



Liaison, Dialogue and Research

Reg no: 2006/020285/08

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Policy Brief

9 September 2021, Zoom Platform

# SALO Public Dialogue: In Discussion with the Zimbabwean Embassy in South Africa

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## Context/ Importance of the Problem

The issue of official permits for Zimbabweans living in South Africa has always attracted much debate and attention. In April 2009, the South African cabinet approved what was referred to as the Dispensation of Zimbabweans Project (DZP), allowing permit holders to work, conduct business and study in South Africa.<sup>1</sup> The aim of the South African government at the time was to regularise the residence status of those Zimbabweans residing illegally in the country due to political and economic instability in Zimbabwe. These permits expired over the course of December 2014. This resulted in the Department of Home Affairs introducing a new permit scheme called the Zimbabwean Special Dispensation Permits (ZSPs), which were valid for three years. When the ZSPs expired in 2017, they were replaced by Zimbabwean Exemption Permits or ZEPs.<sup>2</sup> The ZEPs ignited a significant debate between the South African government and Zimbabweans living in South Africa, including some concerned civil society groups. The current 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.

This has prompted a major debate and led to the onset of court proceedings to do away with the special permits and to introduce a new system that will address the current challenges. However, Cabinet announced on the 25<sup>th</sup> 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.”*<sup>3</sup>

On the 9<sup>th</sup> of September 2021, the Southern African Liaison Office (SALO) in partnership with the Norwegian Embassy, held a public multi-stakeholder dialogue discussing the Zimbabwean Special Permit; the issue of the diaspora vote in the upcoming 2023 Zimbabwe general election; and vaccines for Zimbabwean migrants in South Africa. The Zimbabwean Embassy in South Africa sent its Consul General Ms Melody Chaurura on behalf of H.E. David Hamadziripi, the Zimbabwean Ambassador to South Africa. The panel also featured migration experts and leaders from Zimbabwe civil society. This Policy Brief brings major issues and perspectives that emerged during this multi-stakeholder policy dialogue.

## Summary of Key Issues

### The Role of the Zimbabwean Embassy to Address the Permit Issue

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<sup>1</sup> Ciaran Ryan. 2021. “Zimbabweans ask Gauteng High Court to declare them permanent residents”, *Moneyweb*, 20 October 2021. Accessed on 11 November 2021 from <https://www.moneyweb.co.za/news/south-africa/zimbabweans-ask-gauteng-high-court-to-declare-them-permanent-residents/>

<sup>2</sup> Ibid

<sup>3</sup> Washinyira, T. 2021. “Holders of ZEPs given a year to migrate to other permits”, *GroundUp*, 25 November. Accessed on 01 March 2022 from <https://www.groundup.org.za/article/cabinet-announces-zimbabwe-exemption-permits-will-not-be-extended/>

The Zimbabwean embassy acknowledged the role played by many stakeholders in trying to advocate for a more permanent solution to the special permit issue. The embassy also appreciated the good work that the Southern African Liaison Office (SALO) is doing in contributing towards building peace and security through facilitating dialogue and seeking consensus between South African, regional, and international actors.

The calls from different sectors that deal with migrant issues and civil society have emerged as critical, given the fact that roughly 250,000 Zimbabwe Exemption Permits (ZEPs) were set to expire in November 2021. This brought about the need to hold a dialogue around the ZEP and other issues of critical importance for Zimbabweans living in South Africa. During this SALO public dialogue, the Zimbabwean embassy emphasised the importance of the voices coming from civil society. These voices indicate that regional stakeholders remain key in terms of advocating for inclusive and sustainable development and the development of policies affecting the relevant groupings.<sup>4</sup>

In terms of the current situation and what is unfolding between the two governments, it was indicated that regrettably, the Zimbabwe embassy is not in a position to categorically state or predict the direction that would be taken by the South African government.<sup>5</sup> However, consultations were ongoing on the issue, including engaging all the relevant stakeholders in South Africa.<sup>6</sup> Retroactively, however, the South African government made a decision to not extend the ZEP as aforementioned.

There is a greater caution regarding the role of illegal organisations that use this as an opportunity to scam Zimbabweans. It is always advised by stakeholders that people must wait for pronouncements by the South African government's competent authorities on the future of these permits. Recognising that Zimbabweans were waiting anxiously on the government pronouncement, the embassy encouraged the permit holders to exercise patience and to be watchful of scammers during that period. The process for the documentation of Zimbabwean citizens in South Africa had also been held up by the COVID-19 outbreak.

