Aims and Scope

Southern African Peace and Security Studies (SAPSS) publishes rigorous theoretical and empirical research in all areas of peace and security studies concerning the region of southern Africa, with a particular focus on practical policy-oriented research. The journal will also address evolving developments within the discipline. Articles address critical themes or case analyses and are contextualized within the scholarly and policy literature and existing debates on peace and security in Africa. Each issue contains a mixture of peer-reviewed research articles, policy briefs and book reviews. SAPSS is an open access journal and all articles published are available online at www.saccps.org/journal.

Contents

Identities and the Southern African Region in History

Virgil Hawkins
Osaka University, Japan

It is not by design that two of the articles in this issue deal with the issue of xenophobia. This is not a special issue. But the fact that these two articles were submitted to *Southern African Peace and Security Studies* at around the same time gives us an opportunity to consider this important topic. Both of the articles deal with the issue of xenophobia in South Africa, with a particular focus on the xenophobic violence that that country faced in 2008. The first, by Hussein Solomon and Hitomi Kosaska, looks at the situation on the ground in South Africa, while the second, by Harvey Chidoba Banda, views the situation from the perspective of migrant workers from Malawi. Several years after the events in question, in the present, both of these contributions see the underlying causes of that violence unresolved – something that should certainly be viewed with concern.

Xenophobia is the product of ignorance, manifesting itself as a fear of something that is perceived as being 'different' and unknown. It also represents a failure to distinguish individual human beings from the groups to which they 'belong'. But individuals carry multiple group identities, from a family or professional level, to allegiances to sports teams, and to ethnic, religious, national and racial identities. In many cases, these identities are socially constructed at a macro-level, far beyond the control of those perceived to be 'members'. Some identities are held dear by these members, while in other cases the identities are simply assigned to them, perhaps by accident of birth, and may carry little weight for them.

The dynamics of identity in southern Africa, particularly in terms of state, ethnicity and race, require careful consideration. For much of the twentieth century, the region was ruled by European colonial powers – the United Kingdom, Portugal, France and Belgium (including Germany until the end of World War I) – under which racial and national identities determined one's place in society. Portugal's late acceptance of the independence of its colonies, the resistance to majority rule by Zimbabwe's white settlers, and of course the apartheid policies implemented in South Africa and Namibia, saw this system continue in some countries almost until the end of that century. But elsewhere in the region, independence was achieved, and it was now national and ethnic identities that were left to determine how political, economic and social structures would evolve. This evolution proceeded more smoothly in some countries than it did in others, and the evolution continues to this day, sometimes resulting in tensions, and even outbursts of violence.

But the very existence of the apartheid and other states that resisted majority rule, together with the emergence of freshly independent and vibrant countries that were no longer ruled from Europe, had created a new identity – a southern African identity. This was, of course, primarily a political identity, but to a degree it carried over into social identities among the general population. The mood of solidarity that accompanied the Frontline States (FLS) and their support in the struggle for majority rule in region, was shared at many levels in society, at least until apartheid was overturned and its objectives were achieved. With majority rule realized in the region, the FLS was no longer needed, and the 1990s instead saw the establishment of the Southern African Development Community (SADC), which had evolved from the Southern African Development Coordination Conference (SADCC) set up a decade earlier.

While SADC, as a vehicle for policy, has certainly continued to grow in scope and in scale since its inception, it has not been matched with a growth in regional identities. Conversely, the removal of the common threat of apartheid appears to have led to a diminishing sense of regional solidarity, and the perceived need for a common southern African identity. It would not be an overstatement to characterize the levels of knowledge and awareness among the public in the region of SADC and its activities as negligible.

Xenophobia in the region cannot be put down to national and ethnic attachments and divisions alone. Socioeconomic status and perceptions about it affects people's daily lives clearly also plays a major role. This can be viewed in terms of the gap between countries that are relatively well-off and those that are not, with South Africa as the economic powerhouse attracting cheap labour from its less fortunate neighbours. It can also be viewed in terms of the gap between the haves and have-nots within the countries in question. The fact that Namibia and South Africa are ranked as having the most unequal income distributions in the world should not be forgotten. Such socioeconomic inequalities, if left unchecked, will no doubt continue to undermine the struggle against xenophobia in the region. This factor is, of course, not at all unique to southern Africa. Tension in society related to the movement of people in search of better conditions of living or refuge, is indeed a very common phenomenon throughout the world. And with the gap between the haves and have-nots continuing to worsen at a global level, such a phenomenon can only be expected to grow

Assuming that there is indeed an ongoing struggle against xenophobia, how should it be pursued? If xenophobia is the product of ignorance, then the provision of credible, balanced and digestible information should be a part of the solution, primarily in the form of education programming and media coverage. Education and the media are critical aspects in the formation and maintenance of identities. But there would appear to be little progress being made in this regard. From the perspective of the media, for example, coverage of the region beyond the borders of one's own state remains severely limited. Unlike east Africa, where regional media corporations have emerged, southern Africa's media corporations remain predominantly concerned with national issues. In many cases, they may even provide their audiences with more information about distant countries that are considered 'important' by those in positions of power, such as the USA, Europe and the Middle East, than those within their own region. This certainly

does not help to foster regionally regional solidarity or even understanding.

The final two articles in this issue both deal with the Democratic Republic of Congo (DRC), one, by Philippe Tunamsifu Shirambere, focuses on the issue of transitional justice, and the other, by Judith Victoria Mwandumba, concentrates on the issue of child soldiers. The DRC is emblematic of the challenges facing attempts to enhance regionalism in southern Africa. This is partly because of the country's sheer size, crumbling infrastructure and the fact that geographically (and in many ways politically), it is considered to belong to central Africa more than it does to southern Africa. But there also remain many historical, political and linguistic barriers to a strengthened sense of common interest and solidarity.

These challenges notwithstanding, the DRC is a member of SADC, and the enormous difficulties it continues to face in terms of peace and security, will continue to affect its southern neighbours, necessitating continued engagement at various levels. The issues of transitional justice and child soldiers, both of which remain relatively neglected, are a reflection of a host of other related political and societal issues that also warrant our attention.

Like most forms of identity, a sense of being 'southern African' is not something that will occur naturally. It is inevitably something that must be created and fostered by those with an interest in doing so. It would appear that such identities could serve to help overcome the various challenges the region faces. But whether or not the will and the means to work towards (re)creating such an identity can be found is another matter.

Xenophobia in South Africa: Reflections, Narratives and Recommendations

Hussein Solomon
University of the Free State, Republic of South Africa
Hitomi Kosaka
Osaka University, Japan and University of the Free State

Abstract

Xenophobia, simply put, is the fear or hatred of foreigners or strangers; it is embodied in discriminatory attitudes and behaviour, and often culminates in violence, abuses of all types, and exhibitions of hatred. Theoretically, the best, and only, solution is to remove enemy images; however, it is debatable whether this can be done. This paper looks at why xenophobia has pervaded South African attitudes, what has contributed to enemy images of foreigners, and how, if at all, such images can be removed from the national consciousness and we can better the current situation. It will also look at the issue from the perspective of those who experienced xenophobia through qualitative research conducted in Mbekweni, Paarl, Eastern Cape and Bloemfontein, Free State in August 2013.

Introduction

Xenophobia, simply put, is the fear or hatred of foreigners or strangers; it is embodied in discriminatory attitudes and behaviour, and often culminates in violence, abuses of all types, and exhibitions of hatred (Mogekwu 2005). Studies on xenophobia have attributed such hatred of foreigners to a number of causes: the fear of loss of social status and identity; a threat, perceived or real, to citizens' economic success; a way of reassuring the national self and its boundaries in times of national crisis (Harris 2001); a feeling of superiority; and poor intercultural information (Mogekwu 2005). According to the latter argument, Mogekwu (2005) states that xenophobes presumably do not have adequate information about the people they hate and, since they do not know how to deal with such people, they see them as a threat.

Xenophobia basically derives from the sense that non-citizens pose some sort of a threat to the recipients' identity or their individual rights, and is also closely connected with the concept of nationalism: the sense in each individual of membership in the political nation as an essential ingredient in his or her sense of identity (Kaysen). To this end, a notion of citizenship can lead to xenophobia when it becomes apparent that the government does not guarantee protection of individual rights. This is all the more apparent where poverty and unemployment is rampant.

Whilst xenophobia has been described as something of a global phenomenon, closely associated with the process of globalization, it has been noted that it is particularly prevalent in countries undergoing transition. According to Neocosmos (2006), this is because xenophobia is a problem of post-coloniality, one which is associated with the politics of the dominant groups in the period following independence. This is to do with a feeling of superiority, but is also, perhaps, part of a 'scapegoating' process described by Harris (2001), where unfulfilled expectations of a new democracy result in the foreigner coming to embody unemployment, poverty and deprivation.

Theoretically, the best, and only, solution is to remove enemy images; however, it is debatable whether this can be done. Enemy images may have their origin in a variety of genuine or perceived conflicts of interest, in racial prejudices, in traditional antagonisms between neighbouring competing tribes or groups, in imagined irreconcilable religious differences and so on (Gottstein 1996). This paper will look at why xenophobia has pervaded South African attitudes, what has contributed to enemy images of foreigners, and how, if at all, such images can be removed from the national consciousness and we can better the current situation.

How much of a problem does it pose for South Africa?

According to a South African Migration Project (SAMP) survey conducted in 2001, South Africans take an extremely restrictive view towards immigration by international standards. 21 per cent wanted a complete ban on the entry of foreigners and 64 per cent wanted strict limits on the numbers allowed entry. South African respondents were also asked what percentage of their population they believed to be 'foreign' and what percentage of that number was perceived to be in the country illegally. The answers were 26.9 and 47.9 respectively, demonstrating that perception is at the heart of xenophobic discourse (Crush and Pendleton 2004). Nyamnjoh (2006) expresses the problem succinctly:

> With inspiration from the apartheid years, South Africans sometimes subject Makwerekwere [a derogatory term used for a black person who cannot demonstrate mastery of local South African languages and who hails from a country assumed to be economically and culturally backward in relation to South Africa] to the excesses of abuse, exploitation and dehumanising treatment on the basis that they have the 'wrong colour' to invest in citizenship. The rights of undocumented Makwerekwere are particularly severely circumscribed as they are reduced to living clandestinely and being exploited with virtual impunity by locals enjoying the prerogatives of citizenship (2006: xx).

The manifestation of xenophobia undermines social cohesion, peaceful co-existence, and good governance, and constitutes a violation of human rights. Furthermore, as South Africa is party to international human rights and humanitarian treaties, especially on refugees and asylum seekers, obligations to combat xenophobia have both a legal and a moral force. As a liberal democratic country fostering the New Partnership for Africa's Development (NEPAD), the Southern African Development Community (SADC) and the Africa Union (AU), South Africa is

hardly in an ethical or an economic position to close its borders. Such organisations were set up to encourage fraternity and greater regional cooperation and integration. To allow citizens of one member state to think and act in xenophobic ways about citizens of another, is ultimately extremely destructive of regional cooperation and harmony (Crush and Pendleton 2004).

Beyond the moral implications of allowing xenophobia to continue unabated, an additional worry for the government should be its international image. The South African expression of intolerance towards their fellow Africans has attracted analysis from all over the globe due to its somewhat hypocritical nature. Migration is a sign of South Africa's emergence as Africa's pre-eminent economic, educational and cultural centre; and from an international perspective it is seen as something of a duty to share this prosperity with its African counterparts. As Landau (2004) contends, 'the promises of freedom and prosperity are resonating beyond the country's borders' and so it seems only reasonable that this ray of hope for the rest of Africa will attract migrants from less privileged situations.

Of course, this is a somewhat liberal perspective, but the point is that South Africa cannot afford to appear xenophobic and at present, the issue is manifesting itself in a way that is attracting an increasing amount of international attention. Riots and violent attacks have been the result of hatred targeted at immigrants; for example, in the Eastern Cape in early 2007, resentment towards Somalis from locals for supposedly stealing trade and jobs led to rioting that caused the death of over three dozen Somalis. In a similar but more serious case, rioting in Zandspruit due to the mere presence of 'illegal' immigrants, culminated in more than 100 informal Zimbabwean dwellings being burnt down.

Even more alarmingly, such discrimination seems to have been exhibited by the police; apparently, Zimbabweans frequently complain that they are targeted by criminals and harassed by the police in Johannesburg and other major cities (Independent Online 2007a). However, this does not come as much of a surprise – Centre for the Study of Violence and Reconciliation (CSVR) research in 2004 showed that only 35 per cent of the South African Police Service had received 'some' training on race and discrimination, and that diversity training is largely seen as irrelevant to police work by station commanders (Palmary 2004). The police can hardly be expected to police foreigners impartially if they do not understand their language or cultures and have no basic training in human rights. Indeed, the research suggested that a significant number of officers were predisposed to assume that 'foreigners lie all the time'. During our interviews, we often heard from our respondents who have small shops made of shipping containers that the police are not helpful even though they report the attacks to the police. One of the Somali respondents said, "whenever we phone them and try to tell them [to] come and help us, [...] they tell [us that there is] no documentation that allow us to make business [there]", despite the fact that refugees are somewhat forced to start up their own business since there is no other opportunities for them to be employed in the absence of a South African ID or bank account, or no integration program or such that could help them get a 'legal' job in South Africa.

African migrants have experienced systematic xenophobia in their contact with state authorities, in particular with the police but also with Home Affairs officials and Lindela (the

notorious repatriation centre for refugees) employees (Nyamnjah 2006). Whilst xenophobia persists amongst state authorities, it also persists amongst the general public and the issue of xenophobia can only continue to become ever more serious.

What is peculiar about the South African experience of xenophobia?

Possibly the most remarkable feature of xenophobia experienced in South Africa is that it appears to have taken on a primarily racial form; it is directed at migrants, and especially black migrants, from elsewhere on the continent, as opposed to, for example, Europeans or Americans, who are, to a certain extent, practically welcomed with open arms. This racially selective xenophobia is exemplified by the fact that many of those in leadership positions are of 'foreign' origin, suggesting that exclusion is not simply directed against 'foreigners' but against those who seem to correspond to stereotypes of the stranger, especially that from Africa (Neocosmos 2006).

One of the most striking findings of the SAMP survey is that, not only are Africans discriminated against, but that SADC citizens are not regarded any more favourably than Africans elsewhere on the continent. South Africans appear to believe that other SADC citizens take jobs from locals, commit crime, send their earnings out of the country, use the country's welfare services and bring diseases (Crush and Pendleton 2004). Such xenophobia is particularly problematic because of the historical universality of the struggle against apartheid and the unprecedented international, but mostly African, support it received in the 1980s. It is somewhat ironic that the Africans that currently face such exclusionary rhetoric hail from the same nations that harboured and nurtured the liberation struggles by providing sanctuary, education and sustenance to the fleeing comrades and cadres of the ANC who are today's gatekeepers (Nyamnjoh 2006). Opposition to the apartheid state served to unite, irrespective of nationality, and the identities thus constructed took on a pan-African context. Far from harbouring feelings of resentment and hatred towards migrants from neighbouring countries, should South Africans, and particularly black citizens, not feel something nearing gratitude and possibly a sense of comradeship with them? Why is it, then, that xenophobia appears to be so deeply ingrained into South African attitudes?

According to Neocosmos (2006), the only way to make sense of this process is to acknowledge that the two defining features of the struggle – political agency and inclusiveness – were replaced by a narrowly defined citizenship of exclusiveness, one that lacked a significant active component. This shift is part of a wider trend of political alienation in South African politics, and possibly has its origins in the Truth and Reconciliation Commission, which interpellated black South African citizens as victims. The fact that the Commission did not devote anything like the same amount of time and effort to an examination of the gross violations of human rights by the apartheid state on the countries of the Southern African periphery, through which a sense of solidarity could have been established between the people of the region, contributed to narrowing a conception of citizenship and 'belonging' to indigeneity. Arriving late into the realm of bourgeois democracy, the dominant South African view is one which sees nationhood and birthplace as coinciding. However, once more emphasising the need for

education, citizenship as indigeneity suggests the reduction of citizenship to patriarchal descent within a territory, and has its origins in colonial state rule (Neocosmos 2006).

Whitaker (2005) describes this shift in attitudes as the result of a change in the patterns of migration, suggesting that refugees are no longer perceived as victims of conflict but instead as active participants. This is certainly supported by the perceptions endorsed in the mass media; there seems to be no trace of sympathy or even empathy towards the current crop of immigrants, which may be due to their association with crime, the perceived economic disadvantages that accompany them or, indeed, because they are seen as simply undeserving of South African citizenship because they originate from a 'failed state'. There is clearly little, if any, sense of comradeship with their former allies; as the head of the Human Rights Commission, Jody Kollapen, intimated, "There is an increasing feeling that while we appreciate what they (Mozambique, Zimbabwe, Angola and Zambia) had done, we cannot remain eternally obliged" (Independent Online 2007a).

Unlike many countries, South Africa has an urban-based refugee population, which means that access to basic services, such as housing, sanitation and water, are provided in the same way as they are provided to South African citizens, rather than specific service delivery to refugees, as there would be in a camp-based situation (Palmary 2004). Due to the severe problems experienced with service delivery, this places an extra strain on local government and calls for better training in regard to refugees and their rights, so that this information can be disseminated to the local community.

A final peculiarity of South African xenophobia, and one that is of some concern, is that there does not appear to be a 'xenophobe profile': no specific group or groups alone within society are culpable of xenophobia. The fact that negative attitudes are so pervasive and widespread runs counter to the traditional argument that only certain types of people are xenophobic and creates a massive public education challenge, of not only knowing who to target but also of simply where to begin (Crush and Pendleton 2004). It also suggests that the reasoning behind xenophobia (although by its very nature, xenophobia is irrational) is not based solely on economic grounds, as it is found across all socio-economic groups.

Why is xenophobia so prevalent in South Africa?

On the annual celebration of Africa Day in 2001, President Thabo Mbeki urged all South Africans to be vigilant against racism and xenophobia, otherwise, it would undermine South Africa's young democracy; he blamed the levels of xenophobia on the lack of knowledge about the continent of Africa, international isolation and focus on Europe during apartheid and the mass media for not reporting the continent in a balanced way. He called for improved teaching about Africa in schools and institutions of higher learning, not only in history and geography but also in subjects about culture, language and current political and socio-economic activity (Mogekwu 2005). Mbeki's address was fairly consistent with the ANC's public approach towards xenophobia, which would wish to ascribe the problem to an effect of globalisation, South Africa's history of international exclusion, or relative economic deprivation. However,

none of these explanations can tell us why xenophobia in South Africa appears to be racially selective.

Undoubtedly, the system of apartheid has had a huge effect on the attitudes of South African citizens for a number of reasons. The end of apartheid meant the waiving of international borders and for South Africans to come into contact with people previously unknown. According to this argument, a brutal culture of hostility towards strangers and no history of incorporating them meant that South Africans were, and still are, unable to tolerate difference. Neocosmos (2006) dismisses this argument for two reasons, firstly because the system of apartheid did not distinguish between black South Africans and foreign Africans, all were interpellated and oppressed as foreigners and so united in the struggle against the system; and secondly, because it does not explain why racism is directed towards African foreigners rather than, for example, European foreigners (Neocosmos 2006). Neocosmos does, however, accept that in some regards xenophobia can be directly linked to apartheid, in particular: the dismantling of the migrant labour system and the rejection of a notion of group rights.

Under apartheid, the recruitment of migrant workers was seen as a method of acquiring cheap labour for white capitalists, apartheid was effectively a form of labour control. For this reason, liberation and democratisation were equated with the demise of the migrant labour system, and adherence to the latter as support for the oppression of apartheid. The positive sides to migrant labour (that it enabled development, survival and even accumulation for some in peasant agriculture) were ignored.

The second argument, a rejection of a 'groups-rights' based culture, is due to the fact that conceptions of citizenship have developed in post-apartheid South Africa in direct contrast to apartheid nationalism. Neocosmos maintains that South Africans can only see an individualistic notion of rights as democratic, and anything else as a threat to the unity of the nation (Neocosmos 2006). Whilst these latter arguments are persuasive, they do not explain why xenophobia has increased steadily since the end of apartheid; under such circumstances, one would expect there to be a sharp increase in xenophobic attitudes in the immediate aftermath of apartheid but for it to subside once the reality had been distanced from the emotional struggle against apartheid, especially in the case of the migrant labour system. What Neocosmos is presumably arguing is that these feelings are ingrained into a notion of South African citizenship and that nationals are unable to distance them from their conception of democracy. Surely this would not necessarily extend to all South African citizens, however, but would primarily affect those involved in the struggle.

