THE SOCIAL, ECONOMIC AND POLITICAL CIRCUMSTANCES OF CONGOLESE REFUGEES IN DURBAN

BY

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DECLARATION

This dissertation represents original work by the author and has not been submitted in any other form to any other university. Where use has been made of the work of others, it has been acknowledged and referenced.

The research for this dissertation was performed under the supervision of Professor Francie Lund at the Center for Social and Development Studies in the School of Development at the University of Natal Durban, during the period of November 1999 to March 2000.
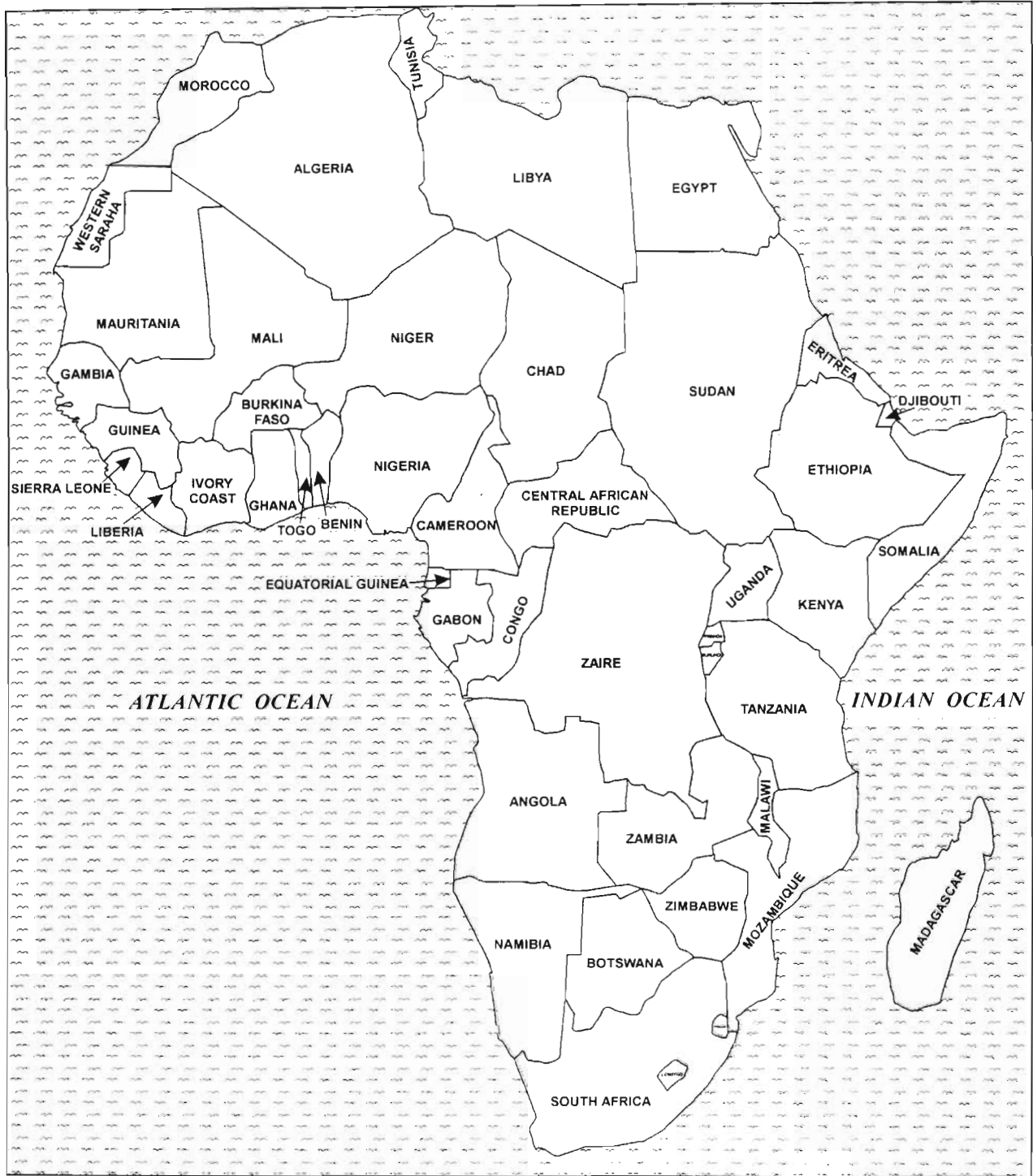
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MOROCCO

TUNISIA

ALGERIA

LIBYA

EGYPT

WESTERN SARAHA

MAURITANIA

MALI

NIGER

CHAD

SUDAN

ERITREA

DJIBOUTI

GAMBIA

GUINEA

BURKINA FASO

NIGERIA

ETHIOPIA

SIERRA LEONE

IVORY COAST

GHANA

TOGO

BENIN

CAMEROON

CENTRAL AFRICAN REPUBLIC

SOMALIA

LIBERIA

EQUATORIAL GUINEA

GABON

CONGO

UGANDA

KENYA

ZAIRE

TANZANIA

ATLANTIC OCEAN

INDIAN OCEAN

ANGOLA

ZAMBIA

MALAWI

MOZAMBIQUE

MADAGASCAR

ZIMBABWE

NAMIBIA

BOTSWANA

SOUTH AFRICA

List of Abbreviations

ACAA:	Aliens Control Act Amendment
CF:	Congolese franc
DRC:	Democratic Republic of Congo
GDP:	Gross Domestic Product
GNP:	Gross National Product
ID:	Identification Document
IDS:	Internally Displaced Person
IFAS:	Institu francais d'Afrique du Sud
KZN:	KwaZulu Natal
MPR:	Mouvement Populaire de la Revolution
NGO:	Non Governmental Organization
NZ:	New Zaire (monetary unit)
OAU:	Organization for African Unity
RRC:	Refugee Reception Centre
SADC:	Southern African Development Community
SAMP:	The Southern African Migration Project
SMME:	Small, Medium and Micro Enterprise
TPPP:	Temporary Permit to the Prohibited Person
UN:	United Nations
UNHCR:	United Nation's High Commissioner for Refugees

CONTENTS

CHAPTER ONE: INTRODUCTION ·

1.1   INTRODUCTION

For well over 150 years South Africa has been the center for an extensive system of labor migration in the southern African region. In the early 1800s, the migrant workers traveled on foot from Mozambique, Malawi, and Lesotho to work in diamond mines. In the 1890s migrants came from Swaziland, Botswana, Zimbabwe, Zambia and Angola to work in gold mines (Blanchfield, 1997). Foreign mine workers have traditionally made up at least 40% the labor force in South African mines (up to 80% in 1960s) and they provide a major source of income for some neighboring states. According to the 1995 World Bank Report (cited in Sechaba consultants, 1997), remittances from Basotho laborers working in South Africa accounted for 50% of Lesotho's government's Gross National Product (GNP) and equated 100% of its Gross Domestic Product (GDP) in the 1960s. Today about 40% of the Basotho male labor force is employed in South Africa and remittances account for a third of GNP (Sechaba consultants, 1997).

Since 1990 there has been a growing movement of foreign migrants and refugees to South Africa. There are several reasons for this increased flow. One is the growing level of economic disparity in the region. For some citizens of poor neighboring states, labor migration to South Africa is the most promising means of overcoming economic deprivation. This could be demonstrated by comparing the low level of migration to South Africa from Botswana, a country which has per capita income levels comparable to those of South Africa, with that of Mozambique, where the per capita income is 35% less than South Africa's (Human Rights Watch 1998). The second reason is the numerous conflicts of social, economical and political nature in the continent. The growing number of displaced people is a reflection of the instability and problems in home countries. Yet another reason is the increasingly tighter regulations in the North to control the numbers of immigrants. South Africa, on the other hand, despite its own particular social and economic difficulties, is considered the largest, the most stable and vibrant economy of the region. This coupled with the new constitution and the remarkable progress towards

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establishing a free and democratic society, based on respect for human rights for all of its citizens, makes it an attractive destination for those seeking better prospects for individual freedoms, and collective security, social stability, and economic opportunities.

The ever-increasing number of migrants, however, has been accompanied by an alarming increase in public's xenophobic feelings. They are constantly accused of taking jobs away from South Africans, spreading all sorts of diseases from lice infections to AIDS, and committing crimes, particularly drug related. The treatment of migration related issues in the popular press have, unfortunately, been highly biased and uninformed. It has perpetuated the erroneous stereotypical assumption about migrants and their impact on South African society, while the real issues of concern such as prevalent exploitation of foreign migrants and repeated violation of their human rights have been left unnoticed and untreated.

The inflammatory statements of some politicians are widely reported and this fans the flame of hatred and animosity towards foreign migrants. Minister of Home Affairs, Mangosuthu Buthelezi, for example, in his first introductory speech to parliament stated that: "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 Program" (Buthelezi, 1994).

An important factor in the spread of panic and increased xenophobic sentiments is the wild estimates of the number of migrants living/working in South Africa, particularly those of the undocumented or illegal migrants. Inaccurate data gathering and record keeping, as well as irresponsible and sensational reporting by journalists, has made the task of estimating an accurate total number of migrants, particularly the undocumented ones residing in South Africa, almost impossible. Before 1994, estimates of the numbers of undocumented aliens were below two million (the source of this number is unclear). These numbers are more in line with those suggested by the South African Migration Project (SAMP) which estimates between 0.5 to 1.5 million migrants (Crush, 1997a).

However, in 1994-95, the Human Science Research Council (HSRC) published the results of a survey that estimated the number of non-South Africans living in the country to be 9.5 million. In their more recent report in 1997, HSRC raised their estimate to 12 million (Crush, 1997b).

The questionable results of these research projects along with other dubiously high estimates have been widely used by the press and politician to raise alarm about the impact of migrants. Everyone is too busy to blame the migrants, particularly the undocumented cases, for all the ills of society to worry about their quality of life and the gross violations of their human rights and abuses they suffer in the hands of officials as well as the public.

1.2   OBJECTIVES OF THE RESEARCH

The objective of this research is:
-       To prepare a profile of immigrants (both documented and undocumented) from the Democratic Republic of Congo (DRC)[1] who live in Durban metro area.

-       To investigate the social and economic situation in which these immigrants live.

-       To establish whether the conditions that resulted in their move conforms to those suggested in the main international theories of migration.

-       To assess whether their expectations have been met.

-       To ascertain their views as to whether they would like to stay in South Africa permanently or aim eventually to go back to their own country.

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[1] Throughout the text of this dissertation the name Zaire has been interchangeably used for DRC, the same with the term Zairian for Congolese

1.3   OUTLINE OF DISSERTATION

In presenting the results of the study, this dissertation will begin with a brief overview of the history of migration and the scope of the challenge it poses to the international community. Chapter two then outlines the premises of the study and the methodology of the research. Chapter three is devoted to tracing the general history of migration and the theoretical framework that shapes the national as well as international policies with regards to migration, immigration, asylum seeking and refugee reception and protection. This chapter provides the conceptual framework from which the analysis of later chapters can be drawn. Through a review of the relevant literature, the contemporary theories of migration are examined and are placed in the context of the present realities of population movement trends.

Chapter four attempts to place South African migration policies within a historical frame and trace their development path. It also looks at the recent, post-apartheid history and the attempts to upgrade and often revise the old policies. Chapter five examines the historical events and social and economic conditions, which led to Congolese migration from their native home to South Africa. In chapter six, the data gathered from the interviews is organized in different sub chapters to examine everyday concerns of the Zairian refugees such as the social and economic conditions and quality of their lives once they reach South Africa; their reception by the general public and the officials of their adopted country; and their contribution to the social and economic well being of South Africa. This chapter also discusses the problem of xenophobia and its role in the lives of the refugees particularly its relationship to formation of informal social networks that are instrumental in settlement and even survival of the refugees. In the last chapter conclusions are drawn, alternatives for development of durable solutions are examined, and the leading role of South Africa contributing to finding a long term, regional solution is discussed.

CHAPTER TWO: METHODOLOGY

Since the early 1990s, many humanitarian and research organizations such as SAMP, the Human Rights Watch, Institut francais d'Afrique du Sud (IFAS), School of Government at University of Western Cape, and others, have carried out quantitative research projects dealing with different aspects of migration to South Africa. The purpose of the present study was to add qualitative research and gather in-depth information about the lives and times of Zairian immigrants in Durban. Although a small study, the qualitative approach can help deepen the understanding about their reason for migrating and their expectations. If policy is to be legitimate and effective, it needs to be based on an understanding of the migration issues, as experienced by the migrants. Issues to be considered include: why people move; why do they come to South Africa; whether they plan to return to their home countries; how well are they doing in the economic setting of their new home; what are they doing; and whether their activities have an impact on the economy of South Africa.

Since the author had lived in Zaire for five years from 1987 to 1992, was able to speak French and was involved with volunteer activities among the refugee community, the prospect of researching the Zairian community in Durban was an interesting and logical choice.

The research material for the study was gathered from five main sources:
- Review of literature about the general theories of population movements and particularly about international migration
- Review of literature about the trends and issues in regional migration patterns and particularly situations leading to large refugee influxes
- Extensive, in-depth interviews with ten Zairian refugees who have lived in Durban for at least 3 years
- A focus group conducted with five Zairian refugees who have lived in Durban for less than a year

- Substantive interviews with a representative of the Home Affairs department in Pietermaritzburg, a Home Affairs Officer in the Refugee Reception Center in Durban, and a representative of the Durban Refugee Forum.

A structured questionnaire combining a mix of open and close-ended questions was used in the in-depth interviews (Appendix 1). The open-ended questions allowed the interviewees to voice their own opinions and offer their interpretations about certain aspects of their experiences in South Africa. These interviews sought to collect information on the following broad issues: a) basic demographic information such as age, sex, marital status and family size; b) participants' education level, and work and business history in the country of origin; c) their migration history including the motivation for their move to South Africa; d) the history of their arrival and settlement in South Africa and more particularly in Durban including their interactions with the officials and general public, any assistance they might have received from individuals or organizations; and e) their current situation of employment, accommodation, satisfaction with life, etc.

A total of ten individual interviews were arranged. These interviews were planned to be with people who have been living in South Africa for a minimum of three years. However, due to misunderstanding on the part of the informants, three interviews were done with people who had been here for less than three years The length of stay of these three in South Africa was 30, 26 and 20 months, respectively. As there are no accurate lists of refugees available (Patrick Cowan, Pers. Com.), on-probability sampling was used in finding candidates for interviews. The main informant was a Zairian friend who was also to play the role of interpreter if any of those who were to be interviewed might have problem expressing themselves either in French or English. He arranged and accompanied the interviewer for all the interviews. The presence of this informant who is well liked and respected in the Zairian community, and his introduction of the interviewer ensured easy access and rapid entry into the community.

In finding participants a mix of snowball sampling and referral method was used. The main informant was interviewed first, he then arranged the following two interviews. Those interviewed then introduced the next two interviewees. However, when it became obvious that all those interviewed up to that point were male and from the same province, the main informant was asked to arrange interviews with people from other provinces and at least with one Zairian woman. These were arranged and the seventh interviewee then introduced the next informant, but he was not found and after three unsuccessful attempts to locate that person, the main informant once again arranged another interview.

The last interview was purely coincidental. During the course of searching for the address of ninth interviewee, a Zairian barber who works in the vicinity of the given address was asked for directions. Upon hearing of the purpose of the visit he volunteered to be interviewed. He then followed us to the house of the person with whom the interview was arranged and was interviewed afterwards. The individual interviews took between two to three hours each. Almost all of the interviews were conducted in the homes of the interviewees or their friends except for one that took place at the interviewee's barbershop, close to the market.

Because of the nature of Zairian culture, which is very social and collective, all of the interviews were conducted in the presence of other people who were sometimes invited by the interviewees to join them during the interview. This is perhaps because none of the Zairian refugees have ever been interviewed before and they all had things they wanted to say. Besides, almost none of those interviewed really lives alone and there are always people around, be they a flat-mate, or a new comer who is staying with the family for a while, or a "brother" visiting, Zairians are rarely alone. I learned the social nature of Zairian culture when I was living in Zaire and discovered that even eating inside the house was a signal of anti-social behavior that meant that one is not ready to share the food with others. The only time spent inside the house was when one wanted to sleep. For these cultural reasons it was almost impossible to have private and one to one interviews. However, whenever possible, when the third party (ies) wanted to add or contradict the statements of the interviewee, they were asked to tell their side after the statement from

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the interviewee was completed. What is noteworthy is that the statements were often similar and although people have gone through their own particular journeys to get here, the general experiences were quite similar. This similarity of experience, may be what has brought them together as a network in the first place

This is a very important consideration whenever the snowballing method is used because the possibility of biasing the sample is inherent in the method. For instance, the person that introduces the next person to the researcher often chooses someone who has similar experiences or often reflects similar opinions or values as himself. In this study, it became clear towards the fifth interview that all those introduced were Zairians who have come from the same tribe. They were all natives of Kasai province who lived outside their own province, either in Shaba or in Kinshasa, and therefore subjected to tribal persecution. Once this was noted the key informant was asked to find people from other provinces or tribes. This is when the misunderstanding about the length of stay in South Africa occurred. The main informant, a Kasaian himself, identified some people from Kivu, another province in Eastern Zaire, to be interviewed. However, because he was not as close to them as to the people of his own tribe, he may not have known exactly how long they have been living in Durban.

Other indicators that snowballing leads to similar opinions or experiences from similar types of people are:
- All those introduced for following interviews were men (except when the key informant was particularly asked to introduce a woman).
- All those introduced for following interviews were highly educated (the key informant was the only one who has not finished high school).
- All but the two youngest of those interviewed were people with successful careers back in their own country.
- All but one of the interviewees were family men (although some of them are not formally married but they had wives or girlfriends and children).

Of those interviewed a majority of 6 out of 10 were married, 5 of them to Zairian women and one to a lady from Burundi. Of the 4 single men, one lives with his children and his long time Zairian girlfriend, one with his South African girlfriend and son, one has a Zulu girl friend and a son but lives on his own and only one has no immediate family here.

