

XENOPHOBIA TRIVIALISES SOUTH AFRICA'S AMBITIOUS AFRICA POLICY

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EXECUTIVE SUMMARY

South Africa's grand transition and re-integration into international affairs under former president Nelson Mandela gave the country the moral resources to lead in Africa. An exceptional transition of domestic tolerance and a declared commitment to justice in the world were to serve as directive elements in South Africa's diplomatic footprint in Africa. However, South Africa's ability to lead – and to be emulated – on the basis of the 'exceptionalism' of its domestic order is increasingly under stress. Xenophobia, which has become a near-permanent feature of its domestic political economy, is undermining the country's leadership role. Notionally, ubuntu as a central feature of the country's foreign policy is ringing hollow. While more should be done to rehabilitate those sections of the population who perpetrate xenophobic violence, bolder domestic and foreign policy initiatives that speak to the scale of the problem are urgently needed. Only then can South Africa reclaim with some legitimacy lost ground as a torchbearer, as it attempts to remain the indispensable African country.

INTRODUCTION

South Africa's White Paper on Foreign Policy, 'Building a Better World: The Diplomacy of Ubuntu', affirms its national interest as being inextricably linked to the promotion and 'positive development of others'.² Ubuntu, an idea that has been elevated to the highest canon in South Africa's foreign policy, is rooted in the country's commitment to uphold its Bill of Rights. This bill is the cornerstone

RECOMMENDATIONS

1 To demonstrate its commitment to fighting xenophobia, South Africa should lead international efforts for tolerant societies by calling for an ambitious Durban IV Summit against Racism.

2 To promote tolerance, South Africa's cultural diplomacy in Africa should promote the country as a diverse and tolerant nation founded on justice and the pursuit of human rights for all its inhabitants.

3 In its deliberations on the National Action Plan to Combat Racism, Xenophobia and Intolerance, South Africa should strive to externalise its experiences by deliberating with key African institutions, including SADC and the AU, with the objective of regionalising the plan's policy objectives.

of a democracy that affirms the values of human dignity, equality and freedom.

Three further crucial normative references deserve mention in as far as they inform the 'diplomacy of ubuntu'.

First, it could be argued that the thread linking ubuntu as a value to South Africa's diplomacy is the Freedom Charter. This states, 'South Africa belongs to all those who live in it, black and white.'³ Second, South Africa's national anthem *Nkosi Sikelel' iAfrika* (God Bless Africa) underscores South Africa's commitment to the African continent.⁴ Last, Mandela, the architect of a tolerant and humane South Africa, vowed in his seminal 1993 article in *Foreign Affairs* that South Africa would promote the human rights of others.⁵ These interventions at various points in South Africa's history served as the bedrock on which the state based the foreign policy edifice of a free South Africa.

Sadly, fissures have started to appear. South Africa is unable to provide consistent and principled leadership on matters of justice and injustice in Africa and elsewhere. Yet it is the aspiration to and promise of justice that South Africa carried so remarkably well during its transition. How this exceptional country became a hotbed of xenophobic violence remains a puzzle. In part, the explanation, however insufficient, may be found in the wear and tear of the country's own domestic democratic project, including an economy that has not lived up to the aspirations of the majority. There is no accepted causal link between South Africa's institutional democratic gridlock, sluggish economic growth and poor service delivery and the rising levels of intolerance. While this policy brief infers that the emergence and prevalence of xenophobia in South Africa started to harden at a time of high tensions within democratic institutions and contestation around economic policy, it seeks to locate the debate in South Africa's chosen African destiny. Xenophobic violence undermines and discredits South Africa's unifying African foreign policy vision. It cannot be a credible African leader with violent incidents of xenophobia within its borders.

FAILING MORAL SUASION IN THE DOMESTIC CONTEXT

Mandela's thinking on human rights both implicitly and explicitly implied that the question of human rights for

those who lived in South Africa was not negotiable. South Africa would therefore also seek to champion the human rights of others outside its borders. Since the advent of democracy in South Africa it has invested significant resources in its pursuit of an African continent where human rights, peace and democracy are the norm rather than the exception. These include peace diplomacy in what is now a failing Burundi, a resurgent Central African Republic, a resilient Democratic Republic of the Congo, an emerging Côte d'Ivoire, and a struggling Zimbabwe, Madagascar and Lesotho. Arguably, of all the pivotal states in Africa, including Nigeria, Kenya and Ethiopia, over the past 22 years South Africa has made the most substantive contributions to and investments in a more stable and prosperous continent. No other African country has extended its resources to the various geographies of the African continent in the interest of peace and security. South Africa has also been invited to participate in discussions on the geopolitical challenges around the protection of the rights of individuals in conflict-ridden societies. An example of this is its participation in the UN-led International Dialogue on Syria in January 2014.