A generation on from apartheid, we find such arguments hard to swallow. In reality, the psychology behind xenophobia is much less complex and, in our opinion, the principal factor is economic. The reason that most respondents to the SAMP survey gave for foreigners not being allowed entry into the country was economic harm, and furthermore, the majority believed that economic reasons were the main reason that foreigners were attracted to South Africa (Crush and Pendleton 2004). This highlights the sole reason why xenophobia is quite so prevalent in South Africa: the perception that foreigners cause economic harm to South African citizens. The South

African 'economic miracle' is a product of globalisation, which has catered to the needs of the affluent few, whilst ordinary South Africans are still trapped in shacks, shanty towns, poverty and uncertainty, struggling with black African immigrants for survival. Hatred and bitterness directed towards black Africans, whose marginal and vulnerable status makes them easy targets, allows South African blacks to ward off the feeling that their long struggle for democracy has not fulfilled expectations and to tell themselves that at the very least, it allows them to differentiate themselves from backward others. According to Harris (2001), in such contexts of compounding frustrations and disappointments, it is easy to turn migrants and foreigners into scapegoats.

Once again, it is important to note that it is merely the perception of economic harm that has resulted in xenophobia; hard facts and figures do not seem to have any bearing on this whatsoever. For example, over 40 per cent of respondents believed that foreign citizens should be denied South African citizenship because they cause economic harm, whilst almost 60 per cent had never heard of anyone who was denied a job because it went to a foreigner, and over 70 per cent had no personal knowledge or experience of such an occurrence (Crush and Pendleton 2004). In addition, research has been conducted on migrant entrepreneurs in Gauteng, which has showed that small, medium and micro enterprises (SMMEs) and hawking operations create an average of three jobs per business, which directly challenges the view that immigrants, particularly street traders, reduce the number of jobs available for South Africans (Palmary 2004). Clearly, the need for education on the positive role of migrants is necessary here.

On the other side of the coin, citizens appear to welcome foreigners whose economic impact is demonstrably positive, xenophobic hatred is only directed towards those who 'take away' jobs. This may explain why xenophobia is mostly directed towards Africans, as the rest of Africa is seen as backward, poverty-stricken and comprised of 'failed states'. This aspect was strongly mirrored in an interview (interview 7)[1] with a local businessman in Paarl. A male respondent, a local business man, stated that 'illegal foreigners' such as Somalis, Ethiopians, Congolese, Nigerians and Bangladeshis are causing the current recession in South Africa, while explaining that Chinese people are taking over South Africans' business, and yet still contributing to the economy by living here and spending some money. The following is an excerpt from interview 7:

> The foreigners came [to South Africa], with nothing [...] in the sense [that] they've got no papers, nothing, nothing, they jump the border, [...] go to their brothers, get money from him, they go to the informal areas, get a small little shop, cut the prices, [...] and what happens: creates competition. [...] So they have affected our business. They have taken over the business from the local people.

The same respondent also mentioned, referring to the 'illegal' immigrants, that "they are living in poverty there *on that side*". According to Neocosmos (2006), this is thanks to a 'dominant arrogant political discourse' that forms part of South African nationalism, regarding

---

[1] See the methodology section below for information on the interview process. Information about the individual interviews can be found in Appendix 2.

the apparent exceptionalism of the country on the continent. They therefore see its inhabitants as wishing only to partake of South African resources and wealth at the expense of its citizens (Neocosmos 2006). This view is reinforced by unbalanced reporting in the mass media, state discourse and a lack of education and knowledge about citizens' fellow African counterparts.

Such a feeling of superiority has been intensified by South African economic dominance but also by the fact that South African citizens seem to have very little direct contact with foreigners, which allows stereotypes to form. The term 'African' has become conflated with 'Black' in state and popular discourse, so that national and racial categories have collapsed into one another. According to Fine and Bird (2003), South Africans not only hold negative attitudes towards foreigners, they also have a readily accessible set of stereotypes with which to justify or rationalise their negative attitudes. It is these assumptions that have led to the belief that 'Fortress South Africa' must be defended against 'hordes of illegal immigrants' and barbarians that are waiting to scale the battlements and flood the country (Neocosmos 2006) – an image that provides the basis for xenophobia in South Africa, and, as already alluded to, is greatly enhanced by the manner in which migration issues are covered in the media.

According to the SAMP survey, the main sources of information regarding migrants for respondents were television, followed by radio, personal interaction and newspapers (Crush and Pendleton 2004). This suggests that the mass media are placed in a strategic position to inform opinion on migration and to deal with the problems associated with xenophobia. The media have been a preponderantly white-controlled business, and although the end of apartheid has led to some degree of black ownership and partnership, this has not necessarily made the newspapers more representative of South African society. Several studies have been conducted on the South African media and the majority have found that although reporting is not racist as such, representations of foreigners are largely of a negative bias and extremely unanalytical in nature, as the majority of the press has tended to reproduce problematic research and anti-immigrant terminology uncritically. There is a complete lack of reference to crime and illegality on the part of Western Europeans and North Americans in South Africa, despite the fact that nationals from these regions also commit crimes and many are in the country illegally.

There is also a damaging tendency to nationalise crime attributed to foreigners: Nigerians are associated with controlling the drug trade; Congolese are identified with passport racketeering and diamond smuggling; Mozambicans with car theft; and Zimbabwean women as indulging in prostitution (Nyamnjoh 2006). Such criminalisation is aggravated by the more subtle use of terms like 'illegal' and 'alien', despite the fact that they are widely criticised by institutions such as the UN. Such catch-all phrases do not distinguish between 'migrants', 'immigrants', 'asylum seekers' and 'refugees' and thereby echo erroneous public perceptions. This tendency was seen during one of the interviews when the interviewer asked who affected the business the most, in response to the respondent's claim that xenophobia started because the 'illegal' immigrants started 'mess[ing] up" the local people's business. The respondent, a local business man explained that Somalis were associated with the 'illegal' business, where they do not charge taxes to the end-customers and sell things at much cheaper price than the local stores.

Zimbabweans and Congolese were associated with cheap labour, such as those at farms and factories (interview 7). The SAMP calls for more neutral terminology, such as 'undocumented' or 'irregular' migrants, which appear free of negative ideological constraints (Fine and Bird 2003).

This association of economic and political migrants with crime is possibly the driving force behind xenophobia in South Africa; it is far easier to blame the intolerable crime rates on 'illegal immigrants' than to tackle the social causes of the problem. However, such accusations are rarely supported by any statistical evidence. For example, 1998 crime figures showed that over 98 per cent of arrests were of South African citizens and the percentage of foreigners rarely exceeded one in any crime category (Harris 2001), further exemplifying the power of perception and the need for education to fight xenophobia.

Even the refugees who are to be legally protected are considered to be in South Africa 'illegally'. In the interviews, the same respondent, a local business man in Paarl was mixing up refugees with undocumented immigrants and talking about coming to South Africa to get asylum as if it were already an illegal act, although it is the whole concept of Refugee Convention and its Protocol (interview 7). Moreover, the refugees who start their businesses in South Africa without permission from the government to open a shop in a government-owned places are somewhat forced to be in that situation. Some of the refugees who experienced xenophobia in the locations explained to us that they did not have any other choice but to start their own business in the location, in the absence of South African ID, bank account, or any support from the government regarding job opportunities (interviews 18 and 22).

The media has a positive responsibility to ensure that they do not contribute to xenophobic attitudes by portraying stereotypes, internalising xenophobic language or uncritically reproducing anti-immigrant stories and research. According to the SAMP, highly sensationalised Africanised and negative reporting of migration issues is generally in the form of 'superficial, statistics-happy articles' that do little to inform the reader about the complexities of migration. They suggest that newspapers and wire services should assign one or two journalists to migration issues on a regular basis to allow for meaningful coverage, given the importance of the issue at national and regional level (Danso and Macdonald 2000). In addition, the media has a responsibility to actively challenge racial profiling and stereotyping, especially within the domain of crime. The 1978 UNESCO Declaration on Fundamental Principles tasked the mass media with the crucial role in promoting peace, human rights and anti-racism in international contexts, whilst the South African Human Rights Commission stated in 1999 that the best guarantor of press freedom is a society that respects human rights. The press therefore has the same responsibility to protect human rights as everyone else in society (Bird and Fine 2003).

If we accept, as Mogekwu (2005) does, that xenophobes are guided by the limitations of their thought, then the remedy must be education and an increase in knowledge of foreigners, their cultures and their reasons behind immigration. The mass media, therefore, has a further responsibility to increase the amount of information intended to enhance intercultural understanding and expand thought. For example, attitudes towards Zimbabweans seem to be

based on the reporting of their economic crisis. Whilst the media obviously must report on the situation, it must also take into account the effect it has on popular perceptions of Zimbabwe and its citizens, and ensure balanced and fair coverage.

How has the government responded to the problem of xenophobia?

Although the government has, in recent years, begun to recognise the magnitude of the problem of xenophobia and the need to tackle it in order to prevent it undermining their 'young democracy', politicians have frequently expressed xenophobic views and have been allowed to present them as the views of, not only their department, but even of the government itself.

Perhaps most notorious in this respect, was the previous Home Affairs Minister, Dr. Mangosuthu Buthelezi, who described the influx of "illegal immigrants" as his "biggest headache" (BBC New 2003), and in his introductory speech to Parliament explicitly stated that "aliens" "pouring into South Africa" would hamper economic growth.[2] Contemporary statements from ANC spokespersons have intimated that human rights are largely inapplicable to foreigners in general and migrants in particular, for example, ANC MP, Desmond Lockey: "There are very few countries in the world which would extend human rights to non-citizens" (Neocosmos 2006). However, xenophobic sentiments are not confined to the ruling party, and criticisms against immigrants have spanned the political spectrum. In the run-up to the 1999 elections, for example, a range of political parties used anti-immigration discourse to attract votes. Reitzes (1999) observes that:

> [i]n an unlikely show of alliance politics, the Pan African Congress (PAC) and Freedom Alliance (FA), as well as the New National Party (NNP) and the United Democratic Movement (UDM), raised the spectre of the negative impact that foreigners are assumed to have on South Africa's economy and society. The election manifestos of the UDM and the FA explicitly advocated stricter immigration controls. Images of the NNP's Marthinus van Schalkwyk walking along South Africa's borders and promising to seal them against illegal immigrants were flashed across our television screens (Quoted in Harris 2001: xx).

Clearly, immigrants are not only stereotyped in the media, they are branded as potential criminals, drug smugglers and murderers by politicians and unreliable figures are bandied around Parliament. The government has also been criticised for its legislation and its focus on reducing the number of immigrants through repressive measures (Palmary 2004). The Immigration Act 2002, for example, gave police and immigration officers powers to stop anyone and ask them to prove their immigration status. The 1999 White Paper also contained provisions for a "community enforcement policy" of the detection, apprehension and deportation of undocumented migrants, which could be construed as representing a form of state-sanctioned

---

[2] "If we, as South Africans, are going to compete for scarce resources with millions of aliens who are pouring into South Africa, then we can bid goodbye to our Reconstruction and Development Programme" (Human Rights Watch 1998).

xenophobia, however this section was dropped by the time the Bill was re-submitted for comment in 2002. Significantly, whilst the Bill was replete with clear and explicit law enforcement measures to reduce immigration, conspicuous in their absence were specific strategies to prevent xenophobia or to protect and promote the rights of foreigners, as Neocosmos (2006) points out.

Possibly the most contentious piece of legislation is the 1991 Aliens Control Act, amended in 1995 and 1996, which has been described as "an archaic piece of apartheid legislation, at odds with international human rights norms and the new South African constitution" (Human Rights Watch 1998). The act has its roots in the 1937 Aliens Act, which was intended to exclude German Jews fleeing Nazi persecution from coming to South Africa, and has led to the term 'alien' becoming synonymous with 'unwanted immigrant'. Subsequent amendments of the act were almost invariably designed to increase the repressive power of officials, to place greater control on people's mobility, to circumscribe the legal rights of 'aliens' and to extend the range of people to which the act applied (Crush and Pendleton 2004). This term, 'alien' is unfortunate as it not only suggests that migrants do not belong, but also implies difference, strangeness and 'otherness'.

The government must do more to combat, not only xenophobia as a general concept, but also the specific negative attitudes directed towards other SADC countries. At present, it could even be accused of contributing to such attitudes as immigration authorities have been known to introduce tougher entry procedures (for example, higher visa application fees, restriction of multiple entry visas, requirements to show bank statements and other documentation) for citizens of certain countries such as Mozambique and Zimbabwe (Crush and Pendleton 2004). Such restrictions may result instead in more 'border jumpers' among those denied formal entry, in more employers securing the cheap labour of such undocumented or illegal 'border jumpers' and in greater exploitation and impunity by employers.

The 1998 Refugee Act was somewhat more progressive, as it allows any person to apply for asylum and states that no person should be denied the right to apply. Whilst the application is being processed, they are not allowed to work or access education. If, after six months, their status has not been determined, the applicant is entitled to apply for permission to work and receive education. However, the law is silent on whether other public services, for example, housing and health care can be accessed during this time and if these services should be delivered under the same conditions as South Africans, for example, free primary health care. Once status is granted, all refugees are entitled to health care, to seek employment and to education. They are also entitled to rights enshrined in chapter two of the constitution, with the exception of political rights and rights to freedom of trade occupation and profession (Palmary 2004).

The government has, on occasions, explicitly stated that foreigners have a definite potential to contribute to the local economy, and in some cases, the use of foreign labour may not only be

positive but also necessary.[3] All that remains is for this attitude to be translated into legislation and to allow it to permeate the public consciousness. This can be achieved through government- and NGO-led campaigns such as the Roll Back Xenophobia Campaign which was launched in December 1998 by the South African Human Rights Commission, the National Consortium on Refugee Affairs and the United Nations High Commissioner for Refugees. A further option for the government would be to bestow a kind of legitimacy on immigrants as it did in September 1996, with a one-off indemnity that gave citizenship rights to undocumented migrants from SADC countries that could prove they had lived in South Africa for longer than five years, had a job, or had married a South African citizen and had no criminal record (Neocosmos 2006).

One issue that the government faces is that on one hand, the constitution states that "the state may not discriminate directly or indirectly against anyone on one or more grounds including race, gender … social origin … birth", yet it then continues to distinguish between two types of people: citizens and non-citizens. Neocosmos (2006) makes the valid point that it is difficult to see how xenophobia will be overcome if distinctions are consistently made in state discourse between citizens and 'others', whilst the former is still based on indigeneity.

What does international law say?

The government is also bound, legally and morally, to a number of international conventions and treaties. According to Article 1 of the 1951 UN Convention on the Status of Refugees, the term refugee applies to any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable, or owing to such fear, is unwilling to return to it.

Refugees enjoy first and foremost the protection afforded them by refugee law and the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR). If they are in a State involved in an armed conflict, refugees are also protected by international humanitarian law. Apart from the general protection afforded by international humanitarian law to civilians, refugees also receive special protection under the Fourth Geneva Convention and Additional Protocol I. This additional protection recognizes the vulnerability of refugees as aliens in the hands of a party to the conflict and the absence of protection by their State of nationality (International Committee of the Red Cross 2015).

Article 4(a) of the International Convention on the Elimination of All Forms of Racial Discrimination, to which South Africa is a signatory, requires States Parties to declare, amongst others, an offence punishable by law, all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin.

---

[3] One of the government objectives stated by the African National Congress (2001) was "To promote economic development by allowing South African business to employ foreign citizens where necessary".

The International Covenant on Civil and Political Rights (1960) guarantees migrants a number of basic rights, including: the right to life; to not be subjected to torture, or cruel, inhuman or degrading treatment or punishment; to the liberty and security of person; to liberty of movement; to the freedom to choose ones residence for those lawfully within the territory of a state; and to the right to protection from arbitrary or unlawful interference with their right to privacy. The covenant also states that migrants lawfully within the territory of a state may be expelled only in pursuance of a decision reached in accordance with law (International Covenant on Civil and Political Rights 1966).

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) guarantees fundamental rights to workers and their families, as well as equality before the Courts and Tribunals and to treat migrant workers not less favourably than nationals in respect of remuneration for employment and conditions of work in terms of employment. Emergency medical care and basic education are also guaranteed and regular migrant workers are to have the right to vote (Office of the United Nations High Commissioner for Human Rights 2015).

How have other democracies responded?

The following countries have experienced xenophobia in varying degrees, but in each case, it has been to such an extent that their respective governments have had to take harsh measures, invariably at the request of international organisations such as Human Rights Watch.

Germany

In recent years, Germany has experienced an increasing amount of xenophobia in its public sentiments and a growth in support of its extreme-right nationalist parties. With its disturbing history of Nazism, it cannot afford to let these sentiments go unchecked and has established the following measures to combat the phenomenon:

- Expansion of the number of police and prosecutors trained to investigate and prosecute cases of xenophobic violence. It has also restricted the right to asylum, thereby expropriating a major aspect of the far right's political platform, at least temporarily, and police response to attacks on foreigners appear to have improved significantly;
- Monitoring and reporting of the results of the prosecution of crimes against foreigners;
- Monitoring and reporting of the types of sentences imposed on those convicted of committing crimes against foreigners;
- Investigations of the patterns of police brutality against foreigners that come to the attention of the state authorities. Publicising the findings of the investigations, including any officers guilty of brutality, the disciplinary measures recommended, the disciplinary measures imposed, and the changes in procedures recommended to prevent similar brutality in the future;

- Prosecution to the fullest extent of the law of all parties to crimes against foreigners, including accomplices and those who incite violent action, but not those who merely advocate hateful sentiments;
- Intensification of efforts to recruit police officers from different ethnic and national backgrounds;

The state of Saxony in particular has a well-deserved reputation for effectiveness in combating right-wing violence, even though Dresden, the state capital, has been a magnet for right-wing extremists. In 1992 the state criminal police in Saxony established "Soko Rex," a special commission on right-wing and xenophobic violence. The commission is "well-staffed, with over thirty officers working for it. Soko Rex has adopted two parallel approaches: prevention and prosecution". Its officers "work with the public and the media to inform and educate them about right-wing violence. Simultaneously, Soko Rex police gather information on right-wing groups and their members" (Human Rights Watch 1995).

In terms of prosecution, Soko Rex agents become active as soon as a crime occurs that appears to be right-wing or xenophobic in motive. Their strategy is to investigate the crime intensively from the beginning. Although there is coordination between the regular police and the officers in the special commission, once Soko Rex officers take over an investigation, they exclusively form the investigating team.

Saxony has responded to violent attacks on foreigners using a variety of other approaches. The Commissioner for Foreigners' Affairs, herself, "has started programs to reach out to right-wing youth. She has worked to gain their confidence and then slowly to teach them about other cultures and other people", taking a group of right-wing youth on a trip to Israel (in October 1993), "so they could meet many ordinary Jewish people and begin to question the anti-Semitic notions that many have" (Human Rights Watch 1995).

Finland

According to a study conducted by the International Helsinki Federation for human rights (IHF) ten per cent of the Finnish population held strongly xenophobic sentiments. The most innovative method the government employed was the Act on Integration of Immigrants and Reception of Asylum Seekers 493/1999, the objective of which was "to promote integration, equality and freedom of choice of immigrants through measures which help them to acquire the essential knowledge and skills they need to function in society and to ensure the essential livelihood and welfare of asylum seekers by arranging for their reception" (European Commission on Employment and Social Affairs 2006). The act made provisions for local authorities to draw up an integration programme with NGOs and employee and employer organisations. This constituted an agreement between the authority, the employment office and an immigrant on measures to support the immigrant and their family in acquiring the essential knowledge and skills needed in society and working life.

The Finnish government have also made a concerted effort to engage anti-racist NGOs in legal processes, and to aid them in raising awareness regarding humanitarian and anti-discriminatory law (IHF Focus 2001).

Russia
Since the 1980s, Russian liberals have been decrying the rise of Nazism in Russia, the increase in the number of extremist youth organisations, the rising number of violent attacks and murders of non-Russians and the worryingly high levels of support that nationalist parties have received. However, it is only very recently that the Kremlin has recognised the problem and resolved to react. This is mainly due to the fact that a type of anti-American xenophobia has been used by elites for their own political purposes. However, it is becoming clear that supporting such sentiments is an extremely dangerous game, and that even a strong state can be overwhelmed by the public's passions of hatred and the anarchy that is likely to ensue (Shlapentokh 2007).

