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Policy Dialogue Report

11 August 2022

Zoom Platform

Recent trends in South African Zimbabwe policy, including migrant policy, against the backdrop of a recent upsurge in hostility against African foreign nationals.

SALO PUBLIC DIALOGUE:
RECENT TRENDS IN SOUTH AFRICAN ZIMBABWE POLICY
THURSDAY 11 AUGUST 11:00 - 13:00 VIA



DZIKAMAI BERE
DIRECTOR, ZIMBABWE HUMAN RIGHTS ASSOCIATION



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Executive Summary

The Southern African Liaison Office (SALO) hosted a virtual civil society briefing dialogue in partnership with the Norwegian People's Aid on 11 August 2022.

The purpose of the dialogue was to promote increased awareness and understanding of South Africa's policies on migrants and foreign policy on Zimbabwe, as well as an understanding of the worsening political situation in Zimbabwe. The dialogue provided a platform for engagement on these issues, against the backdrop of increased xenophobia and hostility against foreign nationals, particularly those from Zimbabwe.

The dialogue was co-chaired by **Busisiwe Nxumalo** and **Milis'uthando Mbete**. The panellists consisted of **Lwazi Somya**, who is a SALO Research, Development, and Programmes Coordinator, **Bishop Paul Verryn** a Human Rights Activist, **Munjodzi Mutandiri**, the Programme Adviser at SALO, **Dzikamai Bere** the National Director of the *Zimbabwe Human Rights Association*, and **Peter Mutasa** the Executive Director of the *Crisis in Zimbabwe Coalition*.

Summary of Presentations

Lwazi Somya - SALO Research, Development, and Programmes Coordinator

Lwazi Somya presented a history and overview of the relationship between South Africa and Zimbabwe, providing some background and context to the overall discussion:

- Historically, migration has always existed and has been a normal part of life in Southern Africa.
- The national borders of our countries were created through colonialism - such as through the Berlin Conference of 1884 to 1855. Yet long after colonialism, national borders within the continent largely remain the same.
- The South African government wanted to control the migrant labour system before and during apartheid. It also became a beneficiary of the migrant labour system, particularly of Zimbabwean and Malawian migrant workers.
- In recent South African democratic history, South Africa signed on to various multilateral institutions, organisations and treaties. It is also a signatory to the African Union Agenda 2063 as part of the African Continental Free Trade Agreement.

Lwazi Somya then talked about the context of the discussion of the dialogue. In more recent years, the influx and the movement of people have created greater tensions as economic conditions have declined. A key example is the global recession in 2008 in which xenophobic attacks flared up. Similarly, the unrest which had begun during the Covid-19 recessionary period led to attacks directed at migrants, in particular African migrants. In recent months agitation by members of political parties has inflamed issues against those who are often marginalised within our society and communities such as migrants. The political actors played into populist rhetoric that stems from right-wing populist groupings such as Operation Dudula and Put South Africa First.

Somya then moved to discuss the case of Zimbabwe. The Zimbabwean government has remained repressive, thereby forcing people to flee. At the same time, the economic conditions are crippling, leading many to move out of their country.

The ruling party of South Africa, the ANC, defines itself as a progressive internationalist organisation. Part of progressive internationalism is 'people-to-people solidarity'. Initially, the creation of the Zimbabwe Special Dispensation, (currently the Zimbabwe Exemption Permit (ZEP)) was an acknowledgement of the situation in Zimbabwe and a tangible show of solidarity. It was also an attempt to curb migration into South Africa by bettering the economic situation in Zimbabwe. The ANC realised that the situation in Zimbabwe was unattainable and therefore the situation of migration needed to be managed. However, due to the rise of populist groupings and migration becoming an electoral issue, policies have become more reactionary.

At the ANC National Policy Conference last year, it was resolved that South Africa is withdrawing from the International Treaty on Migration. This poses a major issue on whether the ANC and the South African government still pursue this notion of progressive internationalism if such a recommendation is made.

Beyond the policy itself, there are issues around corruption within the Department of Home Affairs that have not been dealt with. There are also issues around the lack of transitioning or a process that is efficient and effective that will deal with a backlog of visa applications and other special permit applications within South African borders.

Furthermore, the non-extension of the ZEP will overnight cast out many people without any form of a just administrative process. This non-extension will have dire consequences for not only permit holders but also their families and dependents. The decision to end the ZEP is only targeted at these 178,000 people who are documented and are within the system, are paying taxes and are willing to work within South African borders. In addition, this policy has done nothing to address the fundamental questions pertaining to undocumented migrants.

