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Xenophobia, International Migration and Human Development

Jonathan Crush
Balsillie School of International Affairs/WLU, jcrush@wlu.ca

Sujata Ramachandran
Southern African Migration Programme

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Jonathan Crush is Director of the Southern African Migration Project (SAMP) and Southern African Research Centre (Queen's University) and is Honorary Professor, University of Cape Town. E-mail: crushj@queensu.ca.

Sujata Ramachandran is Research Associate at the Southern African Migration Project (SAMP).

Comments should be addressed by email to the author(s).

Abstract

In the continuing discussion on migration and development, the vulnerability of all migrant groups to exploitation and mistreatment in host countries has been highlighted along with an emphasis on protecting their rights. However, xenophobia has not yet received explicit attention although anti-migrant sentiments and practices are clearly on the rise even in receiving countries in developing regions. Despite gaps in existing empirical work, research and anecdotal evidence exposes pervasive forms of discrimination, hostility, and violence experienced by migrant communities, with the latter becoming easy scapegoats for various social problems in host countries. This study attempts to insert xenophobia in this debate on migration and development by examining the growth of this phenomenon in host countries in the South. It provides short accounts of xenophobia witnessed in recent times in five countries including South Africa, India, Malaysia, Libya, and Thailand. The ambiguity surrounding the concept is discussed and crucial features that define xenophobia are outlined. A variety of methods to study it are likewise identified. Using a wide range of examples from diverse contexts, the paper explores possible reasons for the intensification of xenophobia. The final sections of the paper briefly outline the developmental consequences of rampant xenophobia for migrant and host populations while examining policy options to tackle it.

Keywords: Xenophobia; anti-immigrant prejudice; violence; intolerance; social exclusion; discrimination; migrant vulnerability; policy; South Africa, India, Libya, Thailand, Malaysia.

INTRODUCTION

According to the IOM, the number of international migrants very likely reached 200 million in 2008, more than double the figure in 1965.[1] As the number of migrants continues to grow, the character of international migration has been transformed, with many sending countries now becoming receivers and transit points for international migrants. This holds true especially for numerous developing countries that have become destinations for migrants from other developing and low-income countries. South-South migration, as it is now commonly referred to, is acquiring ever-greater significance in contemporary migration configurations. This is confirmed in a current World Bank report that suggests a shift from North-South to South-South migration with several developing countries like India, Côte d'Ivoire, the Islamic Republic of Iran and Pakistan now appearing in the list of top receivers worldwide.[2]

In 2005, there were an estimated 78 million migrants residing in developing countries of the South. In terms of the global stock of migrants, two out of every five migrants were residents of countries in the South.[3] The World Bank estimates that international migration between countries in the South may now be almost as high as North-South migrations.[4] The share may be even higher if irregular and informal flows, which are an important feature of South-South migrations, are taken into consideration.[5] Weak and unreliable databases on bilateral flows (especially between countries that share contiguous borders and within regions) and the informal, and to some extent circular,

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[1] IOM 2008 *World Migration 2008: Managing Labor Mobility in the Evolving Global Economy*, International Organization of Migration: Geneva
[2] World Bank 2009 *World Development Report 2009: Reshaping Economic Geography*, World Bank: Washington DC, pp. 150-151
[3] It must be acknowledged that different databases provide somewhat varying figures for international migration. As per the revised estimates for 2005 World Migrant Stock calculated by the United Nations Population Division, there were some 75 million and 114 million migrants in more and less developed regions respectively. See Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat 2006 'Trends in Total Migrant Stock: The 2005 Revision', (Internet source: http://esa.un.org/migration, Last accessed 13 February 2009)
[4] Ratha, Dilip and William Shaw 2007 South-South Migration and Remittances, Working Paper No. 102, World Bank: Washington DC
[5] Ratha, Dilip and William Shaw 2007 'South-South migration and remittances', *Migration Information Source*, September 4, www.migrationinformation.org/USfocus/print.cfm?ID=641 (Last accessed December 2008)

nature of South-South migrations also make assessment difficult and incomplete.[6] All the same, there are strong indications that flows between countries, and within regions, of the South, are a noteworthy aspect of the contemporary global migration system. Ninety percent of the flows into India, for instance, are from neighbouring countries. Other countries like Côte d'Ivoire and Hong Kong receive 80 percent of migrants from in the region. Pakistan receives the largest number of migrants from nearby Bangladesh. In Sub-Saharan Africa, more than 60 percent of migrants move to other countries within the region.[7] Similarly in South Asia, more than half of the migrants move to neighbouring countries or to other developing countries.[8]

Over the past two decades migration to Western and Eastern Europe has been accompanied by growing resentment of immigrants and refugees. The nature, causes and consequences of anti-immigrant and refugee sentiment and actions have been extensively documented. While anti-migrant sentiment continues to be strongly entrenched in the West, it is increasingly evident in developing countries as well. The present-day surge in intolerance and xenophobia in developing countries has been inadequately studied and documented. However, information from advocacy groups and anecdotal evidence presents a grim scenario. Ironically, developing countries whose citizens experienced and continue to face poor treatment in traditional-immigration countries in the West are now witnessing and often legitimizing the exploitation of migrants from other poor countries.

As in the West, resentment of migrants and xenophobic action in the global South is not a new phenomenon. The expulsion of 800,000 Ghanaians from Nigeria in the 1980s, for example, was a clear early example of a people and government who had become increasingly inhospitable towards migrants from another African country. However, intolerance does appear to have become more widespread and intense as South-South migration has increased.