All those interviewed in this research were men. This was noted with concern midway through the research. When particular efforts were made to interview a Zairian woman, it was arranged with a mother of 6 who was repeatedly called away. After 40 minutes she was called away on an urgent business. Efforts were made to reschedule the interview but she did not seem to be very keen and therefore it was abandoned. A further attempt to visit another lady who lives in the neighborhood of one of the interviewees also failed. The difficulty of encountering and interviewing Zairian women might be due to the following:

- If the snowballing method is used, men tend to only think of other men as they see women as dependents rather than decision makers
- Women tend to do lots of different kinds of work during the day such as shopping at the market and doing what is necessary for the running of the household as well as performing little side businesses
  - Recently Zairian women have started doing car watch especially near the beach front and some other areas of commercial activities and thus spend less time around the house during the day
  - Zairian women are generally more timid than the men and less educated. This results in problems of communicating in either English or French. This might partially explain their reticence to meet and talk to strangers.

A focus group was also conducted with the recently arrived Zairians, those who have lived in Durban for less than a year. Twenty refugees were invited to participate but only seven showed up. Two of these had lived in Durban for longer than two years. They were asked not to participate in the discussion so that they would not influence the opinion of

the newcomers. One of them volunteered to take notes of the discussions and the other one (the main informant) played the role of translator when required.

Of the five participants of the focus group, 2 have been living here only for about 4 weeks, two for about 4 months and one about 10 months. Three of the participants were from Kivu and two from Kasai province. The group interview was organized after all the individual interviews had taken place. The purpose of the semi-structured, open-ended questions of the focus group (Appendix 2) was to provide additional information about the aspirations of the newly arrived refugees and the motive of their move as well as the conditions of their lives and how far along have they come in settling into their new situation and to compare their situation with those earlier arrivals. This especially in regard to any encouragement they received for their move and/or any assistance they might have received in settling into life in Durban from the informal network of their compatriots.

The group interview was mainly conducted in French but one of the participants preferred to express himself in Swahili and on occasion in his mother tongue, Mushi (a local dialect). These comments were then translated into French for the interviewer.

The 2 hour and 40 minutes group interview was organized in the Durban Baha'I Centre. It followed a luncheon, which was arranged as an icebreaker. This created a relaxed and amicable atmosphere for the interview. Because the group was relatively small, there was plenty of opportunity for everyone to voice their opinions. The questionnaire provided a loose guide for the discussion and the order of some of the questions was changed as to move naturally from one topic to the next. At the end of the session, all participants were invited to share any ideas or concerns which might have been overlooked by the interviewer.

The interview with Mr. Hurburun of Refugee Reception Center in Durban was granted after the questions (Appendix 3) were submitted to the head office in Pretoria. Interviews with Mr. Cowan of Pietermaritzberg office however, were more informal and were

arranged outside office hours and premises. The interview with the representative of the Refugee Forum was arranged through the main informants and took place in the Forum's office.

CHAPTER THREE: THEORETICAL FRAMEWORK

3.1 HISTORY OF MIGRATION

The history of migration is as old as humanity itself. The spread of human beings all over the world from their original ecological origin in Sub-Saharan Africa is an ample testimony. A careful study of any era in human history reveals population mobility caused by a variety of factors, yet almost always in search of some material improvement in their existing conditions. For the purpose of the present study, migration flows are disaggregated according to a widely accepted typology of international migration, which identifies the following groups:

- Permanent settlers (immigrants) including persons admitted under family reunion schemes.

- Temporary contract workers, usually semi-skilled or unskilled workers who remain in the receiving country for finite periods, often 2 years.

- Temporary professional transients, professional or skilled workers who move from one country to another usually as employees of international and/or joint venture companies.

- Clandestine or illegal workers whose entry may not be sanctioned by the receiving country's government.

- Asylum seekers who cross borders and appeal for status on grounds of political discrimination.

- Refugees as are defined by 1951 United Nation's (UN) Convention relating to the status of refugees.

The modern history of international migration can be divided roughly into 4 periods (Massey et al, 1998: 1). The Mercantile Period, from 1500 to 1800, was dominated by flows out of Europe that stemmed from colonization plus economic growth under mercantilist capitalism. During this period emigration generally fell into 4 classes, a relatively large number of agrarian settlers, a smaller number of administrators and artisans, an even smaller number of entrepreneurs who founded plantations to produce raw materials for Europe's growing mercantilist economy. The most important source of plantation labor was the

forced migrant African slaves. In over 3 centuries nearly 10 million African slaves were imported into the Americas. And finally, in a very few cases, convict migrants were sent to penal colonies overseas.

The second or Industrial Period of emigration began early in the 19th century and stemmed from the economic development of Europe and spread of industrialism to former colonies in the New World. From 1800 to 1925 over 48 million people left the industrialized countries of Europe in search of new lives in the Americas and Oceania. Of these emigrants, United States alone received 60% and 25% went to four other destinations: Canada, Australia, New Zealand and Argentina (Massey et al, 1998:3).

During the third period, which was between the two World Wars, the large-scale European emigration faltered. The outbreak of the First World War ushered a forty year long period of limited migration. In addition, the onset of the great depression virtually stopped all the international movements in 1929 and well into 1930s. And again in 1940s the Second World War checked most of international Immigration movements. The mobility then was largely of refugees and displaced persons and this continued well into the next decade.

Finally, by the beginning of 1960s, the Post-Industrial Period, Western Europe experienced a booming economic recovery. Not only was unemployment virtually eliminated but also large-scale inter-European migration was beginning to take place. On the other hand, the Latin American countries were confronted with ever-growing number of their own nationals entering the work force. These needed employment opportunities. As a result these countries ceased to be the magnets drawing large numbers of European migrants.

Before 1925, 85% of all international migration originated in Europe but since 1960s the emigration from Africa, Asia and Latin America has increased dramatically. The variety of destination countries has also grown and countries throughout Western Europe now attracted significant numbers of immigrants, especially Germany, France, Belgium, Switzerland, Sweden and Netherlands. During the 1970s even long- time emigrant sending nations such as Italy, Spain and Portugal began receiving immigrants (Massey et al, 1998:

2). After the rapid escalation of oil prices in 1973, several less developed but capital-rich countries in the Gulf region also began to sponsor massive labor migration. By 1980s, international migration had spread into Asia including Japan, Korea, Taiwan, Hong Kong, Singapore, Malaysia and Thailand.

Compared to the earlier industrial era, contemporary patterns and processes of international migration are far more complex. An assessment of contemporary migration has shown that developing countries have been increasingly drawn into global networks. As many as 70 million persons, mostly from developing countries, are working, either legally or illegally, in other countries. Over one million persons immigrate permanently to other countries each year, close to an equal number seek asylum. In addition, 1998 witnessed almost 12 million refugees and 5 million Internally Displaced Persons (IDPs) (UNHCR, 1999).

3.2   CONTEMPORARY MIGRATION THEORIES

Understanding the causes of global migration is of paramount importance, for whatever concepts and theories are drawn will determine predictions about the magnitude, duration, and character of international migration in the new century and, hence, the policies that will ultimately be adopted to meet this unique global challenge. The theoretical concepts presently employed by social scientists for analyzing and explaining international migration were primarily formed during the industrial era and reflect its particular economic arrangements, social institutions, technology, demography and politics. Although fluid and creative when first derived, they have grown rigid over time and now appear ill suited to the dramatically different conditions of the new millennium. With the passage of time (Massey et al, 1998: 3) the reality of international migration has changed but the theoretical framework shaping the policies has remained firmly anchored in the past. We are now well into a post-industrial, post-cold war in a new century within which immigration will play a central role. Our understanding of the problems then should reflect the changes in patterns, trends and causes of population movements across the globe.

Because the prevailing theoretical approach to international migratory dynamics does not adequately come to terms with the complexities of the current realities, social scientists have begun to question the two pillars upon which earlier models were built. At the micro level, they question the conceptualization of migration as rational response to economic disparities between countries. At the macro level, they question the push-pull approach, which views migration as a means of establishing equilibrium between supply and demand of labor in different regions (Castle and Miller, 1993). It is time then to reassess the current theories of international migration and formulate new ones. Among the theories dominating migration studies the following have been the most influential.

3.2.1   THE NEOCLASSICAL ECONOMIC THEORY

In traditional economic frameworks, it is assumed that migrants move because they expect to benefit from a net gain in income as a direct result of their move. The larger the expected income gain, the more likely it is for the people to move. Increase in wages in destination areas should, therefore, increase the volume of migration while its decrease should lower it. For example, Louis J. Emmerij quotes figures showing that average annual per capita income of low-income countries increased from $140 in 1965 to $270 by the beginning of the 1980s whereas the increase in industrial countries was from $8,800 to $14,400. Furthermore, by the late 1980s per capita income in developing countries had slipped back to the end of 1970s level "thus regressing each year over the last decade" (Emmerij, 1991:6). This by itself should provide the strongest motive for an unprecedented Northwards exodus from all the low-income countries of the South. This vision, however, has little resemblance to the reality of migration. In the past twenty years, for example, average wages have steadily declined in real terms in US while immigration has steadily increased (Massey et al, 1998: 8). The reasonable prediction, based on the observed patterns, would be that even if wages in the main receiving countries were to decline moderately, it will not have a marked effect on the volume of international migration flowing to them. This is because, no matter how wages are measured (real, nominal or expected) or how much they fluctuate, wage differences between North and South has been and will remain large enough to draw substantial northward movement from nearly

all the less-developed countries. Yet, most of these lower income countries are not major players in international migration today. Take the case of Europe, for instance. Although there is a substantial wage difference between Northern and Southern Europe, for example, little migration occurs between Spain, Portugal and Italy to Germany, Belgium and Denmark. As Massey and his colleagues concluded:

> "Classical economic perspective has led analysts to focus exclusively on economic disparities between areas of origin and destination, which are evaluated by rational actors seeking to maximize utility. At times researchers have seemingly found it sufficient simply to enumerate the economic and demographic disparities separating two regions, and then deduced an all but inevitable future flow of migrants between them" (Massey et al, 1998: 9).

Yet rarely do analysts stop and ask why predicted flows have not materialized before, given the longstanding nature of those economic differences. Also,

> "[a]ccording to neoclassical economic theory, the departure of migrants raises wages in sending areas and lowers them in receiving areas. Migration should thus continue until wages are equalized and then it should stop. Historical experience reveals, however, that transitional wage differentials rarely disappear, and when they do it is through a variety of factors among which international migration is not necessarily the most important. Migration typically has not ended with the equalization of wages, but with attainment of bearable conditions of life in the areas of origin, after which people find migration not worth the effort. For example, despite the absence of legal barriers to movement and the persistence of a significant wage difference, sustained net migration between Puerto Rico and USA effectively ended in the early 1970s as did migration between Spain and Germany" (Massey et al, 1998: 9).

Although it is clear that generally little movement occurs in the absence of job opportunities and/or wage differentials, these alone are not enough to explain international movement.

For international migration to occur, the economic conditions in the country of origin must be perceived not simply as inferior to that of the country of destination but rather as unsupportive. Often there are other material and psychological factors which may predominate over expected gains in explaining the propensity to move (Massey and Espana, 1987:733). If this is true then more weight should be given to non-pecuniary factors such as concerns about safety, security, hopes, aspirations and expectations about the future, etc, which are by nature subjective and vary for each individual.

3.2.2   PUSH AND PULL THEORY

This has been an inseparable companion of the traditional economic approach to migration. The basic concept of this framework is that in every area there are many factors which act to hold people within that area or attract others to it, and there are other factors that tend to repel them from it (Lee cited in Yaukey, 1978: 277). Besides the pull and push factors, there are also a set of intervening obstacles between the two areas which can be viewed as the "costs" involved in moving from the point of origin to that of destination (Lee cited in Yaukey, 1978: 278).

Most of the influential factors on either side of the spectrum, although never explicitly stated, have been assumed to be economic and able to affect most people in much the same way. Recent trends, however, indicate that there are other important factors such as social, cultural, political and environmental that affect different people, and do so not uniformly.

- **Economic Factors**

The push-pull framework assumes that migration enables the forces of economic growth in different geographic regions to achieve equilibrium (Massey et al, 1998: 15). For example, excess supply of labor in one area (push) and higher wages due to scarcity of labor in another area (pull) causes the migration of large number of workers from the former to the latter. This will continue till a time when the entrance of migrant workers sufficiently supplements the existing labor force thus reducing the wages in the receiving country. From then on the pull factor loses some of its power. In the country of origin,

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large number of excess labor is gone enabling the labor market to achieve a closer balance between supply and demand of its labor. As the result of diminished pool of extra workers, the wages go up and therefore some of the push factors, such as low wages, lose some of their power. These two opposite groups of factors combine to create equilibrium in labor markets and wages in both countries.

This might have explained certain trends in the industrial era where restrictive admission policies were virtually absent, however, the conditions and policies of the receiving countries have dramatically changed. The imposition of quantitative as well as qualitative or selective limits on entries creates different classes of migrants and changes the previous balances of pull and push factors. The more restrictive the policies become the higher are the costs of migration for different categories of migrants and their risk of failure (Massey et al, 1998: 15). In other words, contemporary migration is shaped less by economic pull and push factors, which dominated economic theories of migration, than by the receiving countries' policies of quotas and composition of those allowed in.

- **Demographic Factors**

Until now we have focused primarily on economic disparity between countries but demographic forces within nations also aggravate the migration process. Economic transformation is usually accompanied by demographic shifts that change the rate of population growth, and cause the numbers of potential job seekers, consumers and service users to swell or diminish. In practice, as well as in theory, contemporary wisdom dictates that demographic factors, under certain conditions, play an essential role in promoting international migration (Straubhaar, 1993). But no matter how influential these factors may be, "demographic pressures" in the sending region does not translates directly into migration towards areas of lower pressure. In other words, the relevant issues are demographic trends and not demographic disparities:

> " High fertility and rapid population growth produce large birth cohorts that
> have migration-promoting effects within specific social and economic
> contexts: they put pressure on social infrastructure such as schools, roads,

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hospitals, clinics; they make satisfaction of consumer desires more difficult; they make it harder to provide decent and affordable housing; they raise unemployment rates and generally they channel state resources away from productive investment into current consumption, drive up public expenditure and contribute to state deficit and foreign debt. The latter outcomes may further exacerbate migratory pressure by leading public officials to adopt policies of structural adjustment that, in the short run, aggravate unemployment, consumer scarcity, and housing shortages to yield social tensions, impelling people to search for relief through international migration" (Massey et al, 1998:11).

Demographic trends in the countries of the South have placed enormous strains on their governments' capacity to provide education, social security and especially jobs. A typically weak resource base, low productivity, high external debt and difficulty of access to world markets have combined with massive unemployment to stabilize or even depress low rates of economic growth in many of these countries (Massey et al, 1998:13). Indeed, demographic differentials between South and North are as striking in their scope and magnitude as are the economic differentials.

The integration of demographic factors into a broader theory of international migration, however, is a goal that remains to be fully accomplished. One of the main attempts in that direction was made by Zelinsky (1971) in which he considered demographic as well as historical and geographic factors. One of the factors which was considered central to his theory, namely the physical distance, however, has certainly changed profoundly in character and importance in the past three decades (Zelinsky, 1971). Although, proximity to a receiving area continues to be an important consideration, it is no longer as decisive a factor as it once was. Its importance has diminished greatly as improvement in transportation and communication have allowed human beings to overcome the barriers of space and information in less time, with greater ease, and at lower cost than ever before.

There is no doubt that modern communications have made people in the South better informed about lifestyle and opportunities in the North, and modern travel has made it easier for them to go there. Globalization of economic networks and formation of regional economic blocks have also brought migration, internal as well as regional and international, within the reach of many people in the South.

3.2.3   THE CONCEPT OF SOCIAL CAPITAL

The concept of social capital was introduced by the economist Glenn Loury (1977) who used it in order to designate "a set of intangible resources in families and companies that helped to promote social development among young people" (Massey et al, 1998: 42). Later on Bourdieu (1986) pointed out that social capital had broader relevance to human society. According to Bordieu and Warquant (1992:119),

> "[s]ocial capital is the sum of the resources actual or virtual that accrue to an individual or a group by virtue of possessing a durable network of more or less institutionalized relationships of mutual acquaintance and recognition."

The most important characteristic of social capital is asserted to be its convertibility. It could be converted to other forms of capital, notably financial capital. People gain access to social capital through membership in networks and social institutions and then convert it into the other forms of capital to improve or maintain their position in society (Bordieu, 1986: 23).

Migrant networks are sets of interpersonal ties that through bonds of kinship, friendship and shared community origin connect migrants, former migrants and non-migrants in origin and destination areas. These networks increase the likelihood of international movement because, on the one hand, they lower the costs and risks of movement and on the other, they increase the expected net return from migration. Network connections constitute a form of social capital that people draw upon to gain access to various kinds of resources such as:

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financial capital, foreign employment, high wages, and the possibility of accumulating savings and sending remittances (Massey et al, 1998:43).

Sociologists began to recognize the importance of networks in promoting international movement in the 1920s. Not-yet migrants draw on social ties of friends and family members who migrated before to gain access to knowledge, assistance and other resources that facilitated their migratory move. Levy and Wadycki (1973) called these networks "family and friend effect". MacDonald and MacDonald (1974) defined them as "migrant chains" and Taylor (1986,1987) labeled them as a form of "migrant capital". Massey et al (1987: 70), however, appear to have been the first to identify migrant networks specifically as a form of "social capital" (Massey et al, 1998:43).

After Coleman's assertion (1990:304) that "social capital ... is created when the relations among persons change in a way that facilitate action", Massey and his colleagues followed with looking at migration itself as the catalyst for the change in the nature of social relations.

> "Everyday ties of friendship and kinship provide few advantages, in and of themselves, to people seeking to migrate abroad. Once someone in a personal network has migrated, however, the ties are transformed into a resource that can be used to gain access to foreign employment and all its benefits. Each act of migration creates social capital among people, to whom the new migrant is related, thereby raising the odds of their migration" (Massey et al, 1987, 1994 cited in Massey et all, 1998: 43).

The first migrants who leave their country of origin for a new destination have no connections or social ties in the destination area to draw upon. For them migration is costly particularly if it involves entering another country without documents, or fixed jobs. The presence of these first migrants in the destination areas, however, reduces the potential costs of migration substantially for friends and relatives left behind. Because of the nature of kinship and friendship structures and their underlying ties, each potential migrant creates his own set of social ties to the destination area. Migrants are also inevitably linked to non-

migrant in the country of destination and they later draw upon obligations implicit in relationships such as kinship and/or friendship to gain access to employment and assistance at the point of destination (Massey et al, 1998: 15).