### **On the Extension of Voting Rights to the Diaspora**

The voices of civil society have had great impacts on regional solidarity and advocating for more inclusivity in addressing the pertinent issues facing Zimbabwe and its people.<sup>7</sup> The issue of COVID-19 vaccinations for Zimbabwean nationals in South Africa also holds much interest for many, given the importance of solidarity to protect every individual against the dangers brought on by the pandemic. Furthermore, many Zimbabweans expressed the need for their government to extend voting rights to millions of Zimbabweans abroad in the upcoming 2023 Zimbabwe general election. The issue of extending voting rights has always been emphasised as key in achieving

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<sup>4</sup> Ibid

<sup>5</sup> Silas Nkala. 2021. "Anxiety as Zimbos' permits expire in Dec", *Newsday*, 11 September 2021. Accessed on 25 November 2021 from <https://www.newsday.co.zw/2021/09/anxiety-as-zimbos-permits-expire-in-dec/>

<sup>6</sup> SALO. 2021. "SALO Public Dialogue: In Discussion with the Zimbabwean Embassy in South Africa". *SALO Public Dialogue*, 9 September 2021.

<sup>7</sup> SALO. 2021. "SALO Public Dialogue: In Discussion with the Zimbabwean Embassy in South Africa". *SALO Public Dialogue*, 9 September 2021.

greater inclusivity and engagement between the government of Zimbabwe and its citizens abroad.

In an opinion article by Anotida Chikumbu and David Chikwaza, they point out that *“calls for the extension of voting rights to Zimbabweans living and working in the diaspora are generating a highly competitive political atmosphere ahead of the 2023 general elections, making politicians paranoid about the potential impact of diaspora votes.”*<sup>8</sup> In 2018, President Emmerson Mnangagwa pledged to extend voting rights to millions of Zimbabweans abroad.

In his address to Zimbabweans in New York, United States ahead of the United Nations General Assembly in 2018, President Mnangagwa said that he agrees with that request, *“but we were not able, in the time available, to have the logistics put into place to implement that objective. We now have five years where we can work on that objective where we can see whether we can implement it.”*<sup>9</sup> This failed to materialise and there seems to be no indication from the Zimbabwe government on whether it is set to be implemented for the 2023 elections.

The extension of the voting rights for the diaspora would offer an opportunity for Zimbabweans abroad to practice their voting rights. It would also answer a decades-long plea by these citizens who have consistently asked for the unconditional removal of restrictions to their right to vote. But so far, the prospect of implementing the diaspora vote in Zimbabwe was recently rescinded in a statement by ZANU-PF’s acting political commissar, Patrick Chinamasa, in a press conference administered by 263Chat on 24 June.<sup>10</sup>

There is no denying that Zimbabwean citizens abroad are key players in the country's social, political, and economic development. This is demonstrated in the country's National Development Strategy (NDS1). The document emphasises that *“Zimbabwe is open for business to all investors, foreign and domestic, including Zimbabweans in the Diaspora.”*<sup>11</sup> Indeed the document points out that the Zimbabwe government aims to *“mobilis[e] internal sources of growth even as we continue to engage and re-engage the international community and reach out to Zimbabweans in the diaspora”*<sup>12</sup> From this statement, it is clear that the Zimbabwe diaspora is among the key pillars of development. Yet it appears that the government also points to issues that it faces to meet the diaspora halfway in its efforts and arrive at a shared understanding. The government argues that it has not been possible to count diaspora votes due to the legislative and logistical challenges which have not yet been overcome.

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<sup>8</sup> Anotida Chikumbu and David Chikwaza. 2021. “Zimbabweans in the diaspora must be allowed to vote – and politicians’ paranoia is preventing it”, *Daily Maverick*, 09 July 2021. Accessed on 25 November 2021 from <https://www.dailymaverick.co.za/article/2021-07-09-zimbabweans-in-the-diaspora-must-be-allowed-to-vote-and-politicians-paranoia-is-preventing-it/>

<sup>9</sup> Daniel Mumbere. 2018. “Mnangagwa to consider voting rights for Zimbabweans in diaspora”, *Africa News*, 25 September 2018. Accessed on 25 November 2021 from <https://www.africanews.com/2018/09/25/mnangagwa-to-consider-voting-rights-for-zimbabweans-in-diaspora/>

<sup>10</sup> Anotida Chikumbu and David Chikwaza. 2021. *Daily Maverick*

<sup>11</sup> Zimbabwe National Development Strategy 1. 2021. “Towards a Prosperous & Empowered Upper Middle-Income Society by 2030”, *Deposit Protection Corporation*. Accessed on 28 November 2021, from <https://www.dpcorp.co.zw/>