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[6] Parsons, Christopher et al 2007 'Quantifying international migration: a database of bilateral migrant stocks' in Ozden, Caglar and Maurice Schiff (eds) *International Migration, Economic Development and Policy*, Basingstoke, Hampshire and New York: Palgrave Macmillan, pp. 17-58; See also Ratha and Shaw 2007

[7] World Bank 2009 *World Development Report 2009*, p. 151-52

[8] Ibid

The contemporary resurgence of intolerance and xenophobia presents a formidable challenge to policy-makers and states. There can be no doubt that xenophobia destabilizes and seriously undermines the potentially beneficial relationship between international migration and human development. It acts as one of the major obstacles to maximizing the economic and social benefits of international migration, affecting both migrant and host populations adversely in many different ways. Escalated levels of xenophobia towards migrants and refugees directly contribute to the vulnerability and exploitation of these groups leading to marked inequalities in the long-term between migrant and non-migrant populations. In a broader sense, xenophobia undermines principles of human equality, social justice, and social cohesion.

Recent international forums on migration and development have consistently highlighted the need to tackle xenophobia and the related political, economic, and social exclusion of migrants, immigrants, and refugees. On July 7-11, 2007, participants at the first meeting of the Global Forum on Migration and Development (GFMD) in Belgium underscored the urgency of developing new initiatives to counter xenophobia and racism as well as the marginalization, abuse and discrimination faced by migrant groups.[9] The forum further emphasized the need for action to protect the fundamental rights of migrants. The second meeting of the GFMD in Manila at the end of October 2008 renewed this message in its adopted slogan: 'protecting and empowering migrants for development.' In 2004, the United Nations Commission for Social Development had earlier strongly identified the 'exploitation, discrimination, xenophobia and racism towards immigrants [as] scourges'.[10] The High-Level Dialogue on International Migration and Development at the UN General Assembly on 14-15 September 2006 urged receiving countries to protect migrants against discrimination, racism and xenophobia by introducing effective measures to counter migrant abuse.

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[9] GFMD 2007 *Report on the First Meeting of the Global Forum on Migration and Development*, Brussels, July 9-11

[10] United Nations Commission for Social Development 2004 'Chairman's summary of panel discussion on 'international migration and migrants from a social perspective'', United Nations Commission for Social Development, Forty-second session, 4-13 February

In 2005, the Global Commission on International Migration (GCIM) recommended the strengthening of legal and normative frameworks that would allow migrant groups to exercise their fundamental human rights.[11] The Commission also urged local authorities, migrant groups and other non-state actors to promote social cohesion and the integration of immigrants. Nevertheless, as the 2008 UN ESCAP Economic and Social Survey of Asia and the Pacific pointed out, despite the growth in international migration, migrant rights remain at the 'fringes of discussion.'[12] The protection of migrant rights continues to be a key point in recent debates on migration and development although xenophobia per se has not received detailed attention.

How does xenophobia influence the relationship between international migration and human development? In this paper, we examine these connections with an emphasis on South-South migration. The paper has been divided into five sections. The first section provides a working definition of xenophobia and summarizes the methods by which it can be measured and assessed. The second section reviews various approaches to explaining the phenomenon of xenophobia. Examples from a variety of developing and developed country contexts are provided to illustrate these approaches. The third section provides some case studies of developing countries from different parts of the world that have experienced egreguious xenophobic violence or violations of the basic rights of migrants and refugees in recent years. The last two sections of this paper examine the consequences of xenophobia for host and migrant populations as well as policy responses to xenophobia.

DEFINING AND MEASURING XENOPHOBIA

Despite its widespread usage, xenophobia remains an ambiguous term. It is derived from the Greek words 'xenos' and 'phobos' which correspondingly mean 'strange or foreign' and 'phobia.' In the Concise Oxford Dictionary, xenophobia is

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[11] GCIM 2005 *Migration in an Inter-Connected World: New Directions for Action (Report of the Global Commission on International Migration)*, GCIM: Geneva
[12] UN ESCAP 2008 *Sustaining Growth and Sharing Prosperity: Asia and Pacific Economic and Social Survey 2008*, UNESCAP: Bangkok

defined as a 'morbid dislike of foreigners.' Scholars have conceptualized xenophobia in a number of ways. Berezin defines xenophobia as the 'fear of difference embodied in persons or groups.'[13] For Nyamnjoh, xenophobia is the 'intense dislike, hatred or fear of Others.'[14] It has been characterized as 'an attitudinal orientation of hostility against non-natives in a given population.'[15] And, it has been seen as 'hostility towards strangers and all that is foreign.'[16] Another definition views xenophobia as 'attitudes, prejudices, and behaviour that reject, exclude and often vilify persons based on the perception that they are outsiders or foreigners to the community, society or national identity.'[17]

In some explanations, this prejudice extends towards non-citizens and other marginal groups. It can also be directed toward other ethnic minorities, including third or fourth generation descendants of immigrants. Another point of confusion is that xenophobia has been closely tied to racism and persists in newer characterizations of racism. Described as 'new racism,' 'differential racism,' or 'cultural racism,' cultural rather than racial differences become the basis of exclusion in newer forms.[18] For others, xenophobia, unlike racism and nationalism, is a spontaneous, 'natural' biological reaction to strangers. Defined in such terms, xenophobia becomes a ubiquitous phenomenon which is difficult to challenge or confront. A variety of other terms to describe xenophobia have been developed including 'nativism,' ethnocentrism, 'xeno-racism,'[19]

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[13] Berezin, Mabel 2006 'Xenophobia and the new nationalisms' in Gerard Delanty and Krishna Kumar (eds) *The SAGE Handbook of Nations and Nationalism*, Sage: London, p. 273

[14] Nyamnjoh, Francis 2006 *Insiders and Outsiders: Citizenship and Xenophobia in Contemporary Southern Africa*, CODESRIA and Zed Books: Dakar, London and New York, p. 5.

