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Policy Dialogue Report

15 March 2022

SALO Public Dialogue on the Zimbabwe Exemption Permit and Xenophobia

PUBLIC DIALOGUE: ZEP AND XENOPHOBIA

TUESDAY 15 MARCH 11:00 - 13:00

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DUDZAI MILLION
ZEP SOLIDARITY



DR TARA POLZER NGWATO
SOCIAL SURVEYS AFRICA



BISHOP PAUL VERRYN



FATIMA CHOHAN
DEPUTY CHAIR, HUMAN RIGHTS
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MINISTER OF HOME AFFAIRS



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CHAIR:
LWAZI SOMYA
(SALO)



With the support of the Rosa Luxemburg Foundation, the Southern African Liaison Office held a public dialogue on the 15th of March 2022 in response to the Department of Home Affairs' announcement to withdraw the Zimbabwean Exemption Permit by December 2022, with an extended grace period until June 2023.

Xenophobic attacks have been on the rise in South Africa, evidenced by the formation of organised movements such as #PutSouthAfricaFirst and Operation Dudula. These groups have exhibited growing anti-immigrant sentiments, particularly towards Zimbabweans. Some political parties have expressed a similar anti-foreigner stance, with the Economic Freedom Fighters (EFF) changing their historically softer stance toward immigration demanding that businesses disclose how many foreigners they employ. While ActionSA's Herman Mashaba's rise to popularity has been done on the back of peddling (often false) xenophobic sentiments, it is concerning that these sentiments have become more accepted in South Africa's political discourse, which fuels the fires of anti-foreigner groups.

Executive Summary

Speakers at the dialogue included Bishop Paul Verryn; Rebone Tau (Rosa Luxemburg Stiftung); Sharon Ekambaram (Head of Refugee and Migrant Rights Programme at LHR); Dudzai Million (ZEP Solidarity Campaign); Advocate Gabriel Shumba (Human Rights Lawyer and Chairperson of the Zimbabwe Exiles Forum) and Tara Polzer Ngwato (SALO Board; Director, Social Surveys Africa and long-standing migration & mobility scholar) did the closing remarks.

Summary of the Presentations

Advocate Gabriel Shumba

According to Advocate Shumba, xenophobia is not only a crime against humanity, but is also a systematic issue that arises from a false sense of superiority. He explains that xenophobia is a socially conditioned sense of importance over other nationalities. Further, he highlighted the example that individuals from overseas are rarely subjected to the same xenophobic treatment as African brothers and sisters in South Africa. He maintained that xenophobia undermines the spirit of Ubuntu. Therefore, *“we should then abhor Afrophobia and Xenophobia in the same way we abhor racism or abhor GBV; the same way that we say no to any other forms of discrimination is the same way we should attack xenophobia”*.

Shumba is thus urging stakeholders to instigate social change and encourage the reform in the police and health institutions in the fight against xenophobia. He adds that there is a need for a robust international engagement for long-term initiatives aimed at spreading awareness, and for establishing community harmony-building initiatives.

What is now the Zimbabwe Exemption Permit originated as the Dispensation of Zimbabwean Permit (DZP) introduced by the South African government in 2009 to regularise the stay of Zimbabwean nationals living in South Africa without proper documentation. It provided for the documentation of qualifying Zimbabweans for a five-year period. Advocate Shumba explains that the permits were later renamed as the Zimbabwean Exemption Permit (ZEP) and were primarily designed to alleviate the burden on the asylum seeker system. However, the Department of Home Affairs (DHA), under cabinet instruction, has decided to terminate this type of permit.

Dudzai Million

Dudzai Million continued explaining the history of the ZEP. Following the DZP, it was replaced by the Zimbabwe Special Dispensation Permit (ZSP) in 2014, which extended the permit duration to three years. It expired on 31 December 2017, and was replaced by the ZEP. Million argues that the majority of the DZP holders handed over their asylum documents with the hope that the new system would allow them permanent residency. He mentions that there were fewer terms and conditions for DZP which was later improved by the introduction of the Zimbabwean Special Dispensation Permit (ZSP) and finally the current ZEP. Personnel who are listed on the ZEP include truck drivers or drivers, nurses, domestic workers, nurse aids, and people who cannot qualify or will not qualify to move to the mainstream visa.

Moreover, Million expressed concerns about the sudden decision to cancel the Zimbabwean Exemption Permit. Most importantly, he explains that this is particularly concerning given that there was no prior consultation between ZEP holders and the DHA. According to Million, there is a lot at stake for many ZEP holders if the permit is not renewed. For instance, there are numerous of children who were born in South Africa,

such as Million's three children, who have never been to Zimbabwe and do not speak Shona - they speak local languages. A similar situation exists for about 198,000 people on the ZEP. In addition, Million highlights that the termination of the ZEP would put people at risk of losing their properties, ongoing mortgage payments, employment, as well as investments. Furthermore, he adds that there are some ZEP holders running impactful businesses within South Africa that benefits not only Zimbabweans but also for other foreign nationals and locals.