Therefore, Vladimir Putin and his government have noted the "seriousness of the problem" and instructed the chief prosecutor to enact legislation that bans organisations seen to promote xenophobia, racism and fascism. Security services have also been instructed to be more visible in certain public places, and to act against perpetrators (Nyamnjoh 2006). In addition, the president has resolved to combat the problem at a legislative level and through education, in particular, working with young people.

Switzerland
During the 1960s and '70s, the buzzword in Switzerland was 'assimilation'; the dominant view was that immigrants should suppress their own foreign identities and become 100 per cent Swiss. Now, integration is more popular in the socio-political arena, which involves adapting to the requirements of Swiss society but keeping their own native identities.

The government has allocated 10 million USD per year since 2001 to integration projects, the primary objective is funding for language courses for immigrants, but also to finance support programmes for people who work with immigrant populations. The ultimate goal is to enlarge the participation and decision-making opportunities of foreigners in the social, political and cultural domains.

They have also established a national forum for immigration, which brings together representatives from all foreign communities living in Switzerland. This gives foreigners their own voice in the political debate (Cooke 2000).

How do those who actually experienced xenophobia see the issue?
Methodology
Another crucial point that we should look at is the victims' actual experiences. In addition to the secondary source-based research, we conducted a qualitative research in order to also look at the issue from the perspective of those who experienced xenophobia, and incorporate their perspectives in upon making recommendations. A series of interviews were conducted in Paarl,

Western Cape and Bloemfontein, Free State, in August 2013. In contrast to the quantitative research, we focused on a small number of people as samples. Respondents were recruited under any of the following categories: (1) those of foreign origin who have been attacked; (2) those of local origin who live in the local community where the interviews were conducted; (3) those of foreign origin who own/keep a shop(s) in the same area as (1); and (4) female persons of foreign origin. Out of 22 respondents that we interviewed, eleven fell within category (1), seven within category (2), two within category (3), and three within category (4), including an overlap between categories (1) and (4). Out of the eleven within category (1), according to the date and the situation of the attacks, at least five respondents experienced 'xenophobic' attack. Open-ended questions were adopted, meaning the respondents, especially those who are in category (1), were free to speak to the interviewer[4] about their experience in xenophobia. The interviewer then went into details depending on the type of the story shared by each respondent. The focus was less on the actual reason why xenophobia is happening, but rather on how they experienced it and how they felt and feel. Most of the interviews were conducted in English and recorded consensually, with a few exceptions. The interviewer visited each respondent at a place where he or she lives, works, or visits on a daily basis.

Experiences of xenophobia

One of the symbolic incidents of xenophobia took place in May 2008. During our interview in Mbekweni, one of the Somali informants shared his experience of xenophobia. According to him, his experience is as follows (interview 6). The xenophobic attacks started in Johannesburg on Thursday, and reached the Western Cape on Friday. The local police warned him to close his shop and so did he at around 11 am. However, at around 12:30 pm, more than 40 people, including Somalis, Ethiopians and a few Kenyans, rushed into his shop, seeking for a place to take a refuge, after having had their shops broken in, looted, and/or set on fire, and after some people having been beaten or even killed. They gathered at the corner of the shop and had been waiting for the situation to be stabilized. He could not open the door of his shop at all since he heard local people gathered around the shop shouting "kwirikwiri", or "you took our business", and throwing stones. One week later, when the police informed them that it was safe outside, he finally opened the door. Another Somali informant who experienced the same 2008 attack in Mbekweni managed to flee his shop and took a refuge elsewhere (interview 8):

> [W]hen the people started attacking the Somalis from [one] shop to another, we went to the police, and talked to them, and we asked them if they can do anything about the situation, but they said the only thing that [they] can do [is for us to] come out of the shop so that [they] can take us to the police station. [...] I had to close [my shop], I had to run away, people sh[o]t, c[a]me and loot[ed] my place, take my stuff, and I couldn't do anything!

---

[4] The interviewer was a 24-year-old female graduate student from Japan. She explained to each respondent that she is a student working on a project on xenophobia and would like to write an academic paper based on their stories.

In Bloemfontein, a group of Somali refugees were attacked in their shops at the same time early in the morning in April 2012 (interview 18). First the shop made of concrete was attacked, and the brother of one informant was shot to death. When other informants in the other two shops got phone calls from the first shop, they were already surrounded by several people trying to break in their shops made of shipping containers. One of the shops was set on fire. The informant who was sleeping inside when the people outside covered the shop with petrol and set on fire, explained to us that it was the strategy to force shop keepers outside so that the attackers could go inside and loot everything inside.

Relationship with the local community

Interestingly, in the aftermath of the xenophobic attacks, there were requests from the side of the local community for those foreign shops to come back in business, both in Mbekweni and Bloemfontein (interviews 8, 11). One of the Bangladeshi informants even said the locals liked them more than before the attacks (interview 11). One Somali informant explained that the foreign-owned shops sell a smaller portion of products at a cheaper price which is seen favourably by many people in the township areas, where poverty and unemployment is prevalent (interview 8).

In this regard, one of our key findings from the interviews is that there are issues other than the xenophobic view of foreigners at play here. In Bloemfontein, one South African female shop keeper said those attacks were "50% xenophobia, 50% crime" (interview 14). Other South African shops in that area already closed their shops because of the lootings, she said. Some of the informants who experienced xenophobia also said that the people who were acting violently towards them were only a small part of the local people. This suggests that xenophobic attacks are also rooted in poverty, unemployment, and a generally high crime rate.

Another unique aspect of the relationship between the foreign shop keepers and the local community is that some of the Somali informants who were affected by xenophobic attacks tried to alter the 'image' of Somalis, by contributing to the local community. In Mbekweni, one Congolese informant who claims that he has never experienced xenophobia in South Africa explained to us that problems occurring in the community must be solved within the community (interview 5). Coincidentally, after this interview, we heard that Somalis had collected 50 rand from each of their shops and gave it to the committee of the local community, since the committee asked them to pay in order to stop the xenophobic attacks in 2008. However, the committee asked them to pay the money again one-two weeks after the first payment, to keep the situation under control. Where did the money go? Did the local committee actually have control over the xenophobic attacks? Who were the attackers? At this stage, we cannot answer these questions. Nevertheless, more attention should be paid to the local community and the power dynamics there, in working on the issue of xenophobia.

Besides the corruption and non-acceptance of outsiders, regardless of their efforts, there is also an issue of access to necessary medical care and assistance in general. A local woman, who

used to lend her yard to a Somali shop, witnessed some local people setting the shop on fire while two Somalis were sleeping inside (interview 4). According to her, the Somalis were scared of getting killed if they come outside the shop, they did not open the door to the container (interview 4). Fire fighters on duty in the township came almost one hour later, apparently yawning, and without enough water in their tanks to put out the fire. The two Somalis were later rescued and brought to a hospital which was half-an-hour away from the location, because the closest hospital was not sufficiently well-equipped.

Who made them an 'easy target'?

The question of why refugees start up businesses on their own in the townships in the first place, which makes them easy targets, arose during the interviews. One major factor is the absence of other types of job opportunities. A few informants commented that they did not have any other choice because they did not have South African IDs or a bank account, which one can get based on their income, but with an asylum paper (interviews 18, 22). Another aspect is that doing business is common in their countries of origin. One of the Somali informants with refugee background said it is common in Somalia for a family to open up a small shop to make ends meet. One Bangladeshi informant also said running their own business is "in our nature" (interview 22).

Putting aside the perception that refugees are 'illegal' foreigners (interview 7), it is there would appear to be some truth to the assertion that such foreign shops do put many South African shops at a disadvantage by selling products at a lower price. This seems to have much to do with the fact that most of the shop keepers are actually residing in the container ships, allowing them to cut their living costs considerably compared to South Africans who own shops and live somewhere else. One male informant from Djibouti explained to us that since those shops run by foreigners started coming to the townships, South African shops started decreasing as a result of the severe competition (interview 19). It is also true that those container shops are run without any legal permit in the townships.

But the question we must ask here is why, in the first place, do those foreign shop keepers end up at those container shops and become 'easy targets'? Why are they not "part of the system", where they pay the taxes, and "live like South Africans", as one of the informants claimed (interview 7)? For them to be part of 'the system', they have to be informed of what the system is, and there needs to be a framework where those refugees are accommodated. Clearly, such a framework, a form of integration program in terms of refugee protection, is the missing element. One South African informant who works for the government in Free State told us that once refugees arrive in South Africa, they are basically "free to go" anywhere they want, and the tracking of refugees is extremely difficult (interview 20). In short, they are somewhat forced to be in a position where they 'fit' the image of 'illegal' immigrants who 'mess up' the South African economy.

Resentment, fear and trauma

What we saw in common amongst all the informants who experienced xenophobia was that they carry a fear or a threat to their lives on a daily basis. Surprisingly, the majority of them have heard, many times, some local people telling them that "when Mandela dies, you foreigners go back to where you came from. Otherwise you will get killed" (interviews 6, 8, 18). The Somali informant who kept more than 40 foreigners inside his shop in Mbekweni in 2008 told us that he had not been sleeping well since he came to South Africa as a refugee because local people sometimes come to his shop from the back door and throw stones at it the middle of the night (interview 6).

Feelings of unfairness and resentment were also seen in the informants. A Somali informant in Mbekweni, referring to the South African people telling them that Somalis are taking away their job by selling the products at cheaper price than South African shops, said (interview 8):

> Am I going to take someone's job that way? *No*! I go take my 50 rand [...] and buy [a] packet of cheese, and sell [each piece] for 1 rand on the street where people are passing by. Am I taking someone's job? All what I did is something which I, I have *created*. [...] I try my best to survive. I didn't rob no one, in the country, I'm legal, the Department of Home Affairs give me a permit, so I don't know why the people are treating us [like that]. [...] We are here, to *survive*.

Xenophobic attacks at that time have also affected the future mental condition and decisions of its victims. One Bangladeshi informant with a refugee background experienced xenophobia in Port Elizabeth in 2008 when he was sitting at his shop counter (interview 22). After having fled from the backdoor to his shop and having lost everything he owned, he did not go back into business for 2 years simply because he did not want put himself in the same situation again (interview 22). He described his feelings as "emotional", "painful", and "terrible", referring to the fear when he saw several people already attacking other shops outside and now coming towards him, and the feeling of emptiness when he had lost all the money he invested into his business (interview 22). A Somali informant, whose biological brother was shot to death in the attack in Bloemfontein in 2012, said he could not go back to his shop in the township since then. He said he had felt like he was a crazy person in the aftermath. Although he now feels different from that time, he cannot help thinking about his dead brother every time when he sees his family calling him on his phone even before picking it up.

Future prospects in South Africa?

It comes as no surprise to us that the answers to our final question "would you like to stay in South Africa?" were all negative (with one exception) amongst those who went through the xenophobic attacks. Some of them are looking for the opportunities to resettle in Europe or North America (interviews 6, 11, 18, 22). One of the Somali informants in Bloemfontein said, "we don't know where, which direction we are going. [...] The circumstances force us [to stay] here. We don't know where else we can go" (interview 18), referring to both Somalia and South

Africa where different kinds of difficult situations are waiting for them. A Bangladeshi refugee said to us that he would like to stay in South Africa for now since he has been there for a decade and therefore it is his second home (interview 22). However, he continued, "[but] with the challenge".

Policy implications and recommendations

First and foremost, it must be made clear that the primary challenge that the government faces is an educational one, as it is unable to focus on any one group in society. It has a duty to provide citizens with vicarious knowledge of migrants, immigrants and refugees as *people* through the media. Also helpful would be to encourage a greater sense of continentalism and internationalism through the media and through the public pronouncements of opinion-makers (Crush and Pendleton 2004). This can be achieved by working with schools, colleges and universities to include issues such as citizenship and xenophobia in their curricula, and to stress the positive impact that immigration can have on South Africa's economy and society, by using examples from countries such as the UK and Switzerland.[5] The media must also play a vital role in this educational process, and the following suggestions are in reference to this:

1. The curriculum for journalism education should be re-examined to determine how best journalists can be trained to help create an environment that is more conducive to effective intercultural communication, understanding and harmony, especially as it relates to black-on-black discrimination in most of the continent (Mogekwu 2005);
2. Tertiary institutions that offer courses on communication and journalism should incorporate information on refugees, asylum seekers and migrants in learning modules;
3. Editors should spell out a clear and deliberate editorial policy for coverage on refugee and migrant issues;
4. Stakeholders and experts on refugees, asylum seeker and migrant issues should publish a catalogue of possible sources to be used by journalists in covering these issues;
5. Sensational and criminalising language should be dropped completely; different categories of migrants should be recognised as such (Danso and Macdonald 2000);
6. Journalists and editors should pay particular attention to how they report immigration statistics they receive from 'official sources', there should be critical assessment of the source;
7. The media should individually and through collective bodies actively seek ways of ridding their pages, bulletins and programmes of harmful racial stereotypes;
8. Journalists, trade unions and other professional media forums should develop a media network against xenophobia that will define a code of conduct and spearhead campaigns for its implementation as common practice;

---

[5] The UK's open-door employment policy for new entrants to the EU contributes on average 1% per year to GDP growth, quoted in 'Foreigners in South Africa have plenty to offer' 24th September 2001.

9. NGOs, refugees, asylum seekers and migrant communities should provide information packs and regular newsletter with factual, timely and country-specific information to the media.

As for specific government policy, it is obvious that the government has to go beyond detecting, detaining and deporting migrants in order to tackle crime, disease and joblessness. These issues need to be treated completely separately from that of migration. One important aspect of xenophobia is the virtual absence of any sense of solidarity with other countries in the SADC; the government must work with other SADC countries in order to improve, or even create, a real sense of regional consciousness amongst citizens and policy makers. The starting point could be for individual state and regional organisations to devise and implement public education programmes that emphasise tolerance and common interests (Crush and Pendleton 2004).

It is also important to note that citizens seem prepared to accept and welcome non-citizens if their economic impact is demonstrably positive. Hence, skills and investor-friendly immigration policies would not be a difficult sell to citizens, and perhaps policy that favours period-specific immigrants over those with the intention of obtaining permanent residence (Campbell 2003). Neocosmos (2006) makes the following suggestion with regard to this:

> If temporary residential and social rights were to be granted to all who wish to settle and work in South Africa, then after a period of one or two years, extension or even permanent residence could be provided solely on the basis of gainful employment. In this way migration could be regularised, the police and other state agents would have less power over migrants, and the state would give a lead on democratic anti-xenophobic practices. At the same time any criminals could be more easily controlled as they would be traceable by the state. Moreover, such a demand is likely to gather widespread support as research shows that South Africans are likely to welcome foreigners whose economic impact is demonstrably positive (Neocosmos 2006).

In relation to the fact that local governments provide service delivery for most refugees, it is also vital that they are familiar with refugee legislation as well as services and rights that refugee groups are entitled to as stated in the Refugee Act 1998, and that they disseminate such information to the community, in order to avoid feelings of resentment.

In terms of South Africa's treatment of refugees, we propose that the government introduce an integration program which specifically caters to the newly arriving refugees, and better tracking system of refugees. Also, in cooperation with NGOs, religious groups and other organizations, monitoring of refugees' mental conditions would be necessary especially in the aftermath of xenophobic attacks. Community-perspective is also important in this regard.

Finally, police and immigration officers must be trained and sensitised about human rights and in particular the rights of foreigners and refugees to enjoy freedom from discrimination and full protection from the South African Police Service. There should be an increased focus on

diversity training in the service and attention should be paid to *who* gets trained, not only the quality of training, as station commanders have been disposed to send civilians and not those officers that come into contact most frequently with foreigners (Masuku 2006). Corruption should also be tackled within the police service and officers should be punished severely for any abuse of foreigners or the immigration system as a whole. This approach should be expanded to the criminal justice system as a whole, where citizens should be punished to the full extent of the law for racially motivated crimes and attacks on foreigners.

Conclusion

The most important reasons behind the prevalence of xenophobia in South Africa are economic and the tendency to criminalise foreigners. Existing explanations in terms of economic crises, political transition, relative deprivation, or remnants of apartheid all contain an element of truth but are not in themselves sufficient. Proclamations from politicians coupled with media reporting on drug syndicates, prostitution and human trafficking, all feed and in turn feed off a popular perception that migrants are bad for South African society and its economy. It is all too easy for the media and the government to place blame on immigrants for crime, unemployment and housing problems but it is not a long-term solution and, eventually, can only be detrimental for the economy, culture, society and international image of South Africa. The government faces a pressing need to find a way for citizens and foreigners to live peaceably together and to tackle the problems that xenophobes justify their actions by. Xenophobia may manifest itself violently through rioting and attacks on foreigners amongst the poorer, black population, but it is an issue for all sectors of South African society and one that is becoming increasingly urgent for the government to address. Perhaps the most important point to realise is that these misguided feelings of hatred and bitter resentment are based solely on the *perception* of economic harm and of immigrant involvement in criminal activities, therefore the primary focus for the government must be education and to correct these misperceptions.

References

African National Congress (2001), *ANC Today* 1 (31), 24 August, 2001 <http://www.anc.org.za/list.php?pageNum_rs=23&totalRows_rs=625&t=ANC%20Today >, accessed January 14, 2014.

BBC News (2003) 'Xenophobia in South Africa', Africa Live, 15 August 2003 <http://news.bbc.co.uk/2/hi/africa/3153461.stm >, accessed January 14, 2014.

Campbell, E. (2003) *Attitudes of Botswana Citizens Toward Immigrants: Signs of Xenophobia*, Oxford: Blackwells.

Cooke, M. (2000) *The Changing Face of Switzerland: Swiss Immigration in the New Millennium*, Geneva: School for International Training.

Crush, J. and Pendleton, W. (2004) *Regionalising Xenophobia? Citizen attitudes to immigration and refugee policy in Southern Africa*, Canada: SAMP.

Danso, R. and Macdonald, D. (2000) *Writing Xenophobia: Immigration and the press in post-apartheid South Africa*, Canada: SAMP.

European Commission on Employment and Social Affairs (2006) 'Responding to Racism in Finland', *European Network against Racism Helsinki: European Commission on Employment and Social Affairs.*

Fine, J. and Bird, W. (eds.) (2003) *Shades of Prejudice: An investigation into the South African Media's Coverage of racial violence and xenophobia*, Media Monitoring Project, CSVR.

Gottstein, K. 'Violent and Peaceful Settlements of Ethnic Conflicts: Some Theses on the Determinants' in Bekker and Carlton (eds.) *Racism, Xenophobia and Ethnic Conflict*, Durban: Indicator Press.

Harris, B. (2001) 'A Foreign Experience: Violence, crime and xenophobia during South Africa's transition', *CSVR.*

Human Rights Watch (1995) *'"Germany for Germans" Xenophobia and Racist Violence in Germany'*, Helsinki: Human Rights Watch.

Human Rights Watch (1998). '*Prohibited persons': abuse of undocumented migrants, asylum seekers, and refugees in South Africa*, New York: Human Rights Watch.

Human Rights Watch (1998). '*Prohibited persons': abuse of undocumented migrants, asylum seekers, and refugees in South Africa.* New York: Human Rights Watch

IHF Focus (2001) 'Intolerance; xenophobia and racial discrimination; protection of asylum seekers and immigrants', *Finland Annual Report 2001* < http://www.refworld.org/pdfid/469243c2d.pdf>, accessed January 14, 2014.

Independent Online (2001) 'Foreigners in South Africa have plenty to offer' 24 September 2001 <http://www.iol.co.za/>, accessed January 14, 2014.

Independent Online (2007a) 'South Africa becoming a nation of xenophobes' 29 January 2007 < http://www.iol.co.za/>, accessed January 14, 2014.

Independent Online (2007b) 'Police arrest 27 after anti-Somali rioting' 13 February 2007 <http://www.iol.co.za/>, accessed January 14, 2014.

International Committee of the Red Cross. *Refugees and displaced persons.* <http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/section_ihl_refugees_and_idps?Open Document>, accessed January 14, 2014.

International Covenant on Civil and Political Rights (1966) <http://www.cirp.org/library/ethics/UN-covenant/>, accessed January 14, 2014.

Kaysen, C (1996) 'Are Nations Natural Economic Units?' in Bekker and Carlton (eds.) *Racism, Xenophobia and Ethnic Conflict*, Durban: Indicator Press.

Landau (2004) 'The Laws of (In)Hospitality: Black Africans in South Africa', *Forced Migration Working Paper Series* No.8, University of the Witwatersrand.

Masuku, T. (2006) 'Targeting Foreigners: Xenophobia among Johannesburg's Police', *SA Crime Quarterly* 15, March 2006.

Mogekwu, M. (2005) 'African Union: Xenophobia as poor intercultural information', *Ecquid Novi* 26(1): 5-20.