[15] ILO, IOM and OHCHR 2001 'International migration, racism, discrimination and xenophobia', Paper for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), August

[16] Stolcke, Verena 1999 'New rhetorics of exclusion in Europe', *International Social Science Journal*, 51 (159), p. 28

[17] ILO, IOM and OHCHR 2001 'International migration, racism, discrimination and xenophobia'

[18] Delanty, Gerard and Peter Millward 2007 'Post-liberal anxieties and discourse of peoplehood in Europe: nationalism, xenophobia and racism' in Mole, Richard C M (ed.) *Discursive Constructions of Identity in European Politics*, Palgrave Macmillan: Houndsmill, pp. 137-48; See also Kundnani, Arun 2001 'In a foreign land: the new popular racism', *Race & Class*, 43 (2), pp. 41-60

[19] Fekete, Liz 2001 'The emergence of xeno-racism', *Race & Class*, 43 (2), pp. 23-40

'ethno-exclusionism,'[20] 'anti-immigrant prejudice,'[21] 'the immigrant threat'[22] and 'immigration-phobia.'[23]

In this report, xenophobia is associated with the following:

- Xenophobia consists of highly negative perceptions and practices that discriminate against non-citizen groups on the basis of their foreign origin or nationality. It affects all categories of migrants, immigrants, refugees, and asylum-seekers. Different migrant groups may, however, experience xenophobia to varying degrees depending on their cultural, racial and ethnic make-up, class composition, and migrant status.

- Xenophobia is perpetuated through a dynamic public rhetoric that actively stigmatizes and vilifies some or all migrant groups by playing up the 'threat' posed by their presence and making them scapegoats for social problems.

- Xenophobia is not simply an attitudinal orientation. Hostile and skewed perceptions of migrant groups generally go hand in hand with discriminatory practices and poor treatment of such groups. Acts of violence, aggression and brutality towards migrant groups represent extreme and escalated forms of xenophobia.

- Xenophobia is not a 'natural' response by native populations to the presence of foreigners. Like racism and nationalism, it is a social and political phenomenon that contributes to the marginalization and/or exclusion of migrant groups in social and national settings.

- Xenophobia is crucially linked to nation-building and nationalism, in particular, its aggressive forms.

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[20] See Coenders, Marcel, Marcel Lubbers and Peer Scheepers 2003 *Overview of Theories, Hypotheses and Results on Attitudes of Majorities Towards Minorities* (Report 1 of 'Majorities' Attitudes towards Minorities'), EUMC: Vienna

[21] Mclaren, Lauren M 2003 'Anti-immigrant prejudice in Europe'

[22] Lucassen, Leo 2005 *The Immigrant Threat: The Integration of Old and New Migrants in Western Europe Since 1850*, University of Illinois Press: Urbana and Chicago

[23] Alexseev, Mikhael 2006 *Immigration Phobia and the Security Dilemma: Russia, Europe and the United States*, Cambridge University Press: Cambridge and New York

- Other processes of segregation like racism and exclusionary nationalism can often shape xenophobia in distinctive ways, which contributes in part to its resilience.
- The mixed outcomes of immigration for host populations make xenophobia an exceptionally difficult and sensitive topic.

INTOLERANCE AND XENOPHOBIA IN THE GLOBAL NORTH

The World Values Survey 2005 found that nearly 40 percent of participants from nineteen European countries approved of strict limits on immigration while 42.5 percent only supported the entry of immigrants as long as employment was available. Nearly 9 percent of the respondents endorsed a total ban on immigration. In some countries many participants indicated that they would not assist immigrants; they included the Ukraine (66 percent), the Russian Federation (55 percent) and the United Kingdom (41 percent). In others like the Russian Federation, the United Kingdom and France, 14.2 percent, 13.1 percent and 10.4 percent of respondents respectively supported zero levels of immigration.

Longitudinal data from the 1997, 2000, and 2003 Eurobarometer surveys showed that 60 percent of respondents believed that the limits to a multi-cultural society had been reached, effectively opposing further acceptance of immigrants into their countries.[24] Nearly 40 percent of participants opposed civil rights for legal migrants and 22 percent of EU respondents endorsed the repatriation of legal immigrants, above all, the unemployed. A Special Eurobarometer study conducted in 2003 by the European Opinion Research Group in 15 EU countries including Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom displayed comparable results.[25] More than half of the respondents (52 percent) disagreed with the statement 'immigrants contribute a lot to our

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[24] Coenders, Marcel, Marcel Lubbers and Peer Scheepers 2003 *Majorities' Attitudes Towards Minorities in European Member States: Results from the Standard Eurobarometers 1997-2000-2003* (Report 2), EUMC: Vienna
[25] European Opinion Research Group 2004 *Special Eurobarometer: Citizenship and Sense of Belonging*, European Commission: Brussels

economy.'[26] This negative view was most strongly expressed in Belgium where 66 percent of the population disagreed with the statement.

