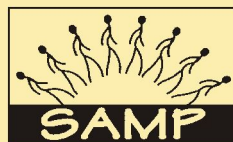


Published by:
Southern African Migration Project
6 Spin Street, Church Square
Cape Town 8001
and
Southern African Research Centre
Queen's University
Kingston, Ontario, Canada
(www.queensu.ca/samp)



In partnership with:
Roll Back Xenophobia Campaign
South African Human Rights Commission
Entrance 1, Wilds View
Isle of Houghton
Boundary Road
Parktown, Johannesburg



Immigration, Xenophobia and Human Rights in South Africa

IMMIGRATION,
XENOPHOBIA AND
HUMAN RIGHTS
IN SOUTH AFRICA

Our intimate relationship with the rest of our Continent is illustrated by the significant numbers of fellow Africans who have sought to settle in South Africa since 1994. Undoubtedly, this trend will continue, adding a new richness to our own society. Many of these new immigrants bring with them important skills that our country needs. Many of them are also people who are creative, full of initiative and driven by an enterprising spirit. The more they impart these characteristics to us as well, the better we will be as a people and a society. Necessarily, we must continue to be vigilant against any evidence of xenophobia against the African immigrants. It is fundamentally wrong and unacceptable that we should treat people who come to us as friends as though they are our enemies. We should also never forget that the same peoples welcomed us to their own countries when many of our citizens had to go into exile as a result of the brutality of the apartheid system. To express the critical importance of Africa to ourselves, both black and white, we should say that we are either African or we are nothing.

President Thabo Mbeki in ANC Today, May 2001

IMMIGRATION, XENOPHOBIA
AND HUMAN RIGHTS IN
SOUTH AFRICA

EDITORIAL NOTE

In 2000, the Southern African Migration Project (SAMP) entered into a partnership with the Roll Back Xenophobia Campaign of the South African Human Rights Commission. The two cooperated in offering a series of country-wide training workshops for media and journalists at which the results of SAMP research into media xenophobia was presented and discussed. This publication is the second product of that partnership. The paper sets out to critically review and examine the evidence for the argument that xenophobia is widespread and growing in South Africa. While it is important to document the scale of the problem and the enormity of the public education challenge that confronts government and civil society, there are no grounds for defeatism. Rather this publication is designed to draw attention to a problem that requires attention and a commitment from all South Africans to roll back and defeat the new apartheid of xenophobia. We would like to particularly thank all of the researchers and organizations involved in the surveys on which this publication is based. This paper was written by Jonathan Crush. An earlier version was published in *International Migration* 38 (2000).

Published by Idasa, 6 Spin Street, Church Square, Cape Town, 8001, and Queen's University, Canada.

Copyright Southern African Migration Project (SAMP) 2001
ISBN 1-919798-30-7

First published 2001
Design by Bronwen Dachs Müller
Typeset in Goudy

All rights reserved. No part of this publication may be reproduced or transmitted, in any form or by any means, without prior permission from the publishers.

Bound and printed by Logo Print
Print consultants Mega Digital, Cape Town

IMMIGRATION,
XENOPHOBIA AND
HUMAN RIGHTS
IN SOUTH AFRICA

SERIES EDITOR:
PROF. JONATHAN CRUSH

SOUTHERN AFRICAN MIGRATION PROJECT/
SOUTH AFRICAN HUMAN RIGHTS COMMISSION
2001

CONTENTS	PAGE
EXECUTIVE SUMMARY	1
INTRODUCTION	7
THE RISE OF XENOPHOBIA	11
SOUTH AFRICAN ATTITUDES TO IMMIGRATION	12
ARE HUMAN RIGHTS FOR EVERYONE?	17
ATTITUDES TO REFUGEE PROTECTION	20
NON-CITIZEN ATTITUDES TO SOUTH AFRICA	21
CONCLUSIONS	27
APPENDICES	29
ENDNOTES	34
MIGRATION POLICY SERIES	40

TABLES	PAGE
TABLE 1: SOUTH AFRICAN ATTITUDES TO VOLUME OF IMMIGRATION	13
TABLE 2: SOUTH AFRICAN ATTITUDES IN COMPARATIVE PERSPECTIVE	14
TABLE 3: ATTITUDES TOWARDS AMNESTY	15
TABLE 4: PERCEIVED THREATS FROM IMMIGRATION	15
TABLE 5: ATTITUDES TO GOVERNMENT POLICING MEASURES	16
TABLE 6: LIKELIHOOD OF TAKING ACTION AGAINST FOREIGNERS	17
TABLE 7: ATTITUDES TOWARDS RIGHTS FOR IMMIGRANTS	18
TABLE 8: SOUTH AFRICAN ATTITUDES TO RIGHTS FOR CITIZENS AND MIGRANTS	19
TABLE 9: SOUTH AFRICAN ATTITUDES TO REFUGEE PROTECTION	21
TABLE 10: SOUTH AFRICAN ATTITUDES TO RIGHTS FOR REFUGEES	21
TABLE 11: PERSONAL CONTACT WITH NON-CITIZENS	23
TABLE 12: PERCEPTIONS OF SOUTH AFRICAN ATTITUDES	24
TABLE 13: EXPECTATIONS OF TREATMENT IN SOUTH AFRICA	25
TABLE 14: PERCEPTIONS OF TREATMENT BY SOUTH AFRICANS	26

EXECUTIVE SUMMARY

In May 2001, President Thabo Mbeki observed that all South Africans must be vigilant against “any evidence of xenophobia” against African immigrants. He noted that it is “fundamentally wrong and unacceptable” that South Africans should treat people who come to South Africa as friends as though they are enemies. This is a long-awaited and critically important statement from the highest level of the South African government. In the aftermath of the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, the President’s words will hopefully be acted upon by all South Africans.

What is the evidence of xenophobia against African immigrants to which the President refers? Evidence of xenophobia can be seen in high-profile violent assaults on immigrants by bands of citizens (in which a number of refugees and others have lost their lives). But how typical are these xenophobic acts? Perhaps, as in some other countries, these are just the actions of a small group of extremists and are untypical of mainstream attitudes? What do South Africans really think of non-citizens, of African immigrants, of refugees and asylum-seekers? Are these attitudes reflected in, or contrary to, official thinking? And how and why does the media influence attitudes, for better or worse?

In 1997, the South African Human Rights Commission (SAHRC) identified xenophobia as a major source of concern to human rights and democracy in the country. Then, in October 1998, the SAHRC (in partnership with other agencies) launched a public and media education programme known as the Roll Back Xenophobia (RBX) Campaign. The campaign is designed to send a message, in the words of its founding document, 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” (Appendix A). The powerful Congress of South African Trade Unions (COSATU), the country’s largest labour federation, has also condemned the growth of xenophobia in South Africa in no uncertain terms (Appendix B).

This paper first examines various reports and studies which made the claims about growing xenophobia in the mid-1990s. The paper shows that these claims were not based on systematic, national research, but rather on anecdotal evidence or generalization from small and unrepresentative samples. In 1997, SAMP set out to rectify this problem with a series of nationally-representative surveys of citizen and non-citizen public attitudes towards immigration and immigrants. To date, the project has conducted three public opinion surveys of South African attitudes towards immigration; national public opinion surveys of immigration in

5 other SADC states; and two large surveys of non-citizens living in South Africa. Together, these surveys provide a unique data base for accurately assessing the attitudes of citizens and immigrants towards a wide range of immigration-related issues in the Southern African region.

The results of these particular surveys, and SAMP research into xenophobia more generally, have been published elsewhere (see end-notes and Appendix C). This paper presents an overview of the findings of public opinion surveys conducted from 1997-2000. The basic aims of this paper are as follows:

- to critically review the evidence for official and other claims that South Africans are intolerant of outsiders and African immigrants in particular;
- to summarize the results of various SAMP research into public opinion (citizen and non-citizen) on immigration issues;
- to analyse the extent and character of “xenophobia” amongst the populace at large;
- to provide concrete suggestions to government, the ANC, unions, NGO’s and CSO’s and others for public education and other initiatives to counteract xenophobia and intolerance;
- to inform the public education strategies of initiatives such as SAHRC’s Roll Back Xenophobia Campaign.

In order to devise workable and effective strategies for countering xenophobia, it is extremely important to have a good sense of the extent of the problem and how it manifests itself. This paper is published in the belief that a greater understanding of this troubling phenomenon will lead to better and more workable counteracting strategies and policies.

The paper addresses four basic themes:

- the basic level and character of human rights awareness amongst the South African citizenry;
- citizen views of immigration and the presence of non-citizens in the country;
- the kinds of rights citizens are willing to extend to non-citizens including refugees; and
- migrant perceptions of their own treatment in South Africa.

The research shows that government and other agencies have a major task ahead of them if they are to convince South Africans of the value of a more open and inclusive immigration policy that is actually in the interests of the country. Attitudes are currently very negative and political leadership and public education need to confront this reality at the outset. The evidence for this assertion is as follows:

- South Africans as a whole are not tolerant of outsiders living in

the country. The surveys revealed strong support for policies that would place strict limits on or prohibit immigration altogether. Fully a quarter favour a total ban, considerably more than in any other country for which there is comparable data. Nearly 80% favour a total ban or very strict limits. One in five actually feel that everyone from neighbouring countries living in South Africa (legally or not) should be sent home. Attitudes have also hardened. Between 1995 and 1999, for example, support for a highly restrictionist policy increased from 65% to 78%. Support for a policy that tied immigration to job availability declined dramatically from 29% in 1995 to only 12% in 1999.

- Between 1996 and 2000, government offered generous legal amnesties to longstanding contract workers, undocumented SADC country citizens resident in South Africa, and ex-Mozambican refugees. In total, over 350,000 people benefited from this effort to compensate black non-citizens for the actions of apartheid. However, South Africans, in general, do not support the idea of immigration amnesties. Antagonism is particularly intense amongst white respondents (at 76%). Black South Africans, perhaps more mindful of the history of the anti-apartheid struggle, are more generous with 40% unopposed to granting amnesties to undocumented migrants.
- The majority of South Africans currently believe that immigration and migration impact unfavourably on the country (with nearly 60% believing that they “weaken” society and the economy, and over 60% that they put a strain on South African resources). Fear of crime, threats to jobs and the economy, and disease are the leading reasons given for opposition to immigration. These are the same arguments advanced by those who oppose immigration everywhere.
- South Africans favour forceful approaches to controlling immigration. Respondents were asked their opinion of control-oriented policy measures such as turning on the electric fence on South Africa’s borders; putting more money into border protection; using the army to patrol borders; increasing taxes to pay for border patrols; requiring foreigners to carry identification; giving police the right to detain suspected illegal immigrants and penalizing those who employ illegal immigrants. With the notable exception of raising taxes, each of the measures enjoyed wide support with whites again more supportive than blacks.
- Respondents were asked what action they would take against people from neighbouring SADC countries. A third would be prepared to personally try and prevent migrants from moving

into their neighbourhood, operating a business, becoming a fellow worker or having their children in the same classroom. They were also asked what they would do if they found out someone was “illegally” in the country. Forty-seven percent said they would report them (with 3% saying they would band together to force the person to leave the area).

