses to the crisis of xenophobia in South Africa. Three caveats are necessary. First, the discussion of the response of some stakeholders is necessarily focused on responses to xenophobia and xenophobic violence in general. Although these interventions may impact upon and benefit Zimbabwean migrants, they are not specifically designed to benefit them. Second, where responses are directed at Zimbabwean migrants, they rarely single out migrant entrepreneurs as a sub-category although, again, the interventions may impact upon and benefit them. Third, few if any of the migrants interviewed for this study reported receiving assistance from any of the stakeholders. They are extremely critical of the perceived inaction of both the Zimbabwean and South African governments and reported little if any contact with or help from non-governmental organisations during or following episodes of xenophobic violence.

7.1. Migrant Perceptions of Government (In)action

Building on the discussion in the previous sections of the report, it is first important to understand the experience and perspective of the migrant entrepreneurs. All were therefore asked about the response of the South African and Zimbabwean governments to xenophobic violence against Zimbabweans. The responses ranged from the outright cynical to the totally dismissive. Not a single respondent said they had been helped by either government and none were prepared to defend the response of either to xenophobic violence in general. Most were extremely critical of both. The general consensus was not that the governments did not do enough but rather that they did nothing at all.

In the case of the Zimbabwean government, the prevailing sentiment was captured by one Johannesburg respondent who said:

> "The Zimbabwean government does nothing. I have never heard them comment or say anything about these attacks. They do not help us at all. They do not send anyone to come and see how we are living and even provide us with assistance. There is no government that helps us." (Johannesburg Interview No. 2)

Explanations for why the government 'does nothing' ranged from sheer disinterest in what happened to Zimbabweans outside the country, a lack of resources to do anything to help, and a desire to see Zimbabweans return home instead of staying in South Africa.

Far harsher criticism was reserved for the South African government's practice of 'doing nothing':

> "The South African government does not do anything. At least nothing that I know of. They are just silent. We just see the police, but they come too late and do not do anything. They do not arrest anyone even though you report. They are just moving about, but really doing nothing. I sometimes think that even the police hate us the foreigners. Would they do the same and not help if foreigners attack local people? No, they would arrest us. So the police do not help us and would rather see us gone. Even the community leaders do not do anything." (Johannesburg Interview No. 2)

> "Some of the people in government are fuelling xenophobia. They are also xenophobic because they say a lot of things that are not true. Like we are the ones who are causing problems here. They had problems here before we came. They are very corrupt but they are the ones that tell people that foreigners are the cause of the problems. People listen to the government. They keep saying that foreigners are bad. What do you expect the people to do? The people follow their government." (Cape Town Interview No. 5)

> "They are the ones that cause it so they do not care. The one that occurred in Durban it was the King who incited people. Now he is saying he did not do it but we all saw him on

TV. The government does not care for us. They care about their people only. If it were foreigners doing violence against the locals, we would all be in jail." (Cape Town Interview No. 6)

Even those who did not label the government's reaction as xenophobic itself, felt that xenophobic violence was tolerated because it supposedly achieved the desired effect of getting 'foreigners' to leave the country.

7.2.   Response of Zimbabwean Government

How accurate are these criticisms of inaction articulated by the victims of xenophobic violence? In the case of Zimbabwe, the fragilities of the sending state, the consequent inability to leverage improved protection for its citizens in South Africa, and the conditions that produce large flows of migrants and exposes them to such dangerous circumstances, are all critical determinants of the response or lack thereof. Fragile states like Zimbabwe certainly possess very limited capacity and resources to provide help and support to their citizens, when such situations arise. However, as Koser argues, the Zimbabwean state seems to lack the political will to assist its citizens when they have been stricken by emergencies in other countries.[130]

In May 2008, the Zimbabwean consulate in Johannesburg indicated that the government was organising voluntary repatriations. The time lag between the onset of emergency situations and the establishments of consular assistance was also defended. The Zimbabwean government eventually sent two trucks and ten buses to South Africa to transport those who wanted to be repatriated.[131] But, it is not known what other help this cash-strapped state provided to these victims and how many of those who left remained in South Africa and for how long.

In 2015, six buses and a truck were sent to South Africa to repatriate Zimbabweans who wished to leave and a total of 407 people, including women and children, returned to Zimbabwe. One man described his reason for returning as follows:

"I watched my cousin being beheaded by a group of rowdy Zulus armed with machetes, knives, knobkerries and guns who were *toyi-toying*, singing songs denouncing foreigners. It seemed that the South African Police were laughing while my relative was being killed. We were only helped by the Metro Police who took us to a camp where other Zimbabweans were. As a result, I left my wife whose life I do not fear for as she is South African. I fear for the lives of my children because these people were ruthless."[132]

While some traumatised migrants said they would never return to South Africa, most had little choice, as there were few livelihood opportunities for them in Zimbabwe.

The Zimbabwean government equivocated in its public response to the xenophobic violence of early 2015. When news of the attacks first broke, President Mugabe was actually on his first state visit to South Africa with a business delegation, but he avoided publicly commenting on the violence. Instead, playing to his hosts, he thanked South Africa for its hospitality and patience towards those migrating without valid visas: "Naturally, that must be resolved, people moving without passports into South Africa…We must find ways of controlling movement which is not sanctioned".[133] An official statement released by the South African government about the visit

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[130] Koser, K. (2014). Non-Citizens Caught Up in Situations of Conflict, Violence and Disaster. In S. Martin, S. Weerasinghe and A. Taylor (eds.), *Humanitarian Crises and Migration: Causes, Consequences and Responses* (London: Routledge), pp. 267- 286.

[131] VOA (30 May, 2008). Zimbabwe Offers Transportation to its South Africa Violence Victims. *VOA News.*

[132] Ruwenda, I. and Muleya, T. (21 April, 2015). Xenophobia in SA: First Batch of Displaced Migrants Arrives in Zimbabwe. *Nehanda Radio.*

[133] Zimbabwe Independent (10, April 2015). Zim, SA Leaders Ignore Xenophobic Attacks.

reiterated Mugabe's remarks on Zimbabwean 'border-jumpers' and went on to decry the "thousands of Zimbabwean economic migrants" residing in the country.[134]

Later, the Zimbabwean government strongly condemned the violence. In a formal address in Harare to mark the country's 35th independence anniversary, Mugabe expressed "shock and disgust" at the xenophobic violence in KwaZulu-Natal and other locations in South Africa, and calling for its immediate end: "The act of treating other Africans in that horrible way can never be condoned by anyone. Our own African people on the African continent must be treated with respect".[135] In an interview with the BBC, Information Minister Jonathan Moyo urged the South African government to condemn the violence: "If you allow that [xenophobic violence] to happen without condemning it outright, without condemning it unconditionally, you sow the seeds of genocide".[136] However, after attending a summit of SADC leaders, President Mugabe reverted to criticising migrants, reportedly noting that "people must go back to their own country. We, the neighbours, should do whatever we can to prevent more people from going into South Africa and get those who are in South Africa to get back home".[137]

In sum, the Zimbabwean government can be prodded into making critical statements about xenophobic violence in South Africa, and providing some transportation for those who wish to voluntarily return to Zimbabwe in moments of extreme crisis, as in May 2008 and January 2015. However, little appears to have been said or done in the intervening years between 2008 and 2015 (or since) about ongoing xenophobic violence directed at Zimbabwean citizens and migrant entrepreneurs in South Africa. Until recently, the Zimbabwean government viewed migrants who had left the country very negatively and saw migration almost as a traitorous act. Harsh criticism was often reserved for the many Zimbabweans in the diaspora, including in South Africa, despite their central role in propping up the economy with remittances. This negative attitude has certainly softened in the last year as the government devised a National Diaspora Policy which was approved by Cabinet in June 2016.[138] Whether this extends to an active concern with how Zimbabweans are being treated in other countries remains to be seen.

7.3.   Response of South African Government

7.3.1. Responses to May 2008

A South African Human Rights Commission (SAHRC) investigation of the events of May 2008 argued that there had been little intervention by various levels of government in incidents of xenophobic violence before 2008.[139] Local police had a poor record of protecting migrants when they were being attacked and negligible attention was paid to localised conflicts between locals and non-citizens. Indeed, the situation had been allowed to escalate unchecked into a full-blown crisis in May 2008. When the violence first unfolded, the South African government initially ignored the situation and downplayed its significance.[140] By the end of May, however, government could no longer disregard the very large number of displaced persons and the mounting international criticism and negative publicity about its handling of the crisis. The army was called in to quell the attacks and a state of emergency was declared.[141]

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[134] SAGNA (South African Government News Agency) (8 April, 2015). *SA, Zimbabwe Sign Five Bilateral Agreements.*
[135] Mushonga, M. (18 April, 2015). Horrific Xenophobic Shock, Disgust: Mugabe. *CAJ News* and *AllAfrica*; News24 (18 April, 2015). Mugabe 'Shocked and Disgusted' by Xenophobic Attacks in SA. *Mail & Guardian.*
[136] Tejas, A. (18 May, 2015). Xenophobia 2015: Zimbabwe Condemns Violence, Says it Could 'Sow Seeds of Genocide'. *International Business Times.*
[137] Bloomberg/AFP (29 April, 2015). Mugabe says South Africa Isn't 'Heaven', and 'Africans in the Country are Still Very Low', as Whites Live Better. *Mail & Guardian Africa.*
[138] Herald (23 June, 2016). Cabinet Approves National Diaspora Policy. *The Herald.*
[139] SAHRC (2010).
[140] Crush, J. (2008).
[141] Nyar, A. (2010).

Subsequent studies of the responses of the South African government to the violence of 2008 highlight the many weaknesses in the governance of xenophobic violence and the emergency management of displaced persons.[142] As Everatt notes: "civil society organisations stepped into the space created by government's initial indecisiveness regarding the causes, nature and appropriate way to respond to the conflagration".[143] The spontaneous mobilisation of civil society organisations included anti-xenophobia marches in major cities and humanitarian assistance to the displaced:

> "When the violence struck, civil society organisations accessed and channelled resources, provided food, shelter and other material assistance. Civil society mobilized hundreds of people as volunteers. It pressurised government to intervene…. Many of the civil society organisations working on the response had never worked together before. The civil society response was diverse and plural in nature. It included NGOs, social movements, community-based organisations (CBOs), civics, schools, women's groups, peace and justice organisations, academics, students, Christian, Jewish and Muslim faith-based organisations (FBOs), refugee and migrant organisations, school governing bodies, community policing forums, professional associations and trade unions. These diverse groupings were brought together under several umbrellas which served different purposes, from humanitarian aid to political activism. These organisations also put pressure on political parties and constitutional institutions to intervene."[144]

In the displacement camps, NGOs provided services, psychological support, legal assistance, education and advocacy, and lobbied to ensure standards of care. Civil society also mounted legal challenges, including an attempt to prevent the closure of the camps. The legal action was successful but was ignored by the state. One of the outcomes of civil society mobilisation was the formation of new coalitions of organisations including the Durban Action Against Xenophobia (DAAX), the Coalition Against Xenophobia, Racism, Ethnicism and Poverty (CAXREP), the Coalition Against Xenophobia in Johannesburg, and the Social Justice Coalition (SJC) in Cape Town.