"It seems that from a policy perspective, the ANC has gone for the low-hanging fruit, instead of dealing with the fundamental issues that will address the issues of poverty, inequality, and unemployment".

Bishop Paul Verryn - Anti-apartheid and human rights and migrant activist

Bishop Paul Verryn began by emphasising his position that a healthy, integrated country must welcome migration.

"The more diverse we are, the stronger we are. Diversity is not a threat, it is in fact a challenge for a maturing state".

What is most concerning about the cancellation of ZEP permits is that it has exposed the beginning of a growing intolerance within the country, not dissimilar to the racial intolerance that governed this country disastrously for decades and caused huge human rights violations and pain. Bishop Verryn warned that we are at the cusp of another such era if we do not raise our voices very clearly against this.

A key problem, he pointed out, is with the criminalisation of migrants which takes place 'across the board'. This affects migrants in several ways. On the one hand, the high crime rate and low rate of arrests put pressure on the police to go for easy targets rather than deal with the rampant violent crime in the country. In this regard, *"to victimise foreign nationals is low-hanging fruit"* as the institutions responsible for maintaining law and order want to report on their success rates of arrest, and so they find it convenient to arrest people whose only crime is that of not having the correct documentation.

Similarly, foreign nationals are also targeted within the communities in which they live.

"So, a murder, for instance, takes place in Jabavu and the young people living in the Centre where I live are very anxious that they ultimately will be blamed, even if no foreign national might have been involved in that murder. But just the raising of the criminal temperature in the area makes them the first people to be targeted."

A final point on the subject was that the South African State institutions, particularly the police, do not see their job as having to protect foreign nationals, only citizens. Speaking from his own experiences living in a centre with a mixed community of South African citizens as well as foreign nationals, he discussed recent occurrences. Operation Dudula, a populist nationalist group, recently attacked the centre in February *"and now, we are living under the constant threat of a return visit"*. While at the time of the dialogue they had not returned, representatives from the local Home Affairs office came to the centre and asked for the details of all the people in the Centre, and their backgrounds.

"As a passing remark, the gentleman said that he is being pressurised to give the statistics of how many of the people in the Centre are foreign nationals. And that if everybody [were] foreign nationals, we were more vulnerable. But if there were South Africans, of which there are a substantial number now, then we did have the right to call the police to protect the property."

Such circumstances are profoundly detrimental to the psyche and the stability of the people that are living in the Community Centre, particularly the children. There are about twenty children below the age of 8 years living in the Centre. These children join in the weekly meetings of the Centre and since the attacks from Operation Dudula the children have expressed that they are terrified that they will be killed *"by these people who do not want them in the country"*.

Moving to his next point, Bishop Verryn opened up a discussion about the role of political parties and state institutions.

"To try and open up the narrative in the ANC seems for some reason or another exceedingly difficult. I do not know whether it is because opposition parties are raising the anxiety around this country being taken over by foreign nationals,

that they now must also join this xenophobic chorus. But COSATU and the Trade Union Movements, in general, will stonewall any opening of the discussion, and any search for the logic of trying to maintain a human rights ethos, and at the same time violating people as they are at the present.”

He, therefore, suggested that it would be important to try and arrange a roundtable discussion with the Ministers of Police, Minister of Home Affairs, and Minister of International Relations, as well as leaders of major trade unions to engage in a discussion on the state of the protection of human rights in South Africa.

He noted that at a meeting with Operation Dudula, one young person said:

“You know, I am from the Eastern Cape, I am not a foreign national and I have now created a new family in this place where I have found shelter. So, some of my family... are South Africans, but I have also included in my family, people from Zimbabwe, Swaziland, and Tanzania among others.”

To this, a representative from Operation Dudula responded that this young person must *“go back to the Eastern Cape, where he came from”*.

Verryn explained that he is committed to opening borders due to the many skills Zimbabweans bring. Firstly, great minds come from Zimbabwe to South Africa, and borders should not constrict the academic enterprise. Secondly, agricultural engagement from Zimbabweans has aided agricultural development in the Western Cape, Eastern Cape, Kwazulu Natal, Free State and Gauteng. Thirdly, in the health sector, Zimbabweans are filling a gap as trained palliative and terminal care workers in the home.

Dzikamai Bere - National Director of the Zimbabwean Human Rights Association

Dzikamai Bere emphasized that the Zimbabwean crisis is not a national crisis, it is a regional one. A regional perspective is therefore key to finding a solution to the crisis. Yet there is a growing frustration with the leadership deficit in the region. *“We then begin to look around and ask what the alternatives are. Which other countries should we be looking at, if South Africa does not provide leadership? South Africa will always have a critical role to play in terms of providing leadership to the SADC region. South Africa should also be playing a mediating role.”*

What has continued to worry most of the ordinary people in Zimbabwe is that there is:

“An important faultline in our region, which is the solidarity of leaders versus the solidarity of ordinary people. [What] we need to address is how we build real people-to-people solidarity in the region. How do we mobilise?”