Results of the European Social Survey (2002-2003) for Western and Eastern Europe offer added robust evidence of ethnic exclusionism, a negative stance that opposes both immigration and diversity.[27] Fifty-eight percent of Europeans perceived immigrants as a collective threat to economic well-being and cultural identity and one in two Europeans displayed open resistance to immigrants. Nearly half of the people living in European societies opposed diversity, indicating that they would prefer a mono-cultural society where a majority of the population shared the same culture. Twenty percent of the population wanted to avoid all social interaction with immigrants and ethnic minorities residing in their countries. Again, these tendencies were more pronounced in selected countries. For example, in Greece and Hungary, resistance to immigrants was much higher than that recorded in other European countries. The resistance to asylum-seekers was higher in countries like the UK, the Netherlands, Belgium and some eastern European countries like Hungary, Slovenia and the former East Germany.

Public opinion surveys have shown that many EU citizens hold biased and stereotypical views about immigrants and refugees, especially those from non-Western countries. According to the 2000 Eurobarometer Survey, 52 percent of participants believed that minority groups, including immigrants, have a negative impact on the quality of education in their country. Fifty-eight percent of participants from ten European countries (namely, Greece, Belgium, France, the Netherlands, the United Kingdom, Austria, Luxemburg, Denmark, Italy and Finland) linked migrants with rising levels of crime. These tendencies were even more marked in individual EU countries. In Greece, an overwhelming 85 percent of respondents in the 2000 Eurobarometer Survey accepted that immigrants 'steal jobs' from citizens. In Finland, over a third of those

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[26] Ibid, p. 27
[27] Coenders, Marcel, Marcel Lubbers and Peer Scheepers 2004 *Majorities Attitudes Towards Minorities in Western and Eastern European Societies: Results from the European Social Survey 2002-2003* (Report 4), EUMC: Vienna

polled agreed that minority groups exacerbate unemployment rates. Similarly, 81 percent of Greeks felt that migrants were more prone to criminal activities compared to non-migrants. In Ireland, which had the lowest figure for the EU, some 30 percent of participants blamed migrants for increasing crime. Likewise, the Special Eurobarometer study of 2003 showed that 42 percent of respondents deemed 'immigrants to be a threat to their way of life.'[28] In countries like Greece, the UK and Belgium, 69 percent, 54 percent and 53 percent respectively agreed with this statement.

These negative attitudes translate into systematic discrimination against migrants in their daily lives. A study conducted by the European Monitoring Centre on Racism and Xenophobia (EUMC) between 2002 and 2005 based on research in individual countries like Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Austria, Portugal and the UK supports this observation.[29] Some 30 percent of participants had faced unfair treatment in employment and 25 percent in education while 25 percent had encountered unfair treatment from the police in these countries. The results were more skewed for individual countries like Greece, Belgium and Portugal where 46 percent, 37 percent, and 32 percent of respondents had experience of being treated in a discriminatory manner while seeking employment. Certain groups of migrants felt that they were particularly discriminated against in such countries. In Belgium, 56 percent of participants of Chinese origin, 29 percent of Congolese origin, 28 percent of Turkish origin and 26 percent of Moroccan origin, felt that they were subjected to discrimination because of their 'foreign background.'[30] In Greece, migrants from the Soviet Union, Romania and Albania felt the most discriminated against, while in France and Ireland, African migrants recorded the highest levels of discrimination. Perhaps the most disturbing finding of this study is the extreme reluctance of migrants to report such acts to authorities, with a staggering 86 percent of those who experienced discrimination failing to do so.

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[28] European Opinion Research Group 2004 *Special Eurobarometer: Citizenship and Sense of Belonging*, p. 28

[29] EUMC/FRA 2006 *Migrants' Experiences of Racism and Xenophobia in 12 EU Member States – Pilot Study*, European Monitoring Centre on Racism and Xenophobia: Vienna

[30] Ibid, p. 8

A 2002 UNHCR survey in Moscow revealed that an overwhelming 58 percent of Afghan asylum-seekers had been targeted in brutal attacks requiring hospitalization for an average of 22 days.[31] Nearly 80 percent had been attacked with crude weapons like metal chains, gas cylinders, bats and beer bottles.[32] The frequency of xenophobic violence was even higher for African refugees, 77 percent of whom reported being attacked in the previous month.[33] Another UNHCR news report suggests that violence against African asylum-seekers has become such a routine occurrence in Moscow that many of them have opted for third-country resettlement.[34] A more recent assessment by the Moscow Bureau for Human Rights contends that the level of xenophobic violence in 2007 rose by almost a third compared to the previous year with the number of fatalities rising by 20 percent.[35] The number of victims increased by nearly two times the figure recorded for 2006.

Numerous studies have documented the escalation in public violence against ethnic minorities in Western Europe during the previous decade. Some of the most high-profile incidents included arson attacks on residences occupied by asylum-seekers and immigrants in places like Lubeck, Hoyerswerda, Rostock and Molln.[36] In spite of that, aggression directed at ethnic minorities persists almost a decade later. In fact, between 2000 and 2006, as the 2008 Hate Crime Survey notes, eight European Union countries experienced an upward trend in recorded racist and xenophobic crimes, including Denmark, Germany, France, Ireland, Slovakia, Finland and the United Kingdom.[37] This evidence is alarming especially since many of these countries have long histories of racism, xenophobia and discrimination against ethnic minorities. These are also some of the countries that, in recent decades, have implemented the strongest anti-discrimination measures to counter xenophobia and racism.