Extensive and well-established networks make international migration extremely attractive. When they are well developed they put a job at destination country within easy reach of most community members and make emigration a reliable and secure source of income. They become an established coping mechanism for the family and/or community. Every new migrant expands the network and decreases the risks of movement for all those to whom he/she is related and might want to follow him, eventually making it virtually risk free and costless.

Once international migration flows in certain directions have started, private institutions or voluntary organizations tend to rise to fill in the gap which exists between the ever increasing numbers of in-comers and the limited number of jobs, visas and opportunities available. The restrictions, barriers and imbalances create a lucrative black market for some individuals or institutions to bring in the migrants. As this black market creates conditions of exploitation and victimization, a variety of voluntary humanitarian institutions also arise to safeguard the treatment and rights of both legal and undocumented migrants (Massey et al 1998:44). These institutions which are formed as a result of the migration flow and are part of its social networks are in turn influential in shaping that flow itself. Therefore, although economic factors such as wage differentials, employment opportunity, low costs of relative risks, etc, may continue to influence the people to move, new conditions that arise in the course of migration come to function as independent causes themselves. Spread of migration networks, development of institutions that support transnational movement, and changes in the social meaning of work, all assist in making additional movements more likely, leading to the perpetuation of international migration across time and space (Massey et al, 1998: 44).

3.2.4   DEMOGRAPHIC TRANSITION THEORY

The complex pattern of migration in the rapidly developing regions can be partly explained by the application of a model based on the concept of demographic transition. Transition occurs over three stages of modernization or industrialization represented by the horizontal axis from high birth and high death rates in first stage to low birth and low death rates in the fourth stage.

The silent feature of the regular or legal immigration is that receiving country's government decides on the numbers and composition of those that are to be accepted. Millions may wish to immigrate to a more prosperous country but achieved flows will comprise only of those persons who receiving governments are prepared to accept. A migrant's acceptability will depend largely upon his/her ability or likelihood to contribute to the receiving country's social and economic development. The receiving country's specific requirements will, therefore, depend upon its stage of economic development or modernization (Appleyard, 1991:22).

- First stage of transition: A country at the first stage of transition would be unlikely to need and therefore unlikely to attract permanent settlers or temporary contract and illegal workers. If its ample supply of low cost labor attract foreign investment, then the industries which are being built, or the resources being exploited, would almost certainly need the services and advice of professional transients. On the other hand emigration is likely to be high at early stages of transition but declines as a country approaches final stages of transition (Appleyard, 1991: 23). Although refugees and asylum seekers would probably not want to enter a country in its early stages of transition, this would depend to a large extent, upon political circumstances in their homelands.

Zolberg's case studies show that patterns of conflict, which leads to refugee situation, are intimately related to more general economic and political considerations (Zolberg, 1986). Refugees are therefore likely to move from countries at early stages of transition

to countries at similar stages and even experience economic conditions inferior to those in the countries that they left behind.

- Middle stages of transition: At this stage of transition, when birth rates have declined only slightly but death rates markedly, population growth is high. If a country moves rapidly through transition, experiencing high rates of economic growth (modernization) as have Singapore, Hong Kong and Taiwan, labor supply may soon have to be supplemented by foreign contracts, and even illegal workers. Professional transients would also arrive in increasing numbers (Appleyard, 1991:24).

With modernization, incentive for permanent migration recedes, as does contract/illegal worker emigration because of local job creation. If the country's education and training system have improved, there may also be some loss of persons who join the ranks of professional transients. There is, however, less likelihood of emigration occurring where there is limited political freedom or human rights (Appleyard, 1991: 25).

- At final stage of transition, a country is not only likely to require a sustained supply of workers, because sub replacement fertility has decreased its own supply, but also offers permanent residence to highly skilled and professional migrants and their dependents. Migrants could even include former citizens who left the country during an earlier stage of transition as part of brain drain. A country at the final stage of transition would also be more likely to extend permanent settlement rights to refugees and to attract asylum seekers including those whose appeals were based mainly upon economic depravation in their homeland (Appleyard, 1991: 27).

These models or theories might explain some aspects of a deliberate, well thought of and well orchestrated wave of labor migration in the rapidly industrializing countries such as the "East Asian Tigers". They are unable however, to shed much light on the plight of refugees, particularly those in Asia and Africa, who often flee to areas in similar stage of transition if not one stage behind their own countries. The situation of the Zairian refugees in South Africa provides an interesting study of some of the complexities of the current international

migration. On the one hand, they have left their countries fearing for their lives rather than intending to seek alternative habitation for maximizing economic opportunities. They have, in large numbers, escaped often with nothing but their own, and their family's, lives. No time to apply for, collect or gather even the most important documents such as passports or even certificates of termination of study, etc. Upon arrival at a neighboring country such as Zambia, Angola, Tanzania or Malawi, they have applied for protection and support of the international agencies. Everyone seems to recognize their plight and dire need for asylum. However, due to the overwhelming numbers of the refugees and the very limited ability of these countries, even with the assistance received from the international community to handle them, they are pushed further and further into their roles of the needy.

The refugees, particularly the young ones or those with children, have realized the magnitude of the situation that has led them to flee their native homes and because they do not see any immediate relief in sight they have to look for longer-term solutions. Thus, the search for more viable alternative begins. They move from one camp to another and often from one country to the next in search of more reasonable access to security and opportunity. At this stage, as far as the international laws are concerned, they cease to be refugees because they have left the country of their first refuge behind. They are no longer victims in need of protection but opportunists seeking economic advantages.

The ironic fact is that a Zairian who decides from the beginning that South Africa is a more attractive destination, politically, financially, socially, etc, and thus makes arrangements to arrive in this country directly from his native land, will easily obtain the coveted asylum seekers permit without much difficulty. Yet another one, who has been forced to leave without much planning or preparation and has been pushed by circumstances beyond his/her control from country to country and has ended up in South Africa, not as a part of a grand plan but as a natural consequence of the events, although he/she is recognized as an asylum seeker, will not receive such a status but a temporary permit for the prohibited person. He is thus labeled because South Africa is not his/her country of the first refuge. The question is who decides who is a genuine refugee and who is an economic refugee, under what conditions these are distinguished and how? What happens to the push-pull theory if the

dominating forces in the migration are disproportionately push factors? And in the light of regional policies of instability and conflict who is responsible for the plight of victims?

In the next chapter we will examine the development of the immigration policies in South Africa as one of the receiving countries, how these policies affect the treatment of immigrants particularly the refugees and whether they are in line with the international conventions and protocols and the new South African constitution.

CHAPTER FOUR: DEVELOPMENT OF MIGRATION LAWS IN SOUTH AFRICA

4.1   History of South African Immigration Policy

The history of migration to South Africa starts with the establishment of the Dutch settlements in the 1650s. These settlements were used as halfway stations for trade to the east. The Dutch were followed by the British who took over and colonized the region. The British dominance of the area lasted through the beginning of the twentieth Century.

The first Indians came to Natal in 1850 as indentured laborers. By 1911 the Indian population had grown to over 152,000 (Peberdy and Crush, 1998: 22). On completion of indenture most of these decided to stay in South Africa as "free" Indians. They, in turn, attracted other Indian immigrants mainly Muslim traders and family members. This rapid expansion of Indian population alarmed the racist white government and white businessmen who saw the Indian traders as a serious threat. This led to the introduction of the Immigration Regulation Act in 1913, three years after the formation of Union of South Africa in 1910. Before then each of the provinces had its own immigration legislation. Introducing the act in parliament the minister said: "everyone knew it was the intention of South Africa to exclude Asiatics". He also indicated that Indians and all the other non-whites immigrants were "unsuitable" to the requirements of the Union and therefore "prohibited immigrants" (as quoted in Peberdy and Crush, 1998: 22)

The primary provisions of this legislation were: the establishment of a Department of Immigration; criteria for entry; an immigration board of appeal; an appeal process against the prohibition; power of detention of the prohibited persons by the police and the immigration officers; and an exemption to the act that gave the minister discretion to allow the entry of certain groups of people who would otherwise be considered as prohibited persons. (For details about the role of each of these provisions see appendix 4)

The restrictions imposed on movement of black South Africans by the previous provincial laws were incorporated into 1913 acts which defined them not as full citizens with rights to free movement but as "non-citizens", as "aliens" subject to the same regulations that governed the entry of non- South Africans.

The 1913 Immigration Regulation Act was amended repeatedly before and after the Second World War. Most of these amendments resulted in increasing restrictions on black Africans and particularly the migrant workers ability to immigrate to the country and extended the powers of the immigration officers.

All throughout the apartheid time immigration by definition was the regulation through policy of the entry of white people, who were categorized into suitable or desirable (people from England and other Western European countries) and undesirable (people such as Jews, Russians, Poles or citizens of other Eastern European countries). Africans were never considered as immigrant but only as migrant laborers allowed for finite periods of stay in the country until such time as their labor was no longer needed and they had to return home.

In 1984, The Aliens and Immigration Laws Amendment Act went further and classified all the inhabitants of the "independent" homelands as "aliens". Further amendment in 1986, however, removed the definition of "European" from Section 4 of the Act that required all immigrants to be "assimilable" in the European population. This meant that for the first time black people could officially immigrate to South Africa. This of course was not as a result of moral enlightenment but rather to allow the homelands to benefit from a growing brain drain of black skills from the rest of Africa (Peberdy and Crush, 1998: 31).

The only major piece of immigration legislation introduced by the apartheid regime was the 1991 Aliens Control Act (ACA) (Peberdy and Crush, 1998: 33). It consolidated the numerous acts inherited from the apartheid and pre-apartheid era that extended the

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absolute power of the state, and was to entrench the politics of the past and set the perimeters within which reforms would take place.

The stated purpose of the ACA was to "provide for the control of the admission of persons to, their residence in and their departure from the Republic " (preamble to the act). It was not drafted with asylum seekers in mind and no mention is made in it of terms such as refugee or asylum. Instead asylum seekers and refugees are dealt with as a class of the old dreaded "prohibited person". The Act empowers an immigrant official to make a declaration to the effect that an individual is a prohibited person (section 9, 10 and 39). The ACA act and its amendment provide a long list of grounds for a person to be declared prohibited such as:

- Persons likely to become a public charge including: those undesirable for political reasons; a prostitute or anyone living off the earning of one; anyone with a criminal record; any mentally or physically disabled person without security for permanent support; and/or anyone carrying a contagious or "loathsome" disease.
- Persons deemed to be undesirable by the minister from information received through diplomatic or official channels
- Persons who have been removed from the Republic under warrant
- Persons who have been removed from the Republic in terms of the act

To be able to treat the cases of the refugees and the asylum seekers in the prohibited person category the following grounds were added to the above list of prohibited persons. These include failure to: enter the country at a port of entry; contact immediately with an immigration officer; produce a passport; support oneself resulting in becoming a public charge; satisfy the officer that one is not a prohibited person; and/or comply with numerous other conditions imposed by the Act.

In addition to these categories, anyone who satisfies the standing committee that he/she qualifies as a refugee, in terms of the established conventions, but South Africa is not his/her country of first asylum is also dealt with under the prohibited person category. This means that they have lived for a period of more than three months in country (s)

through which they have travelled in order to reach South Africa and either have applied for asylum there or have failed to apply for asylum there.

Added to this list is anyone who the minister considers to be undesirable inhabitant or visitor. There are no provisions in the act for the reasons to be given for such a declaration. While there has been human rights oriented interpretation of various provisions of this act by courts since 1994, South Africa's current immigration policy is still deeply rooted in the country's racial and political history. The 1913 Immigration Regulation Act and 1937 Aliens Act which stipulate who, how many and on what grounds could be allowed to enter the country, are explicitly racist and discriminatory. They remain essentially unchanged even after amendments in 1972 and 1991.

The 1995 Amendment Act removed some of the more flagrant violations of the rights of the undocumented immigrants, but despite these changes, it still remained questionable in terms of its legitimacy in a democratic and non-racial state.

The debates over the green paper on International Migration resulted in suggestions for two pieces of new legislation to replace the inherited ACA. The first was a refugee bill "to give effect to... right-oriented temporary protection system" (Crush, 1998: 14), and the second, a new immigration act to "govern the entry and exit of both immigrants and migrants in the country" (Crush, 1998: 14). Both pieces of legislation were passed by the parliament in 1998, and the new refugee act will come to effect from April 2000.

4.2   INTERNATIONAL LAWS PROTECTING THE RIGHTS OF MIGRANTS:

The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), together known as the "International Bill of Human Rights" form the foundation of international human right laws. These laws confer the great majority of rights they enumerate to "everyone". It enjoins all states to respect and ensure that the rights they set out are applied to all the individuals within their territory without

discrimination. The rights that are conferred on all migrant workers (documented as well as undocumented) include:

- Migrants and their families shall enjoy treatment not less favorable than that which applies to nationals in respect to remuneration and conditions of work
- Migrants and their families shall be entitled to emergency medical treatment
- The children of migrant workers have the right to a name, registration of birth, a nationality and access to education on the basis of equality of treatment with nationals of the state concerned (Convention on the Protection of the Rights of All Migrant Workers, articles 25, 29, 30).

Documented migrant workers have certain additional rights including equality of treatment with nationals in respect to access to educational institutions; housing; social services; health services; and the rights to repatriate their earnings (Convention on the Protection of the Rights of All Migrant Workers, articles 43, 45, 47).

The UN Convention relating to the Status of Refugees (1951) and the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) provide definitions of the term "refugee" and set out principal rights of refugees in the host country, which in a number of aspects are explicitly stated to be the same as those of nationals in the country (Human Rights Watch, 1998). These include: access to courts (including access to legal assistance); labor protection; public assistance; elementary education; and the same rights as migrants in respect to seeking gainful employment, access to housing or higher education.

4.3   SOUTH AFRICA'S CONSTITUTIONAL LAWS

South Africa's constitution does not make a distinction between citizens and non-citizens for the most of the rights indicated in its Bill of Rights. The only rights reserved for South African citizens are the right to enter the country, to obtain a passport, to vote, to stand for office, to form a political party and other political rights (Constitution of the Republic of South Africa, (1996), Section 19-21).

The South African constitution reiterates and protects most of internationally recognized human rights, and places upon the state an obligation to "respect, protect, promote and fulfil the rights in the Bill of Rights" (Constitution of the Republic of South Africa, (1996), Section 7). An area of the Bill of Rights that has a great impact on the rights of migrants in South Africa is its enumeration of social and economic rights, which also apply to all persons, not just citizens. These include the right to: safe environment; adequate housing; health care; sufficient food and water; social security and education; and to one's own language and participation in cultural life of one's own choice (Constitution of the Republic of South Africa, 1996, Section 19-21).

The best-documented areas of migration in South Africa are the movement of temporary workers from the surrounding African countries into such sectors as mining and agriculture (Rogerson, 1997) Some recent research has been done in the less known position of immigrants who have established themselves in Small and Medium and Macro Enterprises (SMMEs) and the informal sectors and their contribution to the economy of the country (Rogerson, 1997; McDonald, 1998). The area least studied is the lives of immigrants and their quality of life (McDonald, Mashike and Golden, 1999), particularly of those who come not from the immediate neighboring countries but from further distances. What aspirations bring them so far from home? What expectations did they have about their chosen destination? How and from where did they gather their information about South Africa? Have their expectations been met?

4.4   SOUTH AFRICA JOINS REGIONAL AND INTERNATIONAL REFUGEE
        PROTOCOLS

South Africa began moving out of its international isolation in 1991 as the negotiation for 1994's democratic election began. In the same year the South African government signed an agreement with UNHCR indicating willingness to co-operate with that organization in the repatriation of exiles from apartheid to South Africa.

In 1993 the government signed another agreement to establish an office of the High Commissioner and granted certain diplomatic privileges to that office. The agreement included establishing procedures for determining refugee status and granting asylum to certain refugees.

In October 1994, South Africa became the 53rd member of the Organization for African Unity (OAU) and on December 1995 signed the 1969 OAU Convention governing the specific aspects of refugee protection in Africa. In January 1996, South African government signed the 1951 United Nations' Convention relating to the status of refugees and its 1967 protocol.

4.5   HISTORY OF REFUGEES IN SOUTH AFRICA

The movement of refugees to South Africa is not new. From colonization in 1652 onward, the area south of the Limpopo River has been the settlement of people who left their homes further north in Africa, Europe, and Asia due to religious and political persecution, war, famine and economic hardship. More recently, during 1970s and 1980s, when Portuguese colonial rule in Angola and Mozambique ended, South Africa granted asylum to many people of Portuguese descent fleeing from those countries on their way back to their own. It also granted the rights of citizenship and permanent residence in the country to those who wished to remain in South Africa. These privileges, however, were reserved for the whites alone. The civil war in Mozambique, for example, brought thousands of black Mozambicans to the country not as refugees but as illegal aliens who were sent back immediately upon being discovered. These were of course in addition to those who were legal migrant workers. In October 1985 the Department of Home Affairs estimated the number of Mozambicans living in South Africa to be 63,000. Later that year the minister of Home Affairs, Stofell Botha said that his department was repatriating 1,500 people a month (de la Hunt 1998:123).

In 1993, as the repatriation of Mozambican refugees was beginning, the UNHCR estimated the numbers to be around 300,000, other agencies put the figure at half a

million (de la Hunt, 1998:125). In order to enter South Africa, all these people had to negotiate a 63 km electrified border fence (when the voltage was reduced, between 1986 to 1990, the fence carried 3,300 volts). They were regarded as illegal migrants, had no protection and were liable to summary deportation (de la Hunt, 1998:125).

The introduction of asylum procedures and the peaceful outcome of the 1994 election saw an influx of asylum seekers other than the immediate neighbors. These include asylum seekers from African countries such as Angola, Somalia, DRC, Ethiopia, Rwanda, Kenya, Burundi, Senegal, Ghana, Nigeria and Liberia, as well as those from other continents particularly from Asia. These include refugees from India, Pakistan, China and Bangladesh.