Organisations such as SALO made progress in terms of connecting civil society in the region, and the leadership in the region. Bere asks how do we mobilise that people-to-people solidarity so that we can put sufficient pressure on the leadership of the region and of South Africa to address the genuine issues that face Zimbabwe? A mediation process is vital. Heading towards the 2023 election in Zimbabwe increases the urgency of the need for mediation, as there are fears that the election will have as much bloodshed as the 2008 election did.

The role that South Africa plays is a stepping stone for international action on Zimbabwe. The increasing migration crisis in South Africa makes it ever more clear that issues in Zimbabwe are regional problems, not local ones. Asking South Africa to play a role is not the same as asking for a sanctions campaign or an invasion campaign. Rather, more positively, we should draw on the historical role that South Africa has played in mobilising international solidarity for Zimbabwe.

Finally, it is important to start thinking about working towards reforms that go beyond mere electoral activity. Many times, this conversation tends to gather momentum during election times, but the real issue in Zimbabwe goes beyond elections. The problem of authoritarian consolidation is merely simulated by elections. Rather, there needs to be a long-term conversation about reforms that must be put in place. The state acts with impunity against its citizens. *“Institutions that are supposed to protect human rights are actually used to decimate human rights”*. Often the regional solidarity platforms work in support of the leadership of Zimbabwe at the expense of the people of Zimbabwe. These are areas in which reforms should be implemented.

Peter Mutasa - Chairperson of the Crisis in Zimbabwe Coalition, General Secretary of the Zimbabwe Banks and Allied Workers Union, and the former President of the Zimbabwe Congress of Trade Unions.

Peter Mutasa warned that from a social perspective, we are going to see ‘a disaster’ coming out of the new South African policy of containment and deportations of Zimbabweans. When the ZEP permits expire, there will be a figure of around 200 000 individuals who are going to be deported, a figure which excludes their family members. Taking into account the family setups in South Africa as well as in Zimbabwe, and the many other people who will rely on the diaspora remittances, this will affect close to a million people.

The Minister of Home Affairs in Zimbabwe said they would welcome the people who will be deported. However, the Zimbabwe government is already failing to provide any social protection and social security. Adding the ZEP holders will further strain a system that is already unable to support the vulnerable.

The Zimbabwean diaspora working in other countries like South Africa covers a medical care gap created by the government - and their deportation is going to cause a health crisis:

“Because there is no medical care to talk about, no medical security or insurance... medical insurance only accounts for around 7% of the population. So, we are going to see a catastrophic effect when many people... are going to lose out in terms of that life support that they were getting from diaspora remittances”.

Mutasa defines the Zimbabwean crisis as a crisis of governance manifesting on various levels.

- 1) The first is the level of state-society relations, which have dissolved into what can arguably be considered a military dictatorship.

“All pretences have gone, and Zimbabwe is now worse than what it was during Mugabe.... We are basically under military rule. The constitution has been suspended - all constitutional rights and freedoms have been taken away.”

- 2) Secondly, the crisis is also manifesting in the level of economic relations and livelihoods. On this front, he argues that instead of improving this situation, South Africa's policies are weakening it.
- 3) Finally, the crisis is taking place at a political level. Politically, South Africa has a key role to play in trying to solve it - and unfortunately did not use its position as the Chair of the SADC Troika Organ to address the political crisis in Zimbabwe.

Indeed,

“It cannot be resolved through petitions, it cannot be resolved through building walls, it cannot be resolved through containment, it can be resolved through article five of the SADC Treaty, on the SADC agenda itself, one of which is to promote common political values, systems, and other shared values, which are transmitted through institutions that are democratic, legitimate, and effective.”

From a civil society perspective, the state lacks legitimacy, not only in terms of how the government came into being but more importantly lacks 'output legitimacy' - the failure of the state to cater to its citizens. While the government is effective in one area - in consolidating authoritarian rule - it is ineffective in all the other areas. It is failing to provide education, health care, water, and sanitation, and to cater to the most basic needs of its citizens.

Mutasa stressed that South Africa ought to be cognizant of the fact that article 5 of the SADC treaty also talks about consolidating, defending, and maintaining democracy.