Million asserts that the unstable political and economic situation in Zimbabwe has led to a significant migration of Zimbabweans to South Africa. He also notes that the Zimbabwean government's intimidation of its citizens is an additional factor driving people away from their homeland. Despite the possibility of returning to Zimbabwe to vote, Million argues that there has been insufficient intervention from the South African government. With the MDC being ousted, only ZANU-PF remains in power, consisting of soldiers and police who intimidate people. This has resulted in a significant curtailment of freedom of speech, with the rights of the LGBTQ+ community being particularly restricted in Zimbabwe. He further adds that women and children are also victims of violence from the state.

Bishop Paul Verryn

Bishop Verryn observed that xenophobic attacks in South Africa seem to be specifically directed at violating the human rights of foreign nationals, with a particular focus on black people, rather than foreigners from Europe. He highlights this by stating that he has never heard of Germans, French Spanish, or any other nationalities being the victim of xenophobia, it is consistently African people who bear the brunt of these attacks.

Drawing from his recent experience with the vigilante group Operation Dudula, Bishop Verryn reports that its leader, Nhlanhla Lux, recently made provocative statements encouraging South Africans to mobilise against the anti-xenophobia march which was scheduled for March 2022. According to the Bishop, the group has a military orientation and it is possible that former military veterans within the country helped in its formation.

During the COVID-19 pandemic, the Church Unity Commission aided young people seeking relief. Many of them remained at the Centre and started vegetable gardens in cooperation with Harambee. The Bishop notes that on the day of the organisation's launch at the Tsietsi Mashinini Memorial plot in Jabavu, Soweto, members of Operation Dudula caused havoc for the people at the centre: *"I have about 20 very small children, all below the age of 7 in the Centre, including new-born babies and some very vulnerable people. It is private church property, and they went through the property, kicking the doors and banging on the windows, wanting to chase the foreign nationals off and out of the property"*.

Bishop Verryn reports that police officials were called to intervene following an incident with Operation Dudula. Subsequently, a meeting was held between the parties two weeks later. Some of the Operation Dudula members expressed their frustration with drug dealers in the area who are believed to be non-nationals and undocumented. The Bishop clarified that while there are some undocumented non-nationals residing in the area, this is largely due to them being brought to South Africa as young unaccompanied minors from Zimbabwe, who have grown up, or started families of their own. He emphasises that the people in the Centre are involved in agriculture projects, not drug dealing.

Bishop Verryn expressed his concern about the trauma caused to people in the Centre, especially children who now live in fear of attack. One care worker's daughter, who was pregnant and recently came from Zimbabwe, was deeply affected by the incident and gave birth to a stillborn child. Despite Operation Dudula claiming to be non-violent, the Bishop believes that they lack the ability to control crowds, and calls on the government to recommit itself to a culture of human rights in South Africa.

Sharon Ekambaram

Sharon Ekambaram highlights the failures of the Department of Home Affairs to address the past imbalances in South Africa. She notes the rule of influx control, which regulates people's movements, is still in place, perpetuating the apartheid system's control of

movement and exclusion of black African outsiders. The apartheid system exploited migrant labor, enriching the mining industry. Despite South Africa's signing of conventions on refugees and asylum seekers and having one of the world's most progressive refugee policies for urban integration, over the years, these gains have been eroded, culminating in the current xenophobic attacks and hatred experienced by migrants. Ekambaram emphasised that xenophobic attacks have been on the rise since 2008, with no policies in place to curb their spread or address the problem.

Ekambaram highlights that it is crucial to demand disaggregated data about movement in the country, rather than solely blaming migrants for issues in South Africa. She points out that the idea of migrants 'flooding the country' is untrue and is a result of myths and disinformation spread by the state. She highlights that Statistics South Africa has progressively shown over the years that the number of migrants has decreased by thousands, potentially as a result of xenophobia.

Ekambaram also critiques the media's reporting on migration and xenophobic attacks, highlighting its tendency to be biased against immigrants. Additionally, she notes that social media platforms have the potential to exacerbate violence and calls for caution in discussing these issues online, as hate speech and divisive rhetoric can further polarise society. She refers to a report by the Southern African Migration Project (SAMP) in the late 1990s, which found that the coverage of international migration by the South African press was largely anti-immigrant and lacked analytical depth.

Rebone Tau

Rebone Tau emphasised the importance of understanding the role of the political economy of South Africa in discerning migration issues. For instance, she points to the recent local government election outcomes as an indicator of citizen sentiment towards the government. Tau highlights the need for the ANC, as the governing party, to address migration in its policy agenda and to engage sister parties to hold them accountable for their actions. Tau goes on to say, "*most of them [non South African nationals] are here*

because of material conditions that they find themselves in [in] their respective countries, whether [it's] political violence or unemployment that is extremely high in those countries”.

