



2024 General Elections and the safety of African foreign nationals living in South Africa

Event Details:

Wednesday, 17 April 2024

10:30 - 13:30 (SAST)

University of Pretoria, Faculty of Law, Moot Court

BACKGROUND

Systemic xenophobia is prevalent in South Africa and is perpetuated to varying degrees by government departments. The scapegoating of foreigners during election periods has become a popular trend in South African politics. Spikes in xenophobic attacks correlate with election/campaign periods when politicians make statements that fuel xenophobic sentiments, such as blaming foreigners for resource scarcity and crime, a common thread in this rhetoric. The 2024 election season seems to be no exception to this rhetoric, as we have seen anti-migrant sentiments and, in the case of this election period, even the rise of political parties that have made this rhetoric central to their campaign strategies.

South Africa is home to millions of African migrants, mainly from Lesotho, Nigeria, Mozambique, and Zimbabwe. Given its position on the continent and in the Southern African region, South Africa has become the hub of African migration, with many categories of African migrants coming to South Africa in search of better economic and/or educational opportunities or forced to flee persecution or human rights abuses in their countries of origin. This has resulted in the growth of migrant communities at all levels of South African society. However, this has come at a cost - one of the major challenges faced by migrants in South Africa is xenophobia, which manifests itself in xenophobic attitudes and xenophobic violence.

Statistics provided by Xenowatch show that from 1994 to March 2024, there were 1069 incidents of xenophobic discrimination and violence and 669 people lost their lives as a result of these attacks. The highest recorded incidents and resulting deaths occurred in 2008, 2022 and 2019 respectively. Over the years, these attacks have increasingly targeted migrants, particularly those of African and Asian origin, who seek to make a living in the country's urban informal economy. Xenophobia in all its forms has become the norm for African migrants in South Africa, including refugees and asylum seekers, especially those of lower socio-economic status who live or run businesses in informal settlements and townships.

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Various policy decisions have also influenced xenophobic rhetoric and pose an indirect threat to the institutionalisation of xenophobia in South Africa, with moves towards legislative and policy decisions that tighten immigration conditions. These decisions include amendments to the Refugees and Immigration Acts, the proposed decision for South Africa to temporarily withdraw from the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, contained in the White Paper on Citizenship, Immigration and Refugee Protection: Towards a Complete Overhaul of the Migration System in South Africa (White Paper). The White Paper also seeks to introduce more uniform immigration-related legislation and stricter enforcement practices.

Deteriorating socio-economic conditions in South Africa, such as the housing crisis, the health crisis and high unemployment rates, have led to competition for scarce resources, further exacerbating tensions between South Africans and their foreign counterparts of similar or worse socio-economic status. Inevitably, resentment against African migrants and xenophobia in all its various forms and many other anti-social attitudes and actions continue to be nurtured within South African society, with devastating effects on the social fabric of society. This is exacerbated by some South African politicians who have used and continue to use Afrophobia to appeal to disillusioned and disenfranchised South Africans under the guise of “putting South Africans first”.

The rise of political rhetoric that overtly perpetuates anti-immigrant sentiment has also increased xenophobic tensions in townships and informal settlements. Political leaders and the media are known to be influential in the rise of xenophobic violence - this was evident in the 2008 violence that erupted following sensationalised stories about foreigners in the media, in 2015 with comments by the late Zulu King Goodwill Zwelithini, and again in 2019 with leaders scapegoating foreigners ahead of that year’s elections.

Xenophobia is becoming more institutionalised/organised with the rise in popularity and lack of punitive measures for vigilante groups such as

Operation Dudula. These groups have used xenophobic violence and anti-immigrant rhetoric and have subsequently been registered as a political party. Other political parties contesting elections have also been at the forefront of peddling anti-immigrant rhetoric in their manifestos and campaign strategies.

Such political opportunism has already subjected African migrants to discrimination, abuse, and inhumane stigmatisation, in violation of the African Charter on Human and Peoples' Rights, the Convention Relating to the Status of Refugees (1951) and the Convention Governing the Specific Aspects of Refugee Problems in Africa (1969), to which South Africa is a party, including its own Refugees Act. The South African government must ensure the safety of all refugees within its borders during the election period. The proposed decision for South Africa to withdraw from the 1951 Convention therefore calls into question the commitment of the South African government to uphold its minimum obligations under international law about the protection of foreign nationals on its territory, particularly those in need of international protection such as refugees and asylum seekers.

Against this backdrop, the Centre for Human Rights, University of Pretoria in collaboration with the Crisis in Zimbabwe Coalition, and Human Rights Watch will co-host a dialogue on 17 April 2024 to examine the application of South Africa's Refugee Act and other regional and global instruments in the context of elections, to ensure the safety and well-being of foreigners during the forthcoming elections. The dialogue will bring together 30 representatives from relevant government departments, the South African Independent Electoral Commission, the United Nations High Commissioner for Refugees, the diplomatic corps, civil society organisations, political leaders, the media, community leaders and African foreign nationals living in South Africa.

The following questions will guide the conversation:

1. To what extent are political leaders using anti-immigrant rhetoric in the current election campaigns?
2. Are there specific concerns or hotspots where tensions towards foreigners may be higher; what is the current situation and what support systems are in place for foreigners who may feel threatened or unsafe?
3. What measures is the government taking to ensure the safety of foreigners during the election period and to ensure that vigilante groups are held accountable for fuelling xenophobic rhetoric and violence?
4. How can the government and civil society work together to combat xenophobia and promote inclusiveness and tolerance?
5. How can stakeholders work together to combat xenophobia, promote inclusiveness and social cohesion, educate local communities, and ensure tolerance towards foreigners during the election period, and what role can international organisations play in supporting these efforts?

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