Yet currently, South Africa's policies on Zimbabwe do not address this. South Africa should not continue to have a dual policy, one of a hard-line stance against Zimbabwe and its citizens, and a brotherly/sisterly one towards the government of Zimbabwe. South Africa should choose whether it wants to stand with its 'brother' ZANU-PF while acting against the citizens of Zimbabwe. If it does, it must shoulder the burden that the current trajectory is creating. The current trajectory of South African policies on Zimbabwe as well as on migrants, Mutasa argues - is undoing a long history of solidarity between the two countries. During the anti-apartheid struggle, Zimbabweans provided support to the liberation movement. The policies we see today coming from South Africa are working to undo this regional solidarity.

Mutasa stated in no uncertain terms that he believes that the current policy is going to fail.

"It is not going to address the issues. For as long as it [merely] scratches the surface, we are going to see Zimbabweans coming back or staying in South Africa, through whatever means... because it is worse to be in Zimbabwe than to be in a South Africa where you are not loved. People are looking for survival."

Finally, he concluded that during an increase in xenophobic attacks, which are often encouraged by politicians as well as by policies that do not assist Zimbabweans, *"South Africa must be responsible, and if it [is] not, it must be held accountable"*.

It is not possible to solve the Zimbabwean crisis without a regional approach, such as through SADC. Quiet diplomacy is what helped Mugabe and the Zimbabwean regime sustain a dictatorship. Many successive governments in South Africa have helped the Zimbabwean regime to consolidate its authoritarian rule. Up to now, this policy against citizens is simply going to strengthen the dictatorship and not address the challenge.

Questions and Contributions from Participants

- **Bram Hanekom**

"I am of the view that... [ZEP holders] are not necessarily going to return home. What is the response going to be when a large number of foreign nationals, most likely and particularly Zimbabweans, will face a very brutal and likely violent reaction from certain host communities?"

"I think we ought to face the reality that the direction that has been taken is highly likely to lead to the mass internal displacement of persons and is going to lead to broad violence. We are likely to see a serious need for an urgent and efficient response to the internal displacement of persons. We need to consider what will be the reaction of the displaced... Will they be able to reintegrate?... "

"We don't have the capacity and so on to try to turn the situation around. We now need to look at mitigating the consequences of the direction we are going."

- **Munjodzi Mutandiri**

“From the inputs, it is quite clear that we are facing uncertainty in the next few months and we are yet to see the real impact of this decision or this policy. The problems start with how the policy came into being. I always have challenges when policy positions are shaped by mob sentiments, without a clear analysis of what is on the ground, what is the end, and what people are trying to achieve.”

“Part of the problem that I have not been able to find an answer to is: What problem is this decision solving? 178,000 people are on these permits, tops. However, we possibly have between a million and two million undocumented people. So, I have been trying to understand this obsession with 178,000 people, who are legal, who can be traced in the event of anything, because they are in the system. I have not found any evidence that shows a relationship between the issues of crime and the ZEP holders. Because I do not think that someone would go through a process of regularizing their stay for the purpose of committing crimes.”

- **Athenkosi Thoba**

“How do we, broadly speaking as the stakeholders, especially the media, try to facilitate a more informed understanding of what is happening? I think for me, it's about sharing information more appropriately, in a way that will... address the issues on the ground - not only being influenced by the new narrative that undocumented migrants are the ones who are committing the crime in South Africa.”

- **Ngqabutho Mabhena**

“I want to talk about the people that are applying to move to other visas. You will remember in the last meeting, we asked people to write to the people to say they do not qualify to move to other visas. Unfortunately, we have not received many responses, because the majority of the 178,000 or so ZEP holders have low skill levels, which means they do not meet the requirements for the new critical skills list visa, which was published in the first week of February. The list included educators that are teaching science subjects from grade eight to grade 12. However, the majority of those science teachers have been rejected on the basis that the school did not confirm that the person is teaching those subjects, or there are also South Africans that can teach these said subjects. So, it is not a guarantee that if your skill is listed under these critical schemes, your application will go through.”

“We have serious challenges in terms of the waiver as well. The Department of Labour should grant you a waiver or indicate that the Department of Home Affairs should grant you a visa. When this person now applies for a general

working visa, they get rejected. This morning, the Minister of Home Affairs was addressing a press conference, but he did not give the numbers of people that have been rejected or even the applications that have been submitted. The only information we have is the letter that was written by the Director General of Home Affairs to each ZEP holder where the indication was that plus or minus three thousand ZEP holders have applied. So, you have a bulk of ZEP Holders who have not applied because they do not qualify. I agree with Comrade Munjodzi, saying we seem lost, we do not understand why you move people that have been legal in the country and push them to illegality. We do not know what informed this decision not to renew the Zimbabwean Exemption Permits.”