Neocosmos, M. (2006) *From 'Foreign Natives' to 'Native Foreigners'*, Dakar: CODESRIA.

Nyamnjoh, F. B. (2006) *Insiders and Outsiders. Citizenship and Xenophobia in Contemporary Southern Africa*, London: Zed Books Ltd.

Office of the United Nations High Commissioner for Human Rights <http://www.ohchr.org/english/law/cmw.htm>, accessed January 14, 2014.

Palmary, I. (2004) *Refugees, Safety and Xenophobia in South African Cities: The Role of Local Government*, CSVR.

Shlapentokh, V. (2007) 'The Hatred of Others. The Kremlin's Powerful but Risky Weapon', *World Affairs* 169(3): 134-142

Whitaker, B. (2005) 'Citizens and Foreigners: Democratisation and the Politics of Exclusion in Africa', *African Studies Review* 48(1): 109-126.

Biographical Note

Professor Hussein Solomon lectures in the Department of Political Studies and Governance at the University of the Free State. Hitomi Kosaka holds an MA from the Osaka School of International Public Policy (OSIPP) and was at the time of the study a visiting scholar at the Department of Political Studies and Governance at the University of the Free State.

Acknowledgement

Appendix 1: Map of South Africa and the places where the interviews were conducted and/or the related xenophobic attacks happened

29

Appendix 2: Interview details

Respondents(s)	Position	Nature of the attack(s)
Country of origin/sex/age [*2(3)]= 2(3) people were interviewed simultaneously [-]: data unavailable		[NNX]: Not necessarily xenophobic [MXA]: Major xenophobic attack(s) [-]: No experience in xenophobia
12/08-13/08/2013 Mbekweni (township), Paarl, Western Cape		
(1) Somalia/male/26	Refugee Works at internet cafe	NNX
(2) Ethiopia/male/-	Refugee	NNX
(3) Somalia/male/52	Refugee Shop owner	NNX
(4) South Africa (Xhosa)/female/28	Local resident	NNX
(5) Congo-Brazzaville/male/44	Local resident Hair salon owner	-
(6) Somalia/male/27	Refugee Shop owner/keeper	MXA (Mbekweni, May 2008)
(7) South Africa (Indian)/male/37	Supermarket owner	-
(8) Somalia/male/36	Refugee Shop owner	MXA (Mbekweni, May 2008)
(9) South Africa/male/40	P-African Congress	-
(10) Ethiopia/female/25	Refugee Restaurant owner in the downtown	NNX
(11) Bangladesh/male/39; - (*2)	Refugee Market shops owners	MXA (Bloemfontein, April 2012)
(12) Lesotho/male/29	Street Shop keeper	-
(13) China/male/-	Supermarket owner in the location	-
(14) South Africa/female/26	Shop keeper in the location	-
(15) Bangladesh/male/31	Shop keeper in the location	NNX
(16) Mozambique/female/29	-	-
(17) Ghana/female/26	-	-
(18) Somalia/male/33; 35; 36 (*3)	Shop owners/keepers	MXA (Bloemfontein, April 2012)
24/08/2013 Bloemfontein, Free State		
(19) Djibouti/male	Shop owner in the downtown	-
(20) South Africa/female/-	Works for the government; Regional leader of the Women's League FS	-
26/08/2013 Bloemfontein, Free State		
(21) South Africa/male/-	-	-
29/08/2013 Bloemfontein, Free State		
(22) Bangladesh/male/28	Refugee Market shop owner	MXA (Port Elizabeth, 2008)
(18) Somalia/male/35; 36 (*2)	Refugee Shop owners	MXA (Bloemfontein, April 2012)

Xenophobia as a Form of Human Insecurity: The Plight of Malawian Migrants in South Africa

Harvey C. Chidoba Banda
Mzuzu University, Malawi

Abstract

International migration between Malawi and South Africa is a century-old phenomenon. Different categories of migrants have been involved in this 'process' on either a regular or an irregular basis. While scholars of differing persuasions have made concerted efforts to document the nature of and trends in migrancy, there are few seminal studies on the suffering dimension of these migrants. Most of such studies merely gloss over the experiences of migrants and do not necessarily establish the linkages between immigration, xenophobia and human security. This paper presents xenophobia during the contemporary migration period as a form of human insecurity which has a direct bearing on their stay in the destination country. Using oral data (from the Zubayumo Makamo area in the Mzimba District), newspaper reports, and archival information, among others, the paper allows the migrants to speak for themselves in order to gauge the exact nature and degree of their suffering. The paper centrally argues that the waves of xenophobic violence in South Africa in 2008 were unique only in terms of scale since throughout the century migrants had been victims of, strictly-speaking, salient forms of xenophobia. Finally, the paper makes an attempt to suggest a way out of this immigration-xenophobia web for consideration by policy makers.

Introduction

International migration from Malawi to South Africa is a century-old phenomenon. Although several scholars have examined the nature of and trends in migrancy, very few have examined the linkages between immigration and the human insecurity of these immigrants. The issue of xenophobia, which could be traced to as far back as the end of apartheid and even before, has been examined generally and more loosely, but not as a human insecurity issue. This paper, therefore, presents xenophobic attacks against Malawian immigrants (including other foreign immigrants) as a form of human insecurity. In this connection, the paper argues that the waves of xenophobic violence in South Africa in 2008 were unique only in terms of scale since throughout the century migrants have been victims of salient forms of xenophobia.

The paper makes an attempt to provide the contextual meaning of human insecurity by examining the changing dimension or conception of human security. It argues that the absence of

human security in its narrow view constitutes human insecurity. This is a result of the realisation that it is difficult to precisely define such a concept as human insecurity. As will be noted below, at first the concept of human security was viewed through a military lens and was, therefore, associated with the prerogative of states in international relations and political science theories. Later on, thanks to the seminal arguments of Mahbub ul Hag and others, it began being seen from the point of view of people as individuals (Human Development Report 1994). The paper broadly defines human security as "freedom from fear and freedom from want". However, the discussion in this paper is more associated with the first part, that is, "freedom from fear".

The paper examines the experiences of Malawian migrants from the contemporary migration period in southern Africa. During this period most migrants secured jobs in various sectors other than mining. This is in sharp contrast to the period up to the 1970s, the old migration period, when most migrants from Malawi used to work in farms in Zimbabwe and in mines in South Africa. This period can also be referred to as the era of the recruiting agencies.[1] It is worth noting that since the early 1990s, both men and women, young and old, have ended up migrating informally to South Africa. Furthermore, while most migrate to secure various jobs, some migrate for trade purposes.[2]

It is important to briefly outline the methodology employed in the paper in order to underscore the credibility of the research and its significance in comparison to related research. Some of the information on which this paper is based comes from the print media following an upsurge of xenophobic violence in South Africa in May 2008. Part of it also comes from the results of fieldwork conducted among the Malawian ex-migrant workers in June 2004 and April 2005. One of the limitations of the information from the print media is that it is a mixture of primary and secondary data. However, this information was duly subjected to scholarly critique before use. In addition, oral sources are a reliable primary source, especially on contemporary migration discourse on which archival sources and other secondary sources are generally lacking. What are discussed in the subsequent sections are, therefore, the actual experiences of the migrant workers themselves in the face of the trauma in question. Ideally, this approach has been adopted to let the migrants speak for themselves. The writer also did some reading of both published and unpublished secondary works on which the primary information, above, is built.

The paper is divided into five sections. The first section is a brief discussion on international migration and provides the reasons why most people, especially Malawians, migrate. The aim is to establish a correlation between the reasons for migration and the reasons for xenophobic attacks. The second section attempts to give a contextual definition, if not description, of the term xenophobia. It also valuably examines the historical perspective to xenophobic feelings by South Africans. On this, the paper advances the argument that xenophobia in South Africa is an

---

[1]The two main competing recruiting agencies in Malawi were the Witwatersrand Native Labour Association (WNLA), locally called *Wenela*, and the Rhodesia Native Labour Bureau (RNLB), locally *Mthandizi*. See, among others, Chirwa (1992) and Banda (2000).

[2]I conducted oral interviews with both migrants and potential migrants in Zubayumo Makamo area in Mzimba District between June 2004 and May 2005. It was revealed that there are three categories of migrants who go to South Africa. For details, see Banda (2008), and Andersson (2004).

old phenomenon, but that it continues to heighten with an influx of more and more immigrants from South Africa's neighbouring countries.

The third section examines the changing dimension of the concept of human security since the end of the Cold War with a view to establishing a modern understanding of the concept. It shows that there are two dominant views on the modern understanding of human security: the broad view and the narrow view. It argues that the absence of human security in its narrow understanding (view) constitutes human insecurity, which is the gist of discussion in this paper. The fourth section zeros in on the xenophobic experiences of Malawian migrants, especially during the contemporary migration period. The aim is to allow these migrants to speak for themselves in order to gauge the exact nature of their suffering in South Africa. It is interesting to note that, despite the suffering in question, most Malawian migrants are determined to eke out a living through working in South Africa. Lastly, the paper highlights a number of conclusions drawn from the issues discussed.

Labour migration and its causes

International labour migration, not only in Africa but world-wide, is a result of multiple push-pull factors. People tend to migrate as a result of either challenges being experienced in the origin areas (push factors) or opportunities obtaining in the destination areas (pull factors). In the case of southern Africa, countries like South Africa and, to an extent Botswana, are the labour-receiving countries whereas countries like Malawi, Lesotho, Namibia, and, presently, Zimbabwe are labour-supplying countries (Banda 2008). In addition, some scholars have explained the phenomenon of international labour migration in line with the modernisation (development) and underdevelopment schools of thought (Chirwa 1992: Banda 2008). In this case, areas that are generally lagging behind in terms of development, hence are lacking income earning opportunities, are categorised as labour-supplying areas. On the contrary, areas or regions which are highly developed are referred to as labour-receiving areas.

In the case of Malawi, labour migration occurs as a result of both push and pull factors. Since the 1990s, various categories of both men and women have emigrated from Malawi to South Africa as a result of the job opportunities available in South Africa and the general lack of employment opportunities in Malawi, both in the rural areas and urban centres. Upon arrival in South Africa they often end up being employed as gardeners, cooks, house-keepers and waiters, among other forms of employment. Another attraction is the strength of the South African currency (the Rand) against the weak Malawi currency (the Malawi Kwacha). Consequently, Malawian migrants are satisfied with the wages they get in the South Africa, especially after converting them to the Kwacha. A combination of these push and pull factors compels Malawians to migrate to South Africa for wage employment despite the fact that many South African nationals have harboured xenophobic feelings against foreigners, especially those from neighbouring countries in southern Africa.

Xenophobia and its historical perspectives

Definitional aspects

Since the early 1990s there has been a growing tendency in popular and academic writing to use the term 'xenophobia' to explain opposition to immigrants within Southern Africa countries, especially in South Africa. However, most writers do not make efforts to define this term. The conventional dictionary definition of xenophobia is a dislike of foreigners. According to R. Mattes et al., the etymological roots of xenophobia in South Africa are actually much broader, referring to a "fear of the unknown" or anything that is "different" (Mattes et al. 2000).

This paper uses this inclusive definition of xenophobia in order to highlight the phenomenon of apparent dislike of foreigners in South Africa. This dislike essentially has to do with stereotypes that many South Africans seem to have of foreigners, viewing them as a potential threat to their well-being. Prevalent arguments are that foreigners take the jobs from the local population and contribute to an increase in crime rate.[3] It is worth noting that the term xenophobia is a complex phenomenon that requires more attention than is usually accorded in the media and academic circles. However, it is beyond the scope of this paper to examine the term in depth.

Regarding the xenophobic attacks of 2008, a report by the Human Sciences Research Council in South Africa identified four broad causes for the violence:

- relative deprivation, specifically intense competition for jobs, commodities and housing;
- group processes including psychological categorisation processes that are nationalistic rather than super-ordinate;
- South African exceptionalism or a feeling of superiority in relation to other Africans; and
- exclusive citizenship or a form of nationalism that excludes others.
  (Human Sciences Research Council 2008)

A subsequent report, "Towards Tolerance, Law and Dignity: Addressing Violence Against Foreign Nationals in South Africa", commissioned by the International Organisation for Migration (IOM 2009), found that poor service delivery or an influx of foreigners may have played a contributing role, but blamed township politics for the attacks. It also found that community leadership was potentially lucrative for unemployed people and these leaders were responsible for organising the attacks. Put differently, such leaders enhanced their authority by reinforcing resentment towards foreigners.

Prior to 1994, immigrants from elsewhere in Africa faced discrimination and even violence in South Africa, though much of that risk stemmed from the institutionalised racism of the time due to apartheid. After 1994 and democratisation, and contrary to expectations, the incidence of xenophobia increased.

---

[3] I conducted a series of interviews with Malawian migrants based in South Africa (Johannesburg, Randburg, among others) in 2005. The results showed clearly the degree of insecurity amongst these migrants. This was a result not only of experiences of animosity from the local population, but also because of the fact that most of these migrants were afraid of deportation by the South African police since they usually do not have proper documentation. In other words, they have an illegal status. The same view was echoed by the migrants in Zubayumo Makamo area in Mzimba District.

Historically, xenophobic feelings among South Africans date as far back as the old migration period (MNA 1947). During this period, there were less such feelings because the process of migration was largely controlled. The recruiting agencies were actually controlling the numbers of able-bodied men who were destined to work in the various designated mines (for more information on official migration from Malawi during the old migration period see Boeder 1974; Sanderson 1961; and Groves 2011). In this case, these migrants were not necessarily a threat since South Africans themselves were shunning mine work. Furthermore, these migrants occupied the lowest strata of the jobs available in the mines. However, clandestine migrants were ill-treated in various ways by South Africans as the following account illustrates:

> The most serious fact I discovered concerns Nyasaland. The WNLA have been stopped recruiting in Nyasaland, but thousands of Nyasaland boys are continuing to make their way on their own to the Transvaal both to farms and mines…and the Nyasaland natives are frequently exploited by touts, ill-treated on farms and are robbed and ruined on the way (MNA 1947).

It is fascinating to note that the situation radically changed towards the late 1980s and early 1990s. This followed the onset of the contemporary migration period, since the 1970s, during which migrants went to South Africa informally and ended up securing jobs in various sectors. Research shows that they worked as house-keepers, gardeners, cooks, and garage attendants, among other forms of employment (Banda 2008).

Xenophobia in South Africa can also be seen in parallel with similar developments in Malawi during the last ten years. In recent years the Government of Malawi has embarked on a crackdown against illegal immigrants from various countries and also refugees who escape from the refugee camps in the country. The notable increase in the numbers of illegal immigrants has in certain respects been matched by a consequent rise of xenophobic feelings among Malawians. They generally view these illegal immigrants as being responsible for the siphoning off of the country's already limited exchange earnings through their prosperous business ventures. In this connection, one resident of Chibavi, Felix Manda, had this to say: "If you buy items from the shops belonging to *Maburundi* (Burundians)*,* just know that that is money going down the drain" (interview with the author).

A historical perspective of xenophobia in South Africa
In this section the paper shows that although xenophobia in South Africa is historically grounded, the experiences of migrants during the old migration period are markedly different from those during the later contemporary period. This is largely due to the fact that during the earlier period, the apartheid era, South Africans and black migrants were both in the same subjective social and economic position – being victimised by the whites. Following the attainment of independence in 1994, the black South Africans took centre stage and an apparent blame game ensued – blaming immigrants for their own failure to realise their goals and for all the social ills in society.

Foreign migration is a century-old phenomenon in South Africa. It has been indicated that during the apartheid regime the labour migrants were recruited in droves by employment bureaus from neighbouring countries and exploited. This was unlike the situation of the local unionised workers. Aderanti Adepoju writes that with political independence in 1994 came a floodgate of mostly illegal migrants who were "eager to partake in Africa's most buoyant economy" (Adepoju 2003). A large number of them brought their skills and enterprise, unlike the largely unskilled agricultural and mine workers of the apartheid era.

In recent years there is a tendency to associate migration and migrants with criminality in South Africa. Foreign migrants (within South Africa) are rapidly coming to be blamed for many of the problems facing South Africans, being linked increasingly to crime, unemployment and lack of service provision. As alluded to earlier, this is the main source of xenophobic feelings by South Africans against immigrants. In this connection, Tarran states that "migrants are commonly and deliberately associated with crime, trafficking, drugs, disease and other social ills" (quoted in Adepoju 2003). However, available literature shows that there is little evidence that shows that immigrants are the cause of the endemic crime situation, or that there is a higher crime rate among immigrants than nationals.

Unfortunate xenophobic incidents include attacks on hawkers, burning of homes of migrants and inhuman treatment by the police. Such growing xenophobia stands in jarring contrast to the racial harmony that prevailed during the 1994 election in South Africa.

According to Crush and Pendleton (2008), the widespread hostility to immigrants in South Africa can also be explained by the perception that during the apartheid regime the local (black) population held on to the white dominating group as a common enemy. After political independence, the aspirations and expectations of the blacks remained largely unfulfilled. Hence in its place came frustration and disenchantment. In unison, they turned their anger towards the immigrants from other African countries, accusing them of 'stealing' their jobs, houses and culture (Adepoju 2003). This is largely why immigrants are viewed as a 'force of disruption' rather than as 'vehicles for economic progress'. On the (new) attitude of South Africans, Sinclair would appear to concur with Crush and Pendleton, as can be seen in this quote from an unnamed migrant:

> Long time ago we were never treated like foreigners because everybody, I am referring to blacks, was not allowed to identify himself as an urban resident. South Africans were all entitled to homelands and they regarded us as being better off since racial segregation was not as harsh as it was in here. This made them to treat us with respect. Again the fact that we were all called "kaffirs" strengthened our bond. Only now that South Africans are allowed to live in towns they have begun ill-treating their fellow African brothers (Sinclair 1998: 345).

It is worth noting that xenophobia in South Africa carries a racial tag. This has been attributed to the effects of the colonial legacy in which everything white is 'pure and good' and everything black is 'bad and evil' (Matlosa 2001). Consequently, immigrants from other

continents are viewed as contributors to the country's economic development, whereas Africans (blacks) are viewed with suspicion and as people who take jobs from the local people. This view explains in part the kind of suffering to which immigrants from African countries are subjected while staying in South Africa.

At this point it is also important to consider why employers in South Africa prefer employing foreigners at the expense of South Africans themselves. In the first place, employers find immigrants cheaper to employ. Most of them are categorised as illegal immigrants and, therefore, do not aspire to join unions for fear of being apprehended and deported.[4] Consequently, they fall victim to exploitation by unscrupulous employers, who may threaten to turn them over to the authorities for deportation. The plight of these immigrants working in South Africa is rightly summarised by Adepoju (2003), who maintains that employers largely describe immigrants as "more skilled, more productive and less militant".

Immigrants are usually presented as a homogenous category in the literature. What is on the ground, though, is that the so-called illegal immigrants are heterogeneous and include men and women, highly skilled professionals and other informal sector workers who entered South Africa illegally, as well as those who entered legally but overstayed. These immigrants do all kinds of jobs – both the lowly and highly skilled jobs – that the local population is largely unwilling to do. In so doing, these people go a long way in contributing to the economic progress in the country.

The concept of human (in)security

The concept of security has for a long time been interpreted narrowly, for instance, as security of a territory from external aggression. It has been related more to nation-states than to people as citizens or individuals. During the Cold War, the superpowers (the USA and USSR) were locked in an ideological conflict, and, partly as a result of their colonial legacy and of Cold War pressures, countries that attained their independence during this period, were sensitive to any real or perceived threats to their national identities. Forgotten in all this were the legitimate concerns of ordinary people who sought security in their daily lives. For many of them, security symbolised protection from the threat of disease, hunger, unemployment, crime, social conflict, political repression and environmental hazards.

Tadjbakhsh (2008) argues that in the same way that Amartya Sen introduced ethics into economics, Mahbub ul Haq (and his team) in the 1994 Human Development Report (HDR) posited that 'security', until then associated with the prerogative of states in realist international relations and political science theories, should be seen from the point of view of people.

Several analysts have attempted rigorous definitions of human security. However, like other fundamental concepts, such as human freedom, human security is more identified through its absence than its presence. This is the approach adopted in this paper in order to understand the concept of human insecurity as a direct product of xenophobia.

---

[4] From the interviews I conducted in South Africa, it was clearly evident that these migrants stay in hiding – they are not free to go about in the streets for fear of being apprehended. For a similar perspective by the government during the old migration period, see MNA (1936) and MNA (1960).

