



مركز الجزيرة للدراسات
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Report

The Exodus: South Africa's North African and Middle Eastern Non-Citizens

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Illegal Zimbabwean immigrants who work as farm laborers for a little more than a U.S. dollar a day [AP]

Abstract

In the past decade, there has been a sharp increase in the migration of foreign nationals into South Africa. The post-9/11 American presence and political instability thereof have been the primary motivations behind the mass exodus of the Muslim and non-Muslim; Arab and non-Arab citizens from Northern African and Middle Eastern states to South Africa. Recently, the Arab Revolution and its economically destabilising consequences have added pressure on citizens to migrate to the southern-most tip of the continent. Other nations, most notable-the Somalis, Ethiopians and Pakistanis-have also travelled and settled in Africa's primary economic hub. This is the era of Africa's "Great Migration". It is unavoidable and seemingly uncontrollable. It has been accompanied by many unprecedented changes-some positive, others negative-but both of which have been felt at all levels by the state, South African citizens and "non-citizens".

Introduction

This report is the first instalment of a series dedicated to explaining each groups' reasons for emigrating to and personal experiences of South Africa. It is undeniable that Pakistanis, Egyptians, Tunisians, Algerians, Ethiopians and Somalis are contributing to South Africa's changing socio-political and economic landscape and ignoring this fact might actually be detrimental to South Africa's bid to forge stronger relationships with countries of strategic importance.

The aim of this very risky, expensive and sometimes deadly journey to South Africa is simple and summed-up in the African National Congress (ANC) government's post-1994 manifesto: "A better life for all" (1). By declaring, "A better life for all" and also that "South Africa belongs to all who live in it" (2), the ANC echoes a sentiment of generosity. However, as admirable as this promise is, it still begs the question: can a powerful liberation movement like the ANC; fairly new to governing a state really provides "a better life for all" that lives in South Africa but is not South African by birth? The ANC has made great strides in improving the lives of South Africans since 1994 but there are still many structural and seemingly intractable problems the ruling party is struggling to overcome; namely the ailing health and education systems which have been exacerbated by unemployment, poverty and inequality.

In light of these challenges; just how much of Africa and the Middle East can South Africa carry on its shoulders, especially as it is already heavily weighed down by its own citizens?

Another reason that Egyptians, Libyans, Pakistanis and many others have sacrificed their citizenship for statelessness in South Africa is because of the laws governing freedom and human rights. South Africa's Constitution and the Bill of Rights within it have been lauded as the most democratic, progressive and protective of human dignity in the world. For people who have spent their lives protecting themselves from stringent state laws and oppressive regimes rather than enjoying the protection of these two institutions, sacrificing a homeland and sense of belonging which ought to be guaranteed may be the only plausible solution left to them. Exchanging citizenship which bars them from educational and business opportunities for no citizenship which comes with a reasonable measure of educational, health and job security seems like a fair trade.

By comparison to other African countries, South Africa's borders cannot be written off as porous, however, there are definitely loopholes in the border fences which have been and continue to be exploited. Bypassing South African immigration laws and authorities has not only been the first and most important step in gaining entrance into the country but it has also become a lucrative business for the facilitators of this high-risk and mostly dangerous practice.

Those involved in getting foreigners into the country illegally can include anybody who stands to gain financially. South African citizens and officials at all levels of government from guards at the border posts, property owners ready and willing to lease their houses and apartments to foreigners needing accommodation and civil servants at the Department of Home Affairs all make up part of this system. Everyone has a vital role to

play in the chain that has not only bloated South Africa's population considerably (3) but has also caused ripples, no matter how small; in the social, political and economic sectors of the country.

In addition to the South African citizens and government officials who keep this system of migration working are the people who have either organised themselves into a syndicate or work individually as "brokers or facilitators". The majority of the brokers and members of the syndicates is mostly people who also entered the country through illegal means and have learned how to manipulate South Africa's border security system and evade the bureaucratic "red tape" that either delays or totally blocks the gaining of entry; which is almost always urgent for people from other countries.

Porous borders: points of entry

While South Africa's borders cannot necessarily be deemed as porous, there are valid reasons to be concerned about their security. In comparison with the borders of other African states, particularly SADC states, South Africa still manages its border posts with above-average credibility and efficiency. Still, for a country in South Africa's calibre, too many unauthorised and illegal entries have occurred in the past five years for there not to be any concern shown by the government over border management. As mentioned earlier, it is not only the South African security officials who are in control at the border posts but various key players who stand to benefit, namely the human traffickers who facilitate the entrance of illegal immigrants into the country.

The most common points of entry are well-known and have become somewhat of an "open secret" among ordinary South Africans, government officials and of course, those seeking to gain entry. At the most common points; temporary detention camps have been set up a few kilometres away; as a preventative measure for people crossing the border. Camps such as the Lindela Camp close to the Limpopo border; which is North of South Africa and divides the country from its Mozambican and Zimbabwean neighbours, have raised concerns about human rights violations. The South African government, however, maintains that no violations of foreigners' human rights have occurred and that the delays in processing documents are due to the influx of illegal immigrants and the lack of honesty they exhibit in identifying themselves.

The Beit Bridge border which separates South Africa and Zimbabwe has also been declared as very problematic. The traffic is known to increase to unmanageable amounts during festive seasons and Christian holidays such as Easter (March/April) and Christmas (December/January). The South African government has embarked on an investigation to establish who among those crossing the border are doing so as visitors with legitimate

papers or people illegally trying to enter the country. South Africa's Minister of Home Affairs, Naledi Pandor, admitted earlier in 2013 that border "fences were down, they're not being repaired quickly, and that is something we [South African Department of Home Affairs] should be responding to more efficiently" (4).

This is an admission she made in addition to saying, "We need to improve border management ourselves as a country and as a department I do think we should make use of new technology and monitor the borders and really have a sense of where are the weak points and ensure that we do address them". South Africa has been criticised by Zimbabwe for being too slow in implementing its border control strategies but South Africa should not only be concerned about the movement of Zimbabweans through this point.

During the Easter and Christmas seasons, the lack of efficient border control and management also gives space for other foreign immigrants to gain entry into the country. The focus of news reports on only Zimbabweans, allows the rapid flow of mainly Pakistani, Ethiopian and Somali nationals to easily go unnoticed. This oversight, on the part of South Africa's Home Affairs department has contributed to the structural changes which it has made to legislature governing immigration. Most significant among those is the transformation of the Department of Home Affairs into an institution which makes up part of the intelligence structure of the country, instead of merely printing and administering identity documents, birth certificates and passports.

South African Immigration Law (5)

On the surface, South Africa's immigration laws seem reasonable and mutually beneficial to the state and all who aim to gain entry into the country. However, when the time for the law to be applied arrives, it becomes clear that South Africa's immigration policies are not as airtight and practical as they were intended to be. South Africans complain that the laws are too lax and allow foreign nationals too many freedoms; end up infringing upon those of South Africans, while foreign nationals complain that the laws are too stringent and do not protect their human rights nor give them a fair opportunity to establish themselves legally in the country.

The laws on foreigners qualifying for temporary and permanent residency and later citizenship are simple, yet many complications arise whenever the time for implementation comes. According to South Africa's national Department of Home Affairs, the pre-requisites which foreigners must fulfil in order to gain permanent residency, a right to operate a business in South Africa and also acquire land and property are clearly stipulated and leave no space for any misconceptions. However, there are many people

who have only superficial knowledge and shallow understanding of these rules and their accompanying procedures.

Xenophobia: A Real Threat?

The University of Witwatersrand's African Centre for Migration and Society hosted a seminar on the 10th of May 2013 to commemorate a spate of xenophobic violence, which began in Alexandra Township (in the Western Cape Province) in May 2008 and spread throughout the country (6). The violence witnessed in Alexandra was not an isolated incident but rather a symptom of a much larger problem that was affecting mostly the lower classes of South African society.

The point of contention between South Africans and foreigners is financial and job security. Foreign nationals have established themselves as strong competition for local business. They have the competitive advantage of intrastate and international travel; which allows them to import goods in bulk and sell them at a reduced rate than what the South African business-owner would.

North African and Middle Eastern foreigners have established themselves as efficient and affordable goods traders not only in major metropolitan areas such as Durban, Johannesburg and Pretoria but also within poorer communities such as squatter camps (7) and lower middleclass areas like townships (8). Foreign-owned tuck-shops (9) have become a common sight in townships and squatter camps in the last 5 years. Whereas 10 years ago; it was peculiar and suspicious to see a group of Egyptians, Algerians, Pakistanis or Somalis operating a business, it is now part of daily life for many South Africans.

However, just because people have become accustomed to seeing foreign nationals in their midst, it does not necessarily mean that they accept or even like it. This lack of acceptance and dislike for foreign nationals perceived to be thriving in business where Black South Africans seem to be sinking deeper into poverty can sometimes manifest in what the outside world sees as a xenophobic attack. When this tension explodes, it often does so in the form of crimes of armed burglary and arson. Foreign shop owners have lost all their money and stock in fires started by mobs of people seeking "justice". The attitude of the mob, which unfortunately most of the time comprises South Africans, is that foreigners have corruptly invaded South African borders in order to steal business from entitled South Africans.

Other strong motivation behind xenophobic attacks include South Africans believing that foreigners sell drugs to South African children, deliberately impregnate and marry

vulnerable South African teenage girls in order to secure their residency in the country and also that foreigners want to stage a hostile takeover of land (10) and RDP houses (11) belonging to South Africans. While there have been reports of foreign men (in the groups focused on in this report) most of these are Pakistani men marrying young, unemployed and uneducated South African women, there has not been a comprehensive study to ascertain the extent to which this is happening. Most of the marriages take place strictly at the Department of Home Affairs and outside the bounds of cultural South African customs. These unions are also most of the time “marriages of convenience”; where foreigners provide basic needs such as financial support, food and shelter for the South African women and the foreigners, by virtue of being a spouse, is a step closer to gaining permanent residency and after 5 years, South African citizenship.

In these arrangements, lies a threat not only to South African traditions but also to South Africans establishing small to medium enterprises with a competitive advantage over those of foreigners. South Africans are struggling to do what foreigners do in order to secure a superior position in the business sector; which is organise themselves into a type of “corporative” that collectively gathers start-up capital, continually re-investing and also using generated capital in more business ventures, and of course, making a comfortable living off of the profits. It therefore stands to reason that as long South Africans or at least the government cannot show each other the kind of support that foreign nationals do, the perception of foreigners “stealing” opportunities away from South Africans to participate in their own country’s economy will remain and indeed gain the status of fact, and xenophobic attacks will become a real threat to foreigners.

Advice to the South African Government: Turning a Problem into an Opportunity

It is no surprise that South Africa would be the most attractive of all destinations in the world for illegal and legal immigrants alike. With an economy which has been agreed upon by its BRICS partners and the European Union as being the most diverse and vibrant in Africa together with a Constitution unparalleled by any in the world, South Africa offers a second chance at life, peace, success, stability and happiness for anybody pursuing it. Foreigners seeking refuge in South Africa are seemingly aware of the country’s positive attributes and its current needs to overcome high unemployment rates and severe skills shortages. Some Pakistanis, Egyptians, Tunisians, Algerians and Ethiopians have managed to establish themselves as stable businessmen and women.

A paradigm shift is the first step that the South African government must take in dealing with the rapidly rising population of illegal immigrants. Of course, this change in mentality cannot come from the South African government and its indigenes alone but

also from foreigners, since all these parties share the common goal summed up in the ANC's ultimate vision: "a better life for all". There is opportunity for progress in business and employment if the South African government, citizens and foreign nationals can establish trust between each other. The relationship between the South African government, South Africans and foreign nationals never had the opportunity to be strengthened.

South Africans are not well-informed about the circumstances which force foreign nationals to flee their home countries. Foreign nationals depend on personal accounts from those who have already (illegally) crossed the border into South Africa for the kinds of opportunities available to them. The South African government, then, has the role of filling in the information gaps by embarking on a campaign to educate both South Africans and foreign nationals about the realities and opportunities they will encounter as they try to co-exist in South Africa. By such efforts, the South African government can contribute majorly to preventing xenophobic threats and attacks, illegally entering South African borders and in the future increase business and employment opportunities for all. A better life for all is not impossible to attain but will require much trust, transparency and co-operation.

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References

1 See <http://www.anc.org.za>, "The Freedom Charter"

2 See Former President Mandela's 1994 Inaugural Speech for this quote. It has been perceived as the ANC's stance on its foreign policy towards its fellow African and Middle Eastern states which had stood in solidarity with the ANC's anti-apartheid liberation struggle. Mandela's statement was viewed as the ANC's expression of gratitude and reciprocating the political and financial assistance it received during the years it was banned, exiled and operating as an underground movement.

3 This does not mean that the increase in South Africa's population is solely due to foreign nationals. Reasons for the population growth vary widely from high rates to the migration which this article attempts to bring analyse. In October 2012, Statistics South Africa (commonly referred to as StatsSA) released a 2011 Census report showing that South Africa's population had grown from 44.8 million in 2001 to 51.8 million recorded in 2011.

4 See <http://www.sabc.co.za/news/a/1a7e56004e1ec128b42db7f251b4e4e2/Pandor-looks-to-curb-number-of-illegal-immigrants-entering-SA-20130109>, "Pandor looks to curb number of illegal immigrants entering SA"

5 See <http://www.immigration-southafrica.net/south-african-immigration-law/> for an overview as well as thorough, current information of developments on South African Immigration Law.

6 See *The Citizen* newspaper, 11 May 2013 issue, page 14, article titled "Bad labour practise fuels xenophobia: Vavi" by the South African Press Association (SAPA).

7 Squatter camps in South Africa would be the equivalent of shanties in Brazil, India and Kenya for example. They are characterised by poor, scarce or no sanitation, electricity. These housing structures, or rather shacks, in squatter camps are usually built using weak materials such as zinc sheets, plywood, cardboard boxes and even newspapers. The poorest members of society live in squatter camps.

8 Townships (set up during the apartheid-era as part of the segregation and land-confiscation policies of the National Party government) such as the South Western Township (famously and infamously known to the world as SOWETO), Umlazi (the biggest township in KZN) cannot be completely ruled out as poverty-stricken because the majority of the public service workforce (teachers, nurses, policemen and women, government department employees) has established itself in these areas. Townships can be very beautiful living areas, with many government-sponsored developmental projects currently taking place, namely, hospital renovations, world-class soccer stadia and shopping malls constructions, tourism and hospitality-industry structures such as lodges, museums and restaurants).

9 Tuck-shops are small convenience shops set within the busiest points in township streets, usually where public transport stops for commuters or where schools, hospitals and shopping complexes are located. These open from early morning, 6am, to late evening, 9pm. They sell a variety of goods ranging from bread and meat to light bulbs and razors. They are usually the size of a double garage.

10 See article by Carol Paton published on the 13th of February 2013, "Foreign nationals 'will not own SA land' <http://www.bdlive.co.za/national/2013/02/13/foreign-nationals-will-not-own-sa-land>

11 RDP (Reconstruction Development Plan) these are low-cost houses built by the South African government as a strategy of ending homelessness and in the long run, eliminating Squatter camps. Only South Africans who are over the age of 18 and are unemployed qualify for an RDP house. The houses may not be rented out for any purpose by the owner. The rules on this matter are very strict although the implementation thereof has been disorganised by corrupt practices ranging from South Africans renting out the RDP houses mostly to foreigners, who use it for business purposes. The South African renting out the RDP house, then builds a shanty or shack in which (s)he will live while earning an income from the leasing out his/her RDP house. Thus, through this banned but unmonitored exchange; the cycle of the squatter camps/shanties continues.