

# Refugees in South Africa



Cape Town: end of the line for African refugees fleeing south

South Africa's return to the international fold has meant coping with a new and unwanted international problem: giving refuge to those fleeing war and persecution from other parts of Africa. The nation, however, seems reluctant to come to terms with the responsibility. PETER WILLIAMSON reports on the difficulties facing African refugees in the new South Africa.

South Africa's long struggle with apartheid left an indelible mark on the South African psyche. In just a few short years, however, South Africa's people have gone from being pariahs and victims to holding a preeminent position within the continent of Africa. Few countries have gone through such a change in so short a time. South Africa has also gone from isolation to rapid integration into the culture of Africa and greater African economy. With this has come a need for South Africa to cope with some of the responsibilities that come with integration and the aspiration for

a position of leadership within the African community. The struggle produced tens of thousands of refugees fleeing persecution by the apartheid regime. Indeed, many of South Africa's current political leaders, including President Thabo Mbeki, spent many years as refugees, and during those long years they were welcomed by other countries in Africa.

Today, the tables are turned. With civil wars in Angola, Cameroon, the Democratic Republic of Congo (formerly Zaire), the Republic of Congo, Rwanda, Burundi, Sierra Leone,

Liberia, Ethiopia, Uganda, Somalia, and Sudan, the flow of refugees is now partly southward, to South Africa. As Africa's leading democracy and the economic engine for much of the continent, it is naturally, a place to which refugees would be drawn. However, it is also, so to speak, the end of the line for many fleeing war and persecution. Refugees fleeing any one of many countries in sub-Saharan Africa typically go first to a neighbouring country. There they are often unwelcome or unsafe, or simply unable to cope. They may find themselves

# a lukewarm welcome



moving repeatedly, further from home and, eventually head for Europe, if traveling north, or South Africa, if traveling south. Having arrived in South Africa, unless they can return home, there is no easy next move. Many hope, but few can return home.

Nevertheless, South Africa receives a relatively small number of refugees when compared with many other countries in Africa. The World Refugee Survey 2003 estimates that South Africa had 65,000 refugees and asylum seekers at the end of 2002, while Tanzania had 516,000, Kenya 221,000, Zambia 247,000, Uganda 221,000, Democratic Republic of Congo 274,000, Sudan 287,000, and Guinea 182,000. These are all poor countries without the level of resources available to the South African Government.

South Africa appears to be honoring its legal obligations to afford protection to these refugees, but on closer inspection, the welcome could hardly be described as warm. New legislation governing the processing of claims for asylum, although based directly upon the principles embodied in the Refugee Convention, provides only for temporary protection. Putting things diplomatically, deputy UNHCR representative Fedde Groot said, "There is an urgent need to do the right thing and to turn the rights that exist on paper for refugees into real

benefits." In strait talk, this means that South Africa's refugee policy is all talk and no action.

In 1999 a South African Human Rights Commission report spoke of "growing hatred and ignorance about the rights and realities of refugees" and highlighted widespread human rights abuses towards refugees and asylum seekers, including unwarranted arrests and detention, and extortion, bribery and assaults by apprehending officers. "In far too many cases," they wrote, "arresting officers and other immigration system officials were ... reported to act as a law unto themselves, exercising their power with tragic disregard for the human rights of those subject to their control."

There are many reasons for this. If South Africa is a magnet for African refugees, it is also a magnet for economic migrants, traders and migrant workers, as well as drug dealers, car thieves, petty criminals looking for easy pickings, and serious gangsters. After 1994 the fences essentially went down. Today, the number of undocumented migrants in South Africa is anybody's guess. Estimates of the number of migrants from other parts of Africa range from under one million to over 10 million. Given the difficulty of gaining even temporary protection in South Africa, one has to ask if all refugees are seeking asylum. In all likelihood, there are probably

many people who are refugees but never seek to formalise their status. Even so, the number of refugees in the countries to the north is many times more.

The Institute for Security Studies in South Africa reported recently that over 200 foreign crime networks are operating in South Africa, mainly by Nigerian, Chinese, Russian and Pakistani gangs. Activities include fraud, car theft, prostitution, mobile phone theft and rebirthing, money laundering, smuggling ivory, abalone, arms, gold, diamonds and drugs, as well as trafficking in humans and human organs. The organized crime problem in South Africa, according to the FBI and CIA, is only marginally less serious than in Colombia or Russia, and they estimated in December 2000 that it was costing South Africa US\$23bn a year.

South Africans of all races are, to say the least, rather unimpressed. Despite a century of migrant labour being brought into the country to work on the gold mines, there was little contact between South Africans and the migrants, and there is now little awareness amongst the masses about the lives of others to their north in Africa.

Most South Africans make no distinction between refugees and economic migrants or even the foreign criminals operating within the country. To make matters

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worse, the general term for all of these migrants is “refugee”. For asylum seekers, one thing worse than not being seen as a refugee is having every unforced migrant seen as refugee.

As expectations of post-apartheid opportunities for the masses fade with each passing year, “refugees” are blamed for the crime, for squatting, taking scarce jobs and scarce housing, for consuming scarce resources within hospitals, for not paying taxes and, lastly, for simply being in the way.

The resentment goes beyond mere blame. Actual asylum seekers suffer many forms of hostility and discrimination. Collin Emanuel, an Angolan refugee in Cape Town relates his story ...

“I will never forget the day when I returned home sick from work. I got myself into bed and asked the people with whom I was sharing a house to buy some Panado and Medlemon from the shop. I gave the R5 for the medicine but they went and bought poison for me. When I took those tablets I immediately lost consciousness. That was when they threw paraffin on my body and burned me.