In the 1994 HDR, on the one hand, human security was broadly defined as "freedom from fear and freedom from want" and characterised as "safety from chronic threats such as hunger, disease, and repression as well as protection from sudden and harmful disruptions in the patterns of daily life, whether in homes, in jobs or in communities" (UNDP 1994). The Report outlined the four basic characteristics of human security as being universal, interdependent in its components, people-centred, and best ensured through prevention. On the other hand, some focus on the narrow definition of "freedom from fear" that concentrates on physical violence and threats. This is the definition that is adopted in this paper.

More recently the African Union (AU), in its Non-Aggression and Common Defence Pact, has incorporated human security in its "vision of a united and strong Africa, based on respect for the principles of coexistence, non-aggression, non-interference in the internal affairs of member states, mutual respect for individual sovereignty and territorial integrity of each state" (Human Security Report 2010). To this end, it has defined human security as:

> the security of the individual in terms of satisfaction of his or her basic needs. It also includes the creation of social, economic, political, environmental and cultural conditions necessary for the survival and dignity of the individual, the protection of and respect for human rights, good governance and the guarantee for each individual of the opportunities and choices for his or her full development (Human Security Report 2010).

It is worth noting that common to all these definitions are three essential components that encompass the principles of human security and help further explore the added value of the concept. First, human security is in response to current and emerging threats – threats that are multiple, complex and interrelated and can acquire transnational dimensions (Nkhoma 2012). Second, human security calls for an expanded understanding of security where the protection and empowerment of people form the basis and purpose of security. Third, human security does not entail the use of force against the sovereignty of states and aims to integrate the goals of freedom from fear, freedom from want and freedom to live in dignity through people-centred, comprehensive, context-specific and preventive strategies.

As alluded to earlier, in this paper the concept of human insecurity is understood as the absence of human security in the narrow sense of the term, that is, lack of 'freedom from fear'. It is from this perspective that the xenophobic attacks are regarded as a form of human insecurity to the migrants residing in the destination countries, for instance South Africa.

Xenophobic experiences of migrants *par excellence*

Despite a lack of directly comparable data, xenophobia in South Africa is perceived to have significantly increased after the ushering in of a democratic government in 1994 (Neocosmos 2010). According to a 2004 study published by the Southern African Migration Project (SAMP):

The ANC government – in its attempts to overcome the divides of the past and build new forms of social cohesion... embarked on an aggressive and inclusive nation-building project. One unanticipated by-product of this project has been a growth in intolerance towards outsiders... Violence against foreign citizens and African refugees has become increasingly common and communities are divided by hostility and suspicion (Crush and Pendleton 2008).

The survey was based on a citizen survey across member states of the Southern African Development Community (SADC) and found South Africans expressing the harshest anti-foreigner sentiment, with 21 per cent of South Africans in favour of a complete ban on entry by foreigners and 64 per cent in favour of strict limitations on the numbers allowed. It is worth noting that, by contrast, the next highest proportion of the respondents in favour of a total ban on foreigners was in neighbouring Namibia and Botswana, both at 10 per cent.

It is worth noting that there were a number of violent attacks against migrants long before the 2008 xenophobic attacks. Attacks on immigrants from Malawi, Zimbabwe and Mozambique living in the Alexandra township in the north-eastern part of Johannesburg were seen, for example, in 1995, with immigrants being associated with crime and unemployment.

The 2008 riots began in May, focusing at first in the township of Alexandra, when locals attacked migrants from Malawi, Mozambique, and Zimbabwe. On 12 May 2008 two people were killed and forty others were wounded in such attacks. From that date onwards most of the newspapers in Malawi carried articles on the suffering of Malawian migrants staying and working in South Africa. It was reported that South Africans were irked by low salary offers that immigrants would be offered and take. Reportedly, "this brought down the salaries that the South African nationals demanded as employers would opt for the immigrants" (Chandilanga 2008). This view is in line with the view advanced by most Malawian migrants that many poor South Africans that accuse African immigrants (in South Africa) of worsening unemployment and perpetrating crime.

Regarding the violence that ensued, which was widely reported in the media, the situation from 11 May 11, 2008 saw the "right to life" of immigrants being "ignored", and:

degenerated into ugly scenes, leaving 35,000 people homeless as armed gangs in the squatter camps and informal settlements in the main urban centres of Johannesburg, Durban and Cape Town went out killing, raping, beating, stabbing and burning nationals from other African countries (Chandilanga 2008).

Following such an outbreak of violence in South Africa, the Government of Malawi took the initiative of repatriating the victims of the xenophobic attacks back home. Olivia Kumwenda (2008), in an article *The Nation*, reported that over 100 Malawians arrived in the country on May 25, 2008. According to David Kwanjana, a Malawian immigrant officer who was based in South Africa, the group of repatriated migrants comprised the vulnerable, including the sick, the

wounded, mothers, pregnant women and children (reported by Kumwenda 2008). This category of migrants was the first to be repatriated. One of the returnees in the group was Ayana Banda, from Thyolo. Ayana with her two children reportedly went to Johannesburg in 2004 following her husband. However, amidst these xenophobic attacks, Ayana's husband opted to remain behind "to gather the little property the family (had) left following an attack on their home".

Another victim of these violent attacks was Ganizani Chapuma from Thyolo. He was lucky to survive the attack after he was hacked with an axe and left for dead. Chapuma recalled:

> They broke into our house in Ramaphosa, wielding pangas, metal bars, pipes, gallons of petrol and axes, among other weapons, with which they hacked and beat us. They shouted '*ngena*!' demanding that we hurriedly get out of the house. I went out where I was attacked with an axe. They targeted my head and foot. I bled through the ears and was left for dead (Chandilanga 2008).

Their house was set on fire, destroying all the fortunes he had made in a period of seven months. These included "two bicycles, a television set, a generator, two duvets, three blankets and a car battery" (Chandilanga 2008). He valued these items at 83,600 Malawian Kwacha.

Oral evidence confirms the xenophobic experiences of the Malawian migrants in South Africa prior to these attacks. It has been indicated that most migrants from southern African countries generally fail to penetrate sectors of employment apart from the domestic labour sector because of xenophobia on the part of South Africans. The latter generally feel that the foreigners worsen the unemployment situation by grabbing jobs from them. It is worth noting that most of the interviewed migrants in Zubayumo Makamo[5] area in Mzimba district share this view.[6]

In this connection, Trywell Chisi, one of the informants, argues that you had to devise mechanisms in order to survive this xenophobia. This is what he had to do:

> Since we were hated, we were forced to change our names. For example, I changed my name from Trywell Chisi to Kingsley Lauhali. You also had to adopt their language as soon as possible. Furthermore, we were forced to marry South African women. In my case, I had a wife here at home, but I married another wife in South Africa so that things should work for me. In fact, even your in-laws, the brothers of your South African wife, would then assist you in securing better jobs. That is why I was able to work in garages and service stations.[7]

---

[5] Zubayumo Makamo is an area in the western part of Mzimba District in Northern Malawi. It comprises five villages, namely: Zubayumo Makamo (proper); Zebediya Makamo; Kazezani Makamo; Lithuli Makamo; and Galamala Mgungwe. This is one of the popular labour migration areas in the district. The entire area is generally and popularly called Zubayumo Makamo.

[6] Some of the migrants I interviewed shared their xenophobic experiences while working in South Africa. They include Fletcher Makamo (Interview, Zebediya Makamo Village, Mzimba, 15 April 2005); Overtoun Lupafya (Interview, Zubayumo Makamo Village, Mzimba, 17 April 2005); Henry Makamo (Interview, Kazezani Makamo Village, Mzimba, 17 April 2005); Gladwell Nthara (Interview, Zebediya Makamo Village, Mzimba, 19 April 2005); and Genesis Mgungwe (Interview, Galamala Mgungwe Village, Mzimba, 30 April 2005).

[7] Interview with Trywell Chisi, Zebediya Makamo Village, Mzimba, 27 April 2005.

Trywell Chisi further points out that it was extremely difficult for a foreigner to get promoted at a work place. Consequently, some migrants would even win favours from their bosses through illegal means, for example, through bribery. Chisi sheds light on how, at times, this would be done:

> At times you would be forced to use part of your monthly salary to negotiate with one of the bosses for a better position during lunch break. After reaching an agreement, you would give him the money. The following day he would shout at you (for no apparent reason): "You fool come here!" And when you come closer, he would tell you that you had been given a better job at such a place.[8]

Oral evidence from Chisi, above, and other migrants both at home (Malawi) and abroad (South Africa) shows the desperate and ubiquitous situation of the migrants not only from Malawi, but also from other South Africa's neighbouring countries at the hands of 'militant' South Africans.

Such a situation, however, continues unabated.[9] In 2012 there were fresh xenophobic attacks in parts of Cape Town and the Free State. In 2013 there were also other attacks particularly against Somali shop-keepers in Cape Town, Port Elizabeth and Pretoria. This clearly shows the degree of insecurity that immigrants face in South Africa.

At this juncture, one would be prompted to consider the possibilities for solutions to this problem. As alluded to earlier, one of the underlying causes of such xenophobic attacks relates to a feeling of superiority (exceptionalism) in relation to other Africans. This simply shows how grave and entrenched the problem is. Since this particular part of the problem is psychological, there is, therefore, the need to change the mindset of the people in South Africa. This calls for concerted efforts by the (South African) government and other stakeholders (both public and private) to provide a more enhanced form of civic education to ordinary South Africans. In short, education will be key to solving this this problem. This is in line with the view expressed by various scholars on how xenophobia could be brought to an end in South Africa. Both Solomon (2013) and Pendleton (2010) argue that the solution to South Africa's xenophobia is education. Solomon maintains that:

> South Africans – across races and cultures – continue to live against Africa as opposed to with Africa. More South Africans are overwhelmingly ignorant of Africa. This is unconscionable. If South Africa's leaders wish to turn this around we need to re-examine our school and university curriculum and re-educate future citizens on this continent's rich heritage (Solomon 2013).

---

[8] *Ibid.*

[9] Xenophobic feelings of South Africans against foreigners only changes in scale – at times small-scale, and at other times large-scale. This implies that there are various underlying factors for such a development. However, an examination of such factors is not within the scope of this paper.

Pendleton furthers this xenophobia-education argument by highlighting the role that could be played by adult education (civic education), media and policy makers:

> Regarding xenophobia, the primary challenge is educational, and adult education has a role to play. Citizens need to have accurate information (rather than myths and stereotypes) about migrants, immigrants and refugees... A greater sense of continentalism and internationalism could be developed in the population through adult education and curriculum reform at schools, through the media, and through the public pronouncements of opinion-makers. One of the findings from the National Immigration Policy Survey (NIPS) project is that across the region, citizens are prepared to accept and welcome non-citizens if their economic impact is demonstrably positive. Hence, skills-friendly and investor-friendly immigration policies would not be difficult to sell to citizens. Since such policies are inevitable if countries are to be and remain globally competitive, it is important that policy and opinion-makers begin to build a broad public consensus on this issue. There is nothing more off-putting to new immigrants who want to put their skills to work in and for a new country to find that they are the object of scorn and vilification simply because of their accent or the colour of their skin (Pendleton 2010).

Conclusion

This paper has argued that xenophobia in South Africa is historically grounded. It dates back to the old migration days, to the era of the recruiting agencies, when migrants from South Africa's 'satellite countries' were largely working in the mines and farms. Following the attainment of independence in South Africa in 1994, South Africa became increasingly xenophobic. This was largely because more and more immigrants entered South Africa, some legally while others illegally, to partake in the country's promising new economic circumstances.

The paper has also shown that the South Africa's xenophobia is based on fiction and not facts, on unfounded fears relating to employment opportunities and crime, and that they are a drain on already stretched social services. Contrariwise, these immigrants come with various skills, and are productive and, arguably, contribute to the economic growth of the country. In terms of dealing with the causes of this 'crisis' of xenophobia, the paper has suggested the introduction of educational reforms, constructive and active media coverage of the continent's activities and immigration policy reforms.

The paper has also examined the changing concept of human security over time. It has shown that, of late, there are two dominant views, that is, the narrow and broad views of human security. It has demonstrated that the xenophobic attacks are a source of the human insecurity of the Malawian migrants (including other nationals of other countries). In fact, in line with the narrow view above, it has equated the absence of human security to the human insecurity in question. Put differently, the xenophobic attacks have emphatically been presented as a form of human insecurity. In this way the paper has attempted to establish the migration-xenophobia-human insecurity nexus. It is worth noting that the latter does not usually come out clearly in the international migration literature.

Towards the end of the paper, the writer has dwelt at length on documenting the xenophobic experiences of migrants during the contemporary migration period. It has been indicated that the Malawian migrants working in South Africa go through traumatic experiences in the face of increasing xenophobia. Such experiences include death, injury and loss of property. On this, the paper advances the argument that the waves of xenophobic violence from May 12, 2008 were unique only in terms of scale or degree, and that from the outset migrants had been victims of what may be regarded as salient forms of xenophobia. In this connection, it has been shown that the xenophobic experiences of migrants during the contemporary period are similar to those of the old migrants during the preceding period.

What has not been examined in the paper is the relationship between xenophobia and the frequent deportations of the illegal migrants in question. It is worth noting that xenophobia has a bearing on these deportations. For instance, it has been indicated in oral sources that because of the xenophobia in question, South Africans turn some of these illegal migrants to the police, hence consequent deportations. However, this issue is not necessarily within the scope of this paper.

References

Adepoju, A. (2003) 'Continuity and Changing Configurations of Migration to and from the Republic of South Africa', *International Migration* 41 (1): 15.

Andersson, J. A. (2004) 'Informal Migration and Trade in Northern Malawi: Why a Nokia 3310 is Cheaper in Mzimba than in Johannesburg', History Seminar Paper, Zomba, Malawi.

Bajpai, K. (2010) 'Human Security: Concept and Measurement', *Kroc Institute Occasional Paper* 19.

Banda, H. C. C. (2008) 'Gendered Patterns of Malawian Contemporary Migrancy: The Case of Zubayumo Makamo Area in Mzimba District, 1970s-2005', *Unpublished MA Thesis*, Chancellor College, Malawi.

Banda, H. C. C. (2000) 'Competition for the Labour Supply in Mzimba District: The Case of Wenela and Mthandizi, 1906-1956', *B.Ed. Dissertation*, Chancellor College, Malawi.

Boeder, R. B. (1974) 'Malawians Abroad: The History of Labour Emigration from Malawi to its Neighbours, 1890 to the Present, PhD thesis, Michigan State University.

Chandilanga, H. (2008) 'In Their Own Words: From South Africa to Malawi' *The Nation*, 29 May.

Chirwa, W. C. (1992) 'TEBA is Power: Rural Labour, Migrancy and Fishing in Malawi, 1980s-1985', *PhD Thesis*, Queens University, Canada.

Crush, J. and Pendleton, W. (2008) 'Regionalising Xenophobia? Citizen Attitudes to Immigration and Refugee Policy in Southern Africa', *Southern African Migration Project (SAMP)* 30, Institute for Democracy in South Africa.

Groves, Z. (2011) 'Malawians in Colonial Salisbury: A Social History of Migration in Central Africa, 1920s-1960s', *PhD Thesis*, Keele University.

Harawa, L.D. (2009) 'The Impact of Migration on the Socio-Economic Development of Mzimba District: A Case Study of Bulala', *B.Ed Dissertation*, University of Livingstonia, Rumphi.

Human Development Report (HDR) (1994) *New Dimensions of Human Security*.

Human Sciences Research Council (2008) 'Violence and Xenophobia in South Africa: Developing Consensus, Moving to Action' < http://www.hsrc.ac.za/en/research-outputs/view/4048>, accessed January 14, 2014.

IOM (International Organisation for Migration) (2009) 'Towards Tolerance, Law and Dignity: Addressing Violence Against Foreign Nationals in South Africa', IOM Regional Office for Southern Africa.

Kumwenda, O. (2008) 'Government Evacuates Malawians from South Africa, First Group Arrives' *The Nation*, 26 May.

Matlosa, K. (ed.) (2001) *Migration and Development in Southern Africa: Policy Reflections*, Harare: SAPES Trust.

Mattes, R. et al (2000) 'South African Attitudes to Immigrants and Immigration', in D.A. McDonald (ed.), *On Borders: Perspectives on International Migration in Southern Africa*, New York: St. Martins Press.

MNA (Malawi National Archives) (1936) 'NNM 1/9/1 General: 1927 June – 1936 September'.

MNA (Malawi National Archives) (1947) 'S36/1/5/5 Emigrants: 1941 June – 1947 April'.

MNA (Malawi National Archives) (1960) 'PCN 1/21/25: Conditions on the Union of South Africa; MNA, PCN 1/25/15: Queries from Nyasaland Government Representatives in Johannesburg and Salisbury regarding Migrant Workers: 1951 August – 1960 September'.

Neocosmos, M. (2010) 'From 'Foreign Natives' to 'Native Foreigners': Explaining Xenophobia in Post-Apartheid South Africa', *CODESRIA*, Dakar.

Nkhoma, B.G. (1995) 'Competition for Malawian Labour: Wenela and Mthandizi in Ntcheu, 1935-1956', *B.Ed Dissertation*, Chancellor College, Malawi.

Nkhoma, B.G. (2012) 'Transnational Threats: The Problem of Illegal Immigration in Northern Malawi', *Southern African Peace and Security Studies* 1 (2).

Pendleton, W. (2010) 'Migration and Xenophobia in Southern Africa', *Migration and Integration, DVV Publications* 70.

Sanderson, F. E. (1961) 'The Development of Labour Migration from Nyasaland, 1891-1914', *Journal of African History* 11 (2), pp. 259-271

Sinclair, M. R. (1998) 'Community, Identity and Gender in Migrant Societies in Southern Africa: Emerging Epistemological Challenges', *International Affairs* 74 (2): pp. 339-353.

Solomon, H. (2013) 'Xenophobia in Contemporary South Africa', *Southern African Peace and Security* <http://saccps.blogspot.jp/2013/05/xenophobia-in-contemporary-south-africa.html>, accessed January 14, 2014.

Tadjbakhsh, S. (2008) 'Human Security', *Human Development Report (HDR) Networks*, February Issue.

United Nations General Assembly (Sixty-Fourth Session) (2010) *Human Security Report*, Follow-up to the Outcome of the Millennium Summit.

Biographical Note

Harvey C. Chidoba Banda is a Lecturer in the Department of History at Mzuzu University. He also teaches migration- and development-related courses at the Centre for Security Studies at Mzuzu University. He holds a Master of Arts in African Social History from the University of Malawi. His research areas include: gendered migrations; migration, development and security; and the socio-economic and political transformations in Africa.

Transitional Justice and Peacebuilding in the Democratic Republic of the Congo

Philippe Tunamsifu Shirambere

Institute for Dispute Resolution in Africa of the University of South Africa
Université Libre des Pays des Grands Lacs.

Abstract

For seventeen years now, the Democratic Republic of Congo (DRC) has been confronted by a vicious cycle of armed conflicts in which more than ten million people are estimated to have been killed. In dealing with the past, many efforts have been made and possibilities suggested, but unfortunately, the DRC has lost opportunities to establish the truth, promote peace, and consider reparations, reconciliation, and the prevention of further violence. The resumption of conflict is the result of top-down statebuilding, instead of a bottom-up approach. After the current conflict, the combination of judicial and non-judicial mechanisms of transitional justice could respond to the past abuses and contribute to the peacebuilding process in the DRC. Hence, this paper endorses, in addition to the International Criminal Court (ICC), the establishment of a hybrid international tribunal to hold accountable those who bear the greatest responsibility since 1996. As a non-judicial mechanism, this paper endorses the promotion of an indigenous mechanism, *Barza Intercommunautaire*, to help to resolve low-level disputes and a truth and reconciliation commission tasked with promoting reconciliation, formulating recommendations on institutional reform, identifying criteria of a lustration and vetting process, and identifying victims and recommending reparations. Furthermore, to avoid the risk of further militia activities, those removed from the security service sectors will be involved in national services of agriculture and other projects in order to contribute to the development of the country they have destroyed.

Introduction

For seventeen years now, the Democratic Republic of the Congo (DRC) has been confronted by a vicious circle of armed conflicts in which horrendous human rights abuses have been (and still are) committed. As a result, more than ten million people are estimated to have been killed (Kahongya 2012: 2), and conflicts at various levels continue. In light of many efforts undertaken at many levels, there is a hope that warring parties will stop fighting, negotiate a settlement, commit not to re-engage in armed conflicts, prevent future conflicts and involve themselves in reconstruction efforts. Furthermore, in order to move on after the violent conflicts that have

created hatred among people, the nation must be rebuilt. Accordingly, various activities that fall under the umbrella of peacebuilding can help to transform the conflict in the direction of peace.