Tau asserts that South Africa, as the chair of the SADC Troika, has a responsibility to engage Zimbabwe on the challenges facing the African continent and to condemn their actions. She argues that Zimbabwe must address its own issues instead of burdening neighboring countries, and that they have deviated from reviewing land redistribution 28 years after democracy by focusing too much on migration and documentation.

Regarding capitalism and exploitation, Tau contends that the Zimbabwean working class is being exploited by the private sector, which underpays its workers. She calls for a critical examination of working conditions under capitalism.

Fatima Chohan

Fatima Chohan clarified that she is attending the meeting in her own capacity and not on behalf the Department of Home Affairs. She further clarified that she has retired from politics since 2019. Importantly, she highlights that the ZEP was introduced during a time when she was still working for the Department of Home Affairs. Chohan regarded the introduction of the ZSP as a significant and progressive measure in response to the economic and political crisis in Zimbabwe. However, she also reflected that the ZSP did not prevent individuals from applying for asylum if they chose to do so. Chohan mentioned that many benefits were associated with the ZSP, including that individuals were not interrogated to verify their eligibility for asylum. She pointed out that some individuals chose to pursue the asylum process due to political persecution in their home countries and were consequently granted asylum and refugee status.

Chohan notes that the term "xenophobia" is often used instead of "racism," perhaps because it is considered less severe. She questions whether the media plays a role in shaping this perception. Chohan cautions against sensationalised media coverage, which she believes can fuel anti-foreigner sentiment. She acknowledges that the media reflects

society but argues that there is bias in the way it portrays migration, particularly African migrants, who are not always portrayed as human beings deserving of dignity.

Contributions from the floor

Safoora Sadek

Safoora Sadek suggests that it may be more productive to focus on reducing the spread of Afrophobia, as it is clear from the discussions that migrants are directly affected by the migration issue in South Africa, rather than those from Europe. She notes that the primary issue is actually Afrophobia, and proposes a paradigm shift in the way the issue is described and discussed, including in the media, which may lead to a more targeted solution that cannot be dismissed as a general issue of migrant policies in the country.

Ambassador Welille Nhlapo

Ambassador Nhlapo points out that migration to South Africa is not solely from the African continent, but from individuals all over the world. Individuals from Eastern Europe who may have family connections have also migrated to South Africa. Additionally, he emphasises the significant contribution of Zimbabweans, Botswanans, Basotho, Swazis, Mozambicans, and even some Malawians to the mining industry of South Africa, which has thrived due to their labour – noting the industrial mining complex in South Africa is built on labour from Southern Africa as a whole, not just South Africa. He cautions against overlooking this history and the contribution of migrants to the economy of the country.

Regarding the attacks on African immigrants by vigilante groups, Ambassador Nhlapo argues that these groups do not target East European migrants who engage in illegal activities such as running brothels and trafficking drugs and humans. Instead, he contends that these groups often target African immigrants residing in townships. He disputes the portrayal of Alexandra township residents as xenophobic, citing personal experience of family members and relatives who have Zimbabweans, Malawians, and other African tenants. He cautions against media distortion and emphasises the need to pay attention to the facts and realities of the issue to find a solution.

Responses from the panellists and closing remarks

Rebone Tau

Tau urged the Zimbabwean government to take greater responsibility for its citizens to lessen the burden on its South African counterpart, as the South African government is battling significant internal problems.

Sharon Ekambaram

Ekambaram urges for a comprehensive discussion on Afrophobia, along with an analysis of the repercussions of capitalism that leads to an extravagant profit accumulation by a minority group while the majority languishes under the poverty threshold. She contends that such a discourse will dispel the notion that immigrants are responsible for job scarcity. She concludes by advocating for the promotion and protection of adequate employment opportunities.

Conclusion

Dr Tara Polzer Ngwato expressed her appreciation to the Southern African Liaison Office for hosting a successful dialogue that had an attendance of 141 participants. She acknowledged that the ZEP program has proven to be successful when compared to previous programs. The Deputy Minister has praised this policy for its effectiveness in managing migration. Dr Ngwato observes that the country has failed to formally document and evaluate the success of the ZEP policy and its predecessors in terms of social cohesion, economic indicators, security, administrative efficiencies, and cost savings.

Dr Ngwato notes that prior to the introduction of the ZEP program, the government spent significant amounts of money on ineffective deportations. She recommends a coherent, evidence-based evaluation of the policy before deciding to withdraw it. Moreover, she emphasises that an abrupt termination of the policy will have dire consequences for those currently holding the ZEP permit. Additionally, she highlights that the cancellation of the ZEP policy will have a negative economic impact on South Africa and will not support either country's security situation.

Lastly, Dr Ngwato cautions against making short-sighted decisions that may negatively affect the mutually beneficial relationship between the two largest and most important countries in the southern African region, which are also major neighbouring countries.

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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