<sup>12</sup> Ibid

During the SALO public dialogue, it was indicated that there is hope that once these issues are resolved by the concerned parties, Zimbabweans in the diaspora will be able to cast their votes from their countries of residence soon. Representatives argued that the diaspora vote is important to safeguard and guarantee the credibility of any election as a way of ensuring sustainable peace and development.<sup>13</sup> It is the observation and belief of many stakeholders that the diaspora cannot just be seen as a means to stimulate the Zimbabwean economy without being able to contribute to the future of that country in terms of ideas and voices.<sup>14</sup>

### **How does the Government of Zimbabwe Engage with the Citizens Abroad on Vote Extension?**

Leveraging the diaspora emerges as a key aspect that the Zimbabwe government needs. The promises made by President Mnangagwa in 2018 and what the Zimbabwean Embassy representative said during the SALO dialogue should be expedited to achieve inclusivity of the diaspora around issues facing Zimbabwe and what its future should look like. In this regard, a collaboration between the embassy and different stakeholders representing Zimbabwean voices is important. Platforms like the one often provided by SALO are regarded as starting points in terms of arriving at an understanding between Zimbabweans in South Africa, the Embassy of Zimbabwe in SA, and the government in Zimbabwe. Indeed, the presence of prominent figures like the Ambassador H.E David Hamadziripi, who continues to engage Zimbabweans on issues of mutual interests is critical.

In terms of the emerging issues that need more engagement between the Zimbabwean government and its citizens in South Africa, it is clear that there are challenges that need to be overcome in terms of the permits, the diaspora vote, and the issue of vaccinations. The issue of vaccine availability and access has been contentious even domestically in South Africa. There is a lack of credible information about the vaccination process. One of the key elements is whether Zimbabweans living in South Africa will be able to get vaccinated and the role of the Zimbabwean government in facilitating that process. It emerged during the SALO dialogue that fake news is starting to become a challenge that different stakeholders are trying to address.

### **The ZEP process so far**

The renewal of the ZEP is a contentious issue in terms of South Africa's domestic politics. Some South Africans have sought to influence the government not to extend the ZEP. There are many reasons for this with some being xenophobic in nature. The decision not to renew the ZEP came after the Local Government Election had passed. Some observers indicated the significance of these results, with the ruling African National Congress (ANC) not maintaining its 50 per cent threshold, the worst the party has done since the advent of democracy in 1994.<sup>15</sup> Advocate Simba Chitando, who is

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<sup>13</sup> SALO. 2021. "SALO Public Dialogue: In Discussion with the Zimbabwean Embassy in South Africa". 09 September 2021

<sup>14</sup> SALO. 2021. "SALO Public Dialogue: In Discussion with the Zimbabwean Embassy in South Africa". 09 September 2021

<sup>15</sup> Pillay, K. 2021. "Election Results: ANC leads but barely holding on in local government elections' race," *IOL*, 2 November. Accessed on 01 March 2022 from <https://www.iol.co.za/news/politics/election-results-anc-leads-but-barely-holding-on-in-local-government-elections-race-9f4d9db7-4628-4766-bfc6-9b82204a8e92>



representing Zimbabweans in need of permanent residence in the Gauteng High Court, stressed his disappointment over these developments.<sup>16</sup> He stated that *“the cancellation of the permit was being called for by many political parties, many of whom did well in the elections. The unfortunate decision has left litigation as the only viable solution for ZEP holders, permanently resident in the country, and who have given over a decade of their lives to this country.”*<sup>17</sup>

It is worth appreciating that Cabinet has decided on a 12-month) grace period during which time ZEP holders *“should apply for other permits appropriate to their particular status or situation.”*<sup>18</sup> What is alarming and of great concern is the fact that Cabinet has indicated that those who are not successful will have to leave South Africa or face deportation.

## Key Recommendations

### For the SADC Region

- Regional actors need to work more closely in tackling the issues posed by the current pandemic, including the protection of migrants in their host countries through engagements on fair migrant policies.
- Zimbabweans must make use of the diaspora policy document as it seeks to advance the voices of Zimbabweans in South Africa. They can add comments and feedback and send it back to the embassy.
- Current holders of the ZEP might have children registered under their parents as primary applicants, and have in the meantime reached an age where they can apply for themselves as individuals. This is unclear though and there must be clarity on what is going to happen in these instances.
- Southern African states need to envision the kind of region that they want to build, considering that the problems are almost the same across the region. Such critical engagement will speak to the kind of regional integration, free movement of people and goods that has always been passed around in different stakeholder engagements among regional states and other regional actors including civil society groups.