- **Pipa Green**

“My question relates to Wilson's Collected Works, the economist who recently died, on migrant labour in the South African mines. One of the last articles he wrote was about the suggestion for a sovereign wealth fund from the mines in the same way that Norway and Botswana have one. The way it concerns the region, with the exception of Zimbabwe, is that almost three-quarters of the Black mineworkers on the mines from the early 20th century to 1979 were foreign - they were from Malawi and Mozambique and Lesotho and various other countries. Zimbabweans had their colonial regime and were kept in Zimbabwe for the tobacco fields, etc.”

Responses from the Panel

Lwazi Somya

In 2020, the South African parliament approved the creation of the Border Management Authority. Part of the Border Management Authority was to manage the influx of migrants within South Africa, which in principle was correct. However, what has happened more recently is that the Border Management Authority has been militarised by political actors themselves stating that ‘this border management authority carries weapons, and they are willing to shoot’. Such militarised action speaks to a departure from a human rights perspective.

Somya noted his agreement with the other panellists, that a lot of people are essentially being criminalised by the system. When dealing with issues around migration, there is a fundamental need to deal with the issues of poverty, inequality, and unemployment within the country. If left unaddressed, migration itself becomes a scapegoat for the failures of the government in dealing with the fundamentals that prevented it from creating a situation where people can live up to their full potential.

Peter Mutasa

In response to the questions on the intention of ending the ZEP, Mutasa noted that the policy itself does not seem to be based on any evidence. *“It is premised on shaky*

grounds". The reasons that are given cannot be validated, such as in the instance mentioned by Mundjodzi Mutandiri - where crime has no connection to nationality. But more fundamentally, the policy is doomed to fail. What it is going to achieve is to overshadow the real issues that must be resolved by the region and by South Africa. Simultaneously, *"focusing on these deportations of 200,000 people is ignoring the real danger that is waiting to implode for the region"*.

As a way forward, the *Crisis in Zimbabwe Coalition* suggests the following:

- Immediately civil society organisations need to have a collective response.
- They need to urgently engage the South African government, the Zimbabwean government, and the SADC leadership.
- We need to ensure that there is a collective voice at SADC so that we produce a clear Zimbabwe 2023 electoral roadmap.
- Zimbabwe needs preventative diplomacy to ensure that it does not implode.
- The role of civil society organisations is also to assist both governments and SADC to produce evidence-based policies.

This is urgent as the upcoming elections of 2023 are around the corner. The military regime is geared to ensure that it gets power at whatever costs, and a 2008 scenario is beckoning.

Bishop Paul Verryn

It is critical to acknowledge that there is profound anger in South Africa. The levels of violence, for instance, in KwaZulu Natal are quite staggering. *"I am not sure whether the anger comes because of the huge disparity between the stinking rich and the abject poor, whether that is one of the vectors, or we have to look deeper"*.

Secondly, he notes, *"it almost feels as if senior politicians are beyond accountability"*. It is a 'haunting question' that has been asked; why do we want to get rid of 200,000 people? This will affect many, many more, a figure of more than a million. He asks why this policy choice is happening and what really is going on here. Perhaps, he explains, it is an expression of a very deep development of right-wing politics rising in our society. *"Because if it is, this is not where it is going to stop. I would hope that a vision, a SADC vision might be a stronger motivator, than our prejudice."*

Conclusion

Amid the rising number of attacks on foreign nationals, increased xenophobia, and the huge wave of uncertainty brought on by the decision to not extend the ZEP, this dialogue aimed to bring together stakeholders from both countries. It was successful in providing a platform for participants to engage with South Africa's policies on migrants and foreign policy on Zimbabwe. Panellists emphasised the regional nature

of the Zimbabwean crisis, and how South Africa and Zimbabwe are deeply intertwined. Yet, through the dialogue, it became evident that South Africa had no consistent, long-term and 'realistic' policy approach to the worsening Zimbabwean crisis. The cancellation of the ZEP will render many people undocumented and will achieve nothing. Xenophobia is finding spaces within the government, its institutions, and the ruling party. At the level of state and local communities, issues such as crime and socioeconomic hardships get scapegoated onto migrants. It was agreed that it was important for civil society to continue to lobby the South African government and the SADC leadership to intervene on the Zimbabwean crisis.

The analysis and recommendations included in this Policy Report 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 report 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.

About the Southern African Liaison Office:



The Southern African Liaison Office (SALO) is a South African-based not-for-profit civil society organisation which, through advocacy, dialogue, policy consensus and in-depth research and analysis, influences the current thinking and debates on foreign policy especially regarding African crises and conflicts.

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