In the months following May 2008, however, the momentum was quickly lost, which suggests that civil society was quick to mobilise with humanitarian actions but slow to devise an effective and ongoing responses to less dramatic but continuing acts of xenophobic violence.[145] As a review of the civil society response later noted, "the civil society response was an effective short-term humanitarian intervention. After the immediacy of the crisis passed, the momentum created by the crisis was lost".[146]

Although the South African government had some previous experience of dealing with large-scale displacement caused by disasters such as floods, it had not handled such an emergency involving attacks by its own citizens on non-citizens.[147] There was confusion over which government department was responsible, especially since the mandate of the Department of Home Affairs does not include welfare provisions required in emergency assistance.[148] Strict

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[142] Bekker, S. (2015). Violent Xenophobic Episodes in South Africa, 2008 and 2015. *African Human Mobility Review* 1: 229-252; Cabane, L. (2015); Hayem, J. (2013). From May 2008 to 2011: Xenophobic Violence and National Subjectivity in South Africa. *Journal of Southern African Studies* 39: 77–97; Landau, L. (ed.) (2012).
[143] Everatt, D. (2011b). Xenophobia, State and Society in South Africa, 2008–2010. *Politikon* 38: 7-36.
[144] Parsley, J. and Everatt, D. (2010). Summary of Report and Recommendations. In *South African Civil Society and Xenophobia* (Johannesburg: Atlantic Phialnthropies and Strategy & Tactics), p.8-9.
[145] Geffen, N. (2008). *Shattered Myths: The Xenophobic Violence in South Africa*. Treatment Action Campaign, Johannesburg; Peberdy, S. and Jara, M. (2011). Humanitarian and Social Mobilization in Cape Town: Civil Society and the May 2008 Xenophobic Violence. *Politikon* 38: 37-57.
[146] Parsley, J. and Everatt, D. (2010), p.9.
[147] Cabane, L. (2015).
[148] Igglesden, V., Monson, T. and Polzer, T. (2009). *Humanitarian Assistance to Internally Displaced Persons in South Africa: Lessons Learned Following Attacks on Foreign Nationals in May 2008*. Report for Oxfam and Forced Migration Studies Program, University of the Witwatersrand.

border management, which has been a cornerstone of immigration governance of the post-apartheid state, continued during this volatile period, resulting in the forced deportation of some violence-affected, displaced persons. Two months elapsed before the deportation of affected migrants was halted.

Some have suggested that the attacks were not really xenophobic because South Africans were equally at risk since and were amongst the fatalities. This view plays into a broader discourse which suggests that migrant enterprises are no more at risk than their South African counterparts.[149] In May 2008, South African victims were probably cases of mistaken identity or revenge attacks on South Africans who had rented property to migrants. There were certainly few South Africans amongst the 100,000 displaced people who took shelter in makeshift camps around the country. There was strong concern among non-governmental actors that the quality of aid to the displaced migrants was inadequate and far below the prescribed minimum international standard for disasters.[150] In a public statement, MSF noted that "after living in unacceptable conditions for up to three weeks, the displaced people are now being relocated by the South African government, without proper access to information about their rights and options, to sites that are unprepared and insecure. They say they are being treated like animals".[151] Camps around the country for the displaced were closed by provincial governments in late 2008, generating considerable controversy and opposition from migrants and human rights organisations.[152]

Critics of the South African government's response to xenophobic violence tend to focus on the ineffectiveness of its interventions:

> "Systemic and deeply entrenched xenophobic attitudes and behavior in South Africa are clear evidence that responses and interventions designed to address the problem have been largely ineffective. National government and relevant local authorities have thus far either tended to ignore the problem or to categorise violence against foreign nationals and other forms of xenophobic behavior as part of 'normal' crime with no need for additional targeted interventions."[153]

Although the South African government moved more swiftly in response to the escalating xenophobic violence in early 2015, other lessons from May 2008 remained unaddressed. A Counter-Xenophobia Unit (CXU) had been set up by the Department of Home Affairs in 2004 and conducted some sporadic activities. In 2007 and 2008, for example, it reportedly investigated the causes of xenophobia-related violence in several parts of the country and concluded that "the major sources of violence were identified as lack of service delivery, unemployment, poverty, competition for business and crime".[154] Ironically, given the name and mission of the CXU, no mention was made of xenophobia itself. The CXU was eventually disbanded. The many recommendations of the South African Human Rights Commission to different levels and departments for tackling xenophobia in the aftermath of May 2008 were largely ignored.[155]

7.3.2. Responses to 2015 Attacks

After the xenophobic violence broke out in early 2015, the highest levels of the South African government initially became involved. A Press Release dated 19 April 2015 condemned the "callous acts of violent attacks and looting that have been witnessed in the past week, particularly

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[149] Charman, A. and Piper, L. (2012); Piper, L. and Charman, A. (2016). Xenophobia, Price Competition and Violence in the *Spaza* Sector in South Africa. *African Human Mobility Review* 2: 332-361.
[150] Peberdy, S. and Jara, M. (2011).
[151] MSF (2 June, 2008). *Relocation Process Exacerbates Trauma of Displaced People in South Africa*. MSF Website. Retrieved from: http://www.msf.org/en/article/relocation-process-exacerbates-trauma-displaced-people-south-africa.
[152] SAHRC (2010), p.58-64.
[153] Misago, J-P., Freemantle, I. and Landau, L. (2015), p.25.
[154] DHA (2008). *Annual Report for 2007-8: Building the New Home Affairs*. Pretoria.
[155] SAHRC (2010).

in KwaZuluNatal and recently in Gauteng" and unequivocally condemned "the maiming and killing of our brothers and sisters from other parts of the continent. No amount of frustration or anger can justify these attacks and looting of shops".[156] Amongst the 'critical interventions' listed in the release were the following:

- Law enforcement agencies were doing "whatever it takes to restore law and order within our communities."
- President Jacob Zuma had cancelled a visit to Indonesia and personally visited "displaced foreign nationals" in Durban "to assure them of our support as government of South Africa" and "spread the message of peace and tolerance."
- Zuma would lead a stakeholder outreach programme around the country to engage communities.
- Attacks on any fellow human beings and destruction of property as well as looting are criminal offences and would not be tolerated.
- Meetings would be held with church leaders to appeal to them to preach a message of peace and to ask their followers not to take part in violence.
- Meetings of government ministers with representatives of the African diplomatic community were being held "to assure them of our commitment to ensure peaceful co-existence between South African citizens and people from other African nations who live in South Africa."
- The Department of Social Development was providing food, shelter and other necessities to displaced persons in shelters in both Gauteng and KwaZulu-Natal. Trauma counselling and debriefing services were being provided to individuals on site at the shelters.
- Government was working closely with civil society to provide all possible support to the displaced as they await reintegration back into their communities.
- Law enforcement officers were "working very hard" to ensure that those involved in acts of violence were arrested, charged and convicted. A total of 307 suspects had been arrested "in connection with attacks on foreigners and public violence across the country."
- Condemnation of those using social media "to instil fear in different parts of the country" by sending fictitious SMS and WhatsApp messages warning people of imminent attacks.
- The National Joint Operational Centre (NATJOC) was operating on a 24-hour basis to coordinate the government-wide response to this situation. Provincial Joint Operational Structures (PROVJOCS) had been activated to monitor and curb any potential threats across the nine provinces of the country.
- A stern warning was issued "to those who lend themselves to acts of public violence. We will find you and you will be dealt with to the full might of the law. You will be arrested and sentenced accordingly. We warn especially young people as having a criminal record can disrupt their lives. We urge people with information on plans to cause violence or those who have witnessed acts of violence, to contact one of the operational centres, either in the relevant province or at national level."

There was no explicit mention of xenophobia at all in the official release. Instead there was an assurance that "the overwhelming majority of South Africans are against the violent attacks against our brother and sisters from other African countries" and it did say that government "would address some of the issues that have been raised by communities." In the weeks that followed, it became clear that the communities referred to were all South Africans and that the 'issues' referred to were those raised by South Africans.

While the South African government had improved its management of xenophobic violence, it still relied on a largely reactive strategy. Voluntary return was encouraged as the desirable course of action by authorities in both 2008 and 2015. Unprepared to deal with an emergency situation on this scale in 2008, South African authorities actively supported migrants' decision to leave South

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[156] GCIS (2015). *Media Statement: Progress Made by South African Government to Bring End to Attacks against Foreign Nationals.* Government Communications and Information Services, Pretoria.

Africa and facilitated their departure.[157] After the violence of 2015, affected migrants without valid status were asked to repatriate "voluntarily" to their country of origin as a condition for receiving assistance at the temporary camps.[158] According to the SRG, the emphasis on voluntary repatriation as an effective strategy to deal with displaced migrants runs the danger of conveying the impression that "it is acceptable to attack migrants" as the "government will make sure that they are assisted to leave South Africa".[159]

The major response to the 2015 violence was the establishment of an Inter-Ministerial Committee on Migration (IMC) housed in the Presidency, and on which 15 government ministers sat. The brief of the IMC was "to promote orderly and efficient migration and peaceful co-existence between citizens and non-South Africans, as well as to consider social, economic and security aspects of migration".[160] An Ad Hoc Parliamentary Committee was also constituted by both houses of parliament with the mandate to investigate the causes of the violence.[161] The IMC made its own findings known to the Ad Hoc Committee in a public briefing. According to the IMC:

- The primary cause of the violence against foreign nationals was "increased competition arising from the socio-economic circumstances in South Africa." According to the IMC, statistics showed "a growth in the number of unskilled immigrants entering the country since 2008 … in the context of slowing economic growth and a decline in unskilled job creation."
- Competition had been heightened by "a decade of poor implementation of immigration and border controls" and that "if the underlying causes are not addressed there remained a considerable latent potential for resurgence of violent anti-foreign national sentiments."
- The total number of migrants in the country was between five million and six million. It was thus "highly likely" that immigrants represented more than 10% of the country's population.
- The reasons for increasing migration included "South Africa's relatively successful economy; abuse of the asylum seeker and permit waivers systems; corruption in the border environment and failed border coordination."
- Foreign nationals were placing a strain on government services such as health, housing, education and social grants.
- Foreign nationals were "dominating trade in certain sectors such as consumable goods in informal settlements which has had a negative impact on unemployed and low skilled South Africans."
- Challenges with the migration policy of the country included: that "no reservations were made to international agreements unlike other countries" [sic]; that asylum seekers were allowed to work; and "there being no provision to share the burdens of migration with other African countries."
- Plans included "revisiting South Africa's unreserved accession to relevant UN conventions and the related changes to the Refugees Act (No. 130 of 1998); measures to track and trace those persons who had overstayed the allowed time on their permits; decentralising Refuge Reception Centres at ports of entry to ensure "more restricted movement for rapid and controlled processing of applications" and improvement of borderline management "in terms of expedited construction and repair of border fences and increased patrols."

These unsubstantiated 'findings' – exaggerating the numbers of migrants in the country and essentially blaming the violence on migrants and the poor enforcement of migration policy – were compounded by the Minister's observation at a press conference that "as the Inter-Ministerial Committee, we've concluded that South Africans are not xenophobic".[162]

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[157] Igglesden, V., Monson, T. and Polzer, T. (2009); Misago, J-P (2009).
[158] SRG (2015).
[159] SRG (2015), p.124.
[160] Parliamentary Joint Committee (2015), p.19.
[161] PMG (Parliamentary Monitoring Group) (2015). *Meeting to Adopt Ad Hoc Joint Committee on Probing Violence Against Foreign Nationals Report*. South African Parliament, Cape Town.
[162] Davis, G. (11 November, 2015). SA Citizens are Not Xenophobic - Jeff Radebe. *EWN*.