Peacebuilding is the set of initiatives by diverse actors in government and civil society to address the root causes of violence and protect civilians before, during, and after violent conflict (Dambach 2013). Peacebuilding also refers to rebuilding relationships that have broken down between conflicting parties (Adalla 2009: 49). However, there is no agreed definition for peacebuilding. This paper aims to analyse the application of peacebuilding as an approach to dealing with the past abuses through transitional justice mechanisms, on the understanding that the situation "requires a clean break from the past injustices so as to prevent their recurrence" (Buckley-Zistel and Zolkos 2012: 3).

In order to rebuild the fabric of society and keep a sustainable peace, it is important for truth to be revealed and for people to talk about what happened to them or their beloved ones. Hence, transitional justice seeks to restore the dignity of victims and to establish trust among citizens and between citizens and the state (Borello 2004: 13). Thus, the aim of transitional justice is to contribute to sustainable peace and the rebuilding of a society based on the rule of law (Kerr and Mobekk 2007: 3). The guiding question is how transitional justice mechanisms dealing with the past can contribute to a sustainable peacebuilding process in the Democratic Republic of the Congo.

This paper begins with a brief overview of the different armed conflicts in the DRC and laying out the challenges to dealing with the past. We then analyse different attempts to address the past, that is, the peacebuilding process so far. Finally, we analyses transitional justice in a peacebuilding context in the DRC, and consider the way forward.

Armed conflicts in the DRC and dealing with the past
Brief overview of different armed conflicts

The first conflict began in the eastern part of the former Republic of Zaire in 1996 with the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL). The AFDL was a coalition movement created in October 1996 that successfully overthrew the government of Mobutu in 1997 in a military coup backed by the neighbouring countries such as Angola, Burundi, Rwanda, and Uganda (Tunamsifu 2013: 245). Soon after bringing Laurent-Desiré Kabila to power, some of his allies became involved in looting the minerals of the country – gold, diamonds and coltan, among others, and partly as a result of this, in July 1998 President Laurent-Désiré Kabila decided to send back foreign armies from the Democratic Republic of the Congo to their respective countries. The countries obviously refused, infuriating the president (Clark 2010: 24). The following month, the governments of Rwanda and Uganda turned against President Kabila and decided to back a new rebellion.

Indeed, the rebellion is considered as aggression due the support of Rwandan and Ugandan armies to the rebel group as stipulated by Article 2 (5) of the Convention for the Definition of Aggression (1933). The provision provides that "[p]rovision of support to armed bands formed in its territory which have invaded the territory of another State, or refusal, notwithstanding the

request of the invaded State, to take, in its own territory, all the measures in its power to deprive those bands of all assistance or protection".

After a military stalemate, a peace process was initiated, but quickly stalled. The, on 16th January 2001, President Laurent-Désiré Kabila was assassinated. He was succeeded by his son, Joseph Kabila Kabange, who immediately restarted the peace process. Finally, on 16 December 2002, a meeting was held in Pretoria, South Africa, where various elements/groups and entities involved in the Inter-Congolese Dialogue (ICD) signed a Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo. The Parties to that Agreement having armed forces, agreed to combine their efforts and to safeguard the sovereignty and territorial integrity of the Democratic Republic of the Congo. Indeed, additional institutions supporting democracy were also set up together with transitional institutions and among them was the truth and reconciliation commission. The peace agreement established the objective of an integrated national army, meant to include all the previously hostile forces.

After the end of the conflict marked by the Agreement of 2002 and the establishment of the Transitional Government in 2003; moves were made towards achieving the objective of an integrated national army, but this did not proceed as smoothly as planned. Laurent Nkunda, one of the commanding officers of the rebel Congolese Rally for Democracy, refused the offer to become a general under the new army, because of his allegiance to his indigenous ethnic group, the 'Banyamulenge'. With the support of many soldiers under his command, in 2004, Nkunda created his own movement, the National Congress for the Defence of the People (CNDP) and began to fight against the Transitional Government in June; which marked the beginning of the third armed conflict (Tunamsifu 2013:246).

On 23 March 2009, a peace agreement was signed between the Government of the Democratic Republic of the CNDP called the Peace Accord of 23 March 2009 (*Accord de Paix du 23 Mars 2009*). At the end of March 2012, however, former CNDP combatants deserted from the Armed Forces of the Democratic Republic of the Congo and National Police, claiming that the Democratic Republic of the Congo's Government had failed to fully implement the peace agreement of 23 March 2009, starting new rebellion known as the M23.

> In North Kivu, the mutiny by former National Congress for the Defense of People elements, which began in April, expanded. On 6 May, a communiqué was published announcing the creation of M23 by a decision of the military wing of National Congress for the Defense of People as a result of what it claimed was the Government's failure to implement the peace agreements of 23 March 2009 (UNSC 2012: 3).

During different stages of the armed conflicts, aside from these major rebellions, a variety of other armed factions and warlords have been involved to varying degrees in serious human rights violations, and have had a hand in committing crimes, such as crimes against humanity and war crimes (Tunamsifu 2012).

Challenges of dealing with the past

The population of the DRC continues to suffer from massive violations of human rights and gross violations of international humanitarian law due to a vicious cycle of armed conflicts. In order to move from such situation to a peaceful future, the country will be confronted by the dilemmas of whether to undertake criminal sanctions against abusers, or whether to take non-criminal sanctions in order to rebuild and reconcile the nation. Yet, an "un-reconciled" society, argues Pablo De Greiff (2010: 25), would be one in which resentment characterizes the relations between citizens and between citizens and their institutions. Therefore, it is one in which people experience anger because their norm-based expectations have been threatened or defeated.

Indeed, in a stable country, the prosecution and punishment of individuals accused to have committed any crime in the territory is considered the best way to enforce national criminal laws and therefore promote the rule of law. According to Jonathan Burchell and John Milton "some forms of conduct are so deeply disapproved of as to cause the community to believe that some form of retaliation should be taken against those who engage in such conduct" (1991: 1). In this light, article 2 of the Congolese Criminal Code (2004) provides that transgressions committed on the territory of the DRC are to be punished in accordance with the law.[1] Futhermore, Alex Boraine argues that "prosecutions are guards against impunity and the risk of future violations" (2000:281). That is why Jonathan Burchell and John Milton (1991:2) state that detection and apprehension of persons who contravene the criminal law may be brought to punishment which involves the infliction of pain or suffering.

However, retributive criminal justice in the DRC is not the only way to respond to crimes committed. There is also a need for the past to be officially recognized and publicly revealed, to reconcile with the past, rehabilitate and compensate victims. In this way, Raoul Alfonsin as cited by Laura M Olson argues that "… punishment is one instrument, but not the sole or even the most important one, for forming the collective moral conscience" (2006: 294). That is why, court proceedings as pointed out by Tyler Giannini *et al* (2009:6), may not be the best vehicle to uncover the truth, since it is generally in the defendant's interest to deny guilt in order to evade culpability.

Indeed, given the sheer scale and widespread nature of the mass violations of human rights and gross violations of international humanitarian law committed in the DRC, it would be practically impossible to have a fair trial for everyone. And as Priscilla B. Hayner points out, "[m]any attempts to prosecute and punish those responsible for severe abuses under a prior regime have seen little success" (2011: 8). Hence, alternative mechanisms to criminal law could be a suitable means for the DRC in order to re-establish peace and promote reconciliation between divided people, particularly in the east of the country where the conflict has been concentrated, for a shared and common future. In a deeply divided society, states Alex Boraine (2000: 282), punishment cannot be the final word if healing and reconciliation are to be achieved.

In this way, while many possibilities have been suggested to deal with past crimes,

---

1 Translated from the original in French : « L'infraction commise sur le territoire de la République est punie conformément à la loi ». Code Pénal Congolais Journal Officiel de la RDC n° Spécial du 30 Novembre 2004.

unfortunately the DRC has lost opportunities to establish the truth, promote peace, consider reparations, achieve reconciliation, and prevent further violence.

Attempts to address the past through the peacebuilding process

As analysed by the International Centre for Transitional Justice (ICTJ 2011:2), the scale and impact of violations requires solutions that not only provide a meaningful measure of justice for very large numbers of victims but also which help reconstruct the basic elements of trust between citizens and the government institutions that are necessary for the rule of law to function effectively. Among attempts to deal with the past (including those that preceded the conflicts mentioned above) that have been tried in the DRC, the following can be mentioned.

The first initiative of note was the National Sovereign Conference in 1991 dealing with the issue of justice, accountability and good governance, as the Cold War came to an end, and calls for democratization of the country grew louder. Unfortunately, it was boycotted because the collaborators of the then President Mobutu, in danger of losing power, did not want to face the truth and account for crimes, mismanagement, and all kinds of violations against the Congolese people.

The second initiative was the Global and Inclusive Agreement on Transition in the Democratic Republic of the Congo that opted for the creation of a truth and reconciliation commission (TRC) and was adopted by law on 30 July 2004. Unfortunately, at the end of the transitional period it had not opened a single enquiry due to a lack of political will and continuing insecurity.

The third was the referral of the situation of crimes within the jurisdiction of the International Criminal Court (ICC) committed anywhere in the territory of the DRC since the entry into force of the Rome Statute, on 1 July 2002, by the transitional Government on 19 April 2004. To date, the court has so far limited its activities to the Ituri District by prosecuting a handful of perpetrators.

The fourth was the Conference on Peace, Security and Development of the North Kivu and South Kivu Provinces (*Conférence sur la Paix, la Sécurité et le Développement dans les Provinces du Nord-Kivu et du Sud-Kivu*) that allowed the signature of the Engagement Act between the Government and rebels groups such as the National Congress for the Defence of People (CNDP: *Congrès National pour la Défense du Peuple*) and the Congolese Patriot Resistance (PARECO: *Patriotes Résistants Congolais*). The conference parties agreed on the possibility of a new truth and reconciliation commission, but with the CNDP having violated the ceasefire, the initiative was not implemented.

The fifth was the peace agreement signed on 23 March 2009 between the Government and the CNDP. Article 4.1 provides that "the Parties undertake to maintain a dynamic reconciliation, pacification of hearts and minds, as well as good inter cohabitation as a requirement essential for good governance".[2] When the International Criminal Court found Thomas Lubanga guilty of

---

2 Translated from the original in French : « Les parties s'engagent à entretenir une dynamique de réconciliation, de pacification des cœurs et des esprits, ainsi que de bonne cohabitation intercommunautaire en

war crimes, Bosco Ntaganda, who had integrated into the Armed Forces of the Democratic Republic of the Congo, but was now in danger of also being prosecuted by the ICC, deserted from the army claiming that the DRC Government had failed to fully implement the peace agreement of 23 March 2009.

The sixth was the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region of 24 February 2013. In this framework, the Government of the DRC renewed commitments to reform the security sector, to consolidate state authority, and to further the agenda of reconciliation, tolerance and democratization. Furthermore, the states of the region renewed their commitment not to interfere in the internal affairs of neighbouring states, and to facilitate the administration of justice through judicial cooperation within the region. In this way, on 24 July 2013 the General Auditor of Armed Forces of the Democratic Republic of the Congo issued three international arrest warrants that the Government of the Democratic Republic of the Congo had sent, through diplomatic means, to the authorities of Rwanda requesting the extradition of former M23 rebels for insurrectional movement, war crimes and crimes against humanity. However, on 8 August 2013 Rwanda refused to extradite those warlords on the grounds that they may face the death penalty in the DRC. According to the Rwandan Minister of Foreign Affairs and Cooperation, Louise Mushikiwabo (2013), "[o]ne of the challenges we must address is how to extradite people to a country that still has the death penalty when we abolished it".

The situation in the DRC demonstrates that civilians continue to pay the price of different armed conflicts as they cannot defend themselves. From the above, it can be deduced that the need for the past to be officially recognized and publicly revealed is crucial. The reactivation of the truth and reconciliation commission would be a good start, but at the time of writing the political will to do so remains unseen, and the current conflict also remains unresolved.

Transitional justice and the peacebuilding process in the DRC

The term 'transitional justice' refers to the combination of policies that countries transitioning from authoritarian rule or conflict to democracy decide to implement in order to address past human rights violations. Indeed, defining the notion of transitional justice, most scholars and practitioners have endorsed the definition provided by the former United Nations Secretary-General, Kofi Annan, in the report on 'the rule of law and transitional justice in conflict and post-conflict societies'. The former Secretary-General defines transitional justice as:

> the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof (UNSC 2004:4).

tant qu'exigence primordiale de bonne gouvernance ».

As mentioned above, holistic approach of judicial and non-judicial mechanisms are measures that societies in transition may adopt or combine to respond to the past abuses. The former UN Secretary-General, Kofi Annan, has suggested the following framework of transitional justice: criminal prosecutions, truth commissions, reparations, institutional reform, and vetting or lustration process. But the list is not exhaustive, with others including memorialization, amnesty and traditional dispute settlement systems. In the DRC, the combination of judicial and non-judicial mechanisms of transitional justice can respond to the past abuses and contribute to the peacebuilding process.

Judicial mechanisms

Judicial mechanisms of transitional justice include national judicial prosecution if national courts and tribunals have the capacity and if they are independent. Before the creation of the ICC, the UN Security Council showed the willingness on occasion to establish international ad hoc tribunals, as was seen in the former Yugoslavia and Rwanda. In some cases where circumstances allow, hybrid tribunals composed of international and local judges have also been created by a treaty or an agreement between the United Nations and the concerned government. Finally, with a view to overcoming the ad hoc nature of such judicial prosecution, the International Criminal Court was established, exercising its jurisdiction when states are unwilling or unable genuinely to carry out the investigation or prosecution.

Among judicial mechanisms, this paper endorses, in addition to the current activities of the ICC, the establishment of a hybrid international tribunal, which it sees as being crucial in order to hold accountable those who bear the greatest responsibility in planning or ordering atrocities, and those who continue to commit such atrocities in the DRC.

The Rome Statute that established the ICC entered into force on 1 July 2002 with the determination to put an end to impunity. Its preamble recalls "the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes", by emphasizing that it is "complementary to national criminal jurisdictions". The ICC exercises its jurisdiction over persons for war crimes, crimes against humanity, genocide (article 5), and aggression (as of 2017) committed only after July 1, 2002, in accordance with the principle of non-retroactivity *ratione personae* (article 24). As such, the court cannot deal with crimes committed in the period between 1996 and June 2002. That is why, in the context of the DRC the establishment of a hybrid international tribunal composed of international judges and Congolese judges remains crucial to deal with crimes not covered by the ICC's jurisdiction.

Having said that, the question of how realistic such an endeavour would be of course remains. The national judicial system alone will not be able to deal effectively with the past for different reasons. The national courts and tribunals that have jurisdiction over international crimes are unable to investigate large-scale serious crimes and prosecute a large number of perpetrators due to the lack of capacity. Besides this, the current regime is clearly unwilling to prosecute some perpetrators. It has shown a tendency to interfere with the judicial affairs, and many of those

suspected of being involved in past crimes have been promoted and granted important positions within the government as well as the army and police. As such, the Congolese national judicial system is in serious need of reform. As Tyrone Savage argues, from the colonial courts to Mobutu's machinations to Kabila's use of the courts to undermine critical opponents, the Congolese judiciary has effective functioned at the pleasure of the executive (2006: 6).

Non-judicial mechanisms

Non-judicial mechanisms of transitional justice include the following components: truth and reconciliation commissions, lustration or substitute criminal proceedings and vetting processes, institutional reform, amnesty process, reparations, and building memorials.

For the non-judicial mechanism, this paper endorses the indigenous local mechanism called *Barza Intercommunautaire* to help to resolve low-level disputes and the truth and reconciliation commission with different task to promote reconciliation, formulate recommendations on institutional reform, identify criteria for lustration and vetting processes, and identify victims and recommend reparations. The Barza, deriving from a Swahili word signifying a meeting place for local leaders, is a process assembling leaders from various (often conflicting) groups to discuss issues of importance and resolve their problems.

At a broader level, the issue of truth and reconciliation commission is also in need of consideration. In her book on *Unspeakable Truths: Facing the Challenge of Truth Commissions,* Priscilla B Hayner (2002: 14) uses the term "truth commissions" to refer to those bodies that share the following characteristics:

> (1) truth commissions focus on the *past*; (2) they investigate a pattern of abuses over a period of time, rather than a specific event; (3) a truth commission is a temporary body, typically in operation for six months to two years, and completing its work with the submission of a report; and (4) these commissions are officially sanctioned, authorized, or empowered by the state (and sometimes also by the armed opposition, as in a peace accord).

At the time when the book was published, there had been twenty-one truth commissions, and the author identified other essential elements in common:

> all were created to look into recent events, usually at the point of a political transition; all investigated politically motivated or politically targeted repression that was used as a means to maintain or obtain power and weaken political opponents; and in each of these cases, the abuses were widespread, usually affecting many thousands of persons. Most of these commissions were created to be a central component of a transition from one government to another or from civil war to peace (Hayner 2002: 17).

Later, Mark Freeman, finding that Hayner's definition omitted other essential attributes of truth commissions, went on to define a truth commission as follows:

A truth commission is an ad hoc, autonomous, and victim-centered commission of inquiry set up in and authorized by a state for the primary purposes of (1) investigating and reporting on the principal causes and consequences of broad and relatively recent patterns of severe violence or repression that occurred in the state during determinate periods of abusive rule or conflict, and (2) making recommendations for their redress and future prevention (Freeman 2006:18).

In her latest updated publication, Priscilla B. Hayner found that Freeman's definition was more descriptive rather than definitional, and updated her own definition in the following terms:

A truth commission (1) is focused on past, rather than ongoing, events; (2) investigates a pattern of events that took place over a period of time; (3) engages directly and broadly with the affected population, gathering information on their experiences; (4) is a temporary body, with the aim of concluding with final report; and (5) is a officially authorized or empowered by the state under review (Hayner 2011: 11-12).

The eastern part of the DRC, where the country's armed conflicts have been concentrated, remains the part affected most by various rebel groups. As a mechanism of conflict transformation in the North Kivu Province, it is crucial that the *Barza Intercommunautaire* be prioritized, promoted and re-restructured to sensitize the affected ethnic groups for pacification and reconciliation in order for the population to take ownership of the process with a view to the rebirth of a truth and reconciliation commission. The initial truth and reconciliation commission failed to investigate a single case, and there remain many challenges to be overcome in this regard, but this there is still the need to establish a new truth and reconciliation commission. In order to increase its chances for being effective, before the establishment of a new commission, it is important that to some degree, conflict must be resolved, security restored, and the capacity and resources available to rulers engaged with political will. This is indeed a tall order, and the likelihood slim, but at the very least, it is advisable that a new truth and reconciliation commission be established after the 2016 elections, assuming that Joseph Kabila does not amend the constitution in order to attain a third term.

Concluding remarks

Many peace agreements have been signed by many warring parties since conflict broke out in the DRC in 1996. Unfortunately, the population affected by those conflicts has yet to experience any semblance of justice, and waits to know the reason behind those atrocities, and to know the truth about what happened to them or their beloved ones, in order for the process of reconciliation to occur. What is needed is the establishment of institutions that hold accountable perpetrators for past abuses and promote the rule of law; the creation of activities focusing on the removal of perpetrators from within public institutions and the creation of trust within governmental institutions; and the establishment of institutions that help to reveal the truth about what

happened and promote national reconciliation. But instead, the perpetrators of past crimes have been promoted and granted important positions within the government as well as the army and police. The root causes of armed conflicts have not yet been addressed, and consequently, the DRC remains in a vicious cycle of armed conflicts. As Edward Newman observes, "[i]f impunity remains, the social divisions remain open and volatile; if the state has not granted a public acknowledgement of the wrongs of the past, these wrongs constitute a continuing affront to society" (2002: 35). Furthermore, as the former UN Secretary-General notes:

> Justice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives. Advancing all three in fragile post-conflict settings requires strategic planning, careful integration and sensible sequencing of activities. Approaches focusing only on one or another institution, or ignoring civil society or victims, will not be effective (UNSC 2004: 4).

The implementation of national development plans requires a minimum of trust within public institutions. To respond to the past abuses, address the needs and the demands of victims, and to address the root causes of the country's various armed conflicts that continue to bereave the Congolese population, some form of transitional justice should be considered.