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[31] Colville, Rupert 2006 'The perfect scapegoat', *Refugees Magazine*, 142 (1), pp. 5-8

[32] Ibid

[33] Ibid

[34] *UNHCR News Stories* 2003 'Reaching out to asylum-seekers in Russia', 30 May

[35] Moscow Bureau of Human Rights 2007 'Brief review of aggressive xenophobic manifestations on the territory of Russian Federation in 2007', http://antirasizm.ru/english.php (Last accessed February 2007)

[36] Fekete, Liz 2000 'How the German press stoked the Lubeck fires', *Race & Class*, 41 (4), pp. 19-41; See also Bindman, Geoffrey 1997 'Murder in Lubeck' *Race & Class* 39 (1), pp. 95-100

[37] Human Rights First 2008 *Violence Based on Racism and Xenophobia: 2008 Hate Crime Survey*, Human Rights First: Washington DC

INTOLERANCE AND XENOPHOBIA IN THE GLOBAL SOUTH

Public opinion surveys of citizen attitudes to migrants and refugees are much less common in the Global South. Xenophobic sentiment usually has to be inferred from the public statements of officials, the media and attacks on migrants. South Africa was rocked in May 2008 by horrific, large-scale attacks on migrants, especially African migrants from Southern Africa.[38] This episode marked the latest development in a long series of violent incidents victimizing migrants and refugees in that country.[39] But it was also the expression of deep-seated and pervasive anti-foreign attitudes amongst the country's citizenry at large.

In Southern Africa, systematic public opinion surveys have been conducted and provide reliable and representative data about citizen attitudes to migrants and refugees. In 2001 and 2002, the Southern African Migration Project's (SAMP) National Immigration Policy Survey (NIPS) on citizens' attitudes toward immigration in Southern Africa showed that xenophobia was rampant among diverse groups and communities in South Africa, Namibia and Botswana.[40] Anti-migrant sentiments cut across class, employment status, race, and gender lines. In the Botswana NIPS, more than 20 percent of respondents supported policies that would expel all immigrants from the country, irrespective of their legal status.[41] The outcome of questions on citizens' willingness to participate in action against immigrants from Southern Africa as a whole was even more disquieting. Nearly half of those interviewed (47 percent) were ready to participate in action to inhibit migrants from settling into their neighbourhoods. Some 46 percent were willing to act to thwart them from opening businesses in their localities. More than one third of respondents (39 percent) were agreeable to be involved in practices that would

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[38] Crush, Jonathan et al 2008 *The perfect storm: the realities of xenophobia in contemporary South Africa*, SAMP Migration Policy Series No. 50, SAMP: Kingston and Cape Town

[39] Crush, Jonathan 2000 'The dark side of democracy: migration, xenophobia and human rights in South Africa', *International Migration*, 38 (6), pp. 103-20

[40] Crush, Jonathan and Wade Pendleton 2004 'Regionalizing xenophobia? Citizen attitudes to immigration and refugee policy in Southern Africa', SAMP Migration Policy Series No. 30, SAMP: Kingston and Cape Town

[41] Campbell, Eugene and John O Oucho 2003 *Changing Attitudes to Immigration and Refugee Policy in Botswana*, Migration Policy Series No. 28, SAMP: Kingston and Cape Town

prevent migrants from becoming their co-workers. A similar share (38 percent) was willing to prevent children from immigrant families from studying in the same schools as their offspring. Botswana was once hailed as a 'country of immigration' for importing, for several decades, many skilled immigrants from various countries in Africa, Asia and the West.[42]

Even developing countries like Thailand and Tanzania, that had enjoyed a good reputation for welcoming migrants and refugees, have recently imposed stringent restrictions on their entry and residence or randomly expelled migrants and refugees. In 2004, the ruling party of Tanzania openly declared: 'we are tired of refugees.'[43] Even some of the poorest countries not generally associated with immigration have displayed excessive brutality towards vulnerable migrants and refugees. For example, Angolan soldiers raped, tortured, and thrashed irregular Congolese migrants in December 2007 before deporting them.[44] Employed in diamond mines, many victims indicated that they were subjected to cavity searches and detained for extended periods without food or water.[45]

Elsewhere, local residents have violently attacked migrants and refugees on several occasions. In December 2005, the Dominican National Committee for Migration voiced concern over frequent episodes of xenophobic violence targeting poor Haitian migrants.[46] There have been numerous cases of public lynching of Haitian migrants in the past few years in the Dominican Republic. In July and August 2005, locals set fire to shacks occupied by Haitian migrants and killed six migrants in the capital Santo Domingo. Migrant-bashing campaigns have also been witnessed in India where a student group Chiring Chapori Yuva Manch (CCYM) sent out text messages en masse in the

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[42] Morapedi, Wazha 2007 'Post-liberation xenophobia in southern Africa: the case of the influx of undocumented Zimbabwean immigrants into Botswana, c. 1995-2004', *Journal of Contemporary African Studies*, 25 (2), pp. 229-50

[43] Mckinsey, Kitty 2006 ''Tired of refugees': Is African tolerance in decline?', *Refugees Magazine*, 142 (1), pp. 23-24

[44] Simao, Paul 2007 'Angolan soldiers rape, beat Congolese migrants – group', *Reuters Alertnet*, 6 December, http://alertnet.org/thenews/newsdesk/Lo6594708.htm (Last accessed January 2009)