Current statistics of the number of refugees in South Africa are confusing and widely inconsistent, particularly with regard to the number of illegal immigrants. Figures as high as 8 million have been given. The only "remotely reasonable figures" are those of Home Affairs that indicate approximately 750,000 people who entered the country on various temporary visas or permits have not left the country again through a border post (Duncan 1998:150).

Table 1: Number of asylum seekers

Date	No. of asylum applications	No. of cases approved	No, of cases rejected	No. of unfounded cases
May 95	3,664	383	512	
June 96	16,967	1,915	3,704	1945
Aug. 97	32,510	4,002	7,725	1393
Dec. 99*	59,426*	42,101*	-	-

Source: de la Hunt 1998, P. 127

Source*: UNHCR, 31 December 1999 (Appendix 5)

These statistics do not reflect all the people who have entered South Africa legally on work or study permit or illegally and would be entitled to apply for the refugee status.

CHAPTER FIVE: CONGOLESE MIGRATION TO SOUTH AFRICA

5.1   FACTORS LEADING TO MIGRATION OF ZAIRIANS TO SOUTH AFRICA

As we have previously examined, most of the current international theories of migration concentrate on the economic factors as the most influential proponents of the decision of majority of people that make their move from the country of origin to an alternative destination. These theories assume that the conditions in the latter are much more lucrative than those of the former. These economic differentials then assume a powerful pull that attracts the multitudes to the better off countries. The international experiences of the last decades and the movement of the refugees around the globe, however, seem to paint a different picture.

Rather than concluding a propensity for the masses to move for economic improvement, one might even posit the opposite; that persons suffering severe poverty are generally more likely to stay put until near starvation or other catastrophic conditions overtake them and then they try to move elsewhere, probably as is the case in Africa, to a nearby country which is not much better off than their own. Distance, inability to finance travel and fear of unknown combine to prevent people (specially the poor) from becoming part of a mass exodus, so feared by the more developed countries (Appleyard, 1991: 6).

In examining the situation of the Congolese refugees in South Africa, it becomes clear that the main factors influencing their decision to move from their native country was not the hope of economic gain nor any other attractive pull factor. Often, the move was clearly the only way out of a very unstable and terrifying political, tribal, economic, and social chaos. Eight out of 10 of the interviewees left their homes because of a direct threat of massacre. A brief glimpse at most recent social and economic situation of Zaire will illustrate this point.

5.2   A BRIEF SOCIAL AND ECONOMIC PROFILE OF DRC

The last national census in Zaire was conducted in 1985. The total population was 34.7 million with average population density just above 15 inhabitants per sq. km. The most populated provinces included Kivu with 5.2, Haut Zaire with 4.2, Shaba with 3.9 and Kinshasa with 2.7 million inhabitants. Mid 1993 estimates by the World Bank projected an annual population growth rate of about 3% which will bring the population of the country to 50 million by the year 2000 (EIU, 1995: 10).

Perhaps the most effective way of painting a current picture of socio-economic conditions of DRC is to make some simple comparison with the similar conditions in South Africa. There are 47 million Zairians living in 2,267 thousand m^2 of whom only 29% are living in urban centers, compared to 39 million South Africans living in 1,221 thousand m^2, of whom 50% live in urban centers. In 1997, the real GDP per capita in Zaire was \$355 which is more than 12 times less than that of South Africa's \$4,334. Zaire's external debt, in the same year, was 128% of its GNP compared to South Africa's 18%. All human development indicators including life expectancy, infant mortality, education index, adult literacy, etc point that DRC is doing worse than South Africa (although South African indicators would be different if they were to be racially disaggregated). The most striking differences are in the field of consumption. The implication of the almost total lack of means of communication for those living outside the country is the near impossibility of keeping in touch with the friends and family at home (see table 2).

Currency:

The Congolese franc was devalued in 1967 and a non-convertible unit, the Zaire (Z) was subsequently introduced. The story of this currency is one of unbelievable instability. The Z: \$ rate went form 0.5:1 in 1976 to over a million: 1 in 1993 when New Zaire (NZ) was introduced at a rate of 1,000,000 Z to one NZ (EIU, 1995: 11). The devaluation has continued. In January 1998 the rate of NZ: \$ was 115,000: 1. On 30 June of the same year the Congolese franc (CF) was re-introduced to replace the NZ. One CF was valued at 100,000 NZ. In January 1999 CF: \$ was 3.5 (The World Factbook, 1999: 7).

Table 2: Comparison of some Socio- Economic Indicators for South Africa and DRC

General/Economic indicators (1997)	South Africa	DRC (ex Zaire)
Population 1980 (millions)	27	27
Population 1997 (millions)	38	47
Land area (1000 m^2)	1,221	2,267
Urban Population (% of total)	50	29
GNP (billion $)	130.2	5.1
GNP Per Capita Ranking	45	111
Real GDP Per Capita (PPP) ($)	4,334	355
Labor Force (millions)	15	19
External Debt (% of GNP)	18	127
Human Development Indicators (1997)		
Life Expectancy at Birth (# of years)	64.1	52.4
Life Expectancy Index	0.65	0.44
Combined School Enrollment	81	41
Education Index	0.82	0.55
Adult Literacy (% of population)	81.8	77.3
Infant Mortality (per 1000 live births)	49	90
Under-weight Children Under age 5	9	34
HDI Value	0.717	0383
Consumption Indicator (1996)		
No. of Radios (per 1000 persons)	316	98
No. of TVs (per 1000 persons)	123	44
No. of Telephone lines (per 1000 persons)	100	1
No. of Public Phones (per 1000 persons)	1.7	0
No. of Cell Phones (per 1000 persons)	22	0.2
No. of Internet Hosts (per 1000 persons)	30.67	0.
Per Capita Commercial Energy Use (kg)	2,146	45

Source: World Development Report 1998/1999 and Human Development Report 1998

Education and Health:

With the land area more than four times that of France and notoriously bad transportation and communication networks, Zaire has very poor and patchy education and health care services. The Zairian move towards nationalization or "Zairianization" in 1972 meant that responsibility for state schools was largely removed from the Roman Catholic Church. However, by 1980s it was estimated that Roman Catholic Church was still responsible for 80% of the primary and 60% of secondary schools. The cutbacks in the number of teachers, repeated strikes and walk-outs by the civil servants including the teachers, inability of the state to pay the salaries, corruption and violence have taken their toll on the education system of the country which had, in 1970s, earned the reputation of being solid and of high quality.

The proportion of total government expenditure allocated to education has steadily fallen from 15.1% in 1972 to 1.4% in 1990 (EIU, 1995: 10). It is not surprising that in 1990, gross enrolment ratios for primary schools were 76% (down from 92% in 1978), and 23% for the secondary schools (EIU, 1995: 10).

The church also plays a central role in health care provision, perhaps not least because the share of central government's expenditure for health has also shrunk steadily from 2.4% in 1972 to 0.7% in 1990 (EIU, 1995: 11).

The health concerns of the country include reduced coverage of vaccination and a shortage of trained health care providers. HIV/AIDS is another major concern. Zaire is one of the most affected countries of the world. National AIDS program has estimated more than 2 million Zairians to be HIV positive (about 5% of the total population). Collapse of research efforts, the interruption of aid disbursement and the departure of most of the expatriate health providers, have compounded the health crisis of the country (EIU, 1995: 11).

Inflation Rate:

The estimates of 1998 indicate an inflation rate of 147% (The world Factbook, 1999: 7).

Economy:

Despite the vast natural resources, in 1992, Zaire was classified by the World Bank as the 12th poorest country in the world with a GNP of $220 per capita. The Economist Intelligence Unit (EIU) estimated GNP per capita of the country to have fallen to $125, which makes Zaire the fourth poorest country of the world (EIU, 1995: 12).

Foreign Debt:

At the end of 1993, World Bank figures put Zaire's total external debt at $ 11.3bn, with principal arrears amounting to $2.5bn and interest arrears to $1.8bn. Debt forgiveness by the owners declined from $324m in 1988 to $122m in 1989, to $9m in 1990 and to zero since (EIU, 1995: 40).

The IMF declared Zaire "ineligible for Funds" in 1991 and suspended the country's voting rights in June 1994. World Bank followed with withdrawal of its resident mission in January 1994, after suspending all loan commitments ((EIU, 1995: 14).

5.3   THE HISTORY OF ZAIRIAN IMMIGRATION TO SOUTH AFRICA

Zairian immigration to South Africa is a 1990s phenomenon. The physical distance, different culture, climate and language, higher costs of living, restrictions which were imposed on the place of residence of blacks, and generally the attitude of the old regime vis-a-vie the African immigration were sufficient deterrents for those Zairians who were seeking to immigrate not to consider South Africa as an option. There were ample opportunities to immigrate mostly to European destinations, particularly Belgium and France, and to a lesser degree to Canada and United States. Besides these popular destinations, to a more limited extent, communist countries were also open mainly to those Zairians who wished to continue their higher education.

A number of factors, including the social, political and economic upheavals of the early 1990s, combined with the closed door policy of many of the western countries and the internal changes and crisis in the former communist countries, led to the search for alternative ports of entry, particularly within the continent (Bouillon, 1999:34). This coincided with the movement towards the transitional, democratically elected government in South Africa which made it more desirable than ever before. Zairian migration to South Africa can thus be divided into three periods. The first wave of Zairian immigrants arrived between 1990 and 1992. The second wave comprised those who arrived in 1993 and the third wave occurred in 1997 (Kadima, 1999:106)

5.3.1   PRIOR TO 1990

The earliest appearance of Zairians in South Africa occurred in the1980s. Zairian president, Mobutu Sese Seko, was one of three heads of state in French Africa (along with Houphouet-Boigny of Cote d'Ivoire and Omar Bongo of Gabon) who broke the OAU pact against the apartheid regime of South Africa. Under guise of dialogue they continued their dealings with South African government that was strongly desirous of establishing diplomatic and commercial relationship with any country, particularly those on the African continent. The laissez-faire attitude of Zaire, in the late 1960s and 1970s, gradually became more cordial and overt in the 1980s to the point that South Africa became the main exporter of food and industrial equipment to Zaire (Bouillon, 1999: 43).

Zairian migration to South Africa before 1990 was negligible. Most Zairians who came to the country were tourists with the exception of a few who were sent by Gecamine (the largest and most influential copper mining company in the country) either for training or as exchange of expertise. Added to these few were the business and political advisors of Zairian government who came to explore potential future liaisons (Bouillon, 1999:42).

5.3.2 THE FIRST IMMIGRATION WAVE (1990 - 1992)

The year 1990 signaled the end of single party rule of Mobutu (Movement Populaire de la Revolution (MPR)) and the beginning of the democratic reforms imposed by the western governments. These were deemed necessary, as a part of the structural adjustments required, to change the disastrous policies of the last two decades of mismanagement of finances and other resources. The result was conflict and chaos at all levels of state's function. Countrywide the middle class and the intellectuals were the hardest hit. Those were, therefore, the first group who tried to immigrate to the traditional destinations in Europe such as Belgium and France and even further to the North American havens of Canada and the United States. However, along with insistence on structural changes, the western states had finally decided to take a harder line against Mobutu's repeated and flagrant violations of human rights and they started to close the gates to applicants for immigration (Bouillon, 1999: 42). .

During 1991 the army massacred civilians and looted, pillaged and destroyed the means of production all across the country (particularly in September and October). Such atrocities resulted in unprecedented social, economic and political crisis (Kadima 1999: 110). At the same time some countries evacuated their embassy staff while others reduced their staff and functions to a minimum. They stopped issuing visas to all those who wished to leave. This along with the rapidly worsening conditions of life in Zaire made South Africa a more attractive destination. Particularly because at the time Zairians did not have to worry about a visa as it was issued to them at any port of entry upon arrival. Kadima and Kalombo (1995) estimate the number of Zairians in South Africa at the end of 1992 to be around 23000 (Kadima, 1999: 108). This estimate, however, seems quite high considering the statistics of the UNHCR, which indicates the accumulative number of refugee applications received from the Zairian refugees in South Africa from 1993 till the end of December 1999 to be 8,412 (Appendix 6).

5.3.3   THE SECOND IMMIGRATION WAVE (1993)

Within Zaire the situation had calmed itself somewhat when Etiene Tshisekedi was elected by the popular vote of the National Conference as the Prime Minister of the transitional government. This improved the social and political stability of the country during the later part of 1992. However, when he was fired by Mobutu in 1993, monetary boycotts and financial crisis followed and lead to more looting by the soldiers and finally to the mutiny of the army (Kadima, 1999:107). By then, political instability, cyclical ethnic violence, a paralyzed economy and social unrest characterized the daily life of Zairians. Any one of these conditions by itself is a strong enough factor to push large numbers towards any place that offers a semblance of stability and security. The large number of Zairians who fled their country during this period and sought refuge in the neighboring countries such as Angola, Zambia, Tanzania and Congo was a ready testimony to this. The number of Zairians who entered South African borders was very small compared to the numbers who fled to immediate neighboring countries. However, there was a large increase in the number of arrivals from the previous year (Kadima, 1999: 109).

Another event that made 1993 the year of the greatest influx of Zairians to South Africa was the massacre of Zairians in Luanda. This was caused by the escalation of civil war in Angola after the Unita rebels of Jonas Savimbi rejected the result of the 1992 election. Zairian President, Marshal Mobutu was accused of supporting the rebels and consequently the Zairian refugees became the targets of retaliatory actions and events which took the lives of thousands, and led others to move in search of safety (Bouillon, 1999: 46). This brought some of them to South Africa.

If the first wave of Zairian immigrants was mainly composed of the middle class professional, the second wave was a mixed group of all ages from all strata of society. From 1994 to 1996 the numbers of the Zairians entering South Africa decreased greatly (Kadima, 1999: 108). This was mostly because of certain internal and external policy changes. For instance, from April 1993 the South African government imposed the

condition of obtaining of visa before arrival in South Africa. The visa had to be obtained in Kinshasa after depositing $1,000, which could only be reclaimed by the depositor after his/her return. This amount was later raised to $2,000 (Bouillon, 1999: 45).

Also, after Kengo Wa Dondo became the head of government in Zaire, many of the western governments softened their attitude towards Zaire and made it easier for Zairians to obtain visas (either student visa or refugee status) from Kinshasa (Bouillon 1999: 43). Another factor was that many Zairians realized that South Africa was not going to be the land of opportunity for them. They realized that the new government had inherited the problems of poverty and exclusion of the majority of the population. The limited resources of the government thus had to be committed to rectify the injustices of the past and thus there would be little left for any outsider (Kadima, 1999: 108)

5.3.4   THE THIRD IMMIGRATION WAVE (1997)

In May 1997 Lauran Kabila and his rebel army overthrew Marshal Mobutu. It was finally time for those officials loyal to Mobutu's regime and their families to leave. These were, of course, the most prepared among all the Zairian emigrants for such a move. Many of them had already bought properties and had invested in lucrative businesses in South Africa and were the most welcomed among the immigrants (Kadima, 1999: 108). This group mostly entered South Africa not as refugees but as immigrants welcomed for the investment and the capital they brought to the country.

5.4   JOURNEY TO SOUTH AFRICA AND LEGAL STATUS

Since the beginning of the new regime of refugee acceptance by South Africa, Zaire has been on the list of the states whose nationals would be granted asylum. This list also includes Angola, Somalia, Ethiopian, Burundi and Rwanda. The Durban Refugee Center deals primarily with refugees from Angola, Somalia and DRC. These three countries, according to Mr. Hurburun the Home Affairs officer, have "Prima Facie refugee status" which means anyone who can prove that he is a national of these countries is

automatically recognized as a refugee and might be granted asylum. In other words they do not have to prove the existence of particular danger and/or threat against themselves. Although the department of Home Affairs may recognize the refugee status of a person it may choose not to grant them asylum. This is particularly applicable when the rule of country of first asylum is applied.

This is one of the ironies of the refugee situation. Most refugee-generating situations are the consequence of the intolerable conditions at the country of origin which sends large number of people out of their homes and to the closest place of safety, which often is one of the neighboring countries. Because of general ignorance as to their options, rights and responsibilities as refugees or asylum seekers on one hand and the often chaotic situation, lack of infrastructure and inability of the receiving country to cope with large numbers of refugees on the other, it takes months for the refugees to figure out the proper procedures for applying for asylum and to settle in South Africa. By then the very same circumstances that repel them from home have brought others as well. This exacerbates the situation in the host country and often ends in pushing large numbers towards alternative refuges.

South Africa grants the refugees in this situation a Temporary Permit to Prohibited Person (TPPP). The advantage of this permit is that the holder is allowed to stay in South Africa and as long as he renews his permit, he will not be repatriated or deported to his country of origin. The holder of the TPPP is also permitted to seek employment or study in South Africa. The disadvantages include the connotations that go with the term "prohibited person" which often discourage employers to hire them and most banks and financial institutions to grant them loans or allow them to open accounts, etc. The temporary nature of the permit, which has to be renewed every three months, is another disadvantage. The holder of this permit is neither a refugee nor an asylum seeker, and as such is not eligible for a change of status after a prolonged stay in the country nor would he/she receive a travel document.

Out of 923[2] application for asylum from Zairians in Durban, only 118 cases have been granted refugee status since 1993 (Appendix 6). The rest are holders of the temporary permits. Like the majority of their compatriots, all the participants of the focus group as well as 9 out of 10 of those interviewed hold TPPPs, which have to be renewed every three months. In the case of Zairians the reason for non-granting of asylum is mainly because South Africa is not their country of first asylum. As is the case of 9 out of 10 interviewees, they have spent various amounts of time, from a few days to over a year, in each of the countries on their route: Zambia; Tanzania; Malawi; Zimbabwe; Mozambique; and Swaziland. At each step of the journey either the receiving country could not absorb any more in-coming refugees or there was no more room in the refugee camps. The conditions of the camps were another factor in the continuous search and move southward. Upon arrival in South Africa, however, the very circumstances that allow for their recognition as refugees in dire need of assistance and protection, becomes the cause of their deprivation of the asylum seeker status.

According to those interviewed, it is relatively easy to get the TPPP and to renew it every three months (it only takes a few hours on the day of renewal). This encourages the holders to diligently go to Home Affairs Office for renewal and not to jeopardize their permit.