*“I woke up weeks later in the hospital’s intensive care unit where I was kept alive with the support of oxygen, a life machine, drips and blood. When I finally regained consciousness, the doctors informed me that both my legs had been amputated. This had been the only way to save my life, they said.”*

No wonder that President Thabo Mbeki felt compelled to state that it is “fundamentally wrong and unacceptable” that South Africans should treat people who come to South Africa as though they are enemies. Yet “enemies” is barely too strong a term to use when discussing South Africa attitudes to foreigners living in the country. Murder of refugees and asylum seekers is not uncommon, and many refugees report that they were refused assistance when trying to report threats or attacks to the police. Clement Madila, a refugee from Democratic Republic of Congo (formerly Zaire) says:

*“The sad thing I have experienced is that we generally do not have rights. There is no one who can truly help when our rights are abused. If we have a problem, we must try to sort it out on our own. I have had the experience of being told by the police that we must solve our own problems because we do not pay any taxes in this country. We are left without any protection... For this reason, I think that South Africans have grown to hate foreigners. They see us as a threat, as people who are here to take their jobs and their women, as criminals.”*

When seeking medical assistance at hospitals, many refugees have had a similar response. In fact, refugees and asylum seekers do have rights to education, employment and medical care, but enforcing these rights in the face of blatant discrimination from bureaucrats and employers, is very difficult. As Mary-Magdelene Tal of the Human Rights Media Centre in Cape

Town put it, “They have rights on paper, but practically they don’t have any. There are too many people and too few people to help them out.” She added that there is little awareness of people’s rights amongst the refugees themselves, the public and the bureaucracy.

Finding work is one of the great problems facing any refugees, especially those from war ravaged Africa – the poorest countries of the world – and in a host country where there is no state support even for its own unemployed. In a 2003 UNHCR survey, refugees in South Africa rated employment as their most serious difficulty. This was followed, in order, by lack of adequate documentation from the government, education for themselves, housing and (despite the fact that nearly half of all refugees could afford only one meal a day), food was rated as only their fifth concern.

The survey found that while only three percent of refugees and asylum seekers in South Africa were unemployed in their countries of origin, they battle to find jobs and their skills are not being properly used. Once in South Africa unemployment rose to 24%. Two-thirds of the roughly 90,000 asylum seekers in the country had at least the equivalent of a school-leaving certificate. Many refugees battle to feed their families, and nearly half live on only one meal per day. There is no recognition of the potential contribution refugees could make to the country.

Refugees face discrimination at

work and elsewhere. Many report being underpaid or pay being withheld for no reason, while others report summary dismissal by bosses who realize that refugees have no access to the resources needed to challenge such illegal discrimination.

Affordable housing is critically short in South Africa, and asylum seekers and refugees struggle to find any form of shelter. When they do, experiences such as that of Burundian Papa Chris, defy belief.

*“My landlord stopped us from using water because he said we wasted water in flushing and washed ourselves more than once a week. We had to resort to using a toilet at the Hanover Park taxi rank and at night we used plastic bags for toilets. He ordered us not to speak our mother tongue, Kirundi, in the back yard.”*

The problem of documentation is continually raised by refugees in South Africa. Without proper documentation, they cannot find employment or open bank accounts. They are marginalised and forced into the informal sector where many work as roadside vendors or guard people’s cars while they are parked in the street.

If the government has made a commitment on paper and in legislation, no less, then it has certainly made little commitment in terms of the resources required to administer the process of seeking asylum. Wendy Sadie, of the Jesuit Refugee Service in Johannesburg, said that Department of Home Affairs,

which processes applications, had recently moved buildings, but the new offices have “no toilets, no telephones and no computers - there is nothing happening”.

Although her organisation helped 11,000 people, in 2003, Wendy Sadie knows of not one refugee who has progressed to achieving permanent protection in South Africa. The backlog of cases grows and grows, and it is now almost impossible to make an application for protection, let alone have the application considered. The situation for Zimbabweans is most dire. The Guardian newspaper recently reported that over 2 million Zimbabweans went to South Africa over the past nine years, but only 11 have been granted political asylum. A documentary film shown on South African television last year showed Zimbabwean asylum seekers being told to go away and whipped at government refugee office in Johannesburg. The Guardian also spoke of officials demanding bribes from asylum seekers. Zimbabwean refugees are deported in their thousands, only to return at the earliest opportunity.

There are now signs that even the pretence of a benign refugee policy is being abandoned.

Lee Anne de la Hunt, Director of the Legal Aid Clinic at the University of Cape Town, recently listed many problems with the new Act, including “officials making policy by issuing internal (and confidential) memoranda”, “refusing to admit asylum seekers

into the determination process, and ... even barring the entrance to the building”, “incorrect interpretations of the legislation”, “corruption” and “the fact that the Department no longer supplies paid interpreters”.

In 2001-2002 the UNHCR and the South African Human Rights Commission ran a “Roll Back Xenophobia” campaign to educate South Africans about refugees and other foreigners. Many South African refugee organisations are doing their part, too. The Human Rights Media Centre, for example, recently published the stories of thirteen refugees in “Torn Apart”, the book from which the refugee quotes in this article are taken.

These campaigns, however, have a long way to go. Educating officials and educating the public will be an uphill battle in a country coming out of years of isolation, violence and oppression. There seems to be a hardness amongst the population who, perhaps, now think that having struggled for their freedom, they wish to turn attention to their own problems and have no time to take on those of the rest of Africa. Amongst the white population, sadly, attitudes to refugees are even harder. Perhaps in their own way they feel that they have made their sacrifices and concessions and do not wish to make any more. But, if South Africa is to take a leading role in African affairs, then it must also carry some of the burden in giving refuge to those who have had to flee Africa’s all too many wars. ■