[45] Ibid

[46] Harman, Danna 2006 'Haitian migrants face rising backlash next door', *Christian Science Monitor*, 24 January, http://csmonitor.com/2006/0124/p04s01-woam.htm (Last accessed January 2009)

north-western province of Assam in mid-2005 urging citizens to 'save nation, save identity. Let's take an oath – no food, no job, no shelter to [migrant] Bangladeshis'.[47] Like in Western countries, migrants have been subjected repeatedly to demeaning and degrading treatment by citizens of host countries in the South. A Ghanaian migrant living in Libya described it in the following words: 'We are worse than dogs to the Libyans. If we were slaves, they would have treated us better'.[48]

In this section, we present case studies of five countries in the South that have experienced episodes of xenophobic violence as well as acute discrimination against migrants, immigrants, and refugees. This is not to suggest that xenophobic violence does not occur elsewhere in the South or that it is everywhere this intense. However, this report profiles five countries from different parts of the world to illustrate that this is a global problem which, in the absence of national and international action, is only likely to worsen.

South Africa

The explosion of xenophobic violence in South Africa's poorer urban communities in May 2008 led to over 60 deaths (including several by the grotesque 'necklacing' method of burning people alive), numerous assaults and injuries and widespread damage to property owned by foreign nationals.[49] Tens of thousands fled their homes into makeshift 'refugee' encampments. By the end of 2008, the government had closed all of the camps, insisting either that the residents (who included many destitute women and children) should either 'reintegrate' or return home. Many were already asylum-seekers or refugees so return home was hardly an option.[50] The other choice offered by government put them at risk of further attacks and appraisals and,

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[47] Ramachandran, Sujata 2005 'Indifference, impotence, intolerance: transnational Bangladeshis in India', Global Migration Perspectives No. 42, GCIM: Geneva
[48] Williams, Daniel 2004 'Sub-Saharan migrants in Libya face backlash', *Washington Post*, 11 March
[49] Crush et al, *The Perfect Storm*, pp. 11-16.
[50] McKnight, Janet 2008, 'Through the fear: a study of xenophobia in South Africa's refugee system' *Journal of Identity and Migration Studies* 2(2), pp. 18-42

indeed, sporadic attacks still continue.[51] The most recent of these was in January 2009 when an armed mob led by a community councillor entered a building in Durban and began attacking foreign citizens. Two men, a Tanzainian and a Zimbabwean, jumped or were pushed to their deaths from an upper floor, leading to the arrest for murder of the councillor and several mob-members.[52]

The startled response of many in government and the media to May 2005 suggested that they were unaware that anti-foreign intolerance and xenophobia had become a major challenge to human rights in a democratic South Africa and to the values inscribed in the post-apartheid constitution. As long ago as 1995, however, the Southern African Bishops' Conference noted that 'there is no doubt that there is a very high level of xenophobia in our country.' Their venerable conclusion was supported by successive public opinion surveys that demonstrated that South African sentiment towards foreign nationals was amongst the most hostile in the world.[53] Analyses of official pronouncements and media coverage of migration issues showed that xenophobia extended well beyond isolated individual attitudes.[54] It was pervasive, deep-rooted and structural, cutting across all divides. If there was one thing that united this diverse population, it was their dislike for foreign migrants in the country.

A brief effort by the South African Human Rights Commission to address the issue between 1999 and 2002, in the form of a 'Roll Back Xenophobia' campaign, did not achieve a great deal before it was wound up. The campaign held educational workshops

[51] Iggelsden, Vicki, Monson, Tamlyn and Polzer, Tara 2009, *Humanitarian Assistance to Internally-Displaced Persons in South Africa,* Johannesburg: Forced Migration Studies Programme

[52] Thathiah, Dasen, 2009, 'They pushed my brother out of the window' *Daily News* 6 January 2009 http://www.themercury.co.za/index.php?fSectionId=&fArticleId=vn20090106104430717C180749 (Last accessed February 2009)

[53] Mattes, Robert at al, 1999 *Still Waiting for the Barbarians: SA Attitudes to Immigrants and Immigration,* SAMP Migration Policy Series No 14, SAMP: Kingston and Cape Town; Crush, Jonathan 2001 *Immigration, Xenophobia and Human Rights in South Africa*, SAMP Migration Policy Series No. 22, SAMP: Kingston and Cape Town; Crush, Jonathan and Pendleton, Wade, 2007, 'Mapping hostilities: the geography of xenophobia in Southern Africa' *South African Geographical Journal* 89, pp. 64-82

[54] Danso, Ransford and David A. McDonald 2000, *Writing Xenophobia: Immigration and the Press in Post-Apartheid South Africa,* SAMP Migration Policy Series No 17, SAMP: Kingston and Cape Town; Jacobs, Sean and David A. McDonald 2005, *Understanding Press Coverage of Cross-Border Migration in Southern Africa since 2000*, SAMP Migration Policy Series No 37, SAMP: Kingston and Cape Town

for journalists or editors who proved to be extremely hostile to any suggestion that their 'facts-based' reporting smacked of xenophobia.