- The South African Constitution guarantees basic rights and freedoms to everyone living within the boundaries of the nation-state. Many South Africans are clearly in disagreement. Around 40% are opposed to Africans from elsewhere enjoying the same access to health and educational services as South Africans. Rather more (54%) oppose giving the same right of access to housing. On the positive side, the survey found that 47% of respondents feel that Africans from other countries should still be allowed to vote in elections. Whites are significantly more negative than black South Africans on all of these issues.
- South Africans were asked about their attitudes to giving certain basic rights (freedom of speech, freedom of movement, legal protection, police protection and access to services) to legal and unauthorized migrants. There is a consistent pattern of conditional support for rights for *temporary migrant workers*. While only a quarter of the population thinks that these rights should always be accorded to legal migrants, around half are prepared to see these rights extended in certain circumstances.
- When it comes to *unauthorized migrants*, the picture changes dramatically. Around 85% of respondents feel that these migrants should have no right to freedom of speech or movement. Some 60-65% also feel that they should not enjoy police or legal protection or access to services. There is clearly a feeling, certainly not confined to South Africa, that by being in a country without official permission one sacrifices any entitlement to basic rights and protections, even if (as in South Africa) those are guaranteed by the constitution.
- The SAMP surveys show that South Africans accept that many newcomers are indeed genuine refugees. They also agree with the general proposition that refugees warrant protection (with 70% in favour). However, they distinguish between the general principle of protection and their own government’s responsibility in offering that protection. Only 47% feel that the South African government should give asylum and protection to refugees. When asked whether they would personally support the South African government *paying* for the cost of sheltering

refugees, the response was decidedly lukewarm with only 17% in favour.

- An important question is what people understand by “protection” and what rights they are prepared to extend to refugees. “Protection”, as understood by South Africans, does not extend to granting basic rights to refugees. Nearly 70% feel that refugees in the country should *never* have the rights of freedom of speech and movement, with only 3% feeling that these are automatic entitlements. Support for other refugee rights is only marginally more solid with less than 20% of respondents of the opinion that refugees should always enjoy legal and police protection in South Africa, or access to basic services. None of this indicates a citizenry well-educated in the circumstances and plight of refugees.
- One hypothesis in the literature is that proximity to and direct social interaction with non-citizens will impact citizen attitudes (negatively or positively). What emerges from the SAMP surveys is that many South Africans have no direct interaction and experience of foreigners, even from neighbouring states. In the 1998 survey, only 4% of respondents said they had “a great deal of contact” with people from countries in Southern Africa; with 80% having little or none. Those who have no contact are statistically most likely to have negative opinions of foreigners. The more contact they have, the more likely they are to have tolerant opinions. Type of contact is also critical. South Africans who are friends with foreign citizens are more likely to have positive views than those who live next to, work with or buy things from them.
- Citizens of neighbouring states are evenly divided on whether they are viewed positively or negatively by South Africans. A significant minority of people interviewed (30-50%) feel that South Africans have positive or very positive views of people from their home country. This suggests that not all migrants have personally experienced hostility and intolerance. Less than 30% expect bad or very bad treatment from South Africans. Asked, for example, about their general experiences in South Africa, 64% said it had been positive or very positive, with only 20% saying it was negative or very negative. The majority of migrants and immigrants are very much aware of the negativity that surrounds their presence in the country. However, only those who have had direct personal experience of hostility, abuse or prejudice are prepared to translate that general awareness into a firm belief that South Africans are intolerant and hostile.

This paper shows that South Africans are not tolerant of outsiders. These feelings are widespread and cut across indicators of age, education, gender, economic status and race (although whites are generally more hostile than blacks towards African immigrants). Many migrants and immigrants are aware that South Africans are not favourably disposed towards them. Yet they are also surprisingly generous in their expectations of South Africans. They expect to be treated well and, with the exception of those who have had direct negative experiences, they believe that they will be, not only by ordinary South Africans but by the police as well. But the situation is finely balanced.

The majority of South Africans are attitudinally hostile to outsiders but that they are not yet prepared to translate those attitudes into action; at worst they are “latent xenophobes.” The single biggest mitigator of negative stereotyping is personal familiarity. In other words, as South Africans become more socially familiar with non-South Africans their attitudes begin to change positively. This, in turn, suggests that public education programmes alone (the preaching of tolerance and good neighbourliness in the abstract) are unlikely to be successful

Of particular concern are attitudes to “refugee protection.” There should be great cause for concern that the reluctance to grant rights to refugees is uncomfortably close to the set of responses given for “illegal immigrants.” South Africans clearly continue to have difficulty distinguishing in their own minds between refugees and migrants. Government, NGO’s and refugee organizations have a major task to turn some latent sympathy for refugees into widespread popular support for genuine refugee protection that is consistent with South Africa’s convention obligations.

South Africa has made enormous strides since 1994 in building a non-racial, human rights culture appropriate to the new democratic order. But there are clearly considerable obstacles to be overcome before the citizenry is prepared to embrace the notion of equal treatment for foreigners and to ensure that African migrants (whether legal or undocumented) are constitutionally entitled to basic human and labour rights, simply by virtue of being on South African soil.

It is hard to see how even the best of public education campaigns can, in isolation, effect the necessary shift in public attitudes. In that context, the World Conference provides an opportunity for South Africans to reflect and seek advice on how to turn back the insidious tide of racism and xenophobia. What is required from those in government, civil society and the media is a new approach. Instead of isolating and stigmatizing all migrants as “aliens” and “foreigners” or preaching against xenophobia in the abstract, there needs to be acceptance and promotion of the presence and contribution that non-citizens are, and can, make to the country’s growth and development.

INTRODUCTION

South Africa's first democratic election in 1994 marked the formal end of three hundred years of institutionalized racism in the country. South Africa was also the site of one of the twentieth century's most degrading social engineering experiments in institutionalized racism. Apartheid systematically entrenched racial discrimination in all spheres of political, economic, social and cultural life. The fall of apartheid in the 1980s and 1990s officially ended a system that was a fundamental affront to basic human rights and dignity. The vision of a new "rainbow nation" was born and enshrined in one of the most progressive constitutions in the world.¹

Seven years later, South Africa is still one of the most race-conscious societies in the world, so deep are the divides of the past. The legacy of apartheid and institutionalized racism will take decades to rectify. So will the racial attitudes and practices that formed the bedrock of white support for the apartheid system. No longer sanctioned or promoted by the state, racism continues below the surface as disaffected and alienated whites contemplate the implications of the loss of historical privilege. As a result, the African National Congress (ANC) government and the South African Human Rights Commission (SAHRC) have both recently declared that the racism remains one of the major hurdles to the building of a truly democratic and participatory South African nation.²

Those seeking confirmation of the accuracy of this claim need look no further than November 2000 and a televised event that shocked the international community.³ In the episode in question, six white South African policemen set dogs on three defenceless black men and subjected them to a torrent of racist abuse. Hardened journalists such as Max du Preez of the Johannesburg *Star* called it "the worst pornography of racism and violence" that he had witnessed in three decades of reporting in South Africa. In the past, such activities were routinely sanctioned by the apartheid state. Now six white police officers are on trial in Pretoria on charges of assault and attempted murder.

For many, this violent incident (and others like it) confirm the ANC's argument that white racism remains alive and well in South Africa. The angry response of the media and the politicians suggest that human rights abuses motivated by racism will not be tolerated in a democratic country. Several prominent politicians, including Minister of Safety and Security Steve Tshwete, condemned the attack and called for the rooting out of "rogue elements" in the South African police services.⁴ This is significant, too, for Mr Tshwete had earlier criticized local human rights groups for their opposition to police methods during a

national crime-fighting blitz known as “Operation Crackdown.”⁵

What, however, if the focus shifts for a moment from the perpetrators to the victims of this act of police brutality? The three men in question were not black South Africans at all but Mozambicans living in South Africa. Over 300,000 Mozambicans live quite legally in South Africa. Yet these men were depicted, without substantiating proof, as “illegal immigrants” in the South African press, as if this somehow mitigated the brutality of the attack.⁶ They were caught up in the dragnet of a massive country-wide police and army operation to identify and deport undocumented migrants, particularly Mozambicans. This campaign (conducted by the police, army and Department of Home Affairs) began in earnest in the 1980s and escalated dramatically after 1994.⁷

Over 600,000 migrants have been deported by the South African government in the last five years, the vast majority to Mozambique (over 85%).⁸ Independent investigations by Human Rights Watch and the SAHRC argue that the methods used by the police and army resemble apartheid-era police tactics used to enforce pass laws and influx controls on black South Africans. The reports also maintain that abuse, bribery and corruption riddle the deportation system.⁹ Sectoral research by the Southern African Migration Project (SAMP) shows that many migrants also enjoy very little protection at the place of employment (primarily in the agriculture, mining, construction and services sectors).¹⁰

Migrants from South Africa’s neighbours enjoyed few rights and little legal protection during the apartheid era. The question is why this has apparently continued. Several inter-related factors are relevant:

- South Africa was unprepared for the inevitable consequences of the fall of apartheid and the new migration movements accompanying globalization. The country was generally not a desirable destination for African and other migrants before the 1990s.¹¹ The new South Africa was far more attractive in itself and as a stepping-stone to other destinations. The variety and volume of migrants and asylum-seekers arriving in the country changed significantly after 1990, certainly not to the “illegal millions” of popular perception but sufficient to fuel a perception that the country had lost control of its borders.¹²
- Many in the country have ascribed to a strong anti-immigration mind-set that views immigration as a threat to nation-building and incorrectly views immigration and migration, by definition, as bad for citizens. The resulting support for restrictionist policies that prioritize control over management, expulsion over admission, exclusion over inclusion is clear.¹³ The numbers of “illegal aliens” are consistently exaggerated and all are stereo-

typed as a threat to the social and economic rights of South Africans.¹⁴ A hostile public climate such as this places few constraints on the behaviour of the agents of the state who police “immigration.”

- Immigration policy has continued to be governed since 1994 by the Aliens Control Act of 1991, a piece of legislation sometimes dubbed “apartheid’s last act.”¹⁵ Human rights violations are enabled by existing legislation which promotes summary arrest and deportation with the barest of due process.¹⁶ In marked contrast to the rights-based focus of much post-apartheid transformation, few are openly supportive of *migrant* rights.¹⁷
- The Bill of Rights in the Constitution guarantees a host of basic political, cultural and socio-economic rights to all who are resident in the country. The courts have been active in ensuring that the basic constitutional rights of non-citizens are not violated by the Department of Home Affairs. In a succession of court challenges over the last five years, foreign citizens have won virtually every case against the Department’s interpretation of current immigration law.¹⁸ The Department, in turn, has been publically criticized by several judges for its failure to observe basic rules of due process and equality before the law. However, to date the majority of challenges have been mounted by middle-class people with the resources for legal assistance. Most of those targeted for deportation by the police lack these resources and means of defence. None of the human rights groups or lawyers involved in this area has yet mounted a legal challenge against the deportation system *per se*, although the South African Human Rights Commission has been active in exposing it to public scrutiny.
- The Minister of Home Affairs tabled a new immigration bill in 1999 which would make no fundamental change to the current policing system; rather, it seeks to extend and consolidate the powers of enforcement by heavily penalizing South Africans who aid undocumented migrants, making it illegal to provide basic services (such as health and education) to people who do not have proof of identity, and requiring South Africans to report anyone they suspect of being an “illegal foreigner.” These are standard enforcement tactics worldwide; the problem comes in how they are interpreted and implemented and what safeguards are built into the system to protect the rights of citizens and non-citizens. Critics have charged that these particular proposals amount to a citizen licence for xenophobic action and the ANC is now taking these charges seriously.¹⁹

Claims about growing anti-foreign intolerance in South Africa have, to date, been based largely on anecdote or on studies of particular communities. There is no way of knowing from these studies how widespread such attitudes actually are. Perhaps they are held only by a small minority of citizens and the majority see no reason for alarm?

In order to devise workable and effective strategies for countering xenophobia, it is extremely important to have a good sense of the extent of the problem and how it manifests itself. The best method for finding this out is through nationally-representative surveying of citizen attitudes.

Internationally, national public opinion surveys are an important window onto the public climate on immigration.²⁰ Policy-makers find them a useful mechanism for assessing levels of support for existing or new policy initiatives. Public education campaigners can engage in far more targeted programmes designed to build tolerance and foster integration. Human rights groups can identify whether the potential for abuse of migrants rights is systemic or localized.

In 1997, the SAMP began to conduct a series of nationally-representative surveys of citizen attitudes towards immigration in seven SADC countries (South Africa, Lesotho, Botswana, Swaziland, Mozambique, Namibia and Zimbabwe). This paper summarizes the findings of these surveys for the case of South Africa. The main purpose is to try and assess the full extent of negative South African attitudes towards migrants, refugees and human rights, and to identify specific areas where policy-makers and civil society should concentrate their efforts to reverse this unhealthy and divisive phenomenon.

This paper focuses on various themes that have emerged during the course of this collaborative international migration research endeavour. The paper addresses four basic themes:

- the basic level and character of human rights awareness amongst the South African citizenry;
- citizen views of immigration and the presence of non-citizens in the country;
- the kinds of rights citizens are willing to extend to non-citizens including refugees; and
- migrant perceptions of their own treatment in South Africa.

The paper concludes with a discussion of the implications of these findings for effective migration management, public education and entrenching an inclusive human rights culture in South Africa.

THE RISE OF XENOPHOBIA

Claims that South Africans were becoming increasingly antagonistic towards foreign citizens began to surface in the mid-1990s.²¹ Focus group studies of South African political attitudes in 1995 were the first to unveil a surprising amount of latent hostility towards foreign migrants.²² Local studies of particular communities have since confirmed that many black foreign citizens feel that there is considerable verbal and physical antagonism towards their presence.²³ Several writers suggested that apartheid-era solidarities between black people of whatever national origin were crumbling even as the new, post-apartheid South African nation-building project redefined the boundaries of “us” and “them.”²⁴

Violent attacks on non-South African traders erupted on the sidewalks of Johannesburg in 1996 and assaults on foreign citizens became increasingly common in a number of cities.²⁵ This culminated in 1998 with the death of three foreign citizens on a moving train at the hands of a group of South Africans returning from a rally of the unemployed in Pretoria. Meanwhile, South African MP’s were receiving increasingly strident complaints from their constituents about the presence of foreign citizens in their neighbourhoods. Studies of media coverage of immigration issues and the public utterances of elected officials from all of South Africa’s political parties suggested that the view on the streets was echoed in newsrooms and the corridors of the state.²⁶

The first attempt to measure public attitudes at a national scale was in October 1994 when the state-funded Human Sciences Research Council (HSRC) included a small number of questions about immigration in a general random survey of 2,200 South Africans. Follow-up surveys at regular intervals allowed the HSRC to track changing attitudes and to conclude that between 1994 and 1995 there was “a considerable growth in negative sentiments, in other words xenophobia, towards illegal/immigrants/aliens.”²⁷ However, these results seemed questionable since the survey used leading questions which were almost bound to elicit negative responses.²⁸ The HSRC survey was also more about attitudes to policy than attitudes to people.

Human Rights Watch, the international human rights monitoring organization, conducted a South African field investigation in 1998 and concluded:

South Africa has become increasingly xenophobic in recent years, with a large percentage of South Africans perceiving foreigners – especially, almost exclusively black foreigners – as a direct threat to their future economic well-

being and as responsible for the troubling rise in violent crime in South Africa.²⁹

While HRW's researchers reported numerous individual incidents of human rights abuse of migrants, their claims about the pervasiveness of xenophobia were not based on primary research.

In 1997, the Southern African Migration Project (SAMP) embarked on an ambitious programme of public opinion surveying in relation to migration and immigration within and to the SADC. To date, the project has conducted the following national surveys:³⁰

- 1998 national South African public opinion survey of diversity attitudes which included a variety of questions on attitudes to immigrants and migrants (sample size: 3,200);
- 1998 national public opinion survey of attitudes to migration to South Africa conducted simultaneously in three SADC countries (Zimbabwe, Lesotho and Mozambique) and subsequently in two others (Botswana and Namibia) (sample size: 3,500),
- 1998 attitudinal survey of migrants from other African countries living in South Africa (sample size: 501)
- 1999 national South African public opinion survey of attitudes to human rights, migrants and refugees (sample size: 1,600)
- 1999 national survey of skilled South Africans on attitudes towards emigration (sample size: 725)
- 1999 attitudinal survey of skilled non-citizens living in South Africa on attitudes and treatment in South Africa (sample size: 400)

Another round of surveys is planned for 2001. Together, these surveys provide a unique database for accurately assessing the attitudes of citizens and immigrants towards a wide range of immigration-related issues in the Southern African region.³¹

SOUTH AFRICAN ATTITUDES TO IMMIGRATION

While South Africa is not an "immigration country" in the conventional sense, the vast majority of its white population are either immigrants or the descendants of immigrants who arrived in the late nineteenth and early twentieth centuries.³² For decades, successive white governments aggressively pursued racist and highly selective immigration policies. Prior to the late 1990s, all immigrants had to be "assimilable by the white population." In the minds of white South Africans, immigration was the key to survival. In the minds of their black counterparts, immigration was another instrument of racial oppression.

After 1994, the new South African government initially became strongly anti-immigrationist, justified primarily in terms of the threat to jobs for citizens.³³ Legal immigration dropped to an all-time low (less than 10,000 per annum by the late 1990s). Temporary residence and work permits became harder to obtain. This occurred just as South Africa opened itself up again to the world and despite numerous complaints from South African and multi-national companies seeking to access the global skills market.

During the late 1990s, there was no obvious appetite for immigration or migration at the highest levels.³⁴ Yet, the vast majority of South Africans surveyed (87% in 1998) still felt that too many foreign citizens were being allowed into the country, a view shared by both black and white (Table 1).

Is South Africa letting in too many, too few, or about the right number of foreigners? (%)	White	Black	Total
Too few	5	6	6
Right number	11	5	8
Too many	84	90	87

Source: 1998 SAMP South African Survey. Totals may not sum to 100 due to rounding.

The international data presented in Table 2 suggests that, compared with other nations, South Africans rate among the most unfriendly to outsiders. There is widespread support for policies that would place strict limits on or prohibit in-migration altogether. Fully a quarter of respondents favour a total ban on immigration and migration, considerably more than in any other country for which there is comparable data. Nearly 80% favour a total ban or very strict limits. One in five actually feel that everyone from neighbouring countries living in South Africa (legally or not) should be sent home.³⁵ Table 2 also shows that attitudes have hardened rapidly. Between 1995 and 1999, for example, support for a highly restrictionist policy increased from 65% to 78%. Corresponding support for a policy that tied immigration to job availability has declined dramatically from 29% in 1995 to only 12% in 1999.

Various more liberal migration policy initiatives by the government have not enjoyed public support. Between 1996 and 2000, the government offered legalization amnesties to longstanding contract workers, SADC country citizens resident in South Africa, and ex-Mozambican refugees.³⁶ In total, over 350,000 people benefited from this effort to compensate people for the actions of the apartheid government. There was little public debate before or during these amnesties and government did not gauge the level of public support for the amnesties. This

Table 2: South African Attitudes in Comparative Perspective

	Let anyone in who wants to enter (%)	Let people come as long as there are jobs available (%)	Place strict limits on the numbers of foreigners who can come here (%)	Prohibit people coming here from other countries (%)	Don't know (%)
South Africa 1999	2	12	53	25	7
South Africa 1998	6	17	45	25	7
South Africa 1995	6	29	49	16	0
Russia 1995	6	48	28	18	2
Philippines 1995	9	16	63	12	0
Peru 1995	8	39	40	12	4
China 1995	7	33	40	11	9
Argentina 1995	8	49	31	9	3
United States 1995	5	32	53	8	0
Finland 1995	8	30	51	8	3
Taiwan 1995	2	16	30	7	45
Japan 1995	4	41	40	6	8
Chile 1995	10	50	31	7	1
Nigeria 1995	18	37	40	6	3
Spain 1995	14	55	23	4	3
Zimbabwe 1997	16	30	48	4	0
Australia 1995	5	52	39	3	2
Southern Mozambique 1997	12	61	23	2	0
Sweden 1995	8	32	55	1	3
Lesotho 1997	61	23	12	3	1

was probably as well, since there appears to be widespread opposition to the whole idea (Table 3). Antagonism is particularly intense amongst white respondents (at 76%). Black South Africans, perhaps more mindful of the history of the anti-apartheid struggle, are more generous though the majority (59%) oppose the principle of granting of amnesties to undocumented migrants.

The majority of South Africans believe that immigration and migration impact unfavourably on the country (with nearly 60% believing that they “weaken” society and the economy, and over 60% that they put a strain on South African resources).³⁷ Fear of crime, disease and loss of jobs are the leading reasons for opposition to immigration (Table

4). These are the core arguments of those who oppose immigration everywhere.³⁸ As Mattes *et al* point out: “South Africans not only hold negative attitudes towards foreigners, they also have a readily accessible set of stereotypes with which to justify or rationalise their negative attitudes.”³⁹

South Africans favour vigorous approaches to controlling immigration. In the 1998 SAMP survey, respondents were asked their opinion of control-oriented policy measures such as turning on the electric fence on South Africa’s borders; putting more money into border protection; using the army to patrol borders; increasing taxes to pay for border patrols; requiring foreigners to carry identification; giving police the right to detain suspected illegal immigrants and penalizing those who employ illegal immigrants. With the notable exception of raising taxes, each of the measures enjoyed massive support with whites again more hostile than blacks (Table 5).

These views have serious rights-based implications. There is comprehensive endorsement of the controversial army and police role in immigration control. Even more startling is the degree of support for using

Would you support or oppose the government offering amnesty to all foreigners now living illegally inside the country? (%)	Total	Black	White
Support	14	18	3
Neither support nor oppose	17	18	13
Oppose	59	55	76
Don't know/haven't heard enough	9	9	8

Source: 1998 SAMP South African Survey

What, if anything, do you have to fear from people living here from neighbouring countries? (% of sample that cited each item)	Total	Black	White
Criminal threat	48	40	45
Threat to jobs and economy	37	37	56
Threat of disease	29	30	16
Nothing to fear	24	26	24
Over-population	9	9	8
Making housing shortages worse	3	3	6
Threat to land	1	2	2
Cultural differences	1	2	0

Note: Columns add up to more than 100% due to the fact that respondents gave more than one response.

Table 5: Attitudes to Government Policing Measures			
Would you support or oppose the government taking the following actions (% support)	White	Black	Total
Using the army to patrol South Africa's borders	82	81	83
Giving police the right to detain suspected illegal immigrants	90	78	82
Penalizing businesses or persons who employ illegal immigrants	87	75	79
Requiring foreigners to carry identification with them at all times	80	68	72
Turning on the electric fence that surrounds part of South Africa's borders	73	64	66
Allocating more money from the national budget to border protection	69	55	59
Increasing taxes to cover the expense of increased patrols	13	22	22
<i>Source: 1998 SAMP South African Survey</i>			

electrified fences on the borders. These lethal fences were erected by the apartheid government to deter ANC guerillas and Mozambican refugees and are no longer operational. Over 70% of respondents feel that non-citizens should carry documentation with them at all times, something that also harkens back to the apartheid-era pass laws and is unconstitutional.⁴⁰

A significant minority of people are not prepared to leave the policing of migration solely to the authorities. Respondents were asked whether they would take action against people from neighbouring SADC countries. Table 6 shows that a third of the respondents would be prepared to personally try and prevent migrants from moving into their neighbourhood, operating a business, becoming a fellow worker or having their children in the same classroom. They were also asked what they would do if they found out someone was “illegally” in the country. Forty-seven percent said they would report them (with 3% saying they would band together to force the person to leave the area). This climate ensures that there would be generous take-up of the government’s controversial plan to make communities and service providers legally responsible for identifying and reporting “illegal foreigners.”

These responses come from a citizenry that can only feel it is under siege from the outside. Whether it is, in fact, is questionable.⁴¹ But there is no doubt that public attitudes have been fanned by highly emotional media images that portray South Africa as “flooded” or “overrun” by undocumented migrants from the rest of Africa (or “illegal aliens” as they are invariably called).⁴² So nervous are South Africans that most are prepared to endorse unconstitutional measures to police immigration. This mentality may help explain why there is so little scrutiny or accountability in police and army policing methods and so little public

Table 6: Likelihood of Taking Action Against Foreigners			
How likely is it that you would take part in action to prevent people who have come to SA from other countries in Southern Africa from doing the following activities? (% who said "likely" or "very likely")	Total	Black	White
Moving into your neighbourhood	34	36	32
Operating a business in your area	34	65	32
Sitting in class with your child	31	34	27
Becoming one of your coworkers	32	35	27
<i>Source: 1998 SAMP South African Survey</i>			

outcry when the rights of migrants are compromised.⁴³ Indeed, as the next section suggests, South Africans are not strong believers in rights for migrants and non-citizens in their country.

ARE HUMAN RIGHTS FOR EVERYONE?

The South African Constitution has been widely praised as amongst the most progressive and inclusive in the world. Not only does its Bill of Rights guarantee unprecedented rights and freedoms but it extends these same rights to everyone living within the boundaries of the nation-state. Only two sets of rights are expressly reserved to citizens: (a) the right to vote; and (b) the right to engage in freedom of trade, occupation and profession. All other rights are extended to all "persons" in the country.

The flowering of a human rights culture since 1994 has been enhanced by the high-profile activities of the Truth and Reconciliation Commission (TRC), watchdogs such as the South African Human Rights Commission (SAHRC), Public Protector's Office and Commission for Gender Equality, and the judgements of an activist Constitutional Court. The question, though, is whether ordinary South Africans have embraced the new "official" human rights culture and, indeed, how the populace understands the concepts and essence of "human rights" protection in the first place.

A 1998 survey of human rights awareness conducted by the Community Agency for Social Enquiry (CASE, 1998) suggests that negative attitudes towards migrants may be part of a broader problem. Knowledge of the existence of the Bill of Rights in the Constitution, for example, is low in the South African population with only 55% of respondents having actually heard of it. Awareness is greater amongst urban populations and amongst whites (80% versus 50% of Africans) and increases with level of education. Very few (18%) say they have received any kind of formal explanation or training about the contents

of the Bill of Rights.

Well over half of those surveyed (56%) thought that the rights guaranteed by the Constitution were for South Africans only. The survey showed overwhelming support for the death penalty (with 73% in favour) and significant levels of homophobia (with 51% saying that homosexuals should be treated differently from everyone else), both of which are unconstitutional. There was also massive support for the proposition that “the Constitution gives too many rights to criminals” (with 69% in favour). The survey report concluded that “levels of knowledge about the range of rights included in the Bill of Rights remain highly uneven among state officials and the general population alike.”⁴⁴

SAMP’s research has focused more specifically on the question of rights for migrants. Large numbers of South Africans are clearly in disagreement with aspects of their own Bill of Rights. On the positive side, the 1998 survey found that 47% of respondents feel that Africans from other countries should still be allowed to vote in elections (now an unconstitutional proposition). On the negative side, around 40% were opposed to Africans from elsewhere enjoying the same access to health and educational services as South Africans. Rather more (54%) opposed giving the same right of access to housing. Whites were significantly more negative than black South Africans on all of these issues (Table 7).

South Africans display distinctive negative reactions to Africans from elsewhere on the continent. Asked to choose, South Africans of all races show definite preferences for European and North American immigrants. Migrants from neighbouring countries within the SADC are viewed only marginally more favourably than those from elsewhere in Africa.

The 1999 SAMP survey provided a more detailed profile since it asked respondents what kinds of rights should be given to which kinds of people (Table 8). Respondents were asked to say whether they thought a particular right should be granted to the group in question:

What about government policy toward people from other African countries who are in SA? Would you support or oppose giving them the following? (% Opposed)	Total	Black	White
The same access to medical service as South Africans	39	34	61
The same access to a house as South Africans	54	50	69
The same access to education as South Africans	39	36	57
The right to vote in SA elections	53	49	74
The right to become a citizen of SA	44	44	51

Source: 1998 SAMP South African Survey

citizens, (legal) temporary workers, and “illegal immigrants.”⁴⁵

Table 8 shows, first, that there is overwhelming support for *citizen* access to the rights of freedom of speech and movement, legal protection, police protection and access to services.

Second, there is a consistent pattern of conditional support for rights for *legal temporary migrant workers*. While only a quarter of the population thinks that these rights should always be accorded to legal migrants, around half are prepared to see these rights extended in certain circumstances. Only in the case of freedom of speech and movement are people less generous.

Third, when it comes to *unauthorized migrants*, the picture changes dramatically. Some 85% of respondents feel that these migrants should have no right to freedom of speech or movement. And 60-65% feel that they should not enjoy police or legal protection or access to services. There is clearly a predominant feeling, certainly not confined to South Africa, that by being in a country without official permission one sacrifices any entitlement to basic rights and protections, even if (as in South Africa) those are guaranteed by the constitution.⁴⁶

Table 8: South African Attitudes to Rights for Citizens and Migrants			
	Always (%)	Sometimes ¹ (%)	Never (%)
Should be Granted Right to Freedom of Speech and Movement			
Citizens	86	13	1
Temporary Workers	13	43	44
Illegal Immigrants	3	13	84
Should be Granted Right to Legal Protection²			
Citizens	91	9	1
Temporary Workers	24	53	23
Illegal Immigrants	8	29	62
Should be Granted Right to Police Protection³			
Citizens	93	7	1
Temporary Workers	30	46	24
Illegal Immigrants	11	27	61
Should be Granted Right to Social Services⁴			
Citizens	96	4	0
Temporary Workers	30	46	25
Illegal Immigrants	9	28	63
¹ Literally “Depends on the circumstances” ² “Including not being detained without trial or having a lawyer in court” ³ “Including freedom from illegal searches and to have property protected” ⁴ “Such as education, housing, health care and water” Source: 1999 SAMP South Africa Survey			

ATTITUDES TO REFUGEE PROTECTION

In 1998, South Africa passed its first-ever refugee legislation. Some commentators were sceptical, arguing that South Africa was opting for an essentially unworkable set of solutions to refugee protection.⁴⁷ But the new Refugee Act was widely hailed by government and NGO's as a progressive yet firm piece of legislation which would enable South Africa to honour the conventions, afford protection to those in need, and terminate abuse of the system by bogus claimants.⁴⁸

SAMP research provides insights into the response of South Africans to the idea of refugee protection and what rights refugees should be entitled to. While the idea of "illegal immigration" is, by definition, likely to elicit negative responses, the same cannot be said for "refugees." Numerous black South Africans, including many in government, were themselves refugees in the past. South Africa is also a signatory to the UN and OAU Conventions. Yet, despite the best efforts of the UNHCR, the National Refugee Forum and the South African Human Rights Commission, there has been a strong suspicion that most South Africans regard the refugees in their midst as fakes and fraudsters.

The SAMP 1999 survey, however, shows that South Africans are prepared to accept that many newcomers to South Africa are indeed genuine refugees. Whites believe that one-quarter of all newcomers are refugees, and blacks one-fifth.

South Africans surveyed also agree with the general proposition that refugees warrant protection. However, they distinguish between the general principle of protection and their own government's responsibility in offering that protection. Nearly 70% agree or strongly agree that refugees warrant protection. In contrast, only 47% feel that the South African government should give asylum and protection to refugees (Table 9). Only 20% are opposed or strongly opposed, however. This response may seem encouraging. But when asked whether they would personally support the South African government *paying* for the cost of sheltering refugees, the response was decidedly lukewarm with only 17% in favour and 55% opposed.

An important question is what people understand by "protection" and what rights they are prepared to extend to refugees. "Protection", as understood by South Africans, does not extend to granting basic rights to refugees. As Table 10 shows, nearly 70% of respondents feel that refugees in the country should *never* have the rights of freedom of speech and movement, with only 3% feeling that these are automatic entitlements. This suggests that proposals for holding centres for refugees would probably meet with very little public opposition.

Support for other refugee rights is only marginally more solid with

	"Refugees ¹ Deserve Protection" (%)	"South Africa Should Protect Refugees" (%)
Strongly agree/support	22	11
Agree/support	45	37
Indifferent	12	33
Disagree/Opposed	15	14
Strongly Disagree/Opposed	6	5

*1 Defined as people escaping war and religious/ethnic/racial/political persecution in their own countries.
Source: 1999 SAMP South Africa Survey*

	Always (%)	Sometimes ¹ (%)	Never (%)
Should be Granted Right to Freedom of Speech and Movement	3.3	27.3	69.3
Should be Granted Right to Legal Protection ²	13.3	43.5	42.8
Should be Granted Right to Police Protection ³	16.7	40.7	42.2
Should be Granted Right to Social Services ⁴	16.9	40.6	42.4

*1 Literally "Depends on the circumstances"
2 "Including not being detained without trial or having a lawyer in court"
3 "Including freedom from illegal searches and to have property protected"
4 "Such as education, housing, health care and water"
Source: 1999 SAMP South Africa Survey*

less than 20% of respondents of the opinion that refugees should always enjoy legal and police protection in South Africa, or access to basic services. None of this indicates a citizenry well-educated in the circumstances and plight of refugees. "Protection" is defined in very narrow terms. There should be great cause for concern that the reluctance to grant rights to refugees is uncomfortably close to the set of responses given for "illegal immigrants" (Table 8). South Africans clearly continue to have difficulty distinguishing in their own minds between refugees and migrants. Government, NGO's and refugee organizations have a major task ahead of them to turn some latent sympathy for refugees into widespread popular support for genuine refugee protection that is consistent with South Africa's convention obligations.

NON-CITIZEN ATTITUDES TO SOUTH AFRICA

In this, the final section of the paper, attention turns to the objects of anti-immigrant hostility. Since the majority of research to date on victimization has been anecdotal, SAMP conducted large-scale survey research amongst migrants to collect information on their own perceptions of how they are viewed by South Africans. Nationally repre-

sentative sampling is extremely problematical since no-one is sure of the size or location of all non-citizens in the country. SAMP therefore devised a strategy to sample a general stratified sample of 500 non-citizens in the country, and a targeted sample of skilled non-citizens living in South Africa. A third source of data was the nationally representative surveys of citizens of the surrounding states of Botswana, Lesotho, Mozambique, Namibia and Zimbabwe.

Open-ended interviews and community case studies reveal a persistent pattern of verbal and physical harassment. The South African Human Rights Commission, for example, after interviewing detainees at a facility for deportees recently concluded:

Arrested persons were deliberately prevented from providing accurate documents, valid identity documents were destroyed, bribes were taken for avoiding arrest or for release without documentation and processes were delayed by inefficient methods and insufficient communication between the different departments. As a consequence, many persons with valid documents were arrested.⁴⁹

Treatment by ordinary citizens appears to be no more tolerant or humane. A recent study of city Johannesburg notes:

It is clear that being a black foreigner ... is no protection from racism, especially if you are from a country north of South Africa's neighbouring states. Instead, black foreigners from these countries can expect to experience the same levels of abuse, discrimination and stereotyping endured by black aliens in other parts of the world.⁵⁰

South Africans are, it is true, far from unique. But there is still puzzlement amongst African migrants who had imagined that South Africans, particularly black South Africans, would be more welcoming. Another study of migrants in Cape Town and Johannesburg, found a "significant level of public and official hostility" articulated by her subjects: "a common theme is the hostility that they face. Many migrants respond with anger and indignation" given the fact their earlier support of the anti-apartheid struggle. As one said "We have never treated them like they do to us."⁵¹

Many of the migrants interviewed in these studies were not from the SADC region and were relatively well-educated. There was an assumption amongst researchers – perhaps because of the longstanding migration ties of South Africa and its immediate neighbours – that migrants from countries such as Mozambique, Lesotho, Swaziland and even Zimbabwe and Malawi might be viewed more favourably. This is called

into question by a study of long-time Mozambican residents of Winterveld near Pretoria which identifies a significant shift in South African attitudes around 1994:

Having been promised formal inclusion into the new democratic South African state and having been encouraged to claim and consolidate a South African identity, they are now increasingly defined and treated as “outsiders” on the basis of their national identity. A previously shared and inclusive racial identity has been substituted with an exclusive national identity.⁵²

The suggestion seems to be that South African attitudes changed significantly as a result of the post-1994 nation-building project. The change impacted not only migrants but non-citizen residents, including those of the same ethnic and cultural background as many South Africans (i.e. from Botswana, Lesotho and Swaziland).

Dodson and Oelefse argue that “xenophobia” in South Africa needs to be understood in terms of a “nesting of scales” from the local to the global, identifying which processes operate at what scale. They caution that there is a tendency to “generalize” xenophobia, to see all South Africans as involved, thus “extending to the national scale competition and conflict which are far more localized in causation, character and extent.”⁵³

Nevertheless, the local case-study evidence suggests a remarkable similarity of attitude and perception amongst South Africa that is not place-dependent. Similarly, there is no suggestion in the case-study literature that attitudes vary significantly by race, gender, age or educational level (though several comment on the particular hostility of black South Africans to West and Francophone Africans). The evidence presented in this paper confirms the widespread nature of hostility with representative national survey data.

One hypothesis is that proximity to and direct social interaction with non-citizens will impact upon citizen attitudes (negatively or positively). What emerges from the SAMP surveys, first, is that many South Africans have no direct interaction and experience of foreigners, even from neighbouring states. As Table 11 shows, only 4% of respondents in

	1998	1999
Great deal of contact	4	8
Some contact	15	29
Hardly any contact	20	16
No contact	60	44

Source: 1998 and 1999 SAMP Surveys

the 1998 Survey said they had “a great deal of contact” with people from countries in Southern Africa; with 80% having little or none.

The 1999 Survey attempted a more sophisticated understanding by building in questions about types of contact and interaction. Correlations between views and contact show that those with no contact are statistically most likely to have negative opinions. The more contact they have, the more likely they are to have tolerant opinions.⁵⁴ Type of contact is also critical. South Africans who are friends with foreign citizens are more likely to have positive views than those who live next to, work with or buy things from them. This finding is the major positive aspect is an otherwise depressing picture. Table 11 also seems to indicate that the frequency of interaction may itself be on the rise, with 7.8% of 1999 respondents saying they have a great deal of contact and only 60% saying they have little or none.

In general, citizens of neighbouring states are evenly divided on whether they are viewed positively or negatively by South Africans. This finding seems surprising but suggests that not all migrants have personally experienced hostility and intolerance. Tables 12 and 13 takes the analysis a step further to ask questions about perceptions of South African attitudes and treatment. A significant minority of people interviewed (30-50%) feel that South Africans have a positive or very positive views of people from their home country. At the same time, the majority still do not feel that South Africans have a particularly positive view.

When asked what kind of treatment they personally would expect in South Africa, there was even greater optimism (Table 13) with less than 30% in each case expecting bad or very bad treatment. Most would expect better treatment from other non-South Africans than they would from citizens but the differences are not massive. What is clear is the different responses from Lesotho/Namibia and Mozambique/Zimbabwe vis-a-vis all of the questions asked. People from Mozambique and Zimbabwe expect significantly worse treatment from South Africans, immigration officials and the police. This perception is

Table 12: Perceptions of South African Attitudes				
Do South Africans have a positive or negative view of people from your country who go to live and work in South Africa?				
	Lesotho	Mozambique	Namibia	Zimbabwe
Very negative	23	5	12	14
Negative	19	23	12	25
Neither	4	16	22	12
Positive	31	37	17	25
Very positive	13	10	29	6

Source: 1998 SAMP Southern African Surveys

Table 13: Expectations of Treatment in South Africa				
What kind of treatment do you expect in South Africa?	Lesotho	Mozambique	Namibia	Zimbabwe
From Black South Africans				
Bad/very bad	14	22	13	28
Good/very good	87	45	60	37
From Other SADC Citizens				
Bad/very bad	12	7	12	15
Good/very good	81	57	64	45
SA Immigration Officials				
Bad/very bad	8	27	11	22
Good/very good	87	28	62	37
SA Police Officers				
Bad/very bad	8	37	13	33
Good/very good	88	25	62	33
<i>Source: 1998 SAMP Southern African Surveys</i>				

entirely consistent with other research that shows that citizens of these two countries have been targeted in the deportation campaign.⁵⁵

The more focused SAMP survey of migrants and non-citizens living within South Africa produced broadly similar results. Certainly not everyone has had, or admits to having, negative experiences. Asked, for example, about their general experiences in South Africa, 64% said it had been positive or very positive, with only 20% saying it was negative or very negative. Follow-up questions about fairness of treatment while in South Africa (Table 14) showed again that while the foreign experience in South Africa is not uniformly positive, a significant minority find little to complain about in their treatment by ordinary South Africans and the authorities.

All of this suggests that the majority of migrants and immigrants are very much aware of the negativity that surrounds their presence in the country. However, only those who have had direct personal experience of hostility, abuse or prejudice are prepared to translate that general awareness into a firm belief that South Africans are intolerant and hostile.

This highlights a paradox in the data. There is still a considerable gap between belief and action. The vast majority of South Africans hold negative views about all categories of migrant and immigrant and are unprepared to extend to them the rights actually guaranteed by their own constitution.

Many migrants and immigrants are aware that South Africans are not favourably disposed towards people from their home country. Yet they are also surprisingly generous in their expectations of South

Extent to which:	Always	To a large extent	To some extent	Hardly at all	Never	Don't know	
People from your country are treated unfairly by South Africans	13	16	46	16	3	6	
People from your country treated unfairly by South African Government	5	13	38	20	16	9	
You personally are treated unfairly by South Africans	9	14	38	17	22	-	
You personally are treated unfairly by South African Government	4	9	31	19	36	2	
Since you have been in SA, have you received good or bad treatment from	Very Good	Good	Neither good nor bad	Bad	Very bad	Not applicable (Do not read)	Don't know (Do not
Other people from your country	29	50	14	3	2	1	1
Other people from Southern African countries	9	47	24	6	5	8	1
White South Africans	7	34	33	13	4	6	3
Black South Africans	5	30	28	22	12	2	1
Employers	5	20	18	12	2	41	3
Landowners/ Landlords	7	37	20	9	5	20	2
Government officials, eg customs and immigration officials	5	28	32	20	9	4	2
Police officers	3	20	35	19	14	8	1

Africans. They expect to be treated well and, with the exception of those who have had direct negative experiences, they believe that they will be, not only by ordinary South Africans but by the police as well. But the situation is finely balanced.

Earlier sections of this paper showed that the majority of South Africans are attitudinally hostile to outsiders but that they are not yet prepared to translate those attitudes into action; at worst they are "latent xenophobes." They also suggest that the single biggest mitigator

of negative stereotyping is personal familiarity. In other words, as South Africans become more socially familiar with non-South Africans their attitudes begin to change positively. This, in turn, suggests that public education programmes (the preaching of tolerance and good neighbourliness in the abstract) are likely to be unsuccessful. What is required from those in government and the media is a new approach. Instead of isolating and stigmatizing all migrants as “aliens” and “foreigners”, there needs to be acceptance and promotion of the presence and contribution of non-citizens to the country’s growth and development.

CONCLUSIONS

The South African Human Rights Commission has received generous publicity and high-level political endorsement for its anti-racism campaign. By contrast, its efforts to counter xenophobia and publicize the poor treatment of migrants have not met with anything like the same enthusiasm.⁵⁶ The struggle to articulate and advance a rights-based culture for migrants has lined up NGO’s, unions and the South African Human Rights Commission against the authorities.

In public policy terms, the widely-praised Draft Green Paper on International Migration called for a rights-based approach as a fundamental pillar of any new immigration system.⁵⁷ But the White Paper on International Migration and Draft Immigration Bill effectively downgraded the rights emphasis of its predecessor.⁵⁸

This overview paper has identified the enormity of the public education challenge of building a rights-based culture that includes migrants in a highly polarized society. The size of the public education and anti-xenophobia challenge that confronts the ANC government is clearly revealed in the following conclusions from this overview of the findings of SAMP and other research:

- Nationally-representative surveys reveal high levels of societal intolerance towards non-citizens (whether legal and illegal, immigrants or migrants, refugees or asylum-seekers). South Africans are not unique in this regard but the extent of the public education challenge is much greater here.
- Hostility to foreign citizens in the country does not appear to be confined to any one racial, social or economic group of South Africans. It is widespread and pervasive.
- On many indices the South African population shows a 70:30 or 60:40 split. More research is necessary to identify (a) a profile of the minority of South Africans who hold more favourable attitudes to outsiders; and (b) whether South African dislike of

foreigners is based on attitudes or interests. In other words, is hostility to migrants part of a more general dislike of different people and groups; or is it based on a perceived threat by immigrants to the material and other interests of South Africans.

- Not all non-citizens are perceived or treated equally. The great divide, as in many aspects of South African social life, is racial. White immigrants and migrants are not immune from the subtler forms of South African resentment but their presence does not prompt the kind of panic and hostility that seems to attach to African migrants, immigrants and refugees.
- South Africans' first-hand contact with other Africans in the country is relatively limited. Hostile attitudes are mainly driven not by experience but by stereotype and myth. Here the South African media and officialdom can play a major role in educating the public to the dangers of xenophobia.

South Africa has made enormous strides since 1994 in building a non-racial, human rights culture appropriate to the new democratic order. But there are clearly considerable obstacles to be overcome before the government and the citizenry are prepared to embrace the notion of equal treatment for foreigners and to ensure that migrants (whether legal or undocumented) are constitutionally entitled to basic human and labour rights, simply by virtue of being on South African soil. Unless there is political will and leadership to strike out in a new direction, it is hard to see how even the best of public education campaigns will effect the necessary shift in public attitudes. In that context, the World Conference provides an opportunity for South Africans to reflect on and seek advice on how to turn back the insidious tide of racism *and* xenophobia.

APPENDIX A

BRAAMFONTEIN STATEMENT ON XENOPHOBIA

SOUTH AFRICAN HUMAN RIGHTS COMMISSION, 15 OCTOBER 1998.

1. The movement of people within and across boundaries of states and communities has become a feature of modern societies. In the global society, states can no longer live in isolation from one another. The movement of people across boundaries has caused and continues to cause problems between nationals of recipient states and non-nationals because of competition for scarce resources, ignorance and prejudice. For states, migration raises questions of security, economic management and sovereignty.
2. Xenophobia is the deep dislike of non-nationals by nationals of a recipient state. Its manifestation is a violation of human rights. South Africa needs to send out a strong message that an irrational prejudice and hostility towards non-nationals is not acceptable under any circumstances. Criminal behaviour towards foreigners cannot be tolerated in a democratic society.
3. Our Constitution states that we seek to construct a society where “human dignity, the achievement of equality and the advancement of human rights and freedoms” are abiding values. The Bill of Rights confers certain rights to “everyone”. These are the rights to equality, human dignity, the right to life, freedom and security of the person, and the right not to be subject to slavery, servitude or forced labour.
4. Our international obligations have both a legal and a moral force. South Africa is party to international human rights and humanitarian treaties, especially on refugees and asylum-seekers.
5. No one, whether in this country legally or not, can be deprived of his or her basic or fundamental rights and cannot be treated as less than human. The mere fact of being an alien or being without legal status does not mean that one is fair game to all manner of exploitation or violence or to criminal, arbitrary or inhuman treatment. Foreigners in our midst are entitled to the support and defence of our law and constitution.
6. Despite the above provisions, in practice there is an increasing level of Xenophobia in our country. Xenophobia is thus a blight on our democratic values and should be eradicated.

In this regard, the South African Human Rights Commission and other stakeholders from government and non-governmental sectors held a one day consultative conference to discuss the increasing rate of Xenophobia as a violation of human rights and our constitutional values. The Conference was held at the Johannesburg Metropolitan Civil Centre, Braamfontein on Thursday, 15 October 1998.

7. The Consultative Conference adopted the following Programme of Action:
8. There should be a co-ordinated approach between various government departments to address Xenophobia and the manifestations thereof.
9. Migration and refugee policies should be clear, coherent, implementable and reflect South Africa's constitutional and international obligations.
10. South Africa should take steps to sign the International Convention on the Protection of All Migrant Workers and Members of their Families and other relevant treaties. This should be done in order to signal South Africa's commitment to abide by international standards in her treatment of resident non-nationals.
11. Factors that encourage the manifestation of Xenophobia such as poverty, unemployment, crime, corruption in the immigration and police services and ignorance about the role and significance of non-nationals in our country should be addressed. The rights and responsibilities of non-nationals should also be taken into account.
12. As part of the Southern African Development Community (SADC) region, South Africa should play her part in the development of the economic policies in the region in order to enhance peace and prosperity in the neighbouring states and ensure opportunities for betterment of life for its citizens.
13. A nation-wide public awareness and information campaign on racism and Xenophobia and its effects should be organised.
14. Public service officials should undergo training on racism and Xenophobia, on the theory and practice of migration and refugee policies and on the understanding of international human rights and humanitarian instruments as well as develop an awareness of the social and political situation in the countries responsible for the influx of migrants to South Africa.
15. South African are urged to practice African cultural values like ubuntu ("hospitality and solidarity") in their relations with others in their midst.
16. The South African Human Rights Commission, assisted by a steering group drawn from the departments of Home Affairs, Justice and provincial Safety and Security, are mandated to monitor the implementation of these proposals.

Johannesburg 15 October 1998

APPENDIX B

CONGRESS OF SOUTH AFRICAN TRADE UNIONS (COSATU)
STATEMENT ON XENOPHOBIA

8 February 2001

For two weeks the SABC, through the Two Way and Special Assignment programmes have been showing the level of xenophobia in the country. COSATU is shocked and disgusted to note that the problem of xenophobia has grown to unacceptable proportions. What angers COSATU even more is that most of the hatred is directed at the migrants of African origin. Only six years after South Africa defeated a system that was condemned by the democratic world as a crime against humanity – the apartheid system, it is regretful that white hatred and oppression of fellow black South Africans is being replaced by hatred of migrants from Africa. Incidents previously reported in the press, as well as those screened by SABC, such as throwing acid on a fellow human, clearly put some sections of our population at the same wave length as the Nazis of Germany.

A section of our population argues that the high unemployment rate and crime is as a result of the number of illegal and legal migrants from Africa. Looking at the facts, one clearly will see that South Africans are using the migrants as scapegoats. According to the home affairs there are an estimated 200 000 illegal immigrants and 60 000 refugees in South Africa.

While the figures quoted above give a broad picture, they should be treated with caution since we do not have an accurate picture of the extent of illegal migration into South Africa. The extent of illegal immigrants is sometimes exaggerated to suggest that we have been flooded. Unfortunately, due to prejudice, people no longer distinguish between illegal immigrants and refugees, asylum seekers and other legal migrants.

The unemployment rate in our country is 36%. An estimated 5 million are out of work. Even if all these illegal immigrants and refugees were working in South Africa, our problem of unemployment would still be of the same crisis proportions as is currently the case.

Crime, poverty and unemployment go hand in glove. It is simply not true that crime is caused by migrants. Yes, a number of migrants have been arrested for various criminal activities. It is improper that from these isolated incidents, there is an unfair generalisation that illegal and other migrants are responsible for crime in general. This perception should be addressed head-on, as it is simply not accurate. The overwhelming majority of prisoners for example are South Africans rather

than illegal immigrants.

The South African government spends millions of rands repatriating alleged illegal immigrants but has not managed to stem the flow of illegal immigrants into South Africa. This points to the underlying socio-economic crisis within Africa and the region. Most immigrants are desperate enough to jump off moving trains, walk across the Kruger National Park, risking death rather than face the hunger in their own countries. This is the reason why COSATU has been calling for the convening of a Southern African Regional Summit between key stakeholders to discuss a regional development programme to build and revive the economies of the region and Africa. There will be no successful South African reconstruction and development when it is surrounded by a sea of poverty.

Unscrupulous employers that are taking advantage of the situation must be condemned, equally police who ill-treat illegal migrants in a manner similar to their past attitudes. Invariably, African immigrants receive the worst treatment from the police, suggesting that elements in the police force are still trapped in the apartheid era.

Concrete steps should be taken by the authorities to halt this super-exploitation of migrants. The bosses who are employing illegal immigrants, clearly with the view of sidestepping fair labour market laws, must be severely punished. Police who treat the immigrants as sub human beings must be severely punished.

The corrupt and inefficient Department of Home Affairs officials must be removed and replaced by more humane officials who understand the challenge of transformation. The Minister of Home Affairs must launch an investigation into rampant corruption and inefficiency that have been exposed by the Special Assignment programme, including the fact that it takes the refugees up to three months to get the necessary papers and that, in addition, some of them must bribe corrupt officials to get these documents.

The government, civil society formations and all organs of the state must prioritise the fighting of xenophobia. Like racism and tribalism, xenophobia must be defeated lest we slowly turn into a fascist society that will grow into a new polecat of the world.

The coming UN Conference on racism will play an important role in helping to develop a plan to deal with the scourge of racism, xenophobia and tribalism.

APPENDIX C

RESOURCES ON XENOPHOBIA IN SOUTH AFRICA:

- Community Agency for Social Enquiry (CASE), *Assessing Knowledge of Human Rights Among the General Population and Selected Target Groups*, Johannesburg, August 1998.
- Crush, Jonathan (ed.), *Beyond Control: Immigration and Human Rights in a Democratic South Africa* (Cape Town: Idasa Publishing 1997).
- Human Rights Watch, *Prohibited Persons: Abuse of Undocumented Migrants, Asylum-Seekers and Refugees in South Africa* (New York, 1998).
- McDonald, David (ed.), *On Borders: Perspectives on Migration in Southern Africa* (New York and Cape Town: St Martin's Press and SAMP, 2000).
- South African Human Rights Commission, *Report into the Apprehension and Detention of Suspected Undocumented Migrants* (Johannesburg, 1999).
- South African Human Rights Commission, *Lindela at the Crossroads for Detention and Deportation: An Assessment of the Conditions of Detention* (Johannesburg, 2000).
- Southern African Migration Project, *Challenging Xenophobia: Myths and Realities of Cross-Border Migration in Southern Africa* (Cape Town: SAMP Migration Policy Series No. 7, 1998).
- Southern African Migration Project, *Still Waiting for the Barbarians: SA Attitudes to Immigrants & Immigration* (Cape Town: SAMP Migration Policy Series No. 14, 1999).
- Southern African Migration Project, *Writing Xenophobia: Immigration and the Press in Post-Apartheid South Africa* (Cape Town: SAMP Migration Policy Series No. 17, 2000).

ENDNOTES

- 1 Constitution of the Republic of South Africa, *Government Gazette* Vol. 378, No. 17678, Act No. 108 of 1996, p. 3.
- 2 African National Conference (ANC), "Uprooting the Demon of Racism" National General Council Discussion Document (available at <http://www.anc.org.za/ancdocs/ngcouncils/docs2000/discussion.html>); South African Human Rights Commission (SAHRC), "Faultlines: Inquiry into Racism in the Media" (Johannesburg: SAHRC, 2000); and SAHRC, "National Conference on Racism, 2000: Millennium Statement on Racism and Programme of Action" (Johannesburg: SAHRC, 2000).
- 3 For press coverage of this incident see the following website: <http://www.queensu.ca/samp/migdocs/DogAttack/Page1.htm>
- 4 "Nation stunned by cop brutality footage" *Mail and Guardian*, 8 November 2000.
- 5 "No apology for arresting illegal immigrants: Tshwete" *Sapa*, 28 March 2000; "Guarding the Guardians" *Business Day*, 31 March 2000.
- 6 Despite the fact that over 300,000 Mozambicans live legally in South Africa there is a pervasive assumption in the media (and the police services) that any Mozambican in South Africa must be here illegally.
- 7 Jonathan Klaaren and Jaya Ramji, "Inside Illegality: Migration Policing Policy in South Africa After Apartheid" *Africa Today* (in press).
- 8 Jonathan Crush, "Fortress South Africa and the Deconstruction of Apartheid's Migration Regime" *Geoforum* 30 (1999).
- 9 HRW (Human Rights Watch), *Prohibited Persons: Abuse of Undocumented Migrants, Asylum Seekers and Refugees in South Africa* (New York: HRW, 1998); SAHRC (South African Human Rights Commission), *Illegal? Report on the Arrest and Detention of Persons in Terms of the Aliens Control Act* (Johannesburg: SAHRC, 1999); and SAHRC (South African Human Rights Commission), *Lindela at the Crossroads for Detention and Deportation: An Assessment of the Conditions of Detention* (Johannesburg: SAHRC, 2000). Several commentators have drawn attention to the fact that police methods are strikingly similar to those used in the apartheid era to enforce pass laws and influx controls on black South Africans.
- 10 Christian Myles Rogerson, "African Immigrant Entrepreneurs and Johannesburg's Changing Inner City" *Africa Insight* 27 (1997); Christian Myles Rogerson, "International Migrants in the South African Construction Industry: The Case of Johannesburg" *Africa Insight* 29 (1999); Jonathan Crush, "The Discourse and Dimensions of Irregularity in Post-apartheid South Africa" *International Migration* 37 (1999); David Lincoln, "Southward Migrants in the Far North: Zimbabwean Farmworkers in Northern Province" In Jonathan Crush, ed., *Borderline Farming: Foreign Migrants in South African Commercial Agriculture*, SAMP Migration Policy Series No. 16, 1999; Charles

- Mather, "Foreign Migrants in Export Agriculture: Mozambican Labour in the Mpumalanga Lowveld, South Africa" *Tijdschrift voor Economische en Sociale Geografie* 91(2000); Theresa Ulicki and Jonathan Crush, "Gender, Farmwork and Women's Migration from Lesotho to the New South Africa" *Canadian Journal of African Studies* 34(2000); and Jonathan Crush et al, "Undermining Labour: The Rise of Sub-contracting in South African Gold Mines" *Journal of Southern African Studies* 27(2001).
- 11 The opposite is true for white immigrants. Before the 1990s, immigrants were defined in statute as those who were "assimilable by the white population"; see Sally Peberdy, "Selecting Immigrants: Nationalism and National Identity in South Africa's Immigration Policies, 1910 to 1998" PhD Thesis, Queen's University, 1999.
 - 12 Jonathan Crush, "Fortress South Africa".
 - 13 Sheila Croucher, "South Africa's Illegal Aliens: Constructing National Boundaries in a Post-apartheid State" *Ethnic and Racial Studies* 21 (1998); Audie Klotz, "Migration After Apartheid: Deracialising South African Foreign Policy" *Third World Quarterly* 21 (2000); Maxine Reitzes, "Mindsets and Migrants: Conceptions of State, Sovereignty and Citizenship of Insiders and Outsiders in South Africa" In Jim Whitman, ed., *Migrants, Citizens and the State in Southern Africa* (New York: St Martin's Press, 2000); Ransford Danso and David McDonald, "Writing Xenophobia: Immigration and the Press in Post-apartheid South Africa" *Africa Today* (2001); and Sally Peberdy, "Imagining Immigration: Inclusive Identities and Exclusive Immigration Policies in the 'New' South Africa" *Africa Today* (2001).
 - 14 Jonathan Crush, "The Discourse and Dimensions of Irregularity in Post-apartheid South Africa" *International Migration* 37 (1999).
 - 15 Jonathan Crush, ed., *Beyond Control: Immigration and Human Rights in a Democratic South Africa* (Cape Town: Idasa, 1998).
 - 16 Maxine Reitzes, "Immigration and Human Rights in South Africa" In Jonathan Crush, ed., *Beyond Control*; and Jonathan Klaaren and Jaya Ramji, "Inside Illegality: Migration Policing Policy in South Africa After Apartheid" *Africa Today* (2001).
 - 17 Jonathan Klaaren, "Immigration and the South African Constitution" In Jonathan Crush, ed., *Beyond Control*; Maxine Reitzes, "Immigration and Human Rights in South Africa" In Jonathan Crush, ed., *Beyond Control*; and Maxine Reitzes, "Mindsets and Migrants: Conceptions of State, Sovereignty and Citizenship of Insiders and Outsiders in South Africa" In Jim Whitman, ed., *Migrants, Citizens and the State in Southern Africa*.
 - 18 SAMP (Southern African Migration Project), "Immigration Law Reform in Southern Africa" SAMP website, 2001. (available at <http://www.queensu.ca/samp/policy.html>).
 - 19 Vincent Williams, "Spot the Alien!" *Crossings* 3 (1999).
 - 20 Thomas Epenshade and Katherine Hempstead, "Contemporary American

- Attitudes toward U.S. Immigration” *International Migration Review* 30 (1996): 535-70; Joel Fetzer, *Public Attitudes toward Immigration in the United States, France and Germany* (Cambridge, 2000)
- 21 Maxine Reitzes, “Insiders and Outsiders: The Reconstruction of Citizenship in South Africa” Centre for Policy Studies Social Policy Series No. 8 (Johannesburg: Centre for Policy Studies, 1995); Chris Dolan, “Aliens Aboard: Mozambicans in the New South Africa” *Indicator South Africa* 12 (1995); and Anthony Minnaar and Mike Hough, *Who Goes There? Perspectives on Clandestine Migration and Illegal Aliens in South Africa* (Pretoria: Human Sciences Research Council, 1996).
 - 22 Craig Charney, *Voices of a New Democracy: African Expectations in the New South Africa* (Johannesburg: Centre for Policy Studies, 1995)
 - 23 Chris Dolan, “Aliens Aboard: Mozambicans in the New South Africa” *Indicator South Africa* 12 (1995); David McDonald, “Hear No Housing, See No Housing: Immigration and Homelessness in the New South Africa” *Cities* 15 (1998); Antoine Bouillon, “Immigration and Immigrants in South Africa” *Revue europeenne des migrations internationales* 14 (1998); Alan Morris, “‘Our Fellow Africans Make Our Lives Hell’: The Lives of Congolese and Nigerians Living in Johannesburg” *Ethnic and Racial Studies* 21 (1998); Maxine Reitzes and Sivuyile Bam, “Citizenship, Immigration and Identity in Winterveld, South Africa” *Canadian Journal of African Studies* 34 (2000); and Belinda Dodson and Catherine Oelefse, “Shades of Xenophobia: In-migrants and Immigrants in Mizamoyethu, South Africa” *Canadian Journal of African Studies* 34 (2000).
 - 24 Maxine Reitzes, *Insiders and Outsiders*; Maxine Reitzes, “Mindsets and Migrants”; and Sheila Croucher, “South Africa’s Illegal Aliens: Constructing National Boundaries in a Post-apartheid State” *Ethnic and Racial Studies* 21 (1998).
 - 25 Sally Peberdy and Jonathan Crush, *Trading Places: Cross-Border Traders and the South African Informal Sector*, SAMP Migration Policy Series No. 6, 1998.
 - 26 Chris Dolan and Maxine Reitzes, *The Insider Story? Press Coverage of Illegal Immigrants and Refugees, April 1994 -September 1995*, Centre for Policy Studies Social Policy Series No. 48 (Johannesburg: Centre for Policy Studies, 1996); Ransford Danso and David McDonald, “Writing Xenophobia: Immigration and the Press in Post-apartheid South Africa” *Africa Today* (2001).
 - 27 Anthony Minnaar and Mike Hough, *Who Goes There?*, p.261.
 - 28 For example, “Should the government act more strongly against illegal aliens?” What was most surprising, perhaps, was that 20-30% actually replied “no” to the question.
 - 29 HRW, *Prohibited Persons*.
 - 30 The data was usually collected in the preceding year but usually only became available for analysis in the year specified.
 - 31 David McDonald, ed., *On Borders: Perspectives on International Migration in*

- Southern Africa* (Cape Town and New York: SAMP and St Martin's Press, 2000); and David McDonald and Jonathan Crush, eds., "Understanding the Scale and Character of Skilled Migration in Southern Africa", Special Issue of *Africa Insight* 30 (2000).
- 32 Sally Peberdy and Jonathan Crush, "Rooted in Racism: The Origins of the Aliens Control Act" In Jonathan Crush, ed., *Beyond Control*.
 - 33 Maxine Reitzes, *Divided on the 'Demon': Immigration Policy Since the Election*, Centre for Policy Studies Social Policy Series No. 8 (Johannesburg: Centre for Policy Studies, 1995); Maxine Reitzes, "Mindsets and Migrants"; Sheila Croucher, "South Africa's Illegal Aliens"; Jonathan Crush, "Fortress South Africa and the Deconstruction of Apartheid's Migration Regime" *Geoforum* 30 (1999); and Sally Peberdy, "Imagining Immigration: Inclusive Identities and Exclusive Immigration Policies in the 'New' South Africa" *Africa Today* (2001).
 - 34 Robert Mattes, Jonathan Crush and Wayne Richmond, "The Brain Gain and Legal Immigration to Post-apartheid South Africa" *Africa Insight* 30 (2000). There are signs that this has begun to change in 2001, with the ANC declaring on several occasions that South Africa faces a skills shortage and that a new, more open, skills-based immigration policy should be pursued. At the time of writing, it was unclear whether and how the government will honour this commitment.
 - 35 Robert Mattes, Donald M. Taylor, David A. McDonald, Abigail Poore and Wayne Richmond, *Still Waiting for the Barbarians: SA Attitudes to Immigrants and Immigration*, SAMP Migration Policy Series No. 14, 1999: 10.
 - 36 Jonathan Crush and Vincent Williams, eds., *The New South Africans? Immigration Amnesties and their Aftermath* (Cape Town: Idasa, 1999).
 - 37 Robert Mattes, Donald M. Taylor, David A. McDonald, Abigail Poore and Wayne Richmond, *Still Waiting for the Barbarians*.
 - 38 Robin Cohen, *Frontiers of Identity: The British and the Others* (London: Longman, 1994); M. Watts, *Xenophobia in United Germany: Generations, Modernization and Ideology* (Basingstoke: Macmillan Press, 1997); and Norbert Finzsch and Dietmar Schirmer, *Identity and Intolerance: Nationalism, Racism and Xenophobia in Germany and the US* (Cambridge: Cambridge University Press, 1998).
 - 39 Robert Mattes, Donald M. Taylor, David A. McDonald, Abigail Poore and Wayne Richmond, *Still Waiting for the Barbarians*.
 - 40 Jonathan Klaaren, "Immigration and the South African Constitution" In Jonathan Crush, ed., *Beyond Control*.
 - 41 Jonathan Crush, "Fortress South Africa".
 - 42 Danso and McDonald, "Writing Xenophobia."
 - 43 Jonathan Klaaren and Jaya Ramji, "Inside Illegality: Migration Policing Policy in South Africa After Apartheid" *Africa Today* (2001).
 - 44 Community Agency for Social Enquiry (CASE), *Assessing Knowledge of Human Rights Among the General Population and Selected Target Groups*

- (Braamfontein, CASE, 1998), p.1.
- 45 SAMP practice is to use the recommended UN term “undocumented migrants” rather than “illegal immigrants”. However, because the former is not part of public discourse or well-understood, the latter term was used in the questionnaire. The association with “illegality” may have negatively influenced attitudes. If so, the similarities with attitudes to refugees become even more troubling (see below).
 - 46 Several writers have suggested that the apartheid-era migration laws (still in force) are so restrictive that they effectively criminalize a large number of people who are denied any legal avenue to access the South African labour market. It is unclear whether the current review of immigration policy will change the parameters of admission but it is unlikely to to very much for the semi-skilled and unskilled worker from other African countries, who is actually in great demand amongst South African employers.
 - 47 Michael Barutciski, “The Development of Refugee Law and Policy in South Africa” *Journal of Refugee Law* 10: 4(1998), p.700-24.
 - 48 Jeff Handmaker, “No Easy Walk: Advancing Refugee Protection in South Africa” *Africa Today* (in press).
 - 49 SAHRC (South African Human Rights Commission), *Lindela at the Crossroads for Detention and Deportation*.
 - 50 Alan Morris, *Bleakness and Light: Inner City Transition in Hillbrow, Johannesburg*. (Johannesburg: Witwatersrand University Press, 1999), p.327.
 - 51 Marion Sinclair, “I Know A Place That Is Softer Than This...’: Emerging Migrant Communities in South Africa”. *International Migration* 37 (1999), p.469-70.
 - 52 Maxine Reitzes and Sivuyile Bam, “Citizenship, Immigration and Identity in Winterveld, South Africa” *Canadian Journal of African Studies* 34 (2000), p.87.
 - 53 Belinda Dodson and Catherine Oelefse, “Shades of Xenophobia: In-migrants and Immigrants in Mizamoyethu, South Africa” *Canadian Journal of African Studies* 34 (2000), p.126.
 - 54 Ann Kirkman, “Xenophobia in South Africa: Stereotypes, Processes and Outcomes” Unpublished report, 2001.
 - 55 Anthony Minnaar and Mike Hough, *Who Goes There?*; and Nicola Johnston and Caetano Simbine, “The Usual Victims: The Aliens Control Act and the Voices of Mozambicans” In Jonathan Crush, ed. *Beyond Control*.
 - 56 Human Rights Watch was roundly criticized by both the Minister of Home Affairs and his ANC Deputy-Minister when it released its 1998 report documenting widespread abuse of migrants in detention (“Rights report deemed inaccurate” *Business Day*, 26 March 1998).
 - 57 RSA (Republic of South Africa), *Draft Green Paper on International Migration*, *Government Gazette* 383 (18033) (Pretoria: Government Printer, 1997).
 - 58 RSA (Republic of South Africa), *White Paper on International Migration*, *Government Gazette* 406 (19920) (Pretoria Government Printer, 1999).

MIGRATION POLICY SERIES

1. *Covert Operations: Clandestine Migration, Temporary Work and Immigration Policy in South Africa* (1997) ISBN 1-874864-51-9
2. *Riding the Tiger: Lesotho Miners and Permanent Residence in South Africa* (1997) ISBN 1-874864-52-7
3. *International Migration, Immigrant Entrepreneurs and South Africa's Small Enterprise Economy* (1997) ISBN 1-874864-62-4
4. *Silenced by Nation Building: African Immigrants and Language Policy in the New South Africa* (1998) ISBN 1-874864-64-0
5. *Left Out in the Cold? Housing and Immigration in the New South Africa* (1998) ISBN 1-874864-68-3
6. *Trading Places: Cross-Border Traders and the South African Informal Sector* (1998) ISBN 1-874864-71-3
7. *Challenging Xenophobia: Myth and Realities about Cross-Border Migration in Southern Africa* (1998) ISBN 1-874864-70-5
8. *Sons of Mozambique: Mozambican Miners and Post-Apartheid South Africa* (1998) ISBN 1-874864-78-0
9. *Women on the Move: Gender and Cross-Border Migration to South Africa* (1998) ISBN 1-874864-82-9.
10. *Namibians on South Africa: Attitudes Towards Cross-Border Migration and Immigration Policy* (1998) ISBN 1-874864-84-5.
11. *Building Skills: Cross-Border Migrants and the South African Construction Industry* (1999) ISBN 1-874864-84-5
12. *Immigration & Education: International Students at South African Universities and Technikons* (1999) ISBN 1-874864-89-6
13. *The Lives and Times of African Immigrants in Post-Apartheid South Africa* (1999) ISBN 1-874864-91-8
14. *Still Waiting for the Barbarians: South African Attitudes to Immigrants and Immigration* (1999) ISBN 1-874864-91-8
15. *Undermining Labour: Migrancy and Sub-contracting in the South African Gold Mining Industry* (1999) ISBN 1-874864-91-8
16. *Borderline Farming: Foreign Migrants in South African Commercial Agriculture* (2000) ISBN 1-874864-97-7
17. *Writing Xenophobia: Immigration and the Press in Post-Apartheid South Africa* (2000) ISBN 1-919798-01-3
18. *Losing Our Minds: Skills Migration and the South African Brain Drain* (2000) ISBN 1-919798-03-x
19. *Botswana: Migration Perspectives and Prospects* (2000) ISBN 1-919798-04-8
20. *The Brain Gain: Skilled Migrants and Immigration Policy in Post-Apartheid South Africa* (2000) ISBN 1-919798-14-5
21. *Cross-Border Raiding and Community Conflict in the Lesotho-South African Border Zone* (2001) ISBN 1-919798-16-1

PUBLISHED BY:

SOUTHERN AFRICAN MIGRATION PROJECT
6 Spin Street
Church Square
Cape Town 8001

and

SOUTHERN AFRICAN RESEARCH CENTRE
Queen's University
Kingston
Canada



PARTNERS:

Queen's University (Canada)
Idasa (South Africa)
Sechaba Consultants (Lesotho)
ARPAC (Mozambique)
University of Zimbabwe
MRC, University of Namibia
ITPPSD, University of Botswana
University of Swaziland

This project is funded by the
Canadian government through the
Canadian International Development Agency (CIDA).