Judicial mechanisms may hold accountable those who bear the greatest responsibility and provide reparation for victims. A truth commission may provide an opportunity for the promotion of national reconciliation. In addition, it may help the perpetrators who have executed plans of atrocities to apologize, seek forgiveness and be symbolically sanctioned. The indigenous organ of *Barza Intercommunautaire* may be helpful in the process of reintegration and the promotion of pacification. To avoid the risk from those removed from the security service sectors from establishing or joining armed groups, the possibility of establishing national service, for example, of agriculture and other projects in which people removed from public institutions can become involved and contribute to the development of the country they have destroyed should also be considered.

The proposals made in this paper represent lofty ideals, and the possibility that the necessary resources and political will can be made available for such endeavours is not necessarily high. But in the absence of such measure, it is difficult to see how root causes of the country's various armed conflicts can be addressed, and how the persistent human rights and international humanitarian law violations can be put to an end. International, regional and national actors must understand by now that the limits of political solutions between warring parties or top-down state building attempts have been made abundantly clear. It is time for the root causes of armed conflicts to be addressed from the local level by involving affected population through a bottom-up approach.

References

Boraine, A. (2000) *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission,* Cape Town: Oxford University Press.

Borello, F. (2004) *A First Few Steps the Long Road to a Just Peace in the Democratic Republic of Congo,* New York: International Center for Transitional Justice < http://ictj.org/sites/default/files/ICTJ-DRC-Just-Peace-2004-English.pdf >, accessed 15 February 2013.

Buckley-Zistel, S. and Zolkos, M. (2012) 'Introduction: Gender in Transitional Justice' in Stanley R (eds.), *Gender in Transitional Justice,* UK: Palgrave Macmillan.

Burchell, J. and Milton, J. (1991) *Principles of Criminal Law* 1st ed, Cape Town: Juta & Co Ltd.

Clark, P. (2010) *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice Without Lawyer,* New York: Cambridge University Press.

Code Pénal Congolais, *Journal Officiel de la RDC* n° Spécial du 30 Novembre 2004, 45ème Année Numéro modifiant et complétant le Décret du 30 Janvier 1940.

Convention for the definition of aggression (1933) < http://www.iilj.org/courses/documents/ConventionontheDefinitionofAggression.pdf>, accessed 10 April 2013.

Dambach, C. 'What is Peacebuilding', Alliance for Peacebuilding < http://www.allianceforpeacebuilding.org/?aboutpeacebuilding >, accessed 14 March 2013.

De Greiff, P. (2010) 'A Normative Conception of Transitional Justice' in *Politorbis* (50-3) 17-30

Freeman, M. (2006) *Truth Commissions and Procedural Fairness,* New York: Cambridge University Press.

Giannini, T. *et al.* (2009) *Prosecuting Apartheid-Era Crimes?: A South African Dialogue on Justice,* Massachusetts: Harvard University Press.

Hayner, PB. (2002) *Unspeakable Truths: Facing the Challenge of Truth Commissions,* New York: Routledge.

Hayner, PB. (2011) *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* 2nd ed., New York: Routledge.

Institute for Security Studies (2002) 'Global and Inclusive Agreement on Transition in the DRC: Inter-Congolese Dialogue - Political Negotiations on the Peace Process and on Transition in the DRC' <http://www.issafrica.org/AF/profiles/DRCongo/icd/transagmt.pdf >, accessed 15 May 2011)

Kahongya, P. (2012) *SOS du Gouverneur du Nord-Kivu à l'Intention de la Communauté Internationale*, Cabinet du Gouverneur de Province.

Kerr, R. and Mobekk, E. (2007) *Peace and Justice: Seeking Accountability after War,* Cambridge: Polity Press.

Mushikiwabo, L. (2013) 'Rwanda's Foreign Minister discusses DRC extraditions, FDLR and evicted Rwandans from Tanzania' < http://www.minaffet.gov.rw/index.php?id=886&tx_ttnews%5Btt_news%5D=593&cHash=c701d6cfd062606f7f0ea3733dd52bfc >, accessed 9 September 2013.

Newman, E. (2002) ''Transitional Justice': The Impact of Transnational Norms and the UN' in Newman, E. and Schnabel A. (eds.), *Recovering From Civil Conflict: Reconciliation, Peace and Development*, London: Frank Cass, 31-50.

Olson, LM. (2006) 'Provoking the Dragon on the Patio Matters of Transitional Justice: Penal Repression vs. Amnesties' in *International Review of the Red Cross* 88 (n°862), 275-294.

Savage, T. (2006) *In Quest of a Sustainable Justice: Transitional Justice and Human Security in the Democratic Republic of the Congo,* Pretoria: Institute for Security Studies.

Tunamsifu, S. P. (2012) 'The Challenges of the Obligation to Co-operate between the ICC and the DR Congo : The Case of the Fourth Arrest Warrant Against General Bosco Ntaganda', in *A38 JIL* 1(2) < https://docs.google.com/a/athirtyeight.com/viewer?a=v&pid=sites&srcid=YXRoaXJ0eWV pZ2h0LmNvbVxx2b2x1bWUtMS1lZGl0aW9uLTF8Z3g6Nzg2N2ZlODQ4NjY0ZjUwOA >, accessed 20 July 2012.

Tunamsifu, S. P. (2013) ''International Humanitarian Law violations in the armed conflict in eastern part of DR Congo: the case of the National Congress for the Defense of People'', in *A38JIL* 2(1) < https://docs.google.com/a/athirtyeight.com/viewer?a=v&pid=sites&srcid=YXRoaXJ0eWV pZ2h0LmNvbVxx2b2x1bWUtMnxneDo3MjM0N2U1NGNiNzJkOTUy>, accessed 4 April 2013.

UNSC (2004) *Report of the Secretary General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* (S/2004/616) < http://www.unrol.org/files/2004%20report.pdf >, accessed 10 August 2010.

UNSC (2012) *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the DRC* (S/2012/838) < http://reliefweb.int/sites/reliefweb.int/files/resources/N1257423.pdf >, accessed 30 April 2013.

Biographical Note

Philippe Tunamsifu Shirambere is a research assistant at the Institute for Dispute Resolution in Africa of the University of South Africa and a Lecturer in law at the Université Libre des Pays des Grands Lacs.

Children on the Battlefield:
A Look into the Use of Child Soldiers in the DRC Conflict

Judith Victoria Mwandumba,
Mzuzu University, Malawi

Abstract

The phenomenon of child soldiers has become a global concern, particularly since the end of the Cold War and particularly in Africa, a continent replete with numerous and protracted civil wars where children are recruited to serve as combatants and carry out other roles. This paper focuses on the child soldier phenomenon on the African continent in general and the Democratic Republic of Congo (DRC) in particular. Following a review of literature on conflict in the DRC, Africa and beyond, the paper argues that a range of political, economic, social and cultural factors all combine to bring about this deadly phenomenon. In the case of the DRC, the paper argues that all parties to the conflict have used children at some point and this has made it hard to stop their recruitment altogether. The paper also examines reasons why children are preferred for recruitment and argues that as long as conflicts continue to ravage the African continent, the child soldier will remain on the African battlefields for the foreseeable future. Despite some drawbacks, the paper further argues that important steps have been made thus far to end the use of children in armed conflict.

Introduction

The number and intensity of armed conflicts on the African continent has long been a matter of major concern to the world, and more specifically, to the United Nations Security Council; a body that holds the primary responsibility for the maintenance of peace and security throughout the world. From the time many countries on the continent gained independence there have been numerous, albeit of different types and durations. Adedeji (1999: 3) argues that during the four decades between the 1960s and the 1990s, about 40 sub-Saharan African countries registered close to 80 violent changes of governments. What is more, at the beginning of the new millennium "there were 18 countries facing armed rebellion and 11 facing severe political crises" (Adedeji 1999: 5). While the numbers might have dropped in recent years, Africa continues to grapple with conflicts. The Arab Spring, which affected Tunisia, Egypt and Libya, the decade long conflicts in Liberia and Sierra Leone, military coups in Mali, Madagascar, the Central African, and deadly conflicts in the Democratic Republic of Congo (DRC), Angola, Rwanda and

Sudan have brought untold suffering to the people on the continent (Adedeji 2002; Cilliers 1995; Field 2004; Laremont 2002; and Tungwarara 2011). Conflicts in the region have been and continue to be a serious threat to political, economic and social development. In his report, 'The causes of conflict and the promotion of durable peace and sustainable development in Africa', Kofi Annan, former Secretary-General of the United Nations, noted that while Africa as a whole had began to make significant political and economic progress, many parts of the region were still lagging behind because progress was being threatened or impeded by conflicts (United Nations 1998). This picture does not augur well for a region whose poverty levels still remain high despite numerous efforts at development. What is more, the prevalence of intra-state conflicts in Africa, specifically in the aftermath of the East-West rivalry has not only made a bad situation worse, it has also brought about a phenomenon that has become one of the most serious threats to the continent's development and security; the child soldier phenomenon.

As conflict and warfare continue to threaten societies and the lives of many, the welfare of children would appear to be at a greater risk than ever before. Today, large numbers of children are reportedly on battlefields the world over, fighting wars they do not know or being forced to support causes they know little about (Singer 2005). The effects of which are terribly felt by children themselves, specifically those that are recruited to serve in warfare. The use of children in armed conflicts is one aspect that had gone largely unnoticed for a long time in much of the literature. While literature on conflict traditionally focused mainly on its impact on political, economic and social development, not much was done to address the effect of such conflicts on children who incidentally happen to be one of the most vulnerable groups in society. However, times have since changed. Today, the phenomenon of child soldiers and its negative impacts on children has not been lost on the international community. Images of children on the battlefield have drawn the attention of the media, international policymakers and child rights advocates the world over; these bodies have been in the forefront demanding an end to this practice (Singer 2005).

This paper looks at the child soldier phenomenon as one of the characteristics of conflict in Africa and the DRC in particular, and argues that while poverty and political and economic stagnation are major consequences of conflict in general, the impact of child soldiers on Africa's development warrants special attention considering the fact that children remain important future leaders of the continent. The paper also argues that, contrary to conventional views which portray children as innocent victims of warfare, in contemporary conflicts in which children are not only passive victims; they are also active combatants on the frontlines. Children in Africa therefore remain both targets and perpetrators of violence to an unprecedented degree (Briggs 2005).

The paper is divided into six sections: the first section looks at the definitions of 'child' and 'child soldier'. The second examines the child soldier phenomenon within the African context. The third explores conditions leading to the increased use of children in African armed conflicts and why they (children) are specifically preferred targets for recruitment. The fourth gives a brief

overview of the DRC conflict and the use of child soldiers in that country's conflict thus far. The fifth investigates the effects of armed conflict on children in general, and the final section examines steps taken by concerned governments in Africa and the international community to reduce and stop the use of children in armed conflicts.

Who is a child soldier?

There has been much contention surrounding the definition of the terms 'child' and 'child soldier', this is so especially considering the fact that childhood is a relative concept that changes according to historical time, geographical environment and socio-economic conditions among other factors (Twum-Danso 2003). This paper borrows the United Nations definitions of child and child soldier. According to the United Nations Convention on the Rights of the Child (UNCRC), a child is "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier" (UNCRC Article 1), and the term child soldier refers to:

> any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers and those accompanying such groups, other than purely as family members…it does not, therefore, only refer to a child who is carrying or has carried arms (Coalition to Stop the Use of the Child 2003).

The child soldier phenomenon

It has been argued that "the phenomenon of children in combat is not recent, nor is it solely an issue in African countries, as many may assume" (Briggs 2005: xii). However, the marked and tragic increase in their use particularly in civil wars in the last several decades has given the phenomenon a new and different dimension altogether (Briggs 2005). According to numerous accounts, the history of children's involvement in armed conflict dates back many years. What is important to highlight though, is the fact that the phenomenon has experienced several changes with regard to the roles played by children. Honwana argues that the phenomenon of child soldiers is deeply rooted in the history of all civilizations, and she points out that children have taken part in warfare and political conflict from as early as the Middle Ages (Honwana 2006:26). Notable warfare incidences in which children played a vital role include;

> the Children's Crusade of 1212, Napoleon's army of 19th century which featured a number of child combatants about twelve years old and the First and the second World Wars in which young boys lied about their age in order to fight as a sign of patriotism (Twum-Danso 2003:17).

Children have also taken part in revolutions with strong ideological motivations, for instance the Red Guards during the Chinese Cultural Revolution (Honwana 2006:27). Children perform multiple roles for their groups, they might be used as active combatants, spies, messengers, porters, cooks, servants, layers and clearers of land mines and where girls are involved, they also

serve as 'wives'[1] to commanders. These roles were carried out by children in the past and the trend has continued up to this day albeit with some remarkable differences. In modern conflicts, the roles played by children have become deadlier than before, with half the number of children in armed groups fighting in active combat on the battle field and performing some of the most horrifying acts ever known to mankind (Peter et al 1998).

Conditions/factors leading to increased numbers of children in African armed conflicts

The literature on child soldiers indicates that the phenomenon seems to be a worldwide problem (Singer 2005, Honwana 2006, and Briggs 2005). Africa, and the sub-Saharan region in particular, however, appears to be the epicenter of the phenomenon. Studies further indicate that when compared to other regions of the world, Africa, one of the poorest continents of the world, has the highest number of child soldiers fighting in various wars that continue to plague the continent (McIntyre 2005). Accounts of child soldiering in Africa indicate that children have been used both by government forces and by guerillas battling them (Briggs 2005). It has been argued that of an estimated 300,000 children thought to be involved in wars around the world, nearly half are found in Africa alone (Twum-Danso 2003). Angola, Burundi, the Central African Republic (CAR), Chad, the Democratic Republic of Congo (DRC), Guinea, Liberia, Rwanda, Sudan, Sierra Leone and Uganda are some of the countries where the use of child soldiers has been and still remains most problematic (Hirsch 2001). However, "due to the scarcity of reliable documentation and the fact that most armed groups, including government forces, deny their existence, the exact number of child soldiers is difficult to assess and thus, they remain 'invisible' " (Afua Twum-Danso 2003: 12). Again, compared to other regions, Africa's population consists of the highest number of young people; about 45 percent of the population (Afua Twum-Danso 2003). This presents Africa with a daunting task: that of finding a long lasting solution to the phenomenon especially given the fact that young people in Africa have very limited livelihood prospects and chances of their joining armed groups as an economic alternative still remain very high (Peters 2004).

Why have children become a target for armed groups and some government forces in contemporary African conflicts? A number of factors/conditions help explain the unprecedented increase both in the number of child soldiers and their horrifying acts in today's conflicts. In the first place, technological changes in weaponry in the contemporary era have seen the participation of children in armed conflicts take on a different dimension. As Machel (2001: 2) points out, "Indeed, small arms, light and easy to use, are now so readily available that the poorest communities can gain access to deadly weapons capable of transforming any local conflict into a bloody slaughter". That earlier weapons were heavy and required enough strength

---

[1] These girls are expected to perform the duties of any ordinary wife, cooking, washing taking care of the men and of course satisfying their sexual needs.

in order to carry and operate is one reason why children could not be engaged in active combat, however, today's weapons have been made lighter and they require neither strength nor years of training to master, to the extent that even children as young as seven can operate them (Singer 2005). Added to this, today's weapons have become more lethal, such that, a weapon in the hand of a child is able to produce the same result one would expect if the weapon was being operated by an adult. Another factor has to do with the easy access in obtaining these weapons. Globalization, with its resultant lower trading costs and faster delivery times, also applies in the case of weaponry, and it is argued that "there is no place around the globe where small arms are not startlingly cheap and easily accessible" (Singer 2005: 48). Africa is no exception – weapons are readily available. This makes the militarization of societies, and children especially much easier.

Poor socio-economic conditions in a number of African countries put children at a high risk of armed conflict. The case of the DRC in this regard is the most telling. Despite its abundant resources, the country is one of the poorest countries in the world with a GDP per capita of 400 USD (CIA 2013). The collapse of the country's economy has been, among other factors, due to hyperinflation, mismanagement of state resources, corruption (especially by the top elites), the protracted conflict that has characterised the country's history, and the HIV/AIDS pandemic (Beya 2014). In a scenario like this one, the youth are the ones hardest hit by dire poverty and such a situation makes them vulnerable and exposes them to dangerous risks, one of which is becoming easy prey for recruitment by armed militias (Kaplan 2005). This is not to say that all poor children in conflict situations end up as child soldiers, rather poverty contributes highly to this phenomenon as it lessens the options available to children in such an environment (Twum-Danso 2003).

In addition, the peripheral position of Africa in the global economy has serious implications for its people, especially children. In the year 2000, a United Nations Development Programme report stated that "Africa is singled out as the only region in the world where both the absolute number and the proportion of poor people are expected to increase during this millennium" (Poku 2001: 23). Critical as the general situation is, it is even worse for children who in some cases are forced to fend for themselves and their families. In certain instances where parents get paid for their children's services in warfare, the former may willingly surrender their children to armed forces in return for money or any form of income for their survival. Literature on child recruitment indicates that on the whole, children are forcibly abducted by rebel or government forces to join their armies. It is also argued, however, that others do join armed forces out of their own will; they might join because they are supporting a certain ideology or they are seeking revenge for the ills done to them (Twum-Danso 2003). A survey on why children joined different armed groups in the DRC conflict found that 9 percent were abducted, 34 percent joined for material reasons, 21 percent joined because they believed the group's ideology, 10 percent joined for revenge purposes, and 11 percent joined simply to leave their home (Coomaraswamy 2009). However, this line of thinking (that children join out of their own free will) is challenged by

(Machel 2001) who argues that it would be misleading to consider children presenting themselves for service as 'voluntary' because at the time of recruitment children are faced with almost impossible choices; either survival (by joining a faction) or death if they refuse, and in addition there is always pressure to run away from the socio-economic problems in society, hence joining a faction becomes the best alternative, and this can hardly be described as voluntary.

The main argument from the literature therefore, is that collapsing socio-economic conditions in a number of African countries to a larger extent determine whether or not children join wars. In light of this; homeless street children, the internally displaced and those from poor broken-up families are at higher risk of taking part in armed conflict (Singer 2005). This is the case because such children lack basic necessities of life; such as food, shelter and clothing, hence joining rebel groups/warfare becomes their survival strategy, their viable alternative. Hence, the socio-economic conditions affecting children in any conflict environment must always be considered.

Closely linked to the above is the effect of the HIV/AIDS pandemic on African societies in general and on children in particular. Africa, especially the sub-Saharan region, has the highest number of HIV/AIDS infected cases the world over. The numbers of infected cases are horrifying; 75 percent for that part of the region alone (Fukuda-Parr 2004:40). Thus the HIV/AIDS pandemic results in large numbers of orphans in turn creating a new pool of children susceptible to being pulled into warfare (Singer 2005: 42). Without parental support and care and with minimal prospects for a steady source of food supply and income, such children prefer to join armed forces, as one author argues, "for refugees…orphaned, and the fearful, joining an armed group sometimes appears the better of the bad alternatives" (Cohn and Goodwin-Gill 1994: 33).

The prevalence of warfare in contemporary times is another factor that explains the increased use of children in African conflicts. Africa is one region with the highest number of conflicts the world over (Adebajo 2002). With the intensification of protracted intra-state conflicts in Africa, armed groups are always on the lookout for more recruits to replenish their troops and in most cases they turn to children.

Why children?

Why do armed groups and some government forces prefer children to adults? Singer (2005) argues that children are now being preferred because they provide a low-cost and efficient way for organisations to mobilise and generate force. In addition, children are often seen as expendable, they are also easily manipulated and controlled to carry out the most repulsive orders; hence they are much more preferred than adults when it comes to recruitment. Further still, children can be found in abundance, and through brutal indoctrination (a form of training mostly preferred by rebels); children can be turned into the fiercest fighters. In addition, because contemporary wars kill at a higher rate, there is therefore a continued need for soldiers to replace

the dead, and as argued before, the recruiters turn to children. Machel concurs with this point arguing that "as conflicts drag on, recruits tend to get younger and younger" (2001: 8).

Children are also targeted because of their nature – owing to the fact that they still have not developed mentally, they can easily be intimidated and manipulated by those that recruit them. Children are often seen as agile and more endurant than adults and following indoctrination and manipulation, they will worship their 'commanders' and carry out any orders without question (Twum-Danso 2003). In an interview with former child soldiers, one author came across a Renamo deserter in Mozambique who had been forcibly recruited at the age of ten, and he explained that "kids have more stamina, are better at surviving in the bush, do not complain and follow directions" (Cohn and Goodwin-Gill 1994: 26). Unlike adults, children are bound to work effectively and efficiently whether they get paid or not. Other than this, there are certain conditions that have made children easy targets for recruitment. Children who are poorest, least educated and from most marginalised sections of society are most likely to be recruited. Children from wealthy families are at lower risk of recruitment because their parents can afford to pay-off their recruiters in exchange for their children's freedom. In addition, in some cases those children with proper birth certificates may be spared since they have proof to show that they are underage hence not fit for recruitment. Children with no families or papers to identify them and their age are likely to be abducted and forced into fighting (Cohn and Goodwin-Gill, 1994). The abovementioned factors serve to explain why children are specifically preferred to fight in African armed conflicts. It is important to note that the conditions/factors leading to the increased number of children in African armed conflicts discussed above were and are still prevalent in the DRC, making children an easy target for both government and rebel forces fighting in the conflict.

The DRC conflict and child soldiers

Probably one of the longest and bloodiest civil wars on the African continent since the end of the Cold War, the DRC conflict dates as far back as the 1960s when the country, then Zaire, gained its independence from Belgium. Since then, armed conflict has been and continues to be a regular feature in the country, with grave consequences for the population and the country's development. To date, it is reported that as many as five million people have lost their lives in this conflict, and in addition many have been displaced, with more than a million living as refugees in neighbouring countries (Human Rights Watch 2010). A range of factors combined have been blamed for the conflict in the DRC and they include: legacies of both colonial and autocratic rule, ethnic differences and the wars in neighbouring Rwanda and Uganda (World Movement for Democracy 1999). The picture is made worse when one considers the many factions that are fighting in the DRC. Over the years, the national forces have fought a host of Congolese and foreign armed groups, such as the Rwandan-backed *Rasseblement Congolais pour la Democratie* (RCD) and the Ugandan backed *Mouvement pour la Liberation du Congo* (MLC), during the phase in which the eastern DRC was occupied by foreign forces, and since

then, groups such as *Forces Démocratiques de Libération du Rwanda* (FDLR), and the M23. Given the number of actors in the conflict and their ever changing motives,[2] a long lasting solution to the conflict remains a farfetched dream (World Movement for Democracy 1999). It is worth noting that Rwanda and Uganda have been blamed for their continued support of the rebels with the aim of pursuing their own interests in the DRC (Nest et al. 2006). They have thus emerged as the biggest spoilers to any peace efforts in the DRC conflict.

In terms of the use of children in armed conflict, the DRC has not been spared. Like many other countries suffering from conflict, the DRC has witnessed massive recruitment of children. What is interesting to note though is that all fighting forces in the country have unlawfully recruited children (both boys and girls) to carry out a number of roles besides fighting on the battle field (Child Soldiers International 2012). Like in other war-torn countries, children in the DRC conflict have been used to perform some of the most horrifying acts in their societies , including killing, maiming and torture. The United Nations estimates point to the fact that at the height of the DRC conflict there were more than 30,000 child soldiers fighting for the various parties to the conflict (Human Rights Watch 2010). While a number of efforts have been made to reverse this trend, resulting in the release by armed groups of large numbers of child soldiers, their recruitment still continues especially in the eastern part of the country (Human Rights Watch 2010). All this has serious implications for the campaign to stop the use of children in armed conflicts. Also worrying are revelations that even the DRC national forces also recruited child soldiers to fight on their side (Turner 2007). While circumstances leading to this trend may not be clear, one could still argue that by recruiting child soldiers, the national forces were/are no different from the many rebel groups they were/are fighting. How, for example, can the government discourage or stop altogether the use of child soldiers when it is doing the same? It is imperative therefore to understand that while all this plays out, it is the children that bear the brunt of the suffering through active involvement in armed conflict.

Effects of armed conflict on children

This section examines the effects of armed conflict on children in general, regardless of whether or not they have been on the frontline. It must be emphasised that childhood is one of the most important stages of one's life since it shapes the way for adult life. Once lost, childhood cannot be regained. Unfortunately this is what conflict does to children's' childhood days. On the whole, the long-term effects of conflict are probably more devastating than the immediate effects and this is particularly true for children whose mental capacities are still in the earlier stages of development. The effects of conflict on children have been terrible. Modern conflicts have killed and exploited children to such unprecedented levels. During the 1990s alone, "more than 2 million children died as a result of armed conflicts, often deliberately targeted and murdered"

---

[2] The DRC conflict is exceptionally complex, with huge numbers of armed groups fighting each other, many of whom have swapped sides at some point since the conflict began.

(Machel 2001: 1). Children for their part have killed, sometimes their own families, friends and people they once lived with in the same communities. These acts leave an indelible mark on children and may haunt them their entire lives.

While the physical suffering that children incur through their involvement in conflict cannot be underestimated, the psychological consequences of conflict present a far greater challenge to children and the decisions they make later in life. Psychologically, children suffer from conflict-related trauma, and, because of the horrible acts they have committed, former child soldiers fear retribution and rejection by their societies (Cohn and Goodwin-Gill 1994). Feelings of guilt, shame and helplessness characterise their life after conflicts. One child soldier in the DRC reported that every night visions of all the people he had killed would come before him asking why he had done it (Briggs 2005). In a related development, a child born of a Tutsi mother and Hutu father in Rwanda was asked to hack his three Tutsi nephews to death during the Rwandan genocide (apparently his sister had been married to a Tutsi). The child, then ten, reported that fifteen years down the line, he still saw his nephews as vividly as he saw them then asking him "why are you killing us" (Briggs 2005). Such mental suffering becomes too much for children to bear and in some cases it may lead to juvenile delinquency, alcohol and substance abuse, depression, social isolation and withdraw and discipline problems.

Other consequences of conflicts on children concern their social lives. Conflicts deprive children of education opportunities. Schools in conflict zones are destroyed, and where structures remain intact children are afraid to go to school for fear of being abducted or killed. Thus by denying them education, conflict denies children one of the most important keys to their adult life. As already noted, children in Africa, as elsewhere, are important future leaders at various levels and in various walks of life, and thus require a sound education to tackle effectively and efficiently the political, economic and social developmental agendas on the continent. In the absence of the provision of proper education for its children, Africa risks lagging further behind in terms of global development.

Conflicts further deprive children of the opportunity of growing up in stable societies and proper homes. Under the Convention of the Rights of the Child, "every child is entitled to receive such protection and care as is necessary for his or her well-being" (Cohn and Goodwin-et al 1994: 105-106). In most cases such protection and care is provided by the family and society to which the child belongs, but conflict destroys family and societal bonds to such an extent that children in conflict zones may never grow up to cherish the bond and togetherness of family life. By not growing up in proper homes and societies, children lose out on the cultural values, beliefs and morals that govern and shape society and individual life. In these ways conflict affects children's relationships with others in society and their understanding of life in general.

Steps being taken to reduce and stop the use of children in armed conflicts

It is encouraging to note that African countries and the international community are making commendable strides in attempting to put an end to the use of children in armed conflict. Clearly

this problem will not end overnight, but it is of course vital to support the initiatives put in place to curb this practice. A number of positives steps have been take to end the child soldier problem, including the ratifying of treaties to protect children's rights, and the conviction of individuals involved in the use of child soldiers (World Movement for Democracy 1999).

The regional body at the continental level in Africa, the African Union (AU), has taken a leading role to ensure that children are not exploited and used as child soldiers (Clarke: 2012). The African Charter on the Rights and Welfare of the Child (ACRWC), which came into being in 1999, is considered as one of the most important initiatives to curb the child soldier phenomenon (African Union 1999). The charter calls upon all signatories to ensure maximum protection of children and their rights. Of particular importance is Article 22(2) which underscores the responsibility of states to "take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular, from recruiting any child" (African Union 1999). Thus, by virtue of being members of the AU, countries are obliged to adhere and respect the charter. In addition, the AU has also embarked on a number of campaigns to stop the recruitment of children. Recently, the United Nations-African Union Mission in Darfur (UNAMID), for example, launched a campaign in the Western region of Sudan to stop recruitment of children. While this campaign specifically targets the Darfur region, it is important to note that the message in this campaign is echoed in all corners of the continent where the use of children in armed conflict has been and still remains rampant. Sub-regional organisations too are doing their part. For instance, the Southern African Development Community (SADC) has been urging its member states to refrain from recruiting children. In addition, all SADC member states have ratified the African Charter on the Rights and Welfare of the Child (ACRWC), the United Nations Convention on the Rights of the Child as well as the African Youth Charter (SADC Action on Orphans, Vulnerable Children and Youth). Thus, while the success of such efforts by the AU and other sub-regional bodies such as SADC may not be witnessed overnight, they go a long way in showing the commitment to end the problem of child soldiers.

The international community beyond the continent has also played a major role in attempts to end the use of children as soldiers. In the case of DRC, a number of initiatives have been made. For instance on 4 October 2012, "the government of the DRC and the United Nations officially committed to ending the recruitment and use of children by Congolese armed forces and security services by signing an Action Plan" (Child soldiers international 2012). In addition some individuals have been convicted of enlisting child soldiers, a familiar case being that of Thomas Lubanga who was convicted by the International Criminal Court (ICC) in March 2012 (Child Soldiers International 2012). Such initiatives are also apparent on a broader level:

> In June 2013 the UN set a goal to have no child soldiers anywhere in the world by 2016. There are
> eight Government armies listed for the recruitment and use of children and six of them have already
> committed to making their armies child-free. In 2012, South Sudan, Myanmar, Somalia and the

Democratic Republic of Congo signed action plans with the United Nations. The previous year, Afghanistan and Chad made similar commitments. Discussions initiated with the Governments of Yemen and Sudan are expected to lead to action plans in the near future" (Child soldiers international 2012).

Other notable initiatives by the UN Office for the Coordination of Humanitarian Affairs (OCHA) include awareness campaigns to demobilise child soldiers and have them return to their homes and be re-integrated into society. While all these plans and actions sound promising, they can only be realised through comprehensive and collaborative efforts by government, civil society, and the international community.

Conclusion

The child soldier has become a more active player on the battlefield than ever before. The DRC remains one country in Southern Africa where the use of child soldiers is still rampant. Child soldering therefore remains a huge challenge for national governments in Africa, peacemaking forces and humanitarian organisations. Personal and tragic stories of child soldiers reveal that transcending their terrible past and building new lives for themselves is not an easy task. Governments in Africa have a duty to protect their citizens, especially children; and, while it remains a major challenge to remove child soldiers from non-government armed forces, the governments must also set a good example by not recruiting children for their own armed forces. However, the struggle to prevent the use of children as soldiers should not be left to national governments alone. To this end, civil society, including human rights organisations (many of which are already lobbying for children rights), should step up their efforts in helping governments so as to reduce the number of children taking part in armed conflicts.

This paper has discussed how conflict and warfare continue to threaten societies and the lives of many people in a number of African countries; most notably in terms of the threat to children. The after effects of conflict on child soldiers have long-term negative implications both on their physical and cognitive development. The paper has further argued that the increased use of children in African conflicts, and the DRC in particular, is largely due to poor socio-economic conditions, technological simplification of modern weaponry, and changes in contemporary warfare which combine to create situations which put children, vulnerable as they already, are at a higher risk of taking part in armed conflicts. Given the entrenched nature of the factors that allow and promote the use of children in armed conflict, perhaps the most effective way to stop the use of children as soldiers is to end the conflicts in which they fight in the first place.

BIBLIOGRAPHY

African Union (1999) 'African Charter on the rights and welfare of the child' <http://www.african union.org> accessed on 18 December 2014.

Adebajo, A. (2002) *Building Peace in West Africa Liberia, Sierra Leone, and Guinea-Bissau*, Boulder: Lynne Rienner Publishers.

Adedeji, A. (1999) Comprehending *and Mastering African Conflicts*. London: Zed Books.

Beya, M. (2014) 'Socio-Economic Collapse in the Congo: Causes and Solutions' <http://www.henrygeorge.org/congo.htm> accessed on 18 December 2014.

Briggs, J. (2005) *Innocents Lost: When Child Soldiers Go to War*, New York: Basic Books.

CIA (Central Intelligence Agency) (2004) The World fact Book <http://www.cia.gov/library/publications/the-world-factbook/fields/2004.html> accessed 18 December, 2014.

Child Soldiers International (2012) 'Louder than Words: An Agenda for Action to End State Use of Child Soldiers', London.

Cilliers, J. (1995) 'Peace Support Operations' in J. Cilliers and G. Mills (eds.), *Peacekeeping in Africa* Vol. 2, Braamfontein: South African Institute of International Affairs.

Clarke, L. (2012) 'A Duty to Protect: The African Union and the Plight of the Child Soldier' <http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=99 8:a-duty-to-protect-the-african-union-and-the-plight-of-the-child-soldier-&catid+91:rights-in-focus&Itemid=296>, accessed 18 December 2014.

Coalition to Stop the Use of child Soldiers (2003) 'Guide to Optional Protocol on the Involvement of Children in Armed Conflict' <http://www.child-soldiers.org/document> accessed 10 October 2007).

Cohn, I. and Goodwin-Gill, G. (1994) *Child Soldiers: The Role of Children in Armed Conflicts*, New York: Oxford University Press Inc.

Coomaraswamy, R (2009) 'Root Causes of Child Soldier Phenomenon and UN Initiatives' <http://transcurrents.com/tc/2009/03/post_331.html> accessed 19 December, 2014.

Field, S. (2004) *Peace in Africa: Towards a Collaborative Security Regime*, Johannesburg: Institute for Global Dialogue.

Fukuda-Parr, S. (2004) 'Gender, Globalisation and New Threats to Human Security', *Peace Review* 16(1): 35-42.

Hirsch, J. L. (2001) *Sierra Leone: Diamonds and the Struggle for Democracy*, Boulder: Lynne Rienner Publishers Inc.

Honwana, A. (2006) *Child Soldiers in Africa*, Philadelphia: University of Pennsylvania Press.

Human Rights Watch (2010) 'Trail of Death' < http://www.hrw.org/reports/2010/03/28/trail-death >, accessed 23 October 2013.

International Coalition for the Responsibility to Protect (2014) 'Crisis in the Democratic Republic of Congo' <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-drc>, accessed 18 December 2014.

Kaplan, E (2005) *Child Soldiers Around the World*, <http://www.cfr.org/human-rights/child-soldiers-around-world/p331>, accessed 18 December 2014.

Laremont, R. (2002) *The Causes of War and the Consequences of Peacekeeping in Africa*, Portsmouth: Heinemann.

Machel, G. (2001) *The Impact of War on Children*, Cape Town: David Phillip Publishers.

McIntyre, A. (2005) *Invisible Stakeholders: Children and War in Africa*, Pretoria: Institute for Security Studies.

Nest, M. et al. (2006) *The Democratic Republic of the Congo: Economic Dimensions of War and Peace*, Boulder International Peace Academy Occasional Paper Series: Lynne Rienner.

Peters, K. (2004) *Re-examining Voluntarism: Youth Combatants in Sierra Leone*, Pretoria, South Africa: Institute for Security Studies.

Peter, K. and Richards, P. (1998) 'Why We Fight: Voices of Youth Combatants in Sierra Leone', *Africa*, 68(2).

Poku, N. (2001) 'Uneven Globalisation and Human Insecurity in Africa' in N. Poku (ed.), *Security and Development in Southern Africa*, Oxford: Praeger, 15-29.

Singer, P. W. (2005) *Children at War*, New York: Pantheon Books.

Tungwarara, O. (2011) 'The Arab Spring and the AU Response', Open Society Institute: Africa Governance Monitoring and Advocacy Project.

Turner, T. (2007) *The Congo Wars: Conflict Myth and Reality*, London: Zed Books.

Twum-Danso, A. (2003) *Africa's Young Soldiers: The Co-option of Childhood*, Pretoria: Institute for Security Studies.

United Nations (1998) 'The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa' <http://www.un.org/ecosocdev/geninfo/afrec/sgreport>, accessed 11 October 2007.

United Nations Security Council (2013) 'UN Envoys Urge Resumptions of Talks between DR Congo, Rebels' <http://www.un.org/apps/news/story.asp//html/realfile/story.asp?NewsID=45824&Cr=democratic&Cr1=congo>, accessed 23 October 2013.

World Movement for Democracy (1999) 'A Short History of the Conflict in the Democratic Republic of Congo and Involvement of NGOs in the Peace Process' <http://www.wmd.org/resources/whats-being-done/ngo-participation-peace-negotiations/history-conflict-democratic-republic>, accessed 23 October 2013.

Biographical Note

Judith Victoria Mwandumba lectures at the Department of History, Faculty of Education, at Mzuzu University, Malawi.

Book Review

Funmi Olonisakin and Awino Okech (eds)
Women and Security Governance in Africa
Dakar, Nairobi: Pambazuka Press, 2011. 184 pp. ISBN: 978-0-85749-001-8

Reviewed by: Carla Bringas, Osaka University

Eight authors discuss issues of gender and security in African settings throughout this book. The main argument is that a people-centred approach to security cannot be achieved without the inclusion of women's concerns in the agenda. In fact, this book suggests that the visibility (or not) of such concerns in security governance could be used as an indicator of the progress made by a particular state in achieving an inclusive security agenda. The attempt to evaluate the progress in security governance came opportunely ten years after the promulgation of the UN Security Council Resolution 1325, adopted in the year 2000, which is the first international instrument addressing the security concerns of women in situations of armed conflict and peace building.

Olonisakin and Okech identify as the main problem the gap between existing inclusive security policy instruments and the political reality in which women's voices are absence from governments' security agendas. Several assumptions are raised to explain the reasons why, despite efforts in adopting policy instruments that favour inclusiveness, the operationalization of those instruments has not been successful. Most of the assumptions are linked with structural factors in African societies that do not provide the conditions for the accommodation of women's concerns within the larger security discourses. This problem is addressed in three parts.

In part one, the book stresses inconsistencies between normative efforts and the reconstruction process on the ground. These inconsistencies are explained by four factors: (i) the colonial legacy that privileges a male-dominated African elite and excludes women's concerns from both the formal and informal state systems, including issues related with security; (ii) transitional justice as an institution that fails to incorporate the gender dimension in security and fails to expand the concept of state security beyond the state boundaries; (iii) the social and economic inequalities among women in a particular society and the fact that gendered security fails to recognize that not all women experience conflict in the same way; and, (iv) the rooted belief that security issues are male driven under the public/private dichotomy, which supports an oppressive status quo detrimental to women.

In part two, the authors provide a social setting for the conceptual framework analysed in part one, based on the study of the security agenda in three countries: Liberia, Sierra Leone and

Mozambique. In the case of Liberia, the author argues that although women's peace activism has contributed to the expansion of a political space for women, debates around security have as not neither transformed gender relations nor developed an inclusive security agenda that prioritizes women's issues. In fact, the author maintains that women are still under-represented in policy-making, and that the security agenda still fails to include women (and men), particularly from rural areas. In the case of Sierra Leone, the author elaborates on the progress of women's engagement in peacebuilding, but also stresses that despite the existence of advocacy groups, women's concerns regarding violence and insecurity are still not a priority in the agenda. For instance, the author indicates that the conceptualization of women as victims by the Truth and Reconciliation Commission (TRC) has had a marginal impact on the operationalization of a security agenda that includes women. The TRC has failed to raise questions concerning social justice and did not address structural patriarchal structures. Finally, in the case Mozambique, the author compiles narratives of women's experiences with violence and the various roles women played during the civil war. Despite of the realities on the ground, gender considerations were absent from peace agreements. In addition, the author highlights that in practice women's access to economic resources and education are limited by, and depend on, marriage and patrilineal inheritance.

The book ends by addressing the influence of regional institutions in security, particularly ECOWAS (Economic Community of West Africa States) and the African Union. The contributions focusing on both organizations present a general picture of the complex and multi-layered government bureaucracies in security and the declarative efforts to include women in the security agenda. Each chapter similarly concludes that structural patriarchal gendered roles limit women's engagement in peace and security, which explains the inconsistency between normative efforts and women's engagement on the ground.

One limitation of this book is the general use of the concept of security throughout the book. Although the position of the authors is consensual and clear in suggesting that the traditional conceptualization of security should be broadened beyond the boundaries of nation states to include non-state security actors such as women, the use of the concept of security, although offering diverse explanations, does not clearly differentiate between traditional and new definitions. In addition, while in the second part of the book some case studies elaborate on the identity of security institutions (state and non-state actors); it would have also been helpful to note, from the outset, to which security institutions and non-state informal security actors the authors are referring.

Overall, the book contributes to the ongoing debates concerning alternative approaches to security that emphasize the neglected role of non-state actors and traditionally excluded groups, such as women. This book itself represents the progress of security debates in African countries in comparison to twenty years before the publication of this book, when security governance debates did not include civil societies, non-state actors or women.