Between 2002 and 2008 attitudes continued to harden. In 2006, for example, SAMP found that 37 percent of a nationally representative sample wanted a total ban on foreigners entering the country. Three quarters supported electrification of borders and 72 percent agreed that non-citizens should carry personal identification with them at all times. Sixty percent supported a policy of deporting any non-citizen with HIV/AIDS. Only a minority thought that migrants and refugees should enjoy basic rights such as freedom of movement, legal protection, police protection and access to social services. As many as 30 percent said they would take action to prevent migrants from neighbouring countries moving into or operating a business in their community. And 16 percent of those interviewed said they were prepared to combine with others to force foreign nationals to leave their area.[55] And indeed, in the years and months leading up to May 2008, violent attacks on foreign nationals became increasingly more common.

Despite the overwhelming research evidence of a powder-keg of xenophobic sentiment, the issue was largely ignored in public political discourse, until it was too late. Even then, the response of those in government to May 2008 was largely denialist in character. Several prominent politicians initially voiced surprise and concern and acknowledged that xenophobia was a significant problem.[56] They were quickly silenced by an official 'party line' from the President's office. The attacks were criminal, not xenophobically motivated, said President Mbeki at an official day of mourning for the victims.[57] South Africans were not xenophobic and anyone who said so was themselves being xenophobic. The violence was, to put it mildly, a massive embarrassment for a President and government who were active proponents of regional solidarity and Pan-Africanism and are preparing to host the 2010 Football World Cup. Better, the President must have reasoned, to present the violence as the work of fringe criminal elements rather

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[55] Crush et al, *The Perfect Storm*

[56] Ibid., pp. 11-16

[57] Mbeki, Thabo, 2008, 'Address of the President of South Africa, Thabo Mbeki, at the National Tribute in Remembrance of the Victims of Attacks on Foreign Nationals', Tshwane, 3 July (Statement issued by The Presidency)

than in any way representative of South Africa attitudes to foreign migrants and citizens in general. The problem of course was that denialism ignored the overwhelming evidence of deep and longstanding xenophobia in the country.

Explanations for the violence of May 2008 quickly focused on the material conditions in affected communities. Many journalists and most academics blamed the events on the ANC government's poor service delivery record since 1994.[58] In these accounts, the failures of the government to deal with endemic poverty, joblessness, lack of shelter and basic services had led to the scapegoating of foreign migrants by frustrated citizens. The government's 'failure' to control its borders was seen as another precipitating factor by some commentators.[59] South Africans certainly believe that their country is being 'flooded' by millions of irregular migrants from the rest of Africa despite evidence to the contrary.[60] The numbers of foreign migrants in South Africa at any one time is certainly a matter of dispute yet it is highly unlikely that there are 3-4 million Zimbabweans in South Africa (as claimed by Mbeki) or 8-10 million undocumented migrants (as claimed by Home Affairs officials).

Research (including regular national surveys) shows that xenophobia (expressed as hostility to the very presence of non-nationals and attributing to them a range of stereotypical negative characteristics) has been widespread in South Africa since at least 1994. The media has played a significant role in perpetuating negative stereotypes, as has official and popular discourse. Anti-foreign invective and verbal abuse is depressingly common on South African streets. But most people's negative attitudes are not the result of first-hand contact with migrants. In 2006 for example, 61 percent of South Africans said they had 'little or no' personal contact with migrants from neighbouring countries.[61]

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[58] Crush et al, *The Perfect Storm*; Hassim, Shireen, Tawana Kupe, and Eric Worby (eds) 2008, *Go Home or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa*, Johannesburg: Wits University Press

[59] Human Sciences Research Council, 2008. Citizenship, Violence and Xenophobia in South Africa: Perceptions from South African Communities, HSRC: Pretoria

[60] Crush, Jonathan and Vincent Williams 2001 'Making up the numbers: measuring illegal immigration to South Africa' SAMP Policy Brief No. 3, SAMP: Kingston and Cape Town

[61] Crush et al, *The Perfect Storm*, p. 32

While there is an understandable reductionist tendency to view anti-foreign violence as a direct product of the material deprivation and competition amongst poor South Africans, this does not explain why all poor communities did not explode in May 2008. Certainly the violence was stoked by organized groups in affected communities and there is evidence of inter-community collaboration. But the truth is that the violence could, and very well may in the future, be much more widespread. In almost every case, attacks were accompanied by the most blunt and bellicose hate speech. The attacks were a brutal example of national 'ethnic cleansing,' of removing foreign citizens from territory deemed to 'belong' to citizens only. In the political failing to acknowledge the reality that xenophobic attitudes are longstanding and pervasive (and had hardened in recent years), and by attributing May 2008 to criminal fringe elements, xenophobia was regrettably swept under the carpet once again. A day of 'Social Dialogue' initiated by the Home Affairs Minister in September 2008 showed that there were some in government who were not happy with this xeno-denialism. But whether this will lead to the kind of state-initiated national effort to roll-back xenophobia in schools, workplaces, communities and on the streets remains to be seen.