Although there are stories of security police's random checks of the foreigners and the detention of those who do not carry their permits at the time by the police, usually those who are detained get permission to make a phone call immediately and are freed as soon as someone brings their documents. Only one of those interviewed had ever been detained in this manner but it is interesting that none of the interviewees consider such random checks or detentions as illegal or cause for concern. They regard it quite normal for the police to want to find and detain the "illegals".

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[2] Appendix 6 reflects the cumulative number of the nationals from DRC. Since the country was called Zaire till 1997 and DRC since then, the correct number of Zairian refugees must combine the number of those listed under Zaire with those listed under Congo.

One of the most disturbing findings of the study is the complete ignorance of those interviewed of their legal status. Except for one person who had a one-year Certificate of Exemption (see below), the other 9 interviewees and all five of those who participated in the focus group, are all holders of TPPPs, which have to be renewed every three months before the expiration date. On this permit it is indicated that the holder is permitted to seek work or study. They all assume that this permit is au lieu of a refugee visa or an asylum seeker permit. This is a false assumption. The government of South Africa provides this permit to those whom it acknowledges as refugees but refuses to grant asylum because of the clause of "country of first asylum".

Another wrong assumption held by a majority of interviewed Congolese is that after 3 to 5 years of holding their temporary permit they will be eligible for permanent residence status. There are no such provisions in the 1995 ACAA except for those holders of the refugee status or the Exemption Certificate. The new Refugee Act of December 1998 which will come to effect from April 2000, allows those who have had a valid asylum seeker's permit for five uninterrupted years to apply for permanent residence, but this may or may not include all those who hold a TPPP. The practical details of the new regulations particularly as relates to those holders of the TPPP are not as yet clear (Personal interview with Mr. Kandi Hurburun).

Only one of the interviewees had a "Certificate of Exemption" which means a refugee status. Another one of those interviewed was granted a Certificate of Exemption at first (shortly after his arrival) which was valid for one year, however, after the expiration of that certificate it was not renewed and he was given a TPPP which he has been obliged to renew every three months ever since. No explanation was given to him as the reason for the change in his status. In the interview with the Home Affairs Officer, Mr. Cowan (Pers. Com.), however, it was explained that in order to renew the Certificate of Exemption, the refugee has to re-apply by writing a statement and provide proof of the continued legitimacy of his/her demand for refugee status. Meanwhile, the department issues him/her a TPPP till such time as his/her request is re-examined. Unfortunately, this

procedure is not explained to the refugees and they are not made aware of the steps they have to take in order to secure their refugee status.

CHAPTER SIX: SOCIAL AND ECONOMIC CIRCUMSTANCES OF CONGOLESE REFUGEES IN DURBAN

6.1   EMPLOYMENT SITUATION OF THE STUDY GROUP

Among the 10 interviewees were: a veterinarian doctor; an assistant pharmacist; a high school science teacher; a primary school teacher; one with a degree in commerce who was a gold prospector; a carpenter; a tailor; a body guard; and a mechanic. Of these, three are presently engaged as security guards/night watches, two have their own barbershops, one is in import/export business, one has just finished his university education (University of Natal), and three are unemployed.

In the course of interviews it became clear that by unemployment they meant formal employment. The latter three were previously engaged as security guards and have been retrenched in the last year. All three of them, as well as two of the employed security guards, are actively involved in small business of various kinds.

The situation of the newcomers is somewhat different. Four out of 5 participants of the focus group are working as car watches during the day. Only one of them is running a barbershop. None of them appear to be involved in the small business, although one of them said that he was trying to raise the capital for starting a small appliance repair shop.

Of those married men who were interviewed the majority (4 out of 6) said that their wives do not work regularly and the most often cited reason for it was fear of violence and maltreatment. Most of the Zairian women who do work are in the informal sector and sell second hand cloths and shoes. The situation seems to be different for the newcomers. Some of the more recently arrived women are getting involved in car watching which is not a typical line of work for Zairian women. This is perhaps because the security work, which was a main source of employment for men, is not so readily available anymore. The steady, regular employment usually provides the very small starting capital needed for engaging in variety of business activities such as sale of new or second hand goods.

Now that such employment is not available other strategies are considered and some younger women engage in non-traditional roles such as car watching along with their husbands or other family members

Not one of those participating in the study was happy with their current employment situation. Security work in Zaire is reserved for older, illiterate men who have no other skills or means of supporting themselves. Hairdressing is also at the bottom of the list of professions for young and educated men. In answer to the question "Would you be doing your present work in your own country?" all of the interviewees responded no. When asked what would they like to do if they had the choice, 8 out of 10 responded that they would like to work in their own field of experience. Two of the interviewees who are young men that run barbershops wanted to continue their studies. One of them, "Michael" said: "If I don't study and learn a profession, till when can I cut hair for 10 Rand? What will I be doing when I am 40 and have a family to take care of?"

6.2   SOUTH AFRICAN EMPLOYMENT SITUATION

Apartheid policies and practices such as: the Land Act of 1913, which removed the property rights and controlled the residential areas, the Native (Urban Areas) Act of 1923, which controlled the movement of the African people to and from urban areas, job reservation policies, which denied Africans the right to many industrial activities (Manning and Mashigo 1993), pass laws, Group Areas Act (1950), harsh licensing and zoning regulations, systematically deprived black South Africans of an access to a whole range of experiences vital to building a successful entrepreneurial tradition (Lund, 1998:8), which in turn is so vital for development of vibrant informal economy. "The very existence of an informal sector was regarded as affront to the managers of apartheid urbanization" (Rogerson, 1992: 163). This resulted in lack of access to formal education and skills for majority of the African population along with lack of access to positions of influence and authority in firms, and the development of networks of support in the business community (Manning and Mashigo, 1994: 31).

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The reform climate of 1980s and 1990s, however, has led to strategies for "re-formation and re-structuring " of the urban informal economy in South Africa (Rogerson: 1992: 165). The new policies have turned to viewing development of the informal economy as the solution to the unemployment problem that presently threatens the economy of the country. Since the publication of 1995 Business Act and the white paper on National Strategy for the Development and Promotion of Small Business in South Africa, the state has been committed to creation of enabling environment for the development of small enterprises including that of the survivalists and micro-enterprises as well as medium enterprises.

The distinct problem of informal sector in South Africa is the underdevelopment of its production sphere, which as mentioned before, is, to some degree, the historical product of apartheid planning. Among the main reasons for this underdevelopment is the lack of artisanal, technical and managerial skills (Rogerson and de Silva 1988: 166).

Another area of concern for the present economic well being of the country is the emigration problem, better known as brain drain of skilled and professional people to other countries. Official statistics do not reflect the seriousness of the problem, as many of the emigrants do not declare their intention to leave the country indefinitely, however the loss has been significant. The ambiguous and peculiar attitude of South Africa to the migration issue has led, on one hand, the private sector, as well as the government, to bemoan the loss of large number of skilled professional. On the other hand, it has failed to recognize the wealth of knowledge and skill of large number of the migrants including the refugees, and to utilize these to their full potential.

A study conducted by SAMP in Johannesburg in 1997 concluded that far from stealing South African's jobs, immigrant entrepreneurs create employment for local people (Rogerson, 1997). They also found that most of the migrants from non-SADC countries financed their businesses from the funds they brought into South Africa from outside and at least half of them re-invested capital in further expansion and/or diversification (Rogerson, 1997: 17). This means that immigrants living in South Africa play an active

role in the overall economy of the country. The case of those Zairians interviewed for this study is a proof of existence of this untapped source of human resources. Their role as consumers of locally produced goods and services and contributors to the earnings of the state, both through direct and indirect taxes, is easy to observe. It is their other contribution, namely as active economic agents and human resources, however, that is much more needed and beneficial to the social and economic development of the country.

Here is a group of people with a long history of diverse ideas and experiences in both the formal and informal economy. They have the vision to start, the experience to run, the education and skills necessary to do well in, and the drive and desire to take risks and work hard to succeed in different areas of business. As was mentioned before, among the interviewees were a veterinarian doctor, an assistant pharmacist, a high school science teacher, a primary school teacher, someone with a degree in commerce who was a gold prospector, a carpenter, a tailor, a body guard and a mechanic. These are human resources readily available, able and willing to work hard and contribute to the well being of any community in which they live; people who do not ask anyone for any handouts and assistance beyond a valid work permit and an opportunity to compete in the market.

Unfortunately, the hostile environment, lack of proper documentation, cooperation and trust of the local population, as well as inability to gain access to credit and information makes it almost impossible for Zairians to expand or seriously get into any viable business ventures. A prime example is "Remi" a 37 year old father of 4, who spends 12 hours a day at his job as a night security. During the day he buys cheap new or second hand shoes (value between R5 to R15 each), which he then fixes up and covers with various types of attractive material. This is pasted and/or sewn by hand on the shoes and the finished product is sold for R20 to R35. The finished product is a beautiful fashion shoe, which could be sold at any fancy shoe store for 10 times that price. This should be a prime example of a success story, but it isn't. According to Remi he is not able to sell his shoes or expand this into a more profitable venture for the following reasons:

- He does not have the right ID that allows permission for setting up a stall where he
  can sell his shoes except in the flea market on Sundays. But on Sundays the

competition is fierce, the tables are more expensive and often he cannot afford the fees.

- He can not carry more than a few pairs of his shoes at a time, because if he does, it will make him a target for the criminals who will steal his shoes. He has been beaten up and his merchandise stolen before.

- People generally don't like to buy from the foreigners. He once tried to form a partnership with a local South African. He was to make the shoes and the partner was to sell them and they were to split the profit. Unfortunately, the partner took a bag full of shoes and disappeared. Now he would not trust anyone but his wife to sell the shoes.

- Because his security job provides the household with its only source of regular income, he spends 12 hours a day at it plus the two hours of travelling to and from work. This leaves him with little time to make his shoes.

These reasons plus the inability to get loans or cooperation from South Africans make ventures into business very small, slow and frustrating. It is not surprising that most of the business is done within the Zairian community and sometimes in exchange for services or other commodities. For example, one pair of Remi's shoes went to the lady who did special hairdos for the women of the household.

The second story is that of "John" who had a degree in commerce from University of Kinshasa and has just finished another degree in social sciences at the University of Natal. He is very pessimistic about finding an office or formal job. So, along with two other Zairian refugees, one of whom is a civil engineer who graduated from a Zairian University and was unable to find any work in his professional field in South Africa, and another who is presently student at Natal University, they have started a construction and remodeling company. They have all the right ideas about how to start and expand. For example, with the money they made from their first few jobs and their savings, they have

purchased a van and have painted their logo on it. Using the facilities at the university, they have made business cards and flyers that they and their friends distribute all over the town. They give competitive prices, as they do "their homework and call around to find out who else is doing the same job for what price". Their plan is to put 50% of the profits, at least for the first couple of years, into buying materials and equipment.

One of their problems is that in order to carry their business further they need a local partner. Unfortunately, they don't trust anyone. Last year they started the process but the person who was to become their partner took the two contracts they have worked on and went his own way. So, now they are afraid of the same thing happening again.

Another problem is their documentation. When they have made bids for bigger contracts, although they had the best price, companies and even the government offices have refused their bid simply because of their permit and the perception of that permit.

In addition, because two of the partners in this business are or were students in the Natal University and had refugee status, they have been able to open their own bank accounts but they have not been able to secure any loans from the banks because of their status. This they find to be a big hurdle.

The third story is that of "Jean Pierre" who is a veterinarian doctor with many years of experience both as a professor and as a private practitioner. He can not secure any jobs in his professional field. So, he ended up taking a training course for becoming a security guard. With two wives, 8 children and a number of people who come to him for assistance, he soon left that line of work which he originally considered to be "a secure source of income" and started buying and selling items in small way. As he enjoys a high place of respect in the Zairian community, mainly because of his age (he is 50 years old and one of the elders of the community), his education and social background and especially his charismatic personality, he has a well established network of contacts and informants that helped him start his import/export business. This business which started

small now extends to several countries in the region as is done through various travellers and informal traders that deal with him.

His main problems are very similar to those of Remi and John. Lack of proper documents, especially a travel document, lack of access to loans and mistrust and fear of violence hinder his business plans which could easily expand.

As the three cases mentioned above demonstrate, there are good odds that if the refugee community was encouraged and assisted in a meaningful way to develop their small enterprises, they would become economic role players and even sources of employment for others. Zairians are good business people mainly because of the social and economic situation of their country in the past couple of decades, which made it difficult to survive without getting involved in private business and informal economy. This is a valuable skill they bring with them to this country, a skill that should be taken advantage of rather than being allowed to go to waste. As more and more people lose their formal employment in this country, there would be a growing need for creating a flourishing and expanding informal sector to absorb them. To that end, there should be concerted efforts to encourage and foster those who have the vision, the idea, the skill and the drive to develop small businesses and enterprises, no matter from where they come. Harnessing refugees' talents, knowledge, skills and experiences could only be of mutual benefit.

6.3   XENOPHOBIA AND ITS INFLUENCE ON THE LIVES OF THE REFUGEES

There are many misconceptions about the role that immigrants play and the potential dangers of their involvement in the domestic economy and the general well being of the republic. These fears are mostly created by the alarmist journalism, which reports the inaccurate statistics as to the number of migrants, particularly those of the undocumented cases, and the lengths some of them go to in order to secure employment. Adding to this group is the voice of the politicians who for reasons of their own are often looking for scapegoats to blame for situation of the economy and other social and public service blunders.

The most common misconceptions regarding the African immigrants are that:

- Their numbers are phenomenally high and thus potentially detrimental to development plans of the RDP
- They steal South African jobs and thus create unemployment for the local population
- They are criminal elements who contribute to the hard crime climate of the country
- They are mostly young, unskilled and uneducated adventurers looking for easier and better jobs and lives in South Africa (economic refugees)
- They all want to become South African citizens and beneficiaries of the social security and assistance reserved for citizens

6.3.1 REFUGEES' EXPERIENCES OF INTERACTION WITH THE PUBLIC

The ironic fact is that all of those interviewed run away from their native country because of instability, violence and conflict. For many of them the new South Africa represented a place of order, stability and of a government of the people, all the things they had been deprived of at home. As one of the interviewees put it "our culture teaches us to be kind and generous to strangers amidst us, and consider them as our guests". They are thus puzzled and hurt when they are confronted with hostility and constant cry of "Kwerekwere go home!".

One of the interviewees, "Valentine", was a security guard and thought he had a good relationship with everyone. His boss was happy with him, he had found a Zulu girlfriend and life seemed to be going well. Then he discovered that three other security guards were planning to kill him. He confronted them and found out that this was true, so he had to quit his job because he did not want to live in the constant fear of being killed by his own colleagues. Another interviewee, Roman is a 19-year-old Zairian who has a barbershop near the market. He has been robbed at gunpoint three times in the last year. His friend was shot and wounded at the third incident. He is convinced that he has been targeted because he is a foreigner and even when he reports this incidents to the police, there is little they do to apprehend the culprits.

Each of the interviewees had his own personal stories of the hostile ways that people have treated him or someone he knows. The most common abuse is calling them "makwerekwere", "a word that mocks the sound of their languages" (Madywabe, 1997:6). They laugh as they recount the stories and the insults, but the amusement is not reflected in their eyes. They confirmed that they are commonly accused of taking South Africans' jobs and women. However, only 30% of those interviewed were employed as security (night watch). Forty percent were unemployed and survived from small informal business and 30% were self-employed (two own barbershops and one does an import/export business).

Significant numbers of Zairians, soon after arrival, gained employment as security guards or hairdressers, lines of work that traditionally was not done by black South African men. However, according to those interviewed, because of the worsening unemployment situation in the country, the companies are coming under increasing pressure from other workers and unions not to hire foreigners.

The unions have shown mixed and often contradictory reactions to the question of migrant workers, illegal aliens and the foreign workers generally. COSATU at its international policy conference on 22 April 1995 adopted certain recommendations which reflect these ambiguities. They included the following policy statements:

- It is the duty of all governments to provide work for their own citizens
- The problem of immigration can only be solved by a coordinated regional and international strategy
- The Aliens Control Act should be scrapped
- A regional Reconstruction and Development Program should be developed; and
- There should be fair and proper control of entry of migrant workers into host countries. (Minaar and Hough, 1996: 200)

On the one hand, they called for imposition of heavy penalties on those who employed and exploited undocumented aliens. Also the recommendation to scrap Aliens Control Act was followed by replacement of that act with more humane and internationally acceptable legislation that would provide "fair and proper control of entry of migrant workers into South Africa" (Minaar and Hough, 1996: 201). On the other hand, emphasis on government duty to provide work for their own citizens implied that South Africans should get preference to foreigners in obtaining jobs. This requires the identification of the non South Africans in order to exclude them from the job market or placing them second, behind the South African citizens. There was also much concern about the ability of the government to deliver housing and social services in presence of large number of migrants (Minaar and Hough, 1996: 198).

Not only there is ambiguity in the national unions position vis-à-vis the foreign or migrant workers; there are also tensions between local COSATU branches and the National Executive. For instance, the COSATU branch in Pietermaritzburg has repeatedly threatened to hold a one-day general strike over the illegal aliens issue (Minaar and Hough, 1996: 199)

Two of the Zairians who were interviewed mentioned that they were retrenched because of pressure from the union to replace them with local workers. Some of the comments in the focus group discussion also indicated that newly arriving Congolese have little hope of finding security jobs and the market is already saturated with existing barbershops, therefore, they mostly get involved in car watching instead.

As far as the accusation about stealing South African women is concerned, 7 out of 10 interviewees were married to or living with Zairian women. Two out of ten however, were living with Zulu ladies who have borne them children. They consider the relationships to be of mutual benefit rather than stealing someone else's property and privilege.

Several of those interviewed indicated that Zulu women are much kinder and more sympathetic towards them, but because of this they are confronted with more hostility from men. The two interviewees who have local South African girlfriends indicated that since they have learned Zulu and have good relationship with the families of their girlfriends, they are able to communicate with the neighbors in their own language and they do not feel as if they have any problems with them. This indicates the significant role of communication in the process of integration.

6.3.2 REFUGEES' EXPERIENCE OF DEALING WITH GOVERNMENT OFFICIALS

There is a wealth of research done by different organizations such as SAMP (1996, 1998, 1999), School of Government in University of Western Cape (1994, 1996, 1998), Human Rights Watch (1998), and IFAS (1999), that indicates widespread corruption of government officials and violation of human rights particularly of the illegal immigrants (mostly from SADC region). It is interesting to note that the majority of these studies are carried out in the Gauteng area including Johannesburg which as the capital of the country attracts the largest number of immigrants.

All those Zairian refugees in Durban who were interviewed, both in individual interviews and the focus group, however, indicated that they had no negative experiences with Home Affairs officers. Apparently, the Congolese get their temporary permits rather easily. All those interviewed have presented themselves to the Home Affairs office within 24 hours of their arrival in Durban. They received their permits on the same day, after waiting between 2 to 4 hours and going through an interview, usually about two hours long. There were two exceptions, however. One person had a 3-day permit first and then received his 3 month long TPPP and another one received a two week permit first and then the 3 month permit. None of them had experienced any harassment, been asked for illegal payments, and had never been subjected to rude or undignified behavior from any of the officers. A few, however, mentioned a "rude and loud" lady in the office.

The difference perhaps is, as mentioned before, due to the fact that Zairians are not among the "illegals". Also, Zairian immigrants do not have a criminal image. Unlike Nigerians who are associated with the illegal drug trade, Mozambicans who are looked upon as car thieves, and Senegalese who are associated with selling counterfeit goods, Congolese are not perceived to have association with crime. This does not mean that there are no criminals in the Congolese community, rather that the perception of the South Africans does not connect them with any particular criminal activities. The only "crime" they are often accused of is stealing South African jobs as well as their women. This, however, is an accusation made about all African immigrants.

Another reason that Zairian refugees have not been subjected to much official harassment, discrimination or abuse of their human rights might be due to the small number of refugees in KwaZulu Natal (KZN). Although the borders are easy to cross and as a result large numbers of people, particularly from Mozambique, enter the country through KZN, comparatively few stay in the province. Since 1993, the total number of refugee applications received by Durban Refugee Reception Center (DRRC) has been 2,669 (Appendix 6) compared to 59,426 in UNHCR statistics (appendix 5) for all of South Africa. The Zairian refugee community is the largest refugee community in Durban followed by those from Burundi and Rwanda. Thirty five percent of all the refugees in KZN are Zairians (Appendix 6).

6.3.3   THE NEED FOR TRAINING OF OFFICIALS IN HUMAN RIGHTS ISSUES

The policies of the democratic government of South Africa have gone through tremendous shifts and changes since 1994; however, the current immigration laws are still deeply rooted in the racial and political history of the country. Although a Refugee Bill was passed by parliament in December 1998, it has yet to be implemented. The law under which refugees and asylum seekers are treated is the 1995 ACAA. Although some of the more obvious violations of the rights of the undocumented or "illegal" immigrants have been removed from the Act, it is still not geared towards the recognition and welcome of the refugees or asylum seekers. The latter are still handled under "the

prohibited person" which comes with a heavy dose of negative associations including those of "undesirable person".

It is not surprising therefore, that some of those in charge of dealing and handling the affairs of refugees, asylum seekers and/or other categories of immigrants might still carry the old attitudes and philosophy. The recent research conducted by various research groups such as SAMP, Human Rights Watch and IFAS testifies to these repeated violations and inability to adjust to the new situation.

The case in Durban might well be different however. All those interviewed either privately or in the focus group indicated overall positive experiences with the Home Affairs Officers. Although they have to renew their permits every three months, an activity that usually takes up a large portion of their day, they consider the situation to be fair. As was mentioned before, the main reason for the positive experience of Congolese refugees is because of the blanket coverage of Zairian nationals as refugees.

If the Department of Home Affairs is to handle the ever increasing number of various categories of immigrants that are coming in, efficiently and in timely manner, they need to have a proactive strategy instead of a reactive one. As in almost all other arenas of public endeavor, prevention seems to be better than trying to cure the ills after they happen. One of the great drains in resources of the department is dealing with infringement of laws which are caused by ignorance. Training the Home Affairs Officers and bringing them up to date with the national and international trends in immigration movements, legal and humanitarian handling of different cases and propagation of vital information about rights, privileges and responsibilities inherent in each category of immigration, could save a great deal of time and energy and scarce resources that are allocated to the department.

6.4   FORMATION OF INFORMAL SOCIAL NETWORKS

The xenophobic sentiment, which permeates the country, has created several misconceptions as to the role and the impact of the African immigrants and particularly

of the refugees on the national economy. The most commonly held notions of "foreigners" is that of criminals, uneducated, low class elements that are a threat to South Africans' jobs, women, security and health. The typical association of Nigerian with drug dealing, Senegalese with dealing in counterfeit goods, and all African nationals with AIDS, is but the tip of the iceberg.

A hostile environment and the lack of public sector infrastructure and NGOs to help the asylum seekers and refugees to settle in their adopted country results in the formation of informal national and/or tribal networks of assistance. Although many of those interviewed have received assistance from religious organizations such as the Muslim Agency, the Ark (a Christian organization for the homeless and the needy) Mormon Church and the Baha'I community, this assistance in most cases is short-term and very limited in scope. For instance, the Muslim Agency provided five out of ten of the interviewees with two to three weeks of hospitality, but after that period there were no more assistance available except for one person who is a Muslim himself. A similar situation was experienced with the Ark, although the duration of stay in their dormitory was not pre-determined. None of those who availed themselves of the Ark's services stayed beyond three weeks and received no other assistance beside food and shelter. The case of Mormon Church and the Baha'I community was different, as they were instrumental in finding jobs and accommodation for those refugees who belonged to their communities (one each). This was perhaps due to the limited number of refugees belonging to these communities. Because of the limited number of those receiving their assistance, they might be able to assist them for longer periods and in more effective ways.

Beside the religious organizations and their charity work, there have been very few refugee centered NGOs acting in Durban. From 1994 to 1996 UNHCR were collaborating with the Jesuit Center in some refugee relief activities. The Red Cross replaced the Jesuit Center in 1997. None of the interviewees knew about the former and only three knew of the latter. The Red Cross' refugee relief activities were limited to distribution of care packages among the refugees. These packages included some basic

food items and some items for personal hygiene. The packages however, were not uniform or standard and thus every refugee would receive different items. Even more discouraging was that there were not enough packages for everyone, so it was possible for some people to go to the distribution centre and wait there for hours and still come out empty handed. This created a feeling of discrimination and unequal treatment.

The collaboration of UNHCR and Red Cross was dissolved in early 1999. From January 2000, UNHCR has started collaboration with Durban Refugee Forum, which is quite a controversial organization as far as the Zairian community is concerned. Eight out of 10 interviewees knew about the Refugee Forum but had never received any assistance from them and view this organization as corrupt and discriminatory. One of the leaders of the Zairian community has taken up a petition against the Forum. He and his group have proposed a new mandate and constitution for the Forum, which they would like to be proportionally representative of the refugee communities. They have accused some members of its board of directors of misappropriation of funds and have asked for their removal from office. A Zairian who had been volunteering with the Forum in the past and had been "kicked out of his position now that it has become a paying job" (Mr. Kasongo, Pers. Com.). Another Zairian who had applied for one of the newly created positions was ignored and was replaced by an allegedly less qualified South African, is considering taking action against the Forum (Anonymous, Pers. Com.).

Every single one of those interviewed had either been the recipient or the provider of hospitality, accommodation and/or job information and/or references for or from other Zairians. This has made them all connected within the informal networks of the Zairian community in Durban.

As the social capital theories indicate the formation of these networks and their extensions make the task of arrival and settlement easier for subsequent arrivals and eventually becomes a legitimate pull factor for those considering making the move from their place of origin. What is interesting in the case of those interviewed is that the majority of them knew about the existence of the Zairian community in Durban even

though they had no prior contact with those who had already been settled in. However, almost immediately upon arrival they have made contact with their fellow countrymen and had been integrated into their network.

As was mentioned before, 7 of those interviewed did not personally know anyone who had migrated to South Africa before them. One person knew two of his colleagues (Zairian lecturers in the same college) who have migrated to South Africa in 1992, before the troubles escalated in Zaire. However, these two contacts never encouraged, invited or helped his move to South Africa and he has lost contact with them since 1993. Only one person has been encouraged to make the move by another Zairian friend who had come to South Africa before him. This was through letters received before 1995 in which the friend had advised the move and promised assistance upon arrival. However, by the time the interviewee arrived in Durban, his friend had already left for Canada.

Eight of those interviewed had no contact address in South Africa, although many of them were informed by other Zairians, who they met along their journey, of the general areas in Johannesburg and Durban where the Zairians lived. It seems almost inevitable that when they arrive their main source of assistance, both in terms of finding their way around as well as for the actual details of getting accommodation, jobs, etc, to be the network of their compatriots who have arrived before them and are willing and able to offer assistance.

It is interesting to note that most of the people are immediately and intimately attracted to and involved with their ethnic or tribal networks, first and foremost. This perhaps is quite normal particularly for those who are running away from ethnic conflicts back at their own country of origin. They may have witnessed and been subjected to tribal clashes and persecution that makes them not to feel safe or comfortable with the other tribes or groups. Added to this is the fact that the sense of a national identity is not yet well developed in Zaire. Ethnic, and particularly tribal, identity is still very dominant in Zaire which since its inception as an independent country has gone through a number of bloody

tribal clashes. Numerous rumors of separatism and independence of the five major provinces, on basis of tribal lines, have spread periodically.

The largest group of Zairian refugees with longest history of settlement in Durban originally came from the province of Kivu. These are the only refugees that have already formed smaller self-help social groups and mutuals that are functioning among the Kivutian community. These associations and mutuals are divided along smaller tribal groups and quite exclusive in their membership. They formed the only representation of Congolese in the Refugee Forum, the result has been a great deal of distress and suspicion for Congolese who are not from Kivu. They have even threatened to boycott the activities of the Forum.

Because of the overwhelming hostility of the native population around them, however, for the first time the community is considering coming together as Congolese community of Durban. There have been tentative meetings to bring together the representatives of all the major groups of Zairian refugees. In addition to the Kivutians, they comprise mainly the Kasaians who mostly lived in Likasi, Lubumbashi or in the capital, Kinshasa.

When asked who they hosted in their homes or helped to find jobs for, all those interviewed said that they would do it for any Zairian without distinction of where they come form, but the personal observation of the author during the interviews, when the family was hosting a guest, was that those who stayed with the interviewee's family were usually from the same tribe as the host. In other words Kivutians were hosting other Kivutians and Kasaians hosted other Kasaians. The exception is that most of those interviewed had also helped out or willing to help out Rwandan and Burundian refugees. This perhaps could be a very interesting and significant future study because one of the more notable problems of the immigrant communities is the lack of collaboration and formation of mutually beneficial groups and networks.

The reason for the openness of the Zairian community towards the Rwandan and Burundian communities is due to the very close historical ties and relationships that have

always existed between the Great Lake Community as well as the awareness of the intensity of suffering that brings the people from that region so far from home.

Also of interest is the fact that the negative images associated with certain nationalities of immigrants such as the drug connection of Nigerians, is also rife among the Zairian community. In other words, the Zairian community, which itself suffers from false accusation and sentiments created by xenophobia, carries some of the same sentiments towards other nationalities, particularly those who are "illegal". They are more sympathetic towards the plight and struggles of fellow refugees and think that all those who are here "legally" should all be protected and given support in the same manner.

Beside the obvious advantages of such networks in assisting a newcomer to settle in a new environment, there are disadvantages as well. The established networks of people already living in an area transmit their attitudes, perceptions, problems and experiences to the newcomers. It was notable that the majority of those interviewed had immediately become employed in one of the two most common job categories of Zairian refugees, namely security work and hair cutting.
Even those with particular professional skills such as pharmacology and auto repair did not search for jobs in their own field of expertise. This, to a great extent, might be because in reality there were very few jobs available and very few employers consider giving them to foreigners. But perhaps to some extent it is also because, those professional Zairians who arrived first did not find jobs in their own fields and had to go for one or other of the above mentioned lines of work which were open to them at the time. Consequently they discourage those who arrive late from "wasting time" and searching for anything else. This is particularly evident in the case of those who almost immediately upon arrival got into security training. Four out of 8 interviewees who do or did security work, went for training during the first month of their arrival in Durban and 2 others within 3 months. The exception to this line of action was the carpenter who searched and found a job in his own field but he left after 5 months because his boss exploited him. He has been doing security work ever since.

6.5   SOCIAL CIRCUMSTANCES

As was mentioned before, Zairians are in a unique position. Their flight out of their native country was often a direct consequence of very unpleasant social, political, environmental, and economic conditions. Their first and foremost thought at the time was to reach a place of safety, somewhere one can survive the onslaught of hostile forces. They took flight, in large numbers, and took refuge in the immediate neighboring countries. Those countries, even with the best and most humanitarian intentions, could not accommodate the overwhelming numbers of them. As a result they were pushed back to the next possible refuge and then to next and so on. Those who got a place in a refugee camp in Zambia, Malawi or elsewhere, after the first few months of relief from direct threat, realized that that situation could not be tolerated for any length. The crammed conditions of the camps, inadequate facilities and services, particularly health and education services for children and the depressing lack of opportunity and hope for building a future for the young ones, made the further move as necessary as the first.

Where is the refuge to flee to? The first choice would be one of the countries of the North. The advances made in the field of communication and information technology in the few decades has truly made the world a global village. However, the doors to almost all the countries of the North are closed to the majority of the refugees. They should thus be content with countries closer to home. South Africa with its reputation as an economic giant in Africa, the images of its modern and almost European looking cities, its new constitution and the promise of complete change from a repressive rule to one of democracy and freedom becomes quite an attractive destination.

So some of the Zairians arrived in South Africa after a journey that had taken them through a minimum of three and sometimes up to seven countries and had lasted on average one year. What happened to them? How were they integrated into the local community? What were the conditions they were confronted with? What did they expect from the government of their adopted country and what did they receive?

We have already looked at the reception of the Zairian refugees and their legal status. They have been recognized as refugees but the government has refused to grant asylum to the majority. In the absence of refugee facilities, however, they have been given permission to seek work and/or study.

Accommodation

All the participants lived in the Durban city centre except one who lives in Sydenham. The accommodation was quite diversified. The young and single refugees often shared accommodation, sometimes as many as 4 to a bedroom. Families often opted for private dwelling which varies from one room for a family of 8 to a 2 bedroom flat for a couple and their only child. The shared accommodation usually cost between R150 to R300 per month per person, while flat rents go from R500 per month for a one bedroom flat to R1,800 for a 4 bedroom flat.

Most of those interviewed considered accommodation to be one of the major problems. There were many reasons for this. The rents were high especially in the city; places that had cheaper rent, such as townships lacked security. Lack of safety nets created constant fear of loosing a job or income which may result in loss of accommodation. Other problems included the demand for two to three months rent in advance as a deposit; lack of willingness of the landlords to do any maintenance and repairs needed; and finally unfriendly neighbors who made life more difficult especially for the children who were chastised whenever they played outside and/or made noise.

Half of those interviewed were unhappy with their present accommodation while the other half were satisfied. The general level of satisfaction with their present accommodation varied from very unsatisfied (2 on scale of 1 to 10) to very satisfied (9), averaging at 5.3. The majority (7 out of 10) lived with Zairian or other refugees in the neighborhood while 3 did not have any immediate Zairian neighbors.

In answer to the question "Is there anything that the government should do to help immigrants with their accommodation?" a surprising 4 out of 10 responded negatively. They considered accommodation to be the individual's problem. Also, they thought that any help they received from the South African government would make the population more jealous of them and more hostile towards them. The other 6 interviewees believed that the government should help the refugees with their accommodation, especially in the absence of any refugee relief centres or support activities available. The assistance was particularly important when they first arrived and when they had no jobs. Suggestions for government intervention ranged from subsidizing the rent to creating refugee shelters or low rent accommodations for the refugees in need. One interviewee suggested government vouchers for the deposit requested by many landlords and another suggested an information office to help the refugees find cheap accommodation.

Education

As far as the education of children was concerned, none of the refugee families had any problems registering their children in local schools. The children themselves however, experienced several problems including difficulty with studying in English and making friends with local children. Two of the interviewees mentioned their children were sometimes beaten up on the way to school or in the school itself. Four out of 6 fathers with school age children however, indicated satisfaction with the way that the teachers were treating their children and generally were content with the quality of education their children received.

One of the major problems faced by parents was that of the school fees. Zairian families are usually large. The average number of children in the interviewed families (not counting the single people who each had one child) was 5.1 ranging from a newly wed couple with no children to a father with two wives and 11 children. Assuming that the majority of these children are of school going age, the families then have to worry about tuition fees and transportation, uniforms and school materials. Considering the fact that the majority of these families have very limited sources of income this is a major problem. Studies have shown that there is gender specific treatment of children in poorer

communities (Johnson et al, (no year given): 35). It would be of considerable interest to investigate whether the economic factors have the same effects on the refugee communities and would lead to gender-based preferential treatment of children in areas such as length of schooling and earlier termination or later start of schooling for girl children.

Health Services

The National Department of health does not have any written policies about the treatment of refugees or asylum seekers with regards to their health care requirements. As there are no demands for South African Identification Cards (ID) in many of the clinics or hospitals around the country, the refugees like other South Africans have to follow the established regulations of the health care providing institution. The refugee children under five received free medical care, as do all other South African children. Similarly, pregnant women received free medical care. None of the interviewees complained about the medical services they received. Their main complaint was about long queues and the high cost of some of the medication that is not provided by the hospitals or clinics. None of those interviewed had medical insurance except for one who works as a security guard for King George Hospital.

Level of Satisfaction

The average level of satisfaction with the quality of life in South Africa was 5 (on scale of one to 10), compared to 6.5 average of satisfaction with the quality of life in Zaire (when asked to reflect back). The major reasons for dissatisfaction were hostility and xenophobia, which manifested itself as abuse of foreigners by the locals, the fact that laws were not put into practice by the officials, and general level of violence in the country. This is perhaps what keeps the number of refugees down and keeps many of them, particularly those with families and children, from entering the country.

As far as permanent stay in South Africa is concerned, 6 out of 10 expressed desire to return back to Congo when the situation has stabilized, although one of them indicated that his children will stay behind. Only 2 wanted to stay if they could get permanent

CHAPTER SEVEN: CONCLUSION

Migration is a complex and multi-faceted phenomenon. The movement of people in search of better opportunities, more abundant livelihood, and more secure environment is as old as humanity itself. The speed and spread of the movement in the recent history, however, has been unprecedented. Never before has there been so widespread a need for safety, stability and securing a minimal livelihood. The rigid definitions of the past with regard to concepts such as refugee, asylum seeker, economic refugee, documented or undocumented migrants, etc, have merged into many different shades of gray which do not stand as clear cut and well defined as before. As the global order proceeds the significance, role and authority of national states change. Borders have lost some of their traditional roles and functions and have gained some new ones, and so have border controls. New strategies are required to confront new global challenges such as the current unprecedented population growth and movement.

In order to formulate such strategies, however, new theoretical frameworks based on new realities and experiences are needed. Migration, like all other coping mechanisms devised to combat particular undesirable or difficult conditions, is a dynamic organic process. It adapts itself to the altered conditions and circumstances. The challenge of dealing with it is that of understanding its root causes and formulating appropriate, similarly dynamic and adaptable strategies. Integral to this process is the identification of the protagonists as well as the understanding of their role and their cause and effect relationship.

Economic differentials most certainly figure largely in the decisions of those who emigrate. But there is little evidence to suggest that the a "mass exodus" scenario, in which millions of poor, deprived people in the South will break through the immigration barriers of the North, is upon us. Emigration pressure is, of course, relative. There have always been and still are millions of persons ready to move to countries with higher standards of living and fairer political systems. Pressure is normally strongest in countries at the deprivation end of economic/income development and of those of political freedom/human rights spectrum.

The two circumstances are not unconnected. Pioneering work by Aristid Zolberg and his colleagues on the causes of refugee and irregular migration show that different types of social conflict give rise to different types of refugee flows and that the patterns of conflict are themselves intimately related to general economic and political conditions. (Zolberg, Suhrke, and Aguayo, 1986: 151-169). They contend that in the developing world, where more than 90 percent of the world's refugees live, regimes come and go (e.g. civilian or military, democratic or authoritarian) whereas the conflicts that produce this instability are themselves enduring.

Unfortunately, most theoretical work to date has sought to explain potential rather than actual migratory flows. But reality continues to demonstrate that a considerable distance lies between the potential act and its realization, which is mediated by national and transnational political structures. Rather than predicting a propensity for the masses to move for economic improvement, one might even posit the opposite; that people suffering from severe poverty are generally more likely to stay where they are until near starvation or other catastrophic conditions overtake them. It is only then that they try to move elsewhere, most often, as is the case in Africa, to a nearby country which is not much better off than their own. Distance, inability to finance travel and a fear of the unknown combine to prevent people (specially the poor) from becoming part of a mass exodus, so feared by the more developed countries. Such people rarely pose a significant migrant threat to the countries of the North (Appleyard, 1991: 3). Indeed the most significant population movements, mainly refugee migration, the type closely associated with socio-economic deprivation, limited political freedom and social conflict, has occurred mainly between countries of the South.

A greater threat to the countries of the North is expected to come from those compatriots of the refugees who are in better social, educational and economic circumstances or from persons in countries higher up the international per capita GDP ladders, who are ambitious, know when and where the opportunities exist, can raise the travel costs and, if necessary, will risk arrest in a country of the North, knowing that their deportation is unlikely. Persons with these characteristics appear to typify the increasing asylum-seeker and illegal population in countries of the north (Appleyard, 1991: 3).

The social, political, economical, natural and environmental events and disasters of the last few decades have produced an unprecedented number and variety of international migrants. The most significant of which are the refugees. Approximately 90 percent of the world's refugees are from developing countries and over 90 percent of them will remain in developing countries (Stein, 1986: 265).

In recent years there have been much talk of resolving the problems of migration, particularly the Northward movements by the desperate masses, through creating more favorable economic conditions in the countries of origin. It is not surprising that many influential scholars and administrators have concluded that in the absence of appropriate global policies, particularly economic policies, differentials of present magnitude are unlikely to narrow and migration pressure is likely to increase during the coming decades. Jones N. Purcell, the Director General of the International Organization for Migration (IOM), for example, has warned that "when economic stagnation or a sharp fall in income further aggravates the deprivation of vast numbers of less-privileged people in the South, generating a feeling of despair and hopelessness, then mass migration, legal or illegal, could occur" (Purcell 1991).

If migration movement is created or accelerated because of the economic differentials between North and South, which motivates overcoming obstacles in order to increase financial and social gains, then the solution seems to be clear. Reduce the differentials and you have removed the pull and push factors, which results in the flow. A substantial amount of international aid directed toward development projects in the third world has been motivated by this "solution". However, the idea of solving the "global refugee crisis" by stepping up development aid, in order to modify socio-economic conditions in the countries of origin, reduces the root causes of the problem to a simple set of economic factors.

On the other hand, developing comprehensive international co-operations, has the merit that it recognizes that the problem of migration is secondary to that of development. Long term control of population movement can be made possible only through policies that

address the needs of the populations of the countries of the South for their very survival as well as their aspirations for economic mobility. These strategies need to address the issues of trade, debt relief, investment and co-operative aid, in addition to those of stability, democracy, freedom and respect for human rights.

Development strategies that effectively address North-South differentials, however, will ~~the easily or readily devised. The south, like the north, encompasses a myriad of~~

residence while three were planning and hoping for immigration to the west (two to Canada and one to New Zealand).

When asked whether they would still have come to South Africa if they knew what they know now about the conditions of life in the country, only 4 said they still would have come. Six believed that if they knew the true state of affairs in the country, they would not have come here, but would have tried another country.

The main problems facing the refugees, according to both the interviewees and the participants in the focus group, were: lack of useful IDs and other documents, accommodation, difficulties in finding jobs, school fees for the children, lack of legal aid and representation and xenophobia. These are, of course, particular problems of the refugee communities. These are additions to the more universal problems of crime, violence and unemployment that confront everyone else. .

Lack of proper documents such as valid ID card and/or travel document, was by far the most serious problem faced by all of the refugees. This particular problem seems to hamper them in different ways from opening a bank account to applying for certain jobs or trainings. This is one area where all agreed that the government should take action and provide the refugees with these documents.

Another recommendation forwarded by two of the interviewees was that government should inform both the public and private sectors of the rights and privileges of the

An added dimension of the present refugee problem is that a much higher percentage of the refugee population is made up of people who remain refugees for much longer periods than ever before. This failure to resolve the refugee situation has been characterized as "crisis in durable solution" which has been an item in the agenda of UNHCR's Executive Committee since 1983 (Stein, 1986: 277). Commitment to "durable solution" therefore, means expanding the notion of refugee protection from short term to medium and long term.

There are only 3 durable solutions; a) voluntary repatriation; b) temporary local settlement or integration; and c) the third country resettlement. As refugee situations are often caused by government action, durable solutions also depend of the same. In other words, refugee problems are political and therefore, their solutions must be political. Thus, as there are many obstacles in the path of implementation of these solutions, strong political will and capacity is required for achievement of any of them (Stein, 1986: 267).

Voluntary repatriation is the most sought after solution. Refugees run away from their homes because the "basic bond between citizens and government has been broken, fear has replaced trust, the father or motherland is persecuting and rejecting some of its own..." (Stein, 1986: 269). Voluntary repatriation could only occur successfully after a change in the situation such as: achieving independence; a change of regime; an end to the conflict; etc. People often flee for a confused combination of reasons that mixes political persecution and insecurity with social and economic disruptions. "Some who have nothing to fear of personally are caught up in the panicky exodus or join it because of vague expectations of adventure and opportunity. [However,] as the situation stabilizes, the worst fears fade; the expectations wither and many of the refugees wonder why they ever left home" (Stein, 1986, 271). It is only then that organized and well-orchestrated repatriation plans will be most effective. The international experience of repatriation programs so far, however, has not been marked by much success. Much more careful planning and organization is needed for future plans.

Table 3: Major voluntary repatriations during 1997 and 1998

Country of asylum	1997	1998	Total
Burundi	-	3600	3,600
Central African Rep.	1,800	-	1,800
Tanzania	24,400	52,700	77,100
Uganda	14,100	9,500	23,600
Zambia	4,800	200	5,000
Total	45,100	66,000	111,100

Source: 1998 Statistical Overview, UNHCR, p. 28

As table 3 demonstrates the past few years have witnessed a significant movement of
Congolese refugees from various countries back to DRC. As far as the Zairian community
in Durban is concerned however, no statistics of returned refugees are available. As for the
study group, 8 out of 10 interviewees indicated their willingness to return to Zaire, but this
was conditional upon a complete change in and improvement of the social, political and
economic conditions. Unfortunately, as the conflict and instability that led them to leave
their native land is still very much present, voluntary repatriation in the near future does not
seem to be an option for them.

Temporary local settlement or integration is the least favored of durable solutions. The
declaration of the Second International Conference on Assistance to Refugees in Africa
(ICARA II), held in July 1994, notes: "Where voluntary return is not immediately
feasible or possible, conditions should be created within the country of asylum for a
temporary settlement or the integration of refugees in the community and their full
participation in its social and economic life" (cited in Stein, 1996:273).

The temporary settlement or integration of the refugees is not favored by majority of the
host countries. The reasons for rejection of this option include a complex mix of actual and
predicted factors. These include: the size of refugee population might be too large for the

host country to absorb; the fear that local settlement will attract or encourage further flow of refugees; unwillingness or inability of the host country to financially commit to such programs; the fear of being accused of giving priority to refugees over their own needy nationals and to bring refugees into economic competition with their nationals; the fear that refugee concerns may skew their national development plans and priorities; the concerns about clash of cultures between the refugees and the nationals and the inability or unwillingness of the refugees to integrate; and the fear that support for refugees political cause would be weakened if they were integrated and ceased to be visible, for instance in the case of Palestinians in the Middle East or Afghanis in Pakistan (Stein, 1986 :274).

South Africa's new Refugee Act (1998) which provides for the granting of all the rights of the citizens to the asylum seekers who are recognized as such, has come a long way from the traditional treatment of refugees as prohibited or undesirable persons. Refusal of the government to establish refugee camps and the granting of permission to work or to study, even to some of the prohibited persons, are also positive steps in the direction of integration. There is, however, a great need for formation of plans and initiation of projects that takes the integration further than intentions and into the realm of practice. The first steps in this path would be the dissemination of correct information, both to the refugees about their rights and responsibilities, and to the public about refugees. Combating xenophobia and creating an atmosphere of mutual cooperation, especially in development and economic activities, are long term elements of any successful attempt at integration.

The third country settlement historically has been used only for a small percentage of refugees. After the Second World War many of the refugees and the displaced people were resettled in countries such as United States, Canada and Australia. Since then, however, the absorptive power of the host countries has been depleted. Compassion fatigue, xenophobia, economic problems and difficulties in integrating large numbers of various ethnic and cultural backgrounds have resulted in this option becoming the least realistic and durable solution.

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Since 1996 there has been only two relatively small and insignificant cases of resettlement movement for the Zairian refugees. The combined result of these two cases has settled 290 Zairians in a third country. Kenya as one of these countries has received 150 Zairians while Zambia has settled another 140 (UNHCR, 1998: 31).

Of these durable solutions those of voluntary repatriation and the third country resettlement do not seems to be in sight or feasible for most of the refugees living in South Africa. The remaining option, the temporary local settlement or integration should be carefully re-examined. In doing so it becomes clear that there are three potential strategies needed for South Africa to deal with the refugee influx. The first is to gain a deeper understanding of the social and economic potential of the refugees. How could they best contribute to the ongoing or anticipated development plans and programs of the government? Where could they best serve, considering their skills and experiences? How could they be integrated into the formal economy? How could they be encouraged and assisted in taking constructive role in the informal economy? How to distinguish and integrate different categories of immigrants to the mutual benefit for them and the country?

The second strategy is that of reversing the unfounded fears and xenophobic tendencies which lead to tension, animosity and discrimination. How to inform the public of the positive and constructive effect of refugees in social and economic well being of the country? One line of action, along with the training of the Home Affairs officers, is the dissemination of information about various categories of immigrants and their rights and privileges to all the potential employers either in public or private sector. As noted by all those interviewed, very few people bother to read the text of their permit in which the permission to seek employment and study is given. It is logical to assume that the majority of people in position of providing employment, still carry the historical connotations associated with the term "prohibited" person and are therefore ignorant of its recent application. That is why they are easily influenced by the collective demands of the local employees to retrench the "foreigners" or to refrain from hiring them.

Provision for training of the refugees in the local language might be an important key to integration of the refugees in the community. Many of the western countries have language classes and cultural events organized for the refugees to familiarize them with the language and the culture of their adopted homes. This could be a useful lesson for integration of the refugees in South African community, particularly where there is resentment due to their lack of knowledge of the local language. In the case of Zairian refugees, as well as all the other refugees from non English-speaking countries, there is the added complication of learning English as well as the local language. None of those interviewed had any formal English language training (except for the lessons they had received in their secondary education). Only one had a few months of evening classes offered by a volunteer.

The third strategy is for South Africa to take a leading role in the regional migration control. Revolution, civil turmoil, ethnic conflict and other causes of flight could not be resolved easily, quickly or in isolation. These conflicts are never purely internal but rather transnational in nature and as they continue and develop they tend to become further internationalized (Zolberg, Suhrke, and Aguayo, 1986: 167). Therefore, they have to be understood and addressed at regional, if not global, context.

Since 1993 when South Africa joined the Southern African Development Community (SADC), it has been taking a leading role in establishing regional policy and standards. The year 1996 was an important year in the history of refugee legislation in the region. In that year, a Memorandum of Understanding was signed between SADC and UNHCR, which put refugee issues on the agenda and highlighted an agreement that collaborative, regional efforts be taken to address refugee security and rights issues. Since then, ironically, despite its domestic policy which discourages foreigners, it has displayed special interest and energy towards creation of a regional refugee policy (Sinclaire, 1996). This current enthusiasm is due firstly to South Africa's distance from the continent's trouble spots and the fact that there is little chance of it ever being swamped by masses of refugees from those areas as attested by the Rwandan case. Many of the other African states including some of the other SADC countries such as Zambia,

Tanzania, and Zaire have much higher refugee populations that is much more likely to increase rather than decrease in future

Table 4: Indicative number of refugees, 1998

Country	Number of refugees
Algeria	165,200
Cote d'Ivoire	119,900
DRC	240,300
Guinea	413,700
Kenya	238,200
Liberia	103,100
Tanzania	543,900
Uganda	204,500
Zambia	168,600
South Africa*	**53,795**

Source: UNHCR, 1998 Statistical Overview, p. 8

Source* UNHCR, Accumulative numbers of refugees in South Africa, 1999

Secondly, there is little to be lost and much to be gained by South Africa in engaging in international humanitarian treaties on refugees. First, South Africa is trying to achieve international standing and welcome from the international community. The success of the political and economic agenda of the government depends closely on international recognition of the new government's human rights records. Second, South Africa is actively wooing foreign investment and trade with various regions and countries around the globe. Evidence of moral standing in human right issues is valuable in this process. Another positive aspect is that South Africa is seeking a permanent seat on the UN Security Council. For this to be even considered, it needs to show willingness to accede to international treaties of various kinds and to display high regard for human rights issues both domestically and in the regional arena.

South Africa has placed itself in a leading position within SADC. By using this structure, it can begin to countenance a regional strategy on prevention of future flows, so protecting itself from the future possibility of large inflow of refugees (Sinclaire, 1996:7). A generous refugee policy counters the xenophobic image of the country, which has hinted at presently increasing close door policy toward the rest of Africa. And finally, by adopting a friendlier policy, South Africa is able to utilize the resources of UN in the event of repatriation (Sinclaire, 1996:13)

Considering the advantages of pursuing a regionally leading role in migration control, South Africa seems to be in the desirable position to contribute to finding durable solution for the refugee problem within the region. The full integration of the refugees, more equal treatment of the asylum seekers and migrant workers, more humane treatment of undocumented migrants, more meaningful collaboration and assistance in regional development plans, etc, all have reciprocal benefits for the new South Africa in this transitional phase of its development. These are advantages and benefits that could not be easily ignored.

As the world shrinks ever closer to a global village, mankind is pushed into its citizenry. There is no room left for waste of any resources and capacities be they natural, economic or, most precious of all, human. If the finite resources of the planet are to be used to the mutual benefit of all its inhabitants, the logical first step is securing the well being of its human resources. It is no longer possible for the vast majority of the populations of the world to be excluded because of the undue considerations to ethnicity, race, gender, religion, and place of birth or nationality. The sooner that the genuine spirit of collaboration, inclusion and reciprocity permeate the regional, transnational and international relations, the faster would be the discovery of innovative and satisfactory solution to the planets contemporary problems such as those of population movements

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Appendix 1: Questionnaire for the individual interviews

Questionnaire

Describe the conditions of your family in the country of origin?
- Age:
- Place of birth:
- Place of residence in Zaire:
- Number of siblings: Brothers   Sisters

    - Education: Primary   Secondary   Tertiary
    - Marital status   Single   Married,   have left wife and children back
in Zaire,   Have a South African wife,   divorced,   widowed

- Number of children: In Zaire   In South Africa
- Occupation:
- Salary and benefits
- Accommodation
- How many people lived in your home?
- General level of satisfaction with life (in scale of one to ten one being very dissatisfied and ten being very satisfied)
- Who do you live with in South Africa?
- How did they come to South Africa?

- When you left Zaire, were you alone or did you travel with anyone?

- How many members of your family are living with you in SA?
- What type of visa do you have?

- Describe the public services available in Zaire
    - health services

    - education system

    - training possibilities

    - housing

    - roads/transportation

    - mail/telecommunication

- banks and credit services

- welfare services such as pensions

- Why did you decide to come to South Africa?

- How much did you know about the conditions of life in South Africa?
- What was your source of information?

- What did you think would be the condition of life for foreigners living in South Africa?

- Had anyone in your family or among your friends immigrated internationally before? If yes:

How many?

- Who was the closest to you?

- Where did they migrate to?

- When?

- Were they happy/ successful in their adopted country?

- How do you know this?

- Did they have problems settling in their new country?
    If yes: What kind of problems did they experience?

- How long did they stay there? (Are they still there?)

- Did they send any money back home? (How much? How often?)

- Did they encourage you or others to immigrate?

- Did they invite you or others to join them?

- Did you know anyone in South Africa before arriving here?   Yes   No
    If yes, Who?
    How?
- Did they encourage you to come to South Africa?   Yes   No

If yes, How?

Why?
- Have they encouraged or invited anyone else to come to South Africa?   Yes   No
If yes: How many?

Who?

How?

- Did you have any contact address (es) upon arrival?   Yes   No
    If no: How did you find a place to stay?

    If yes: - Who was it?

        How did you get that contact?

- Have your sponsor or contact asked you for anything in return for their assistance?
Yes   No
    If Yes: what?

- Did you receive any assistance from any organization?   Yes   No
If yes :
- What was the name of the organization?

- How did you get to know about them?

- What did they do to help you?

- Did you have to do anything in return for their assistance?   Yes   No

- What is your current relationship with them?

- Do you know anything about the Refugee Forum?   Yes No

- Are you a member of any immigrant/refugee group?   Yes   No
- Have you encouraged or assisted anyone to come to South Africa?   Yes No
 If yes:
 How many?
Who?
How?

Why?

-Have you assisted any other Zairian in South Africa? How?

- Are you familiar with the constitution of South Africa?   Yes   No

- Are you familiar with any of the laws of South Africa regarding immigration, asylum seeking or refugee status?   Yes   No

- Are you familiar with the rights and responsibilities of immigrants, migrant workers, asylum seekers, refugees, and illegals that live in South Africa?
Yes   No

Do you think that the South African immigration laws are fair? Yes   No
Why?

Do you think that South African government should make it easier for people in troubled countries to immigrate here?

When did you leave your country?
Where was your immediate destination?

How did you travel?

When did you arrive in South Africa?
 If there was a lapse describe where you were and what you did)

When did you reach Durban?
Why did you choose Durban?

How did you reach Durban? (Describe how you traveled in South Africa)

How much money did you bring with you when you left your country?
How soon upon arrival did you start your first job in South Africa?

How soon upon arrival did you start your first job in Durban?

What was your first job in Durban?

Did anyone help you find your first job?   Yes   No
If yes: Explain who and how?

If no: How did you find the job?

Have you helped other Zairian immigrants to get a job? How
How much did your first job pay?
How many hours of day did your job take?
How was your relationship with your employer and/or other workers?

Did you make friends with those you worked for or with?

What is your present job?

How many hours a day do you work now?

How much do you get paid at your present job?
Do you receive any benefits such as health insurance, etc?

If you were doing the same work back in your country of origin how much would it have paid?

Would you have taken a job like that in your own country?

Is it difficult to find a job in your country?

Is it difficult to find a job in South Africa?

In which one of these countries it is easier to get a job?

How is your relationship with your employer and/or other workers?

Have you made friends with those you are working for or with now?

Do you have any South African friends?

Are you happy with the way that South Africans treat you? Yes   No
Explain:

How many jobs have you had since you have come to Durban? Why?

How satisfied are you with your present job? (On scale of one to ten)

What kind of work do you like to do?

What would you need to find a suitable job?

Is there anything that you think government should do to help migrants find jobs?
yes　　　　　No
What?

Do you have any problems communicating with your employer or other employees?

How long did it take you to learn English?

Who helped you to learn English?

How did you find your first accommodation?

How was your relationship to your neighbors?

Were there any other Zairians in the area?

What is your present accommodation like?

Are you satisfied with your present accommodation?　Yes　　　　　No

If no, What is the problem?

Is there anything that you think the government should do to help migrants find
accommodation?　Yes　　　No
 What?

Are there any social benefits or services that you think migrants should be receiving?

What are the main problems of migrants living in South Africa?

How long do you plan to stay in South Africa?

If you had the knowledge of life in South Africa that you have now when you were still
living in Zaire, would you still have made the move?

How do you rate your quality of life in South Africa (on the scale of one to ten, one being
very dissatisfied to ten being very satisfied)

Thank you very much for your time.

Appendix 2: Questions for the focus group

Questions for the group interview

- Did you know anyone who emigrated to another country before you left Zaire?

- Did you know anyone in South Africa before you arrived here?

- Did you have a contact address in South Africa?

- Why did you choose South Africa?

- How did you arrive in South Africa?

- Did anyone encourage you to come to South Africa?

- Did you receive assistance from any individual or organization? What?

- What was the first thing you did upon arrival?

- Have you made any friends among South Africans?

- Do you have any communication problems?

- Do you think it is necessary to learn Zulu? Why?

- What are the major problems of Zairian refugees in South Africa?

- Do you think that the government of South Africa should make it easier for refugees to come here? What?

- What can government do to help refugees with jobs?

- What can government do to help refugees with accommodation?

- Would you like to become a citizen of South Africa?

- How long would you like to stay in South Africa?

Appendix 3: Questions for Representative of the Refugee Reception Center

Questions

1- The statistics of the Zairians in South Africa in general and in Durban in particular since 1990 (in all categories including temporary permit to the prohibited person, asylum seekers, refugees, immigrants, illegals, etc).

2- What kind of visa is commonly issued to the Congolese nationals who arrive in Durban? Why?

3- What are the advantages and disadvantages of this visa?

4- What are the differences between a temporary permit to the prohibited person and a refugee visa?

5- When does the new Refugee Act, which was passed on December 1998, come to effect?

6- How would the new regulations effect the holders of the temporary permit to the prohibited person?

7- Is it possible for those who currently hold the temporary permit to change their visa to that of asylum seekers or refugees? How?

Appendix 4: Provisions of 1913 Immigration Regulation Act

- A *Department of Immigration* that was later called the Department of Interior and much later, Home Affairs. The formation of an entire government department to control immigration issues reflects the importance placed by the government on immigration issues.
- *Criteria for Entry:* those who met the criteria became permanent residents and those who did not were called "prohibited immigrants". These included anyone likely to become a charge of the state, anyone who was:
    1. Undesirable for political (racial) reasons
    2. A prostitute or living off the earning of one
    3. Had a criminal record
    4. Mentally or physically disabled without security for permanent support
    5. Carried a contagious or "loathsome" disease

    The immigration officer at the port of entry made the pronouncement for an individual or for a "class of persons"
- An *Immigration Board*, the purpose of which was to hear appeals by people who had been declared "prohibited immigrants".
- *Appeal against prohibition that* had to be filed within three days of notification of being declared a prohibited immigrant. There were no requirements as to hearing oral evidence of the applicant and no right of appeal against the decision in any court of law. The burden of proof also rested on the applicant and not the state.
- *Power of detention* of the prohibited immigrant and those suspected of being prohibited immigrants by police and immigration officers. They could be arrested or detained without a warrant of arrest and the officers having the right to remove (deport) the prohibited immigrants under warrant.
- *Exemption to the act* giving the minister discretion to allow the entry to certain groups of people who might otherwise be declared prohibited immigrants such as migrant laborers. This was particularly to safeguard the interests of the mining industry and the white farmers who needed the migrant laborers.

REFUGEE APPLICATIONS RECEIVED IN THE RSA
Dec-99

COUNTRY	APPLICATIONS RECEIVED				APPLICATIONS FINALISED				APPLICATIONS OUTSTANDING			
	MALE	FEMALE	CHILD RELATED	TOTAL	MALE	FEMALE	CHILD RELATED	TOTAL	MALE	FEMALE	CHILD RELATED	TOTAL
AFGHANISTAN	12	1		13	6			6	6	1	0	7
ALBANIA	19			19	17			17	2	0	0	2
ALGERIA	183	3	1	186	96	2	1	98	87	1	0	88
ANGOLA	5691	390	296	6081	5403	331	225	5734	288	59	61	347
ARGENTINIA	2	1		3	1			1	1	1	0	2
ARMENIA	15	4	8	19	12	4	8	16	3	0	0	3
AUSTRA	1			1	1			1	0	0	0	0
AZERBAIDJAN	1			1				0	1	0	0	1
BANGLADESH	1233	11	3	1244	671	6	1	677	562	5	2	567
BELGILM	2			2	2			2	0	0	0	0
BENIN	97	4	1	101	20	1		21	77	3	1	80
BOSNIA	29	12	5	41	25	9	5	34	4	3	0	7
BOTSWANA	1			1	1			1	0	0	0	0
BRAZIL	3			3	2			2	1	0	0	1
BULGARIA	970	441	91	1411	837	357	68	1194	133	84	23	217
BURKINA FASO	43	3	1	46	34	2	1	36	9	1	0	10
BURUNDI	1599	117	59	1676	606	76	26	681	953	42	33	995
CAMEROON	879	116	5	995	450	47	1	497	429	69	4	498
CANADA	1	1		2		1		1	1	0	0	1
CAPE VERDE	2			2	1			1	1	0	0	1
CENTRAL AFRICA	3			3				0	3	0	0	3
CHAD	5			5	1			1	4	0	0	4
CHECHNIA	1	1		2	1	1		2	0	0	0	0
CHILI		1		1				0	0	1	0	1
CHINA	699	229	16	928	397	118	11	515	302	111	5	413
COLOMBO		1	1	1		1	1	1	0	0	0	0
COMOROS	131	35	6	166	85	22		107	46	13	6	59
CONGO	1201	273	58	1474	686	117	23	803	515	156	35	671

Country	1	2	3	4	5	6	7	8	9	10	11	12
CROATIA	13	5	2	18	10	5	1	15	3	0	1	3
CUBA	2	1		3	2			2	0	1	0	1
EGYPT	94	1		95	37			37	57	1	0	58
ERITREA	155	27		182	12	2		14	143	25	0	168
ESTONIA		1		1				0	0	1	0	1
ETHIOPIA	2391	515	17	2908	1136	266	10	1402	1255	249	7	1504
GABON	34	6	2	42	23	6		29	11	2	2	13
GAMBIA	32	1		33	12			12	20	1	0	21
GEORGIA	8	2	1	10	6	2	1	8	2	0	0	2
GERMANY	2	1		3	2	1		3	0	0	0	0
GHANA	1172	139	5	1311	704	63	4	787	468	76	1	544
GREECE	1	1		2	1	1		2	0	0	0	0
GUADOLOUPE	1			1	1			1	0	0	0	0
GUINEA	3			3				0	3	0	0	3
GUINEA BISSAU	52	4	1	56	19			19	33	4	1	37
HAITI	1			1	1			1	0	0	0	0
HUNGARY	6			6	6			6	0	0	0	0
INDIA	5760	191	107	5960	4136	101	66	4237	633	90	41	1723
IRAN	30		2	30	17		2	17	13	0	0	13
IRAQ	36			36	15			15	21	0	0	21
ISRAEL	54		4	54	28		1	28	26	0	3	26
IVORY COAST	747	63	10	810	439	32	3	471	308	31	7	339
JAMAICA	1			1	1	1		2	0	-1	0	-1
JORDAN	31			31	20			20	11	0	0	11
KENYA	615	133	13	740	232	40		272	383	93	13	476
KOREA	2	3	1	6			1	1	2	2	1	4
LESOTHO	5	4		9	2	3		5	3	1	0	4
LIBANON	6	2		8	1	2		3	5	0	0	5
LIBERIA	482	24	5	606	385	13	4	398	97	11	1	108
LIBYA	5			5	5			5	0	0	0	0
LITHUANIA	3	2	1	6				0	3	2	1	5
MACEDONIA	7	2		9	2			2	5	2	0	7
MADAGASCAR	6	3	1	8	1			1	6	3	1	8
MALAGASY	1			1				0	1	0	0	1

MALAWI	33	2	1	35	18	1	1	17	17	1	0	18
MALI	366	15	4	381	336	7	3	343	30	8	1	38
MAURITANIA	10	1		11	6			5	5	1	0	6
MAURITIUS	15	7	1	22	3	3		6	12	4	1	16
MOLDOVIA		.		1				0	0	1	0	1
MOROCCO	151	8		159	116	5		121	35	3	0	38
MOZAMBIQUE	23			23	7			7	16	0	0	16
NAMIBIA	1			1	1			1	0	0	0	0
NEPAL	1			1				0	1	0	0	1
NIGER	1			1				0	1	0	0	1
NIGERIA	4890	178	27	5088	2946	98	13	3044	1944	80	14	2024
PAKISTAN	4033	67	48	4900	3483	49	34	3512	1370	18	14	1388
PARAGUAY	2			2				0	2	0	0	2
PERU	1	1		2				0	1	1	0	2
PHILLIPINE		1		1		1		1	0	0	0	0
POLAND	12	1		13	8	1		9	4	0	0	4
PORTUGAL	4			4	3			3	1	0	0	1
ROMANIA	38	17	5	55	26	13	3	42	9	4	2	13
RUSSIA	38	22	8	60	25	9	5	34	13	13	3	26
RWANDA	918	122	47	1040	815	66	20	681	303	56	27	359
SAO TOME	4			4	3			3	1	0	0	1
SENEGAL	4410	20	18	4438	3560	12	14	3562	868	8	4	874
SERBIA	48	8	7	56	25	3	4	28	23	5	3	28
SEYCHELLES	1			1	1			1	0	0	0	0
SIERRA LEONE	174	17	1	191	16			16	158	17	1	176
SLOVAKIA	4			4	2			2	2	0	0	2
SLOVENIA	1		1	1	1		1	1	0	0	0	0
SOMALIA	5221	384	229	5805	4737	303	152	5040	484	81	77	565
SRI LANKA	10	8	1	18	4	5		9	6	3	1	9
SUDAN	280	7	8	295	140	2	2	142	148	5	4	153
SWAZILAND	4	1		6	2	1		3	2	0	0	2
SWITZERLAND	1	1		2	1	1		2	0	0	0	0
TAIWAN	2	1		3	1	1		2	1	0	0	1
TANZANIA	1360	47	23	1416	576	18	8	594	792	29	17	821

Country												
THAILAND	4	31		35	3	13		16	1	18	0	19
TOGO	58	1		59	38	1		39	20	0	0	20
TUNISIA	9			9	8			8	1	0	0	1
TURKEY	85	4	4	89	72	2	3	74	13	2	1	15
UAE		1		1		1		1	0	0	0	0
UGANDA	535	119	18	654	170	26	6	198	365	93	10	458
UKRAINE	10	3	5	13	6	1	4	7	4	2	1	6
UZBEKISTAN	1			1				0	1	0	0	1
WESTERN SAHARA	3			3				0	3	0	0	3
YEMEN	3			3	1			1	2	0	0	2
YUGOSLAVIA	59	22	8	81	34	10	5	44	25	12	3	37
ZAIRE	6244	1694	293	8938	4706	1498	183	6204	538	188	110	734
ZAMBIA	77	32	2	109	14	9	1	23	63	23	1	86
ZIMBABWE	23	3	2	28	12	1		13	11	2	2	13
TOTAL	53705	5631	1470	59426	38307	3794	923	42101	15480	1837	547	17325

Appendix G

EXCLUDING APPEALS

COUNTRY OF ORIGIN	APPLICATIONS RECEIVED				APPLICATIONS FINALISED				APPLICATIONS PENDING			
	MALE	FEMALE	CHILD	TOTAL	MALE	FEMALE	CHILD	TOTAL	MALE	FEMALE	CHILD	TC
ALGERIA	1	0	0	1	0	0	0	0	1	0	0	
ANGOLA	48	8	6	62	10	0	0	10	38	8	6	
BANGLADESH	5	0	0	5	0	0	0	0	5	0	0	
BENIN	2	0	0	2	0	0	0	0	2	0	0	
BOSNIA_AND HERZEGOVINA R	2	2	1	5	0	0	0	0	2	2	1	
BULGARIA	2	1	1	4	0	0	0	0	2	1	1	
BURUNDI	320	45	93	458	1	1	0	2	319	44	93	
CAMEROON	13	1	0	14	0	0	0	0	13	1	0	
COMOROS	2	0	1	3	0	0	0	0	2	0	1	
CONGO	88	14	34	136	2	2	4	8	86	12	30	
COTE D'IVOIRE	6	0	0	6	0	0	0	0	6	0	0	
CROASIA	1	0	0	1	0	0	0	0	1	0	0	
EAST INDIAN ISLANDS	1	0	0	1	0	0	0	0	1	0	0	
ERITREA	6	1	0	7	0	0	0	0	6	1	0	
ETHIOPIA	206	28	15	249	1	0	0	1	205	28	15	
GHANA	88	16	1	105	2	0	0	2	86	16	1	
INDIA	2	0	0	2	0	0	0	0	2	0	0	
IRAN, ISLAMIC REPUBLIC OF	1	0	0	1	0	0	0	0	1	0	0	
IRAQ	5	0	0	5	0	0	0	0	5	0	0	
KENYA	57	1	1	59	0	0	0	0	57	1	1	
LIBERIA		0										

EXCLUDING APPEALS

COUNTRY OF ORIGIN	APPLICATIONS RECEIVED				APPLICATIONS FINALISED				APPLICATIONS PENDING			
	MALE	FEMALE	CHILD	TOTAL	MALE	FEMALE	CHILD	TOTAL	MALE	FEMALE	CHILD	TC
MACEDONIA, REPUBLIC OF	1	1	0	2	0	0	0	0	1	1	0	
NIGERIA	103	4	0	107	9	0	0	9	94	4	0	
PAKISTAN	77	0	3	80	8	0	0	8	69	0	3	
RWANDA	97	36	70	203	1	1	2	4	96	35	68	
SENEGAL	198	1	2	201	1	0	0	1	197	1	2	
SIERRA LEONE	4	2	0	6	0	0	0	0	4	2	0	
SOMALIA	18	4	10	32	5	2	1	8	13	2	9	
SOUTH AFRICA	0	0	45	45	0	0	11	11	0	0	34	
SRI LANKA	1	1	0	2	0	0	0	0	1	1	0	
SUDAN	2	0	1	3	0	0	0	0	2	0	1	
TANZANIA, UNITED REPUBLIC	0	1	0	1	0	0	0	0	0	1	0	
TOGO	3	0	0	3	0	0	0	0	3	0	0	
UGANDA	40	5	2	47	0	0	0	0	40	5	2	
UNKNOWN	0	13	3	16	0	0	0	0	0	13	3	
ZAIRE	525	100	162	787	52	19	39	110	473	81	123	
ZAMBIA	0	1	0	1	0	0	0	0	0	1	0	
TOTAL	1931	286	451	2668	92	25	57	174	1839	261	394	2