Unfortunately, the tolerant African project that South Africa has sought to champion over the past 22 years seems to be faltering. This is not because South Africa's commitment to a peaceful and prosperous Africa is withering. But with intermittent and shocking waves of xenophobic violence within its borders, the country's commitment to the human rights of others, including its appropriation and export of the values of ubuntu as enunciated in its foreign policy, is now subject to interrogation. The inability of the South African government to deal with the scourge decisively, and its oftentimes-meek responses, has created a domestic crisis of human rights. This surely constrains South Africa's ability to champion human rights in its Africa policy, and more broadly in its international affairs.

Xenophobia constitutes a domestic crisis of human rights, as illustrated in the 2014 Amnesty International Report, which noted that 'incidents [of xenophobia] in seven provinces led to the displacement of over 1,600 people'.⁶ These attacks, when analysed within the context of the events of 2008, in which over 60 migrants died, and their repetition in Durban and the Johannesburg inner city in April 2015, contrast sharply with an external issue-driven agenda aiming to place South Africa at the centre of human rights discourses

in Africa. Similarly, the Amnesty International Report 2015/2016: The State of the World's Human Rights highlights several incidents of violence against refugees and migrants in various areas, including Durban, Grahamstown and Soweto.⁷ The picture is worse when viewed within the context of the March 2016 attacks on shops owned by foreign nationals in Katlehong, east of Johannesburg.⁸

This raises the question of how South Africa can construct an external identity and architecture of human rights and tolerance in the face of its African peers' sharp questioning of the poor treatment of migrants within its borders. The point can convincingly be made that with xenophobia South Africa has lost its moral suasion to champion one of its most compelling entry points into African politics – the potential for an exemplary diplomacy based on domestic political tolerance and human rights.

RECLAIMING LOST MORAL AND ETHICAL GROUND

Before assuming a robust external identity, foreign policy doctrines ought to be localised. South Africans and all those who live within the country's borders, including refugees and illegal migrants, must enjoy the same rights. After all, South Africa has committed to many global instruments and conventions that seek to protect the rights of all. More importantly, the South African constitution is progressive in its guarantee of human rights. In practice, however, this does not imply perfect domestic policy engineering, including implementation. Policies are hardly perfect; the prevalence of xenophobic violence attests to this. But South Africa should be firm on principle, which can be accompanied by policy certainty and institutional commitment to deal with the root causes of this problem.

On this score, the South African government and civil society must be steadfast in their commitment to promote and defend the rights of migrants. While there have been attempts to guarantee these, the government's structural and policy responses to xenophobia have been deficient.

The shocking repetition of xenophobic violence over the years is a manifestation of the inability of the government and civil society to deal with this problem in a decisive manner. In some instances, as 'Operation Fiela'⁹ in the aftermath of the April 2015 violence demonstrated, knee-jerk and poorly calibrated responses accentuate existing perceptions of structural and administrative xenophobia.

Illustrating the government's meek responses, Human Rights Watch in its World Report 2015 states: 'Incidents of violence against foreign nationals and looting of foreign-owned shops highlighted the government's inability to counter xenophobia or address the contributing causes.'¹⁰ It suggests that the government should become far more of an activist by depoliticising the problem. After all, as the April 2016 xenophobic attacks in Zambia demonstrate, the problem is not uniquely South African, and the solutions must be regionalised.

Defensive rhetoric and double-speak from government officials are not constructive. A case in point was Minister of Home Affairs Malusi Gigaba, who in defence of the government said: 'South Africa has problems, but we don't send our people to other countries.'¹¹ President Jacob Zuma's statement to the National Assembly on 19 April 2015, while commendable, also exposed the dangerous double-speak: 'While we strongly condemn the attacks, we are aware of, and are sympathetic to some of the issues that have been raised by affected South African citizens.'¹² In times of crisis and xenophobic attacks, the message policymakers send out should not create any doubt among either victims or perpetrators. What is more, the South African government should not wait for violence to erupt before elevating and escalating questions of migration to the regional level. This is exactly what South Africa did when the last wave occurred in 2015. In the aftermath, Zuma cautiously raised the alarm at the April 2015 SADC Extraordinary Summit in Zimbabwe when he warned against the dangers of illegal migration.¹³ While some of these pronouncements attempt to deal with the root causes of xenophobia, they should not be standard responses when violence against foreign nationals is perpetuated.

How should the South African government deal with xenophobia in order to reclaim lost ground in its attempts to lead in Africa? Various policy options and actions have emerged in the domestic and regional contexts. In an encouraging move, in his State of the Nation address on 14 February 2016 Zuma declared 21 March 2016 an occasion to mark racism as an injustice. Moreover, on 19 February 2016 roughly 25 000 ANC rank and file sympathisers marched to the Union Buildings to express their displeasure at racism in South Africa. Speaker after speaker, including ministers, provincial premiers, ANC office bearers and the clergy, denounced racism in South Africa. These initiatives are laudable, specifically after the recent bouts of racist remarks. Moreover, the 2016–2021 National Action Plan to Combat Racism, Racial

Discrimination, Xenophobia and Related Intolerance is a crucial mix of civic education and dialogue seeking to deal with all forms of intolerance in South Africa.¹⁴

However, it is clear that xenophobia, a distinct and undeniable manifestation of intolerance, is often overlooked. This has been demonstrated by the scale of (in)action on xenophobia when compared to the political mobilisation by the government and the ANC against racism. While xenophobia is less appealing for domestic constituencies in a local government elections year, it casts South Africa and its leadership in Africa in a bad light. It requires concerted action from the South African government, civil society and media and robust engagement with African diaspora constituencies, both in South Africa and in the region, to find a progressive path forward. With xenophobia growing worldwide, including in the EU as a result of the migrant crisis, there is an opportunity for South Africa to externalise its experience for better policy co-ordination and development. As the host of the Durban 2001 World Summit against Racism, Racial Discrimination, Xenophobia and Related Intolerance, South Africa should plead through the UN for Durban IV in order to draw attention to xenophobia as a threat to the 2030 Sustainable Development Goal of inclusive societies.

CONCLUSION

Xenophobia has become a recurrent issue in South Africa. While efforts have been made over the past year to deal with it, they have been wholly inadequate. This is a result of the government's reluctance to admit that xenophobia has grown deep roots in the country. The unintended consequence is South Africa's credibility deficit as a tolerant and leading African country worthy of emulation. South Africa's diplomacy of peace on the continent is inconsistent with a domestic order that undermines the human rights of migrants on its shores, specifically in its poorer communities. In order to restore lost credibility, consistent pronouncements against xenophobia are needed. Moreover, the dilution of the issue by the politically appealing condemnation of racism deflects attention from what is an acute problem. In order to return South Africa to the core of exemplary democratic leadership in Africa, some policy initiatives, such as the National Action Plan to Combat Racism, Xenophobia and Intolerance, ought to be externalised and regionalised. Bold leadership is needed, which may require that South Africa not only share its experience with xenophobia, as it did with its transition from

apartheid, but also lead an ambitious international conversation on the scourge.

ENDNOTES

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- 2 South Africa, DIRCO (Department of International Relations and Co-operation), White Paper on Foreign Policy, *Building a Better World: The Diplomacy of Ubuntu*. Pretoria: Government Printer, February 2012.
- 3 ANC (African National Congress), 'The Freedom Charter: As adopted at the Congress of the People, Kliptown, on 26 June 1955', <http://www.anc.org.za/show.php?id=72>, accessed 14 June 2015.
- 4 SouthAfrica.info, 'South Africa's national anthem', <http://www.southafrica.info/about/history/anthem.htm#VyHhFcdVrdk>, accessed 14 June 2015.
- 5 Mandela N, 'South Africa's future foreign policy', *Foreign Affairs*, 72, 5, 1993.
- 6 Amnesty International, 'Report 2014/2015: The State of the World's Human Rights'.
- 7 Amnesty International, 'Report 2015/2016: The State of the World's Human Rights', p. 330.
- 8 News24, 'Foreign-owned shops looted in Katshehong', 29 March 2016, <http://www.news24.com/SouthAfrica/News/foreign-owned-shops-looted-in-katshehong-report-20160329>, accessed 6 April 2016.
- 9 Operation Fiela was launched in the wake of the xenophobic violence of April 2015 with the aim of securing affected neighbourhoods. Accusations that it was targeting foreign nationals marred its good intentions.
- 10 Human Rights Watch, 'World Report 2015: South Africa - Events of 2014', <https://www.hrw.org/world-report/2015/country-chapters/south-africa>, accessed 17 October 2015.
- 11 Comments on the *ENCA News Channel*, 2015.
- 12 South Africa, DIRCO, 'Statement by President Jacob Zuma to the National Assembly on the violence in KwaZulu-Natal directed at foreign nationals, 19 April 2015', <http://www.dfa.gov.za/docs/speeches/2015/zuma0416.htm>, accessed 22 April 2016.
- 13 See South Africa, DIRCO, 'Communiqué of the Extraordinary Meeting of the SADC Summit of Heads of State and Government, Harare, Zimbabwe, April 19, 2015', <http://www.dfa.gov.za/docs/2015/sadc0430.htm>, accessed 10 June 2015.
- 14 For more information, see South Africa, Department of Justice and Constitutional Development, 'Draft for Public Consultation: National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance 2016–2021', October 2015, <http://www.justice.gov.za/docs/other-docs/NAP/NAP-A4-PublicConsultationBook.pdf>, accessed 10 March 2016.

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