India

Rising xenophobic antagonism in India has been directed almost exclusively at irregular migrants from neighbouring Bangladesh, who are increasingly viewed as a threat to national well-being and security. In April 2008, a report by the Parliamentary Standing Committee on Home Affairs declared that 'a large presence of illegal Bangladeshi immigrants poses a grave threat to the internal security [of India] and it should be viewed strongly.'[62] Citing media reports on Bangladeshi insurgent groups' involvement in recent terrorist acts in India, the 25-member committee recommended that the movement of Bangladeshi migrants into the country should be 'strictly monitored.'[63] The conclusion of the committee was not unexpected, especially since it was headed by

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[62] Press Trust of India News Dispatch 2008 'Bangladeshi migrants pose threat to internal security: report', *Rediff.com*, 18 April, http://www.rediff.com/news/2008/apr/18bdesh.htm (Last accessed December 2008)
[63] Kumar, Vinay 2008 'Illegal Bangladeshi immigrants a threat', *Hindu*, 21 April, http://www.hindu.com/2008/04/21/stories/2008042160291300.htm (Last accessed December 2008)

Sushma Swaraj from the right-wing Bharatiya Janata Party (BJP). The BJP and its cohort of far right Hindu nationalist parties have, since the early 1990s, vigorously advocated the large-scale expulsion of irregular, largely Muslim, migrants from Bangladesh.[64] Even so, the observations of the Parliamentary Standing Committee reflect the general mood in India which has become increasingly belligerent and intolerant of the migrants' presence.[65]

Given their informal and irregular character, there is virtually no accurate or reliable data on these migrations. Using Indian Census data on 'place of birth' and 'place of last residence,' a recent study estimates that in 2001 there were some 3.1 to 3.7 million Bangladeshis in India.[66] On the other hand, estimates by government agencies, journalists and the Hindu right have proffered ever-growing and often staggering numbers. In 2004, Union Minister of State for Home Shriprakash Jaiswal informed Rajya Sabha (Upper House of the Indian Parliament) that there were more than '12 million Bangladeshis' residing 'illegally' in the country.[67] The Indian Border Security Force (BSF) reportedly estimates that between 1972 and 2005, some 1.2 million Bangladeshis who entered India on tourist visas failed to leave the country.[68] Even a recent World Bank study contends that in terms of flows, the Indo-Bangladesh corridor is one of the most active globally, coming a close second to flows across the US-Mexican border.[69] The highest estimates have, however, not surprisingly been presented by Hindu nationalist groups such as the

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[64] Ramachandran, Sujata 2003 'Operation Pushback: sangh parivar, state, slums and surreptitious Bangladeshis in New Delhi', *Economic and Political Weekly*, 38 (7), pp. 637-47
[65] Samaddar, Ranabir 1999 *The Marginal Nation: Tranborder Migration from Bangladesh to West Bengal*, Sage: New Delhi
[66] See Nanda, Ashwini Kumar 2005 'Immigration from Bangladesh to India based on Census data', *Asian and Pacific Migration Journal*, 14 (4), pp. 487-99
[67] *Economic Times* 2009 'Lots of Bangla migrants, how many we don't know: Jaiswal', 20 February, http://economictimes.indiatimes.com/News/PoliticsNation/Lots-of-Bangla-migrants-how-many-we-dont-know-Jaiswal/articleshow/4158018.cms (Last accessed March 2009)
[68] Press Trust of India (PTI) 2008 'Bangladeshi migrants issue haunts', *Economic Times*, 2 November, http://economictimes.indiatimes.com/News/PoliticsNation/Bangladeshi_migrants_issue_haunts/articleshow/3664703.cms (Last accessed March 2009)
[69] Ratha and Shaw 'South-South migration and remittances'

BJP.[70] In 2003, the BJP and its cohorts claimed that there were some 20 million irregular Bangladeshis living in India.[71]

Although the continuing migration of Bangladeshis into India has become a highly contentious issue in contemporary times, xenophobic programs occurred in previous decades in north-eastern provinces. Because of their proximity to Bangladesh, these provinces are believed to have received the largest flows of migrants. In the past as well, substantial numbers of refugees moved into these states from the erstwhile East Bengal (now Bangladesh) during the partition of the Indian sub-continent (into India and East and West Pakistan in 1947) and subsequent formation of an independent nation-state of Bangladesh (in 1971).[72] The long histories of anti-immigrant tendencies in these areas have not been systematically researched or documented. Nevertheless, a long-standing pattern of hostility towards Bengali speakers has some resonance in the current antipathy towards irregular Bangladeshi migrants. There has been a marked tendency to conflate earlier groups of Bengali migrants/refugees with newer irregular migrants from Bangladesh.[73]

Bhaumik writes about the Bangal Kheda movement (drive away Bengalis) in Assam from the late 1940s onwards, provoked by the demographic and cultural changes linked to the entry of Bengali-speaking populations from the east.[74] In the 1960s, many Bengali Hindus fled Assam and moved to other provinces like West Bengal and Tripura. Anti-Bengali violence was witnessed as well in neighbouring Meghalaya during the decades of the 1980s and 1990s. Between 1979-84, the All Assam Students Union

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[70] See Navlakha, Gautam 1997 'Bangladeshis in India: the numbers game' in Bose, Tapan and Rita Machanda (eds) *States, Citizens and Outsiders: The Uprooted Peoples of South Asia*, South Asia Forum for Human Rights: Kathmandu, pp. 353-59

[71] Van Schendel, Willem 2005 *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press: London

[72] For example, some 30 million refugees entered India during this period. See Oberoi, Pia 2006 *Exile and Belonging: Refugees and State Policy in South Asia*, Oxford University Press: New Delhi, p. 40

[73] As per Indian government regulations, migrants who have entered India without proper documents after the formation of an independent Bangladesh are to be treated as 'illegal' migrants. See Baruah, Sanjib 2007 'Post-frontier blues: towards a new policy framework for northeast India', Policy Studies Paper No. 33, East-West Center: Washington, DC

[74] Bhaumik, Subir 2005 'India's north-east: nobody's people in no man's land' in Banerjee, Paula et al (eds) *Internal Displacement in South Asