



Liaison, Dialogue and Research

Reg no: 2006/020285/08

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Policy Brief

15 March 2022, Zoom Platform

Public Dialogue: the Zimbabwe Exemption Permit and Xenophobia

- By Busisiswe Nxumalo

PUBLIC DIALOGUE: ZEP AND XENOPHOBIA
TUESDAY 15 MARCH 11:00 - 13:00

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Executive summary

On the 15th of March 2022 SALO, in partnership with the Rosa Luxemburg Foundation, hosted a webinar on the Zimbabwe Exemption Permit (ZEP) and Xenophobia. Speakers included Dudzai Million (ZEP solidarity), Dr Tara Polzer Ngwato (Social Surveys Africa), Bishop Paul Verryn (Methodist Church), Fatima Chohan (Deputy Chair, Human Rights Commission and Former Deputy Minister of Home Affairs), Rebone Tau (Rosa Luxemburg Foundation), Advocate Gabriel Shumba (Human Rights Lawyer and Zim Exiles Forum), and Sharon Ekabaram (Lawyers for Human Rights).

The webinar aimed to address social and economic issues, human rights violations and sanctions that are faced by Zimbabwe as it heads toward the 2023 elections. It also highlighted the growing concerns around the proposed date of the cancellation of the ZEP by the Department of Home Affairs and how that would affect the lives of many people. It also touched on the rise of xenophobia and populist narratives that are being spread by the Operation Dudula and Put South Africa First movements.

Context/Importance of the Problem

The South African government introduced the Zimbabwean Special Permit in 2009, which allowed Zimbabweans to live and work in the country. This was subsequently replaced with the ZEP on 8 September 2017 by the Department of Home Affairs, after the expiration of the Zimbabwean Special Permit (ZSP)¹. This type of permit was introduced to cater for those that were affected by the socio-economic and political challenges in Zimbabwe.

The Zimbabwean Exemption Permit expired in December 2021, with South African authorities stating that the permit will not be extended - affecting between 182,000 and 250,000 Zimbabweans living in the country. Cabinet announced on the 25th of November 2021 that ZEP holders will be granted a 12-month grace period wherein they "should apply for other permits appropriate to their particular status or situation. Those who are not successful will have to leave South Africa or face deportation."² This will result in multiple issues for permit holders and will disrupt many aspects of their lives.

The effects of the termination of the ZEP

Many current ZEP holders will become undocumented migrants or would have to return to Zimbabwe if they do not meet the requirements as set out in the new visa categories. It would put ZEP holders in the same conditions that led them to flee in the

¹ South African Government, 2018. *Home Affairs on Zimbabwean Exception Permits*. Available : <https://www.gov.za/speeches/media-statement-extension-closing-date-for-dispatching-zimbabwean-exemption-permits-zep-15> [15 November 2018]

² Washinyira, T. 2021. Cabinet announces Zimbabwe Exemption Permits will not be extended. Ground Up. 25 November. Available: <https://www.groundup.org.za/article/cabinet-announces-zimbabwe-exemption-permits-will-not-be-extended/>

first place³. The conditions in Zimbabwe deteriorating, particularly with the increase in political violence in the run-up to the 2023 elections.

The proposed termination of the permits has stoked the xenophobia and Afrophobia that South Africa has been experiencing since the early 1990s. This is seen in the recent rise of populist narratives used by movements such as Operation Dudula and Put South Africa First⁴. Migrants are being used as a scapegoat for government failures. The rise in unemployment, the lack of service delivery, and general disillusionment with the formal political space have generated animosity among the poor and working class, resulting in violence against black African migrants. There is a lack of action by the authorities of the country to address these violent xenophobic and Afrophobic acts. This is another contributing factor to the continued spread of violence. Permit holders have been in South Africa for several years, some for more than 11 years. They have had children, own properties, have mortgages, contributed to policies, and have created deeply rooted bonds within the South African communities.

SADC and the AU

The African Union (AU) and the Southern African Development Community (SADC), as the main body organs on the continent, have the responsibility to ensure that states are upholding human rights. Zimbabwe is currently facing socio-economic issues, human rights repression, sanctions and increased violence. These bodies have not done enough in speaking out about the current conditions on the ground in Zimbabwe. Both the AU and SADC have also not condemned the current xenophobic, Afrophobic and regressive refugee policies in South Africa.

Regressive migrant policies

There is a new Department of Home Affairs unit called the Border Management Authority (MBU) which has been placed at the border that links South Africa to Zimbabwe. The increased armed security at the border gates is regressive to the progressive migration policies that exist.⁵ The increased security has been critiqued and more calls are echoing a more humanitarian approach to migration.

Critiques of the policy options

The issues that were mentioned by all the speakers should be addressed through a humanitarian lens, using principles of progressive refugee policies. There is a growing anti-migrant sentiment in the country, stoked by the false belief that they are taking jobs away from South Africans. The rise of populist groups such as Operation Dudula

³ News24, 2022. *Home Affairs accuses NGOs challenging ZEP cancellation of wanting to 'dislodge' govt.* Available: <https://www.news24.com/news24/southafrica/news/home-affairs-accuses-ngos-challenging-zep-cancellation-of-wanting-to-dislodge-govt-20220628> [28 June 2022]

⁴ News24, 2022. *Terrified Zimbabweans are sending their possessions home.* Available: <https://www.news24.com/news24/southafrica/news/terrified-zimbabweans-are-sending-their-posessions-home-20220420> [20 April 2022]

⁵ News24, 2022. *SA deploys 200 specially trained border control officers at Beitbridge.* Available: <https://www.news24.com/news24/africa/news/sa-deploys-200-specially-trained-border-control-officers-at-beitbridge-20220715> [15 July]

and Put South Africa first has escalated the violence Zimbabwean migrants have been experiencing for some time now⁶. A migration policy should take into account the importance of protecting the rights of migrants, in particular, the rights to equality, refugee protection, freedom of movement, the right to work and access to basic social services. The current policy is not reflecting the principles and values that are enshrined in the Bill of Rights and needs to recommit itself to human rights.⁷

It also does not take into account the children that were born in South Africa and how their lives will be deeply impacted. They will be removed from schools and be expected to go to Zimbabwe. They will be detached from the friends they grew up with and, in some cases, be forced to live in a country they have never been to. It would cause a generational disruption to their lives. The permit holders will lose their homes and investments. The policy does not take into account the personal aspects of the lives of the permit holders that will be disrupted.

It has been estimated that there are about 3 million Zimbabweans that have fled the country. The termination of the ZEP would create a human security crisis, as conditions are worsening in Zimbabwe. It would force the permit holders to go back to the same socio-economic conditions that led them to flee in the first place. Under international law, migrants have human rights by the virtue of their humanity⁸

The policy does not take into account that many permit holders will not be able to qualify for new conditions that have been set out in the new permit. The most marginalised people, which are women and children, will be the most affected by the cancellation of the permit and the government has not considered that.

Policy recommendations

The approach of the ZEP policy should be analysed from a humanitarian perspective and understand the long-lasting impacts that the termination will have on the permit holders and their children and livelihoods. No person wants to flee their country of birth but it is the socio-economic conditions that led them to flee.

Further policy recommendations that came from the webinar:

- There should be tougher prosecutions of hate crimes and implementations as made by the chapter 9 institutions and civil society with regards to xenophobia and Afrophobia.
- The AU and SADC need to be visible in pushing for bilateral, multilateral and international engagement on this scourge and to find long-term initiatives such as education, awareness raising and community harmony building. This would

⁶ News24, 2022. *"This is going to cause chaos in SA" Fears expressions Exemption Permit cancellation*. Available: <https://www.news24.com/news24/southafrica/news/this-is-going-to-cause-chaos-in-sa-fears-expressed-over-zimbabwe-extension-permit-cancellation-20220626> [27 June 2022]

⁷ South African Government Gazette. Available: https://www.gov.za/sites/default/files/gcis_document/201409/a130-980.pdf [20 November 1998]

⁸ News24, 2022. *SA deploys 200 specially trained border control officers at Beitbridge*. Available: <https://www.news24.com/news24/africa/news/sa-deploys-200-specially-trained-border-control-officers-at-beitbridge-20220715> [15 July]

reflect the values and principles of democracy that are shared on the continent by many states.

- The decision to deploy border control authorities at the border creates more problems than solutions. It also contradicts the White Paper on International Migration which highlights the democratic gains and values that undo the apartheid era's preference for white immigrants and restricted permits for black migrants who contributed to cheap labour in the country. There should be a more humanitarian approach as opposed to the border control troops.
- The South African government needs to recommit itself to human rights and take more swift action against populist groups such as Operation Dudula and Put South Africa first. These populist groups are regressing the democratic values and gains, given the country's apartheid history. More public awareness campaigns on anti-xenophobia need to be mainstreamed in society.
- Given the shared history between Zimbabwe and South Africa, there should be a political conversation between the two countries to hold each other accountable to democratic principles.
- The majority of Zimbabweans are being exploited by capitalists for cheap labour. There must be a conversation about the role of capitalism that is contributing to the current issues of migration.
- Xenophobic attacks are initialising violence and the security authorities in the country do little to nothing to curb the attacks. Xenophobia should be combated in the same way that racism was dismantled.
- The South African government should consider the implications of how this will disrupt the lives of women and children.

Questions, answers and inputs from the participants

Riaan Niewenhuys raised the issue of how South Africans are overlooking the issues around xenophobia. They are questioned by South Africans and are viewed in a negative light. The positive contributions they bring to the country are often not highlighted. Mindsets in the country need to shift to build a more inclusive society

Safoora Sadek proposed that there must be a counter-narrative to Afrophobic sentiments to change mindsets and maybe the media will follow suit. They asked if there are frameworks that can be used to call out how the media reports on Afrophobia. The media should be held accountable for how they report.

Johannes Gobo highlighted that the hate is targeted based on race and it does not apply to all foreigners. The target is black migrants. He raised the issue of how best we can combat this hate as it is discriminatory and segregation.

Conclusion

This webinar brought forward key issues around the ZEP, xenophobia, Afrophobia and talking points for further discussion. Many policy critiques and recommendations were

raised in the webinar by the speakers and participants. It highlighted that South Africa's key principles and values are built on human rights and the approach to the ZEP should be the same. The cancellation of the ZEP would cause a humanitarian crisis.

The analysis and recommendations included in this brief do not necessarily reflect the view of SALO or any of the donors or conference participants, but rather draw upon the major strands of discussion put forward at the event. Participants neither reviewed nor approved this document. The contents of the brief are the sole responsibility of SALO, and can under no circumstances be regarded as reflecting the position of the donors who provided financial assistance for this policy dialogue session.

SALO would like to thank

The Rosa Luxemburg Stiftung for their direct support for this event