The Committee concluded that "the main causes of the violent attacks were criminal actions that started with stealing of goods from foreign owned *spaza* shops by South African criminals who are often drug addicts. The *spaza* shop owners would react by shooting at those who steal from their *spaza* shops using unregistered firearms rather than reporting to the police. When this happens and someone is killed, local communities retaliate by looting *spaza* shops owned by foreign nationals rather than reporting to the police".[163]

7.3.3. Operation *Fiela*

Government has the resources to implement its vision of what should be done and gave effect to this in the form of the so-called Operation *Fiela*-Reclaim, launched by the IMC, in April 2015 in the wake of the violence. Operation *Fiela* was described on the government website as "a multidisciplinary interdepartmental operation aimed at eliminating criminality and general lawlessness from our communities. As the word '*Fiela*' means to sweep clean, we are ridding communities of crime and criminals so that the people of South Africa can be and feel safe. The ultimate objective of the operation is to create a safe and secure environment for all in South Africa" (Government updates on Operation *Fiela* were posted online).[164]

In practice, a critical component of Operation *Fiela* was a massive drive to harass migrant-owned businesses, locate undocumented migrants and facilitate their deportation.[165] By the end of 2015, government could boast that Operation *Fiela* had searched 460,000 people, 151,000 vehicles and 38,000 premises. A total of 41,000 arrests had also been made. Many of these were migrants. The breakdown was not given but earlier, in July 2015, the largest number of arrests were migrants, followed by persons arrested for drug possession.[166] Between April and June of 2015, 10,242 migrants were deported, of which Zimbabweans constituted the second largest group (3,051 migrants) after Mozambicans (3,691 persons).[167] The absence of due process in the militaristic implementation of Operation *Fiela* led Lawyers for Human Rights (LHR) to (unsuccessfully) challenge the constitutionality of the way in which the Operation was being conducted in the North Gauteng High Court in June 2015. An application for leave to appeal to the Constitutional Court was dismissed in December 2016. In the interview with Lawyers for Human Rights for this study, they reiterated their concerns:

> "What we found astonishing was the Operation *Fiela* response from government. They said the appropriate response (to xenophobia) is multi-agency enforcement to identify and address and detain and deport undocumented migrants and the justification was that South Africans are concerned about large numbers of undocumented migrants and involvement in crime and threats to social cohesion. So the best way to address the issue was to remove them. It emphasised the growing securitisation of migration – the language they used was national security language and moved away from rights language."

What quickly became clear was that a particular target of Operation *Fiela* was the informal economy and businesses owned by migrant entrepreneurs. In Cape Town, for example, just before the global celebration of World Refugee Day, the police, army, traffic officials, and immigration officials descended *en masse* on Cape Town's Station deck (a taxi terminus and market above Cape Town railway station). They closed the Deck for four hours and raided all the stalls. Various informal traders described what transpired:

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[163] Parliamentary Joint Committee (2015), p.35.
[164] See reference to the website on Operation *Fiela*: http://www.gov.za/operation-fiela.
[165] Nicolson, G. (8 September, 2015). Operation Fiela: Thousands of Arrests, Doubtful Impact. *Daily Maverick*.
[166] Maromo, J. (7 September, 2015). The Numbers Behind Operation Fiela. *Mail & Guardian*.
[167] SRG (2015).

"Yesterday was a big loss. We had prepared food that could not be delivered to our customers as usual. No one was allowed to come in or out of the deck. Soldiers and police had blocked all entrances and exit points. I have not yet paid my workers … Since I started this business (selling pap and mutton stew) in 2010, I never let my workers down when it comes to paying wages. When police got into my neighbour's stall, they did not find anything illegal. I am not sure why she was arrested."[168]

"There was police, army and immigration. They were looking for those people who live in South Africa without documents. They asked me for my document: I take my passport and showed them, and they left. I've been here for five years already. Nothing like this has happened to me. Most of the people didn't have their documents, and there was nowhere to run – it was all over the place. I saw they arrested a woman, but she was back here yesterday. She didn't have her document on Saturday, but she maybe asked her kids to bring it to the police so she could be released. The police are not wrong, because you can't live in a country without documents. But the army thing, I don't understand why they are here. They carry those guns like it's war here. If you come to search the people like that, it's not good, because even today some shops didn't open because the people were worried about that."[169]

"It was really terrifying the manner in which they did [things] yesterday. Soldiers pointed guns, ready to shoot anyone [who was] against what was happening. I was selling some brand stuff, but these people went beyond that. Some of them were wicked. I could neither question their authority nor do anything to stop them from taking my stuff. They came in and took down all my stuff. They confiscated almost 50 items [including] jeans, trousers and tops. Out of these items, less than ten were brand names. Yesterday was a great loss, since the operation went into our busiest time of the day, between 10 and 11am… The unfortunate thing is they did not give us a receipt to show what they have confiscated … I believe in a normal situation they issue a receipt … We did not get any chance to talk to them regarding how we could go about [getting back] the goods seized."[170]

In effect, Operation *Fiela* was a heavy-handed and high-profile effort on the part of government to reassure South Africans that it was doing something about the 'problem' of migration from other countries. There is no evidence on how many Zimbabweans, or Zimbabwean entrepreneurs, were affected by this 'show of strength' but many probably were. The People's Coalition Against Xenophobia, a grouping of civil-society organisations, repeatedly criticised Operation *Fiela* as a 'show of institutional xenophobia'.

With regard, specifically, to the violence against foreign-owned businesses, government has been extremely responsive to arguments that these businesses are providing 'unfair' competition and putting South Africans out of business. Whether this is actually true or not has never been ascertained and research evidence about the positive economic impacts of migrant and refugee business activity is strategically ignored. The Department of Trade and Industry developed and published a National Informal Business Upliftment Strategy (or NIBUS) in 2013.[171] The Strategy includes a section on the "influx of foreigners into the informal business sector and ensuing conflict with locals".[172] According to NIBUS, foreign-owned informal businesses are an "express challenge" since there is "no regulatory restrictions in controlling the influx of foreigners (sic)" and "no synergy between the DRI and Home Affairs in devising strategies and policies to control foreign business activities.[173] The Deputy Minister of Trade and Industry, Elizabeth Thabete,

[168] Chiguvare, B. (22 June, 2015). Army Closes Down Cape Town Station. *GroundUp.*
[169] Pather, R. (23 June , 2015). Operation Fiela in the Cape Town CBD. *The Daily Vox.*
[170] Chiguvare, B. (22 June, 2015).
[171] DTI (Department of Trade and Industry) (2013). *National Informal Business Development Strategy* (Pretoria: Department of Trade and Industry).
[172] DTI (Department of Trade and Industry) (2013), p.24.
[173] DTI (Department of Trade and Industry) (2013), p.22.

sharply criticised South Africans for renting their properties to migrants by referring to "the scourge of South Africans in townships selling and renting their businesses to foreigners unfortunately does not assist us as government in our efforts to support and grow these informal businesses".[174]

In 2014, a Department of Small Business Development was created to identify a strategy to manage the informal sector and encourage small, medium and micro enterprise (SMME) development. The Minister, Lindiwe Zulu, initially acknowledged the right of international migrants to operate saying "They must make a living. The more they make a living, the more they contribute to the economy. They pay taxes and are active participants in the economy".[175] But by 2015 she was arguing that "foreign business owners in SA's townships cannot expect to co-exist peacefully with local business owners unless they share their trade secrets", and that "foreigners" cannot "barricade themselves in and not share their practices with local business owners".[176] Statements similarly critical of migrant entrepreneurs were made by the Co-Chair of the Parliamentary Committee on Home Affairs investigating the xenophobic attacks in early 2015. The Chair essentially blamed the victims for the attacks: "they roam, they go to townships to occupy the economic space. We never invaded economic space in exile".[177] The IMC briefed the Committee and referred to the "business models used by migrants to discourage competition such as forming monopolies, evading taxes, avoiding customs and selling illegal and expired goods".[178]

The "criminalisation" of migrant-owned informal business reached its nadir with the tabling of the Licensing of Businesses Bill in Parliament by the DTI in 2013.[179] The Bill specified that any person involved in business activities would be required to have a licence to operate and that licences would only be given to non-citizens who had acquired a refugee permit or a business permit. According to the Immigration Act, business permits had to be applied for in the country of origin and are only granted if the individual has ZAR 2,5 million (1,7 million EUR) to invest in South Africa, effectively precluding any non-refugee migrants from operating in the informal economy. Further, enforcement of the bill was delegated to the police and community organisations, effectively encouraging South Africans to identify and help 'root out' foreign owners. Defending the bill, the Minister of Trade and Industry, Robert Davies, claimed that the bill was designed to stop illegal goods entering and being sold in the country. After a chorus of protest, including from big business, the bill was withdrawn for redrafting in 2014. A new bill has still not appeared and it is not clear if there will be one.

The national government has also supported provincial level efforts to curb informal migrant entrepreneurship. In 2013, the Limpopo police launched Operation Hard Stick and closed over 600 informal businesses, detained the owners, confiscated their stock, imposed arbitrary fines for trading without permits. The operation was successfully challenged by migrant associations and human rights NGOs in the courts. The Limpopo Department of Economic Development was supported in the Supreme Court by several national government departments in the case of *Somali Association of South Africa and Others, Environment and Tourism and Others*. The Associations' affidavit claimed that the police actions "tell a story of the most naked form of xenophobic discrimination and of the utter desperation experienced by the victims of that discrimination".[180] The Supreme Court judgment observed that "one is left with the uneasy feeling

[174] City Press (10 October, 2013). Foreign-Owned Business Hampering Rural Growth – DTI. *City Press.*
[175] M & G (7 November, 2014). Spazas: Talking Shop is Good for Business. *Mail and Guardian.*
[176] Business Day (28 January, 2015). Reveal Trade Secrets, Minister Tells Foreigners. *Business Day.*
[177] News24 (10 July, 2015).
[178] Nicolson, G. (24 November, 2015b). Parliamentary Report on Xenophobic Violence Talks a Lot, Says Very Little. *Daily Maverick.*
[179] Rogerson, C. (2015). Unpacking National Policy Towards the Urban Informal Economy. In J. Crush, A. Chikanda and C. Skinner (Eds.), *Mean Streets: Migration, Xenophobia and Informality in South Africa* (Ottawa: IDRC), pp. 229-248.
[180] Supreme Court of Appeal (2014). *Somali Association of South Africa v Limpopo Department of Economic Development, Environment and Tourism* (48/2014). ZASCA 143 (26 September 2014), p.6-7.

that the stance adopted by the authorities in relation to the licensing of *spaza* shops and tuck-shops was in order to induce foreign nationals who were destitute to leave our shores".[181]

Other provincial governments have been equally unwelcoming. Most extreme has been North-West Province where the premier, Supra Mahumapelo, announced in March 2016 that he wanted all informal shops (*spazas*/tuck shops) in the province to be owned and operated by South Africans only.[182] Speaking at the official opening of the provincial house of traditional leadership he observed:

> "You would realise that the tuck shops for instance have been leased to foreign nationals, so one of the things we want to attack, working with the traditional leaders is that people must get back their shops."[183]

He proposed an investment of ZAR 200 million (13 million EUR) to establish and stock massive warehouses in all four of the province's districts to assist South African business owners to acquire stock. Similarly, in Gauteng, the MEC (Member of the Executive Council) for economic development, Lebogang Maile, has reportedly embarked on a campaign to empower and help sustain South African small businesses, suggesting that his department was bringing in large private sector companies to forge partnerships with small business owners. The initiative was reportedly "a direct response to a known business plan used by foreign traders, who club together to buy their stock items in bulk for guaranteed discounts".[184]

In terms of the development of a broader national plan or strategy to address xenophobia and xenophobic violence, there has been little progress. As long ago as 2001, at the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, the South African government committed itself to developing a National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. This commitment was not honoured until well after May 2008 and became the responsibility of the Department of Justice and Constitutional Development. Successive drafts of the Draft Action Plan were formulated and sent back by Cabinet. By the end of the process, the Justice Department proposed to drop all references to xenophobia in the Action Plan. This proposal was resolutely opposed by the non-governmental representatives on the responsible committee. The draft was finally released for public comment in October 2015. It provides few concrete and no comprehensive recommendations for dealing with xenophobic violence other than mentioning various initiatives embarked on in 2015 and proposing better monitoring of borders and immigration policy.[185]

Following a series of public consultations, the South African government released a Green Paper on International Migration in June 2016, proposing a major overhaul of the South African immigration and refugee system.[186] The Green Paper is an uneasy amalgam of control-oriented recommendations (particularly proposals for restricting the rights of asylum-seekers) and development-oriented recommendations (such as proposals for facilitating access to foreign skills and a permit system for SADC nationals to work and run businesses in South Africa). On the issue of xenophobia and xenophobic violence, the Green Paper is virtually silent.

The more general obstacle to the development of a national strategy on xenophobia has been the consistent and very public refusal of government to admit that xenophobia even exists in South

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[181] Supreme Court of Appeal (2014), p.25.
[182] Tshehle, B. (18 March, 2016). North West Premier Supra Mahumapelo to Bar Foreign Owned Spaza Shops. *Sowetan*.
[183] Tshehle, B. (18 March, 2016).
[184] Tau, P. (5 April, 2016). Township Tuck Shop Wars. *City Press*.
[185] DoJ (Department of Justice) (2016). *National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance 2016-2021* (Pretoria: Department of Justice).
[186] DHA (2016).

Africa and to detach xenophobic violence from prejudice, discrimination and intolerance.[187] In 2004, the Minister of Home Affairs had commented in Parliament:

> "For us 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."[188]

In the aftermath of May 2008, however, a new narrative emerged from government. The first public statement of what has since hardened into the official position came when President Mbeki publicly declared in a memorial service for the victims that xenophobia did not exist in South Africa. After 2008, there was a marked tendency by South African politicians from the ruling party to avoid the term xenophobia when referring to violence against migrants. This position had been, and continues to be, reinforced on a regular basis by ministers and government spokespersons each time anti-migrant and -refugee violence breaks out. In the wake of the violence of 2015, the same argument was made.

Human Rights Watch has criticised the government of South Africa for failing to accept that "the violence against the foreign nationals has been motivated by xenophobia" and describing it instead as "pure acts of criminality".[189] A statement released by two prominent South African civil society organisations contended that "for too long, South Africans in leadership positions have either ignored the crisis [of xenophobia] or stoked the fires of hatred".[190] The evidence for ongoing xenophobia denialism is overwhelming.[191] In 2015, President Zuma, for example, publicly declared:

> "We reiterate our view that South Africans are generally not xenophobic. If they were, we would not have such a high number of foreign nationals who have been successfully integrated into communities all over our country, in towns, cities and villages."[192]

At the African Union meeting in Johannesburg in June 2015, Zuma reiterated the government's position by arguing that "South Africans are not xenophobic. We do not believe that the actions of a few out of more than 50 million citizens justify the label of xenophobia".[193] He went on to urge the forum to collectively tackle the "challenge of migration, whether in SADC or in the North." At other regional platforms, too, he again focused on the supposedly abnormal, exceptional character of migration to South Africa, focusing on the threat it poses to its citizens. At one point, to justify this position, officials claimed that South Africa had over one million asylum-seekers, more than any other country in the world. This was clearly erroneous and was later corrected when the DHA clarified that their number did not refer to those currently awaiting a hearing bur rather to the total number of people who had applied for asylum since the introduction of the 1998 Refugees Act. Less than 100,000 were actually awaiting adjudication in 2016.[194]

Defense Minister Mapisa-Nqakula's statement at a briefing on managing xenophobic violence (in stark contrast to her stated position as Minister of Home Affairs in 2004) centred on migrant

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[187] Polzer, T. and Takabvirwa, K. (2010). Just Crime? Violence, Xenophobia and Crime. *SA Crime Quarterly* 33: 3-10; Crush, J. and Ramachandran, S. (2014).
[188] DHA (Department of Home Affairs) (2004). Address by Minister of Home Affairs to the Portfolio Committee on Foreign Affairs and SAHRC Public Hearings on Xenophobia. 4 November.
[189] Mavhinga, D. (14 April, 2015). Xenophobic Violence Rages in Durban, South Africa. *EDT Dispatches*.
[190] Nelson Mandela and Kathrada Foundations (15 April, 2015). Unite Against Xenophobia Leading up to Africa Day.
[191] Freemantle, I. and Misago, J-P. (2014). The Social Construction of (Non) Crises and Its Effects: Government Discourse on Immigration, Xenophobia and Social Cohesion in South Africa. In A. Lindley (ed.), *Crisis and Migration: Critical Perspectives* (London: Routledge), pp. 136-157.
[192] Presidency of Republic of South Africa (16 April, 2015). *Statement by President Jacob Zuma to the National Assembly on the Violence in Kwazulu-Natal Directed at Foreign Nationals*.
[193] du Plessis, C. (14 June, 2015). Zuma Denies Xenophobia in AU Discussion. *City Press*.
[194] Stupart, R. (15 August. 2016). Is South Africa Home to More Than a Million Asylum Seekers? The Numbers Don't Add Up. *Africa Check*.

'illegality' and their criminal activities: "While government is going to be taking resolute actions against South Africans who attack foreign nationals, we are equally determined to take action against all foreign nationals who commit crime in our country".[195] The ANC's Secretary-General, Gwede Mantashe, openly blamed the rising numbers of migrants for the violence and the solution, as expected, was the "tightening [of] immigration laws" and "if need be, establish refugee camps" to geographically segregate migrants from citizens.[196] As Davis has observed, "while the official discourse is disapproving of xenophobia – when it admits it exists – there are frequent hints that leaders privately share the concerns of aggrieved locals about the presence of foreigners in South Africa".[197] The threat perception attached to migrants is very high and in such a situation, migrants themselves are in constant danger of being blamed for the violent outbreaks. It was no surprise, therefore, when the Zimbabwean migrants interviewed for this study all asserted that the South African government was 'doing nothing' about xenophobic violence.

7.4.   Responses of South African Police to Xenophobia

A 2010 SAMP survey of South African attitudes towards migrants asked whether certain basic rights, such as the right to police protection, should be extended to citizens, legal temporary migrant workers, refugees and undocumented migrants in the country.[198] As many as 90% felt that police protection should 'always' be extended to South African citizens. However, only 54% said it should 'always' be extended to legal migrants, 36% to refugees and only 21% to irregular migrants. Fully half said that irregular migrants should 'never' enjoy police protection.

There is a long history of serious police misconduct in their dealings with migrants in South Africa.[199] Encouraged by their political and line bosses, the police tend to conflate crime-fighting and migration enforcement. Arrests of migrants are reported along with crime statistics such as murder, robbery and drug smuggling, just one sign of the criminalising of migration and migrants in the country. However, enforcement itself is inconsistent and haphazard in a context where bribery and corruption are commonplace. Demands for bribes from migrants and refugees are commonplace, especially when the proffered alternative is arrest, confinement at Lindela holding centre and summary deportation. According to one source, migrants are viewed by the police as "mobile ATMs".[200] Misconduct extends to confiscating or destroying documents, unlawful entry of premises, and use of 'markers' such as language proficiency, skin colour, pronunciation of words and vaccination marks to identify and arrest 'foreigners'. These practices are well-known to migrants who develop a variety of strategies to avoid identification and arrest.

Misconduct for material gain is compounded by overtly xenophobic behaviour. High profile incidents of malfeasance – including severe physical and verbal abuse – are penalised when caught on video and because of the resultant media outcry, but many routine misdemeanours go unpunished.[201] All of this is well-known and documented. According to a number of the interviewees, particularly those selling on the streets, they experience almost continuous police harassment:

[195] Merten, M. (15 April, 2015). Steps to Halt Xenophobic Violence. *Daily News*.

[196] Finnan, D. (16 April, 2015). Immigration Camps not the Solution to Stopping South Africa's Xenophobic Attacks. *Radio France Internationale/AllAfrica*.

[197] Davis, R. (12 April, 2015). Xenophobic Violence: Government Walks the Walk, But Will It Talk the Talk?. *Daily Maverick*.

[198] Crush, J., Ramachandran, S. and Pendleton, W. (2013*).*

[199] Masuku, T. (2006). Targeting Foreigners: Xenophobia Among Johannesburg's Police. *SA Crime Quarterly* 15: 19-24; Steinberg, J. (2012). Security and Disappointment: Policing, Freedom and Xenophobia in South Africa. *British Journal of Criminology* 52: 345-360; Alfaro-Velcamp, T. and Shaw, M. (2016). 'Please GO HOME and BUILD Africa': Criminalising Immigrants in South Africa. *Journal of Southern African Studies* 42: 983-998.

[200] Landau, L. (2010). Discrimination and Development? Migration, Urbanization, and Sustainable Livelihoods in South Africa's Forbidden Cities. In J. Crush and B. Frayne (eds.), *Surviving on the Move: Migration, Poverty and Development in Southern Africa* (Midrand: DBSA), p.74.

[201] Konanani, R. and Odeku, K. (2013). Vicious Attacks on Foreign Nationals in South Africa: An Entrenched Culture of Impunity. *Mediterranean Journal of Social Sciences* 4: 801-807.

"They come at different times to disrupt our businesses. For instance, the metro (police) can come and park their car right in front of where I sell and for the next hour or two I will not be able to sell anything. Even if I decide to move to the other street, the metro will be patrolling in those areas as well. Moving to a new area is a risk because you do not know the place, the people who are there and how these metro people patrol. Some of them come with so much hostility and I cannot do anything about it. If they tell me to move away I have to move away and if they want to take my things I just let them." (Johannesburg Interview No. 1)

The same interviewee described how harassment for trading in certain places is compounded by threats, theft, demands for bribes and arbitrary confiscation of goods:

"Sometimes the metro [municipal police] and [national] police can just come and take your products. During winter they came and took socks and hats worth ZAR 20 [1,38 EUR]. Once you just try to confront them, they tell you that this is not your country, go back to your country. I don't really have the power to argue with them so I just let them be. Tomorrow the same thing can happen again. The police officer will just come and say they lost the gloves and take another pair. If they are in the mood of arresting people, they will arrest you despite the fact that they took your things before. Some are those who arrest you ask for a certain amount of money like ZAR 200 [13,8 EUR]. Maybe that day you only made ZAR 50 [3,46 EUR]and if you try to explain that you don't have the money, they threaten to take all your stock. It will be up to me now the check the value of the stock I am having at that moment in comparison to the ZAR 200 [13,8 EUR] they wants. If the stock value is more than ZAR 200 [13,8 EUR] and I don't have it, I am forced to ask from other people. If they assist me, I give (to the police) and they go and if not, they take all my stock."

Many of the interviewees had similar stories of police harassment and misconduct. However, the main focus in this report is on how the police respond during episodes of xenophobic violence or in their aftermath: what kinds of protection do the police provide to migrants? And what happens when Zimbabwean migrant entrepreneurs report looting and other crimes against their persons and property to the police?

On the first question, a recurring theme was police inaction during episodes of mass xenophobic violence. Some felt that the police were extremely slow to respond. As one respondent noted "the police usually come late when everything has been done and people have been killed or their goods stolen" (Cape Town Interview No. 5). Others commented on how the police offered no protection even when they were present:

"Both the City of Cape Town and the Police are not protecting us at all. Like on the day that the people were demonstrating, the police were there. They were just walking. After they were passing, the people started taking our things. There was no one to protect us and no one to stop those people. So, I don't know what they are doing. I think they just put on uniform and walk around. When there is trouble they don't come to protect us." (Cape Town Interview No. 4)

"The police just stand at the robots. Or they run away. There is poor enforcement because their response is very slow. Containers were being opened and things taken while the police stared. They are either scared of the people or because it's their own people so they can't stop them. There were three police vehicles, but they just stood while people's containers were being opened. Only foreign containers were broken and they knew whose container it is. No containers for local Xhosas (South Africans) were broken into and destroyed." (Cape Town Interview No. 12)

One respondent felt that the reason for inaction was that "South Africans do not fear police" and compared the police behaviour with that in Zimbabwe:

"They throw stones at the police. Have you ever seen people throwing stones at the police in Zimbabwe? No, they do not do that. Here they just do what they want. So they attack foreigners even if the police are there. Unless the police are using teargas or throwing water. But they rarely do that. But you can run to a police station if you are close and seek refuge. There are other areas where the local people even attacked police stations – attacked foreigners in police stations." (Cape Town Interview No. 7)

On the second question, there was a pervasive view that there was little point reporting theft or assault to the police because nothing was ever done, based on past experiences of police inaction. Cases might be opened but the perpetrators were rarely arrested and brought to book and stolen goods were rarely, if ever, recovered:

"It was the mob that took the things and what would I tell the police? Besides there were many people whose goods were destroyed that I never bothered. The police do not help much. It is useless to report to the police. The police here do not care. Especially if you are a foreigner. They will just tell you it is a mob. They cannot arrest a mob." (Johannesburg Interview No. 2)

The argument that the police were not particularly concerned by what happened to 'foreigners' was very common:

"We just see the police, but they come too late and do not do anything. They do not arrest anyone even though you report. They are just moving about, but really doing nothing. I sometimes think that even the police hate us the foreigners. Would they do the same and not help if foreigners attack local people? No, they would arrest us. So the police do not help us and would rather see us gone." (Johannesburg Interview No. 10)

One claimed that even if someone was arrested, "as soon as they have gone around the corner they will ask or a bribe and release the person. As soon as the person is released they will either come and shoot you or permanently injure you" (Johannesburg Interview No. 18). The police are certainly held in very low esteem by Zimbabwean migrants. Another said that they had reported a robbery to the police and even named the perpetrators but little was done to assist them:

"They took down my details and the details of the things I lost. I listed all of them and went with them to the police station. I was told that they would call me when they have made progress and that was that. I went back but there was no progress. The officer who was dealing with the issue kept telling me there were no suspects and that there was nothing they could do. I even gave them some names of the suspects because I had seen some of them, but the police officer did not even take them down. He insisted that there needed to be a witness for him to put those people as witnesses. I thought he should have at least questioned them or gone to their homes and searched. Neither was done." (Polokwane Interview No. 4)

Apart from the failure to protect, in a xenophobic environment in which migrants are extremely vulnerable, there is always the possibility that the police themselves might seek to take advantage of the situation for their own personal gain. This was certainly the view of many of the interviewees who described persistent police harassment, and even theft, during business hours. Confiscation of stock appears to be relatively common and the owners are forced to pay large fines to retrieve their goods. In many cases, the fines are so large that they simply abandon the goods, borrow money and begin again. Simply to be allowed to operate in an area for a day or to avoid impounding of goods may require payment of a bribe of up to ZAR 200 (13,8 EUR). Mobile vendors play a continuous cat and mouse game with the police, ready to pack up their goods and disappear at the first sign of a police car.

In sum, police protection cannot be counted on during episodes of mob violence and there is also very little redress when individuals report crimes against their businesses or themselves to the

police. Fear of reprisals from those whom they report or identify is also a very real disincentive to getting the police involved. As a result, there is a certain fatalism and resignation to the inevitability of losing goods and property in general or isolated attacks. The interviews with the migrant business-owners clearly indicate that police protection is completely inadequate or non-existent when xenophobic violence occurs.

7.5. Responses of Other South African Stakeholders

There is a massive gulf between the views of the South African government and human rights and civil society organisations, on the other, on the causes and remedies for xenophobic violence. One (the government) argues that xenophobia does not exist; the other (civil society) argues that it is a fundamental problem which has still not been adequately addressed.

7.5.1. NGO Views Concerning Xenophobic Violence

The views of civil society and human rights organisations about xenophobia include the following representative statements:

- The failure of South Africa to finalise a National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerances (first promised in 2001) "contributed to denial and lack of action to combat xenophobia, particularly since the outbreak of violence in 2008" (Consortium for Migrants and Refugees South Africa (CoRMSA)).[202]
- The low rate of convictions and prosecutions for acts of violence against foreign nationals and other hate crimes sends the message that there is impunity for such criminal behaviour and is a contributing factor for on-going violence (CoRMSA).
- There is a correlation between xenophobic sentiment, sexual violence and the impact it has on the lives of foreign women in South Africa, leaving foreign women vulnerable with little or no intervention from significant role players (Legal Resources Centre).
- Xenophobia is a permanent presence in South Africa and there is a need to maintain vigilance against xenophobia and, in particular, against any resurgence in violence against foreign nationals (People's Coalition Against Xenophobia).
- Much of the resurgence of violence against foreign nationals in South Africa is due in part to the failure, from within and outside of government to learn lessons from the attacks which took place in May 2008. Since those attacks, there have been consistent and continued attacks against foreign nationals, particularly shop-owners in our communities. Reports and research conducted after the 2008 attacks, including by the Parliamentary Task Force set up in 2008 and the South African Human Rights Commission, were not taken forward in a meaningful way in order to combat the scourge of violence against foreign nationals (People's Coalition).
- Public hearings should be held regarding past and future violence against foreign nationals in order to create a national plan of action to end such violence and to address the existence (and exploitation) of xenophobia in South African society resulting in attacks which are used as part of attempts to remove foreign nationals from communities. An independent process should take place through a process similar to that of the Truth and Reconciliation Commission (People's Coalition).
- There remains a tendency within South African society as a whole, and within some sectors of government in particular, to deny the existence of xenophobia and to reduce attacks on foreign nationals to mere acts of criminality no different to any other such criminal attacks against South Africans. Those who believe that xenophobia exists have been publically accused of being mischievous and unpatriotic. The Coalition argued that

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[202] Parliamentary Monitoring Group (PMG) 10 November, 2015). *Report of the Ad Hoc Joint Committee on Probing Violence Against Foreign Nationals*. Ad Hoc Joint Committee on Probing Violence Against Foreign Nationals. CoRMSA Statement (6.3).

denying xenophobia is very dangerous as it robs the country of the opportunity of finding solutions to a very real problem (People's Coalition).

- A national dialogue should be created, perhaps through the same programme, to promote a type of social cohesion which includes all members of the community, including foreign nationals, breaks down misperceptions of foreign nationals, and discourages xenophobic sentiments and statements as counter-productive to nation-building (People's Coalition).
- There is incitement to violence by persons in positions of authority. There is no information on how authority figures who have made comments which led to violence and played a role in perpetuating xenophobia and intolerance in the country have been dealt with (Southern African Litigation Centre).
- The South African government and the SAHRC should immediately take steps to implement the recommendations in the SAHRC report on the 2008 xenophobic violence (Southern African Litigation Centre).
- Discrimination against foreign nationals by state officials in various sectors such as health care, or public education, informs, shapes and perpetuates public sentiment. This discrimination is reinforced by state officials who make public comments referring to asylum seekers as illegitimate, equating foreign nationals with criminals, and referring to foreign nationals as unworthy recipients of state resources (Scalabrini Centre).

Prominent human rights groups were extremely critical of the governmental response to xenophobic violence in 2015 and, in particular, Operation *Fiela* which was viewed as an incitement to xenophobia, if not xenophobic in itself:

- MSF described it as a "festering contradiction", sending conflicting messages to migrants who remained vulnerable and deeply traumatised, just as it undermined the much-required emphasis on "reconciliation, dialogue and reintegration to the general public";[203]
- LHR characterised Operation *Fiela* as "state-sponsored xenophobia" and "institutional xenophobia" which blurred stark differences between "criminals' and migrants, while deepening the divide between citizens and foreigners by bolstering negative perceptions, instead of correcting them".[204]
- Amnesty International said that the IMC was supposed to deal with the underlying causes of tension "but instead they unleashed Operation *Fiela* and gave us statistics on how many foreign nationals were arrested and how many criminals were arrested. A lot of human rights violations were committed." Because of Operation *Fiela*, the IMC "was not a success" (Interview with Amnesty International).
- The People's Coalition Against Xenophobia noted that Operation *Fiela* was supposedly both an anti-crime campaign and an attempt to combat xenophobia, but that "most of these operations are happening in areas with a large number of foreign nationals and most arrests are of undocumented migrants. The result is that an impression is being created that all crime is being carried out by undocumented foreign nationals." As a result "far from combating xenophobia, these actions are feeding the xenophobic tendencies of those South Africans who share the belief that all of our problems are caused by migrants".[205]
- CoRMSA described Operation *Fiela* as a "ridiculous response to xenophobia and encouragement of the notion that foreigners are the problem and we can blame them – which deflects from the real problem. Further, "taking it out on foreign nationals in Operation *Fiela* gives the message that if we attack them then the government will take them out – they are illegal and doing illegal activities – they're seen as criminals" (Interview with CoRMSA).

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[203] eNCA (12 May, 2015). Government's Response to Xenophobia 'A Festering Contradiction'; Maclean, E. and Ekambaram, S. (12 May, 2015). Why Migrants Don't Want to Leave the Camps. *Mail & Guardian*.
[204] Jordaan, N. (22 July, 2015). Operation Fiela 'Demoralizes and Dehumanizes' Migrants" *Sunday Times*; LHR (2015). *Press Statement: Civil Society Organizations Address Media on the Ongoing Raids Targeting Foreign Nationals*. Lawyers for Human Rights, Pretoria.
[205] PCAX (8 May, 2015). People's Coalition Against Xenophobia. *Polity.org.za*.

Subsequent sections examine the responses of the major institutional non-governmental stakeholders.

7.5.2. South African Human Rights Commission (SAHRC)

The SAHRC, an independent but government-funded body, has had a longstanding interest in the problem of xenophobia in South Africa and has made various interventions over the years including:

- In 1998, the SAHRC released its Braamfontein Statement on Xenophobia which condemned xenophobia as a violation of human rights;
- In 1999, the SAHRC released an investigative report on rights abuse in the arrest and detention of migrants (SAHRC, 1999);[206]
- In 1999, the SAHRC launched a 'Roll Back Xenophobia Campaign: National Plan of Action' which was based on the fact that "South Africa needs to send out a strong message that an irrational prejudice and hostility towards non-nationals is not acceptable under any circumstances".[207] The Plan focused on six areas: the plight and rights of refugees and asylum seekers; violence against foreign hawkers; violations of the rights of migrant workers; the role of education; the conduct of police officers and civil servants; and media coverage of refugees, asylum seekers and migrants. The Plan became defunct in 2004 due to funding constraints.
- In 2002, SAHRC made written inputs into government policy development around the 2002 Immigration Act. In the view of the SAHRC, the Act promoted and institutionalised xenophobia and racism.
- In 2004, the SAHRC conducted 'Open Hearings on Xenophobia and Problems Related to It' in partnership with the Parliamentary Portfolio Committee on Foreign Affairs. SAHRC concluded that it "had made a number of recommendations prior to 2008 that, if fully implemented, might have mitigated the May crisis".[208]
- In 2010, the SAHRC released the results of its investigation into the 2008 xenophobic violence: 'Report on the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals'.[209] This damning report made 20 major findings highly critical of all branches and levels of government and over 100 concrete and wide-ranging recommendations for action by different government departments including the Departments of Cooperative Governance and Traditional Affairs, Education, Home Affairs, Human Settlements, Justice and Constitutional Development, Social Development and local and provincial developments as well as the South African Police Services, the South African National Defence Force and the SAHRC itself.[210] A review of the recommendations shows that none specifically address xenophobic violence against migrant-owned businesses.
- In 2014, the SAHRC investigated conditions under which deportees were being held at Lindela Reception Centre, following a complaint from MSF, Section27, Lawyers for Human Rights and People Against Suffering, Oppression and Poverty (PASSOP) against three government departments, the South African Police Service and a private company, Bosasa.[211]
- In 2015, the SAHRC investigated the complaint of the African Diaspora Forum and 30 others about reportedly xenophobic statements attributed to the Zulu King Zwelithini.[212]

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[206] SAHRC (1999). *Investigation into Racism in the Media*. Interim Report. (Johannesburg, Human Rights Commission).
[207] Parsley, J. (2003). 'We Are Not Treated Like People': The Roll Back Xenophobia Campaign in South Africa. *Humanitarian Practice Network* June.
[208] SAHRC (2010).
[209] SAHRC (2010).
[210] SAHRC (2010), p.12-19.
[211] SAHRC (2015). *Lindela Investigative Report* (Pretoria: South African Human Rights Commission).
[212] SAHRC (2015).

In sum, since the end of apartheid, the SAHRC has consistently advocated for change in the way in which the South African government responds to xenophobia but has not specifically made any recommendations about the causes of and remedies for xenophobic attacks against migrant-owned small businesses. The general consensus seems to be that very few of the SAHRC's extensive list of recommendations to government arising from the May 2008 violence have been implemented. There has certainly been no systematic evaluation of how government has responded, although the Minister of Home Affairs claimed in Parliament in May 2015 that his Department had implemented most of the SAHRC's 19 recommendations.[213]

7.5.3. Consortium for Refugees and Migrants in South Africa (CoRMSA)

CoRMSA is an advocacy consortium of South African NGOs and CSOs which has been a consistent critic of government inaction on xenophobia for a number of years. Amongst its anti-xenophobia activities have been the following:

- In 2008, in the aftermath of May 2008, CoRMSA, released a 'Report on Protecting Refugees, Asylum Seekers and Migrants in South Africa'. The report provided evidence of "a long history of violence against non-nationals in South Africa without effective steps being taken by various government departments to address this conflict." The report made general recommendations for dealing with xenophobia and the Zimbabwean migration crisis.[214]
- In 2010, CoRMSA successfully launched a case against South African banks, seeking to overturn the Financial Intelligence Centre's (FIC's) decision to advise banks against opening accounts for asylum seekers and refugees or allowing them to transact on their already existing accounts. The case (CoRMSA vs Absa and others) was successful. The court ordered the banks to allow asylum seekers and refugees to open bank accounts.
- In 2011, CoRMSA's updated report commented that "South Africa's inability to come to terms with Zimbabwean migration continues to tarnish the country's reputation and reveals more fundamental questions about the commitment to protect non-nationals within its borders. While marketed as a generous offer to help Zimbabweans secure legal status in South Africa, (the) 'regularisation' process was characterised by bureaucratic ineptitude and dissimulation." It notes that there have been ongoing attacks on 'foreigners' and looting of foreign-owned shops and expresses concern that "not enough is being done at a local and national level to deal with cases that are attributed to mere 'criminality'". Further, that "while there have examples of swift and decisive response, security responses have generally been late and reactive despite clear warning signs. Where violence has occurred, we continue to see impunity, lack of accountability and little effort to address the community leadership and local governance issues raised as direct causes of the violence." The report made a wide range of recommendations to government departments including for categories of migrants such as labour migrants, child migrants and migrant sex workers but not migrant-owned businesses, and does not provide recommendations in that regard.[215]

7.5.4. Lawyers for Human Rights (LHR) – South Africa

LHR have had a longstanding interest in migration and xenophobia in South Africa, dating back to the 1990s. Its Refugee and Migrant Rights Programme (RMRP) is a "specialist programme that advocates, strengthens and enforces the rights of asylum-seekers, refugees and other

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[213] Gigaba, M. (8 May, 2015). Statement by Minister of Home Affairs in Reply to National Assembly Question No. 1690.

[214] CoRMSA (2008). *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*. Johannesburg: Consortium for Refugees and Migrants in South Africa (CoRMSA).

[215] CoRMSA (2011). *Protecting Refugees, Asylum Seekers and Immigrants in South Africa during 2010*. Consortium for Refugees and Migrants in South Africa (CoRMSA).

marginalised categories of migrants in South Africa".[216] Over the years, LHR has made a large number of submissions to government departments, commissions of enquiry and parliamentary committees. It is a member of CoRMSA and also has a Strategic Litigation Unit. LHR's successes in the courts have helped roll back some government policies and had a material impact on the operating environment for migrant-owned businesses. The history of LHR and non-LHR litigation suggests that greater use could be made of the courts. Previous cases of relevance to this report include the following:[217]

- 2002: Muriel Watchenuka and Another v Minister of Home Affairs and Others. High Court (Western Cape) declared the prohibition on asylum-seekers working was unconstitutional (non-LHR).
- 2003: Minister of Home Affairs v Muriel Watchenuka and Cape Town Refugee Centre. The Watchenuka judgment was upheld by the Supreme Court of Appeal.
- 2004: Lawyers for Human Rights v Minister of Home Affairs. The Court rejected the state's argument that persons illegally in the country had no rights and were protected only by international law.
- 2011: Zimbabwe Exiles Forum and Others v Minister of Home Affairs and Others. The Court ruled against the state in the unlawful arrest and detention of Zimbabweans during a protest in Pretoria.
- 2014: South African Informal Traders Forum and Others v City of Johannesburg and Others; South African National Traders Retail Association v City of Johannesburg and Others. The court ruled against the City of Johannesburg's Operation Cleansweep (non-LHR case).
- 2014: Somali Association of South Africa and Others v Limpopo Department of Economic Development Environment and Tourism and Others. The Supreme Court against the state on the discriminatory targeting of foreign traders in Limpopo by police and the Department of Home Affairs.
- 2016: Lawyers for Human Rights v Minister of Home Affairs and Others. The High Court (Gauteng Division) found two sections of the Immigration Act of 2002 governing aspects of detention and deportation unconstitutional.

7.5.5. People's Coalition Against Xenophobia (PCAX)

The People's Coalition was formed in response to the 2015 violence and comprises 11 South African civil society organisations including Awethu, SECTION27, CoRMSA, Lawyers for Human Rights, MSF, Corruption Watch, the African Diaspora Forum (ADF), the Nine Plus Unions and the Treatment Action Campaign (TAC). The PCAX has organised anti-xenophobia protest marches and in June 2016 launched a campaign against proposed amendments to the Refugees Act which would confront asylum-seekers with deportation if they fail to apply for refugee status within five days of entering the country and limit or prohibit them from working.

7.5.6. Other South African CSOs

A wide range of local non-governmental organisations, community-based organisations and faith-based groups have been exercised by the crisis of xenophobia and have mobilised on a significant scale to offer humanitarian assistance to those victimised by xenophobic violence, especially in 2008 and 2015. Frustrated by their inability to get the South African government to acknowledge the reality of xenophobia and to implement effective prevention strategies, civil society organisations have combined to appeal to regional bodies to pressure the South African government to act. An open letter to the African Commission African Commission on Human and People's Rights (ACHPR) on 23 April 2015 urged it to "call upon the South African government to take concrete steps to end (the) attacks, prosecute perpetrators and protect migrants and

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[216] LHR (2015). *Press Statement: Civil Society Organizations Address Media on the Ongoing Raids Targeting Foreign Nationals*. Lawyers for Human Rights, Pretoria.
[217] All cases can be consulted at: http://www.saflii.org/.

refugees living in their territory from violations of their human rights".[218] The letter was signed by 129 civil society organisations from across the continent.

A notable development in the last few years has been the emergence of migrant associations and traders associations to give voice to and advocate for the interests and rights of migrants and refugees. The Somali and Ethiopian refugee communities in South Africa are particularly notable for their organisation and activism. An African Diaspora Forum engages in various educational and social cohesion activities and advocates for the rights of migrants and refugees in South Africa.[219]

Zimbabwe Exiles Forum is particularly active in Zimbabwe opposition politics in exile but also seeks to protect the rights of Zimbabweans in South Africa.[220] However, most of the interviewees in the interviews for this project were not members of any association and several commented that that was not something that Zimbabweans were interested in.

The role and impact of civil society has prompted a debate in the literature. Robins shows how key civil society organisations reached well beyond their institutional mandates to mobilise against xenophobia in 2008 and become involved in offering assistance to its victims.[221] Everatt, too, points to the rapid mobilisation of civil society as something not seen in South Africa since the end of apartheid but concludes that the momentum quickly waned.[222] But he also criticises Landau and other contributors to Hassim et al. for supposedly decrying civil society mobilisation against xenophobia as a form of middle-class angst.[223]

Misago et al. argue that a fundamental weakness of civil society efforts to reduce xenophobic violence has been a tendency to focus "almost exclusively on combatting anti-immigrant attitudes rather than addressing the local and national structures, processes and politics in which practices of exclusion are deeply embedded".[224] As a result, few CSOs can demonstrate "durable or broad-based impact." Pugh takes a more nuanced approach and does not write off all civil society interventions as focused solely on changing attitudes.[225] However, she argues that the space for civil society organisations to have a policy impact has been, and continues to be, slight as they operate in the "constricted space" created by a national climate of anti-foreigner attitudes. As she argues, "the works of both state and civil society actors alike are impacted by the negative social constructions of migrant, refugee, and asylum seeker populations, which position migrants as both a burden and unwanted competition to the rights and well-being of South African citizens. While rights-based advocacy is a common approach for both CSOs and sympathetic policy- and decision-makers, the social and political realities of South Africa continue to inform a de facto hierarchy of rights, in which the issues and needs of South African citizens are, in practice, positioned above those of migrants, refugees, and asylum seekers".[226]

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[218] Southern Africa Litigation Centre (23 April, 2015). *Open Letter to the African Commission Regarding the Xenophobic Attacks in South Africa*. Retrieved from:
http://www.southernafricalitigationcentre.org/2015/04/23/open-letter-to-the-african-commission-regarding-the-xenophobic-attacks-in-south-africa/.
[219] See: http://www.adf.org.za/index.php.
[220] See: http://zimexilesforum.org/.
[221] Robins, S. (2009), Humanitarian Aid Beyond 'Bare Survival': Social Movement Responses to Xenophobic Violence in South Africa. *American Ethnologist* 36: 637–650.
[222] Everatt, D. (ed) (2011a).
[223] Hornberger, J. (2008). Policing Xenophobia – Xenophobic Policing: A Clash of Legtimacy. In S. Hassim, T. Kupe and E. Worby (eds.), *Go Home or Die Here* (Johannesburg: Wits University Press), pp. 132-143.
[224] Misago, J-P., Freemantle, I. and Landau, L. (2015), p.16.
[225] Pugh, S. (2014). Advocacy in the Time of Xenophobia: Civil Society, the State, and the Politics of Migration in South Africa. *Politikon* 41: 227-247.
[226] Pugh, S. (2014), p.243.

7.6.   Responses of International Stakeholders

7.6.1. UNHCR

The UNHCR's response to xenophobia in South Africa is guided by the organisation's 2009 'South African Plan of Action and Status Report'. The UNHCR's current anti-xenophobia programming was the subject of an independent evaluation commissioned by the UNHCR itself.[227] The report noted that "combatting xenophobia, particularly preventing violent attacks, does not naturally fall into UNHCR's traditional protection mandate".[228] While the evaluation praised UNHCR's "tremendous efforts" at addressing xenophobia by supporting programmes and activities to protect refugees, these strategies, partnerships and supported programmes have not provided "effective and sustainable protection".[229]

Beyond its own specific programming, UNHCR established a 'xenophobia emergency hotline' through a partnership with the South African Police Services (SAPS) and chairs a Protection Working Group (PWG) which meets regularly and brings together UN agencies, international and local NGOs, faith based organisations, trade unions, government and police representatives and donors. The Group deals with all protection issues, including xenophobia.

The evaluation notes that the PWG has been useful in making new partnerships but that it "does not seem to have resulted in the coordination of various anti-xenophobia programmes among group members or even among UNHCR implementing partners".[230] The report concludes with 15 recommendations for UNHCR including developing an operational strategy, engaging the South African government in that strategy, creating advocacy networks, redesigning the role and functions of the PWG, creating an evidence base and capacity-building. Unfortunately, none of the recommendations specifically refer to how UNHCR might intervene in growing xenophobic violence against informal enterprises.

UNHCR partners with several NGOs to provide livelihood (including small business support) in several centres including in Cape Town where it funds the Cape Town Refugee Centre's (CTRC) Self-Reliance Programme to improve skilled refugees' access to formal employment through the evaluation of qualifications, advocate for refugees' right to work and operate informal businesses, and provide business skills training and start-up grants of ZAR 4,000–10,000 (276 – 692 EUR) to refugees and asylum seekers to open micro and small businesses. Similar support programmes exist with NGOs in Port Elizabeth, Durban and Musina.

UNHCR is moving away from grants towards a system of loans and issuing start-up kits despite the success of these support programmes. Most of those assisted are Somalis or Congolese. Since so few Zimbabweans have refugee status, they are generally not eligible for support and none of the Zimbabwean interviewees on this project had received assistance or, indeed, had any contact at all with the UNHCR.

7.6.2. International Organization for Migration (IOM) – South Africa

The IOM has operated in South Africa since the mid-1990s and has mounted a series of migration-related programmes with implications for Zimbabwean migration to South Africa and the crisis of xenophobia over the years. The establishment of a Migrant Reception Centre at the South Africa–Zimbabwe border at Beitbridge in 2006 to provide advice and support to Zimbabweans deported from South Africa caused considerable controversy. The IOM was

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[227] Misago, J-P., Freemantle, I. and Landau, L. (2015).
[228] Misago, J-P., Freemantle, I. and Landau, L. (2015), p.15.
[229] Misago, J-P., Freemantle, I. and Landau, L. (2015), p.15.
[230] Misago, J-P., Freemantle, I. and Landau, L. (2015), p.44.

criticised by Human Rights Watch for complicity in mass deportations.[231] In 2016, the controversial reception centre was handed over to the Zimbabwean Departments of Social Services and Child Welfare. Other recent IOM interventions include the following:

- In late 2009, the IOM launched a 'One Movement' anti-xenophobia campaign under the patronage of Desmond Tutu, to use "media campaigns, community conversations, youth mobilisation, curriculum interventions and human rights training with a wide range of civil society partners to promote a culture of tolerance, human dignity and unity in diversity across Southern Africa".[232] No evaluation of the activities or achievements of this campaign is available although the initiative no longer exists.
- In 2012 IOM, in partnership with UNHCR and the City of Johannesburg, launched an 'I Am A Migrant Too' campaign "aimed at sensitising the South African public to the fact that migrants are an integral part of South African society".[233] Among its products were a song, a comic book and book of poetry.
- In November 2016, IOM announced a partnership with the Mkhaya Migrants Awards Program of the Department of Home Affairs in an essay-writing competition on the topic 'Migrants' Contribution to Our Communities, Country and Continent'. The prize for the ten winners includes an expenses-paid trip to the African Union headquarters in Addis Ababa.
- In an interview for this project (Annex B), a representative from IOM's mission to South Africa noted that IOM's current strategy has three parts. First, IOM assists in the voluntary return of migrants. It avoided participation in "facilitated return" (such as the provision of buses to take Zimbabweans back to Zimbabwe) because the approach is "largely misguided" and "not sustainable". Instead, IOM has advocated with the South African government for a policy of "assisted voluntary return and reintegration" (AVRR). At the same time, IOM recognises that "this is a policy which would be more productive, (but) it will be unpopular with South Africans."
- Second, IOM is concerned about the "pre-departure phase" including "sharing the realities of the process of migration." Based on our interviews, traditional IOM campaigns focused on the risks and dangers of migration would be "ineffective and money wasted." Instead, attention will focus on "letting people know that the perceptions they have of South Africa are mistaken – that it is very difficult to make a living and that you will be disappointed." The methodology will be to rely on those who have been to South Africa as migrants to tell their stories of hardship.
- In its third action area, IOM plans to focus on informal settlements in South Africa and "taking away the tension between host and migrants" through creating job opportunities, and improving access to health care, security and education. Exactly what this would entail is currently unspecified although IOM is proposing it as a "whole of UN approach" in partnership with other UN agencies.
- IOM Zimbabwe has a range of programmes designed to assist the Zimbabwean government in migration management, anti-trafficking and policy development.[234] An independent evaluation of IOM's anti-xenophobia programmes, along the same lines as the UNHCR evaluation, would be extremely useful in determining whether or not they have had any impact.

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[231] HRW (2006). Unprotected Migrants: Zimbabweans in South Africa's Limpopo Province (New York: Human Rights Watch); (2008). *Neighbors in Need: Zimbabweans seeking Refuge in South Africa* (New York: Human Rights Watch).
[232] International Organization for Migration (IOM) (2009). 'ONE' movement launched to combat xenophobia and racism in South Africa as new study is released.
[233] IOM (13 May, 2013). IOM Launches 'I am a Migrant Too' Poetry Book. Retrieved from: https://southafrica.iom.int/news/iom-launches-%E2%80%98i-am-migrant-too%E2%80%99-poetry-book.
[234] See: https://ropretoria.iom.int/zimbabwe.

7.6.3. International Labour Organization (ILO)

The ILO has assumed an increasingly larger presence in Southern Africa over the last decade. It has been particularly active in tripartite projects, such as the South African Decent Work Country Programme, directed at documenting and improving the working conditions and rights of migrant workers in sectors such as mining, agriculture and domestic work. Since many Zimbabweans work in these three sectors, the ILO's programmes do stand to benefit workers in those sectors. In terms specifically of interventions in the informal economy, the ILO more generally obviously has a longstanding interest in this area and the South African office has been involved in various initiatives. These include the following:

- ▪ 'Private and Public Procurement and the Social Economy (PPPSE) Project'.[235] A review of best practice interventions profiles six different community-based social enterprises but there is no mention of any participation by migrants. Similarly, a recent ILO scoping review of access to finance by social enterprises does not mention migrant-owned businesses and the particular difficulties they face.[236]
- ▪ The ILO has recently co-hosted two National Informal Economy summits with local government and the national Department of Labour. The first, in November 2010, focused on 'Managing the Informal Economy: A key service delivery function for Local Government'. The second, in June 2016, had the theme 'Uplifting the Informal Economy and Creating Pathways to Formalisation' which is consistent with the ILO's general policy push on formalising the informal. As far as can be ascertained from the programmes and proceedings the role of migrants in the informal economy was ignored and xenophobic attacks not addressed either. A representative from ILO noted in an interview that one of the parallel sessions was a dialogue between migrant and national informal economy operators.

7.6.4. Amnesty International – South Africa

Amnesty International South Africa (AISA)'s work under its Discrimination and Equality Programme focuses on the protection and promotion of the human rights of marginalised groups and persons including asylum seekers, refugees, and migrants. AISA is firm in its position that "xenophobia is a constant threat facing many asylum seekers, refugees on a daily basis" (Interview with AISA). The Programme focuses on addressing violence and discrimination targeting these groups including the introduction of hate crimes legislation and lobbying for other protective policy and/or legislative frameworks. AISA also sat on the committee developing the National Action Plan on Racism and Xenophobia, and resisted attempts to drop xenophobia from the plan.

7.6.5. European Union

Information on European Union interventions comes from an interview with a member of the EU Delegation. The Delegation is working with refugee organisations as part of its human rights funding to build advocacy capacity and has supported the South African Human Rights Commission's 20th anniversary event. The EU is also involved in the development of the 'National Action Plan on Racism and Xenophobia'.

7.6.6. African Union

The AU's African Peer Review Mechanism Monitoring Project has consistently criticised South Africa over its handling of xenophobia. In its 2011 report, for example, the AU Project gave South

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[235] International Labour Organization (ILO) (2016). *Private and Public Procurement and the Social Economy Project. Best Practice Case Studies*. Geneva: ILO.
[236] ILO (2016). *Access to Finance for Social Entrepreneurs in South Africa: A Scoping Study* (Pretoria: ILO).

Africa a "red rating" for its failure to address, and its denial of, xenophobia.[237] In 2015, the AU's African Commission on Human and People's Rights adopted a resolution against the violence in South Africa.[238] The Resolution requested that the South African government ensure that mechanisms were put in place to prevent xenophobia from reoccurring and urged South Africa to respect its obligations under the African Charter. Adeola makes the point that xenophobia is not unique to South Africa in the African context and argues that "the issue of xenophobia is a pressing challenge that cuts across human rights, governance, development and democracy in Africa. As it is not specific to one African state, an Africa-wide response is essential. Within this context, the role of the AU is primary".[239] He argues that seven institutions within the AU should develop a coordinated response to the issue of xenophobia in Africa. He does not suggest that the AU or any member governments should look to South Africa for "best practice" solutions for, indeed, it is hard to locate any.

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[237] Misago, J-P., Freemantle, I. and Landau, L. (2015), p.25.
[238] African Commission on Human Rights and People's Rights (2015). *Resolution Condemning the Xenophobic Attacks in The Republic of South Africa*. ACHPR/Res.304 (LVI) 7 May, 2015.
[239] Adeola, R. (2015). Preventing Xenophobia in Africa: What Must the African Union Do?. *African Human Mobility Review* 1:

8. Conclusions and Recommendations

This case study of the double crisis of mass migration from Zimbabwe and xenophobia in South Africa has aimed to make a number of contributions to the literature on migration in countries in crisis. First, it focuses on a crisis that is intrinsic to the migration process itself and, furthermore, only affects migrants; that is, the crisis of anti-migrant intolerance and xenophobic violence in South Africa. Xenophobia, by definition, is targeted at migrants and assumes crisis proportions when it manifests in extreme xenophobia; that is, both acute and chronic forms of violence against migrants. Migrants are the direct victims of this crisis and are forced to make a whole set of choices to mitigate, ameliorate or escape the tide of hostility and hatred that they are forced to confront on an almost daily basis. Extreme xenophobia in South Africa is increasingly manifesting itself in attacks on informal migrant entrepreneurs which raises the critical question of how xenophobia disrupts and destroys business activities and livelihoods, on the one hand, and what options and strategies are available to migrants under attack. However, anti-migrant intolerance and xenophobia is not confined to South Africa and, indeed, is spreading in both the global South and North. South Africa regrettably offers other jurisdictions a mirror of their own future if they fail to acknowledge the reality of xenophobia and counter its devastating effects.

Second, the study focuses on a situation of double bind, that is, when the migrants leave a country in crisis and are then caught up in a crisis in the host country. One of the most common responses to crisis situations in a destination state is for migrants to return temporarily or permanently to their country of origin. The calculation of how to respond becomes a very different one when return is not necessarily a viable or sustainable option because of crisis conditions in the country of origin. The key question in relation to the crisis of extreme xenophobia in South Africa is whether return is actually a viable option for Zimbabweans. As this report clearly demonstrates, return is not a viable option for Zimbabwean migrants in South Africa because the alternative livelihood opportunities in Zimbabwe itself are virtually non-existent. At the same time, remittances to Zimbabwe from migrants are critical to the survival of those who remain. Xenophobic violence can cut off the flow of remittances and impact not only on those immediately affected but those who depend on a regular and stable transfer of cash and goods.

Third, there is the question of whether there is any causal connection between increased migration flows to South Africa and extreme xenophobic violence. In other words, does an increase in migration to the country and a particular community heighten everyday xenophobia and set the stage for acts of extreme xenophobia? And since Zimbabweans are easily the largest group of migrants by nationality, are they more likely to be the victims of xenophobic violence than migrants from other countries with less visibility? Attitudinal surveys show that Zimbabweans are intensely disliked by the majority of South Africans and that this translates into a particular form of verbal loathing. The most noteworthy shift in the targets of xenophobic violence since 2008 is migrants in general to migrants running businesses in the informal economy. Because increasing numbers of Zimbabweans work in the informal economy, they have, by definition, become more vulnerable to attack. Narratives of the migrants themselves collected for this project paint a desperate picture but also of resolve, determination and the drive to begin again when their businesses are reduced to ashes.

Fourth, there is the issue of whether extreme xenophobia acts as a disincentive to further migration to South Africa. This certainly seems to be the belief in some official circles in South Africa. Friebel et al. provide some evidential support for this, arguing that xenophobic violence provides a dampening effect on migration from Mozambique which is mitigated by the strength of a potential migrant's social networks in South Africa.[240] There was no noticeable decline in migration from Zimbabwe after 2008 which seems to suggest that the xenophobic violence did not dissuade Zimbabweans from migrating to South Africa in the same way as in Mozambique.

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[240] Friebel, G., Gallego, J. and Mendola, M. (2013). Xenophobic Attacks, Migration Intentions, and Networks: Evidence from the South of Africa. *Journal of Population Economics* 26: 555-591.

The difference between Mozambique and Zimbabwe may be that in the former there are viable alternative livelihood strategies to migration, which simply do not exist in the latter.

Fifth, since the primary focus of this research project is the crisis of xenophobia in South Africa, it is important to understand how the two governments (South African and Zimbabwean) have responded to xenophobia in general and the rash of extreme xenophobia in particular. From the perspective of the victims of xenophobic violence, it is clear that the overwhelming impression is that governments do nothing to help and do nothing to mitigate the problem. Particular criticism is reserved for the police and their failure to protect or punish. Police behaviour, as experienced by the migrants, simply makes them more vulnerable and is clearly motivated itself by xenophobic attitudes. Most evident, at a policy level, is the repeated denialism of the South African government at all levels. This position does a great deal more harm than good. If there is no xenophobia, there is no problem to address. The first step for any government wishing to rid a country of the plague of xenophobia is actually to admit that there is a serious disease.

Sixth, there are other local and international stakeholders in South Africa who do recognise the reality of xenophobia and attempt to intervene or ameliorate the crisis. These include migrant associations, non-governmental organisations, civil society organisations, faith-based organisations, international organisations with a strong local presence and the representatives of other governments and regional bodies. While these organisations are increasingly combining and working in concert, their impact on government policy is extremely constrained. On the contrary, they are more often working against government in the courts to protect the constitutional and other rights of migrants. Collaboration and cooperation is essential to achieve any progress but it is clear that most increasingly feel that the best approach is to work at the community-level in xenophobia hotspots. Many of these programmes are in their infancy and certainly none of the migrants interviewed in this project had any knowledge or contact with any of them.

Finally, while the growing presence of Zimbabweans and other migrants in the informal economy may be disruptive to established South African business-owners, a persistent challenge here is that migration itself is treated as an aberrant process harmful to those who are at its receiving end, even if it is undertaken due to exceptional circumstances, as is the case for Zimbabweans. The urgent need to discuss and implement concrete ways to address xenophobia and also broader circumstances which precipitated the exodus of forced migrants from this country are shrunk down in a restrictive manner to limiting migrants' entry and amplifying border controls. By doing so, a consistent, if troubling message is transmitted, that migrants contribute to xenophobic tendencies by their mere existence in receiving states like South Africa. Such a belief also undercuts the human rights of migrants and their right to be fully integrated into South African society.[241]

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[241] Suttner, R. (27 February, 2017). Xenophobia and the Question of Universal Rights. *Daily Maverick.*

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10. Annexes

Annex A: Interviews with Zimbabwean Migrants

A. Johannesburg

No.	Date of Interview	Place of Interview	Gender	Age	Date Arrived in SA
J1	14 Aug 2016	Central	F	40	2014/2015
J2	15 Aug 2016	Orange Farm	M	46	2009
J3	14 Aug 2016	Park Station	M	35	2008
J4	15 Aug 2016	Orange Farm	M	39	2005
J5	16 Aug 2016	Diepsloot	M	25	2009
J6	Incomplete				
J7	14 Aug 2016	Park Station	F	41	2006
J8	14 Aug 2016	Central	F	52	2015
J9	14 Aug 2016	Park Station	F	42	2014
J10	16 Aug 2016	Diepsloot	F	38	2010
J11	14 Aug 2016	Park Station	M	33	2005
J12	14 Aug 2016	Central	F	45	2014
J13	14 Aug 2016	Park Station	M	37	2005
J14	Incomplete				
J15	15 Aug 2016	Central	M	33	2010
J16	15 Aug 2016	Central	F	23	2012
J17	16 Aug 2016	Diepsloot	M	40	2013
J18	17 Aug 2016	Diepsloot	M	22	2013
J19	17 Aug 2016	Central	31	F	2009
J20	19 Aug 2016	Orange Farm	47	F	2007

B. Cape Town

No.	Date of Interview	Place of Interview	Gender	Age	Date Arrived in SA
C1	07 Jul 2016	City Centre	F	42	2011
C2	08 Jul 2016	Philippi	M	39	2005
C3	09 Oct 2016	Masimphumelele	M	29	2007
C4	09 Jul 2016	City Centre	F	42	2006
C5	10 Jul 2016	City Centre	M	40	2012
C6	11 Jul 2016	Delft	F	38	2005
C7	12 Jul 2016	City Centre	F	39	2007
C8	07 Jul 2016	Du Noon	F	26	2015
C9	09 Oct 2016	Masimphumelele	F	32	2010
C10	09 Oct 2016	Masimphumelele	M	42	2008
C11	10 Oct 2016	City Centre	F	39	2010
C12	12 Oct 2016	Masimphumelele	M	52	2006
C13	Incomplete				
C14	12 Oct 2016	Masimphumelele	F	28	2013
C15	14 Oct 2016	Du Noon	M	46	2004
C16	14 Oct 2016	Du Noon	M	48	2007
C17	14 Oct 2016	Du Noon	M	34	2003
C18	14 Oct 2016	Du Noon	M	48	2007
C19	10 Jul 2016	City Centre	F	48	2010
C20	15 Oct 2016	Imizamo Yethu	M	36	2005

B. Polokwane

No.	Date of Interview	Place of Interview	Gender	Age	Date Arrived in SA
P1	08 Aug 2016	Polokwane	F	25	2012
P2	09 Aug 2016	Polokwane	M	44	1992
P3	11 Sep 2016	Polokwane	F	46	2005
P4	12 Aug 2016	Polokwane	M	48	2006
P5	13 Aug 20106	Greenside	M	39	2009
P6	13 Aug 2016	Greenside	M	33	2010
P7	11 Aug 2016	Greenside	M	39	2002
P8	Incomplete				
P9	16 Aug 2016	Savannah	M	40	2005
P10	18 Aug 2016	CBD	M	32	2012

Annex B: Key Informant Interviews

Place of Interview	Organisation
Johannesburg	Zimbabwe Exiles Forum
Johannesburg	Zimbabwe Exiles Forum
Johannesburg	City of Johannesburg
Johannesburg	Amnesty International
Johannesburg	Methodist Church
Johannesburg	Consortium for Refugees and Migrants South Africa (CoRMSA)
Johannesburg	University of Johannesburg
Pretoria	Legal Resources Centre
Pretoria	Department of Home Affairs
Pretoria	Lawyers for Human Rights
Pretoria	UNHCR
Pretoria	IOM – South Africa
Pretoria	ILO
Pretoria	EU Delegation
Cape Town	Africa Unite
Cape Town	Scalabrini Institute
Cape Town	Department of Home Affairs
Cape Town	Médecins Sans Frontières
Cape Town	Western Province
Cape Town	Institute for Justice and Reconciliation
Cape Town	South African Informal Traders Association
Cape Town	African Centre for Cities

Cape Town	People Against Suffering, Oppression and Poverty (PASSOP)
Harare	IOM – Zimbabwe
Harare	Union of Zimbabwe Journalists
Harare	Zimbabwe CBTA
Limpopo	South African Informal Traders Alliance
Limpopo	UNHCR
Limpopo	Somalian Association and Limpopo Refugee Forum
Limpopo	Zimbabwean Community

SOUTH AFRICA CASE STUDY

SUMMARY OF PROJECT

In 2015, the European Union (EU) launched 'Migrants in Countries in Crisis: Supporting an Evidence-based Approach for Effective and Cooperative State Action', a four-year project implemented by the International Centre for Migration Policy Development (ICMPD). This EU-funded project is a contribution to the global Migrants in Countries in Crisis (MICIC) initiative, a government-led process co-chaired by the governments of the Philippines and the United States, which shares similar goals. The project aims to improve the capacity of states and other stakeholders to assist and provide protection to migrants who find themselves in countries affected by crisis, as well as address the long-term implications of such situations. Within the project, six regional consultations with states and other relevant stakeholders have been conducted, contributing to the development of the MICIC initiative 'Guidelines to protect migrants in countries experiencing conflict or natural disaster', which provide guidance for states and other stakeholders in responding to the needs of migrants caught in crisis situations. In addition, the project also develops capacity building activities to follow up on key recommendations that have emerged over the course of the project. This report presents one case study of the Research Component of the EU-funded MICIC project, whose goal is to complement these efforts by providing policy-relevant analysis of the implications of crises for host, transit and origin countries.