### For Zimbabweans in the Diaspora

- Given the fact that the development of Zimbabwe is primarily dependent on its nationals abroad to a certain degree, the role of the diaspora at all levels must be to nurture and inspire confidence in one another to the extent that Zimbabweans abroad contribute to the development of their country.
- The view that operationalising diaspora voting is costly must be challenged as this argument remains limited in scope. It fails to consider the feasibility of electronic and postal voting. Recent studies have shown that the diaspora has

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<sup>16</sup> Anotida Chikumbu and David Chikwaza. 2021. *Daily Maverick*

<sup>17</sup> Ibid

<sup>18</sup> Kitsepile Nyathi. 2021. “South Africa refuses to renew permits for 200 000 Zimbabweans”, *The Citizen*, 26 November 2021. Accessed on 30 November 2021 from <https://www.thecitizen.co.tz/tanzania/news/africa/south-africa-refuses-to-renew-permits-for-200-000-zimbabweans-3632108>

access to digital technologies such as social networking sites. Therefore, a technology-based election will be possible for people in the diaspora.<sup>19</sup>

- Any feasible and effective model of diaspora voting should be appreciated by the Zimbabwean government as it would effectively mean that citizens abroad participate in the democratic and economic development of the country.
- The diaspora vote is critical in driving the future of Zimbabwe - one that is inclusive of every citizen, no matter where they reside in the world.
- Although the implementation of the diaspora vote might take some time, increasing external or international pressure for inclusion remains at the centre of the continued engagement among different sectors of Zimbabwe's society abroad.
- SADC member states must critically reflect about where they want to go? What kind of future is SADC building in relation to people's movements and regional integration?
- The lack of political will at the very top of SADC governments must be kept on the agenda to find solutions for this issue. Here the role of civil society, solidarity movements and human rights groups is pivotal.

### **For the South African Government**

- It is important to put human faces to the issues of migrant policies for the host government. People's livelihoods are impacted, and their challenges are real, not just for South Africa, but at a regional level.
- There should be a bigger picture in terms of where the region is heading in terms of inclusivity and this should feed into some broader outlook about policy orientation on migration in the region.
- This is not just an issue for South Africa. Many migrants in the individual countries across the region are also experiencing the same challenges around documentation and permits. This discussion has always been present in civil society spaces. Among actors with more power, the discussion has focused on issues of trade and the movement of people.

### **Conclusion**

Zimbabweans living in South Africa have long called for the government to find a permanent solution to their residency issues, given the fact that they rely on staying in the country for their livelihoods. This call has gained significant traction amongst human rights defenders and civil society groups. To this day, Zimbabweans in South Africa and the African Diaspora Forum continue to work together with the Zimbabwean embassy to voice their concerns to the government over the issue of permits. The fight by these groups has been elevated to the high courts in South Africa, with the hope that these courts will intervene.

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<sup>19</sup> Anotida Chikumbu and David Chikwaza. 2021. "Zimbabweans in the diaspora must be allowed to vote – and politicians' paranoia is preventing it", *Daily Maverick*, 09 July 2021. Accessed on 25 November 2021 from <https://www.dailymaverick.co.za/article/2021-07-09-zimbabweans-in-the-diaspora-must-be-allowed-to-vote-and-politicians-paranoia-is-preventing-it/>

The issue of ZEPs has also had domestic ramifications for the South African government, with some calling for stricter migrant policies aimed at limiting access to job opportunities for foreign nationals in the country.<sup>20</sup> This subject, therefore, continues to dominate government policy discussions, even after the announcement of the cancellation of the ZEP. Home Affairs Minister, Aaron Motsoaledi has indicated that there are processes underway to implement legislation that would limit the number of foreigners employed by South African Industries.<sup>21</sup> Essentially then, more dialogue and engagement is necessary on this issue. The role of human rights groups and civil society is pivotal in advancing a common voice on the way forward.

Critically, permits are not the only issue that Zimbabweans in South Africa want to be tackled by their government back home. As the 2023 General Elections in Zimbabwe draw increasingly closer, there are growing calls to allow Zimbabweans in the diaspora to cast their votes. During the SALO public dialogue, this emerged as one of the key issues that the Embassy of Zimbabwe in Pretoria must communicate with its government in Harare. Indeed, participants indicated that this is critical for the participation of Zimbabweans abroad on the democratic and economic development of their country.

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***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.***

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<sup>20</sup> Clarence Kwinana. 2021. "After Covid-19, we must prioritise locals without discriminating against foreign nationals", News24, 13 May 2020. Accessed on 30 September 2021 from <https://www.news24.com/citypress/business/building-a-new-economy-20200512>

<sup>21</sup> Mercedes Besent. 2021. "Legislation to limit foreigners employed by SA Industries in the pipeline", SABC New, 25 November 2021. Accessed on 30 September 2021 from <https://www.sabcnews.com/sabcnews/legislation-to-limit-foreigners-employed-by-sa-industries-in-the-pipeline/>



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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.

*SALO would like to thank*

***The Royal Norwegian Embassy, Pretoria*** for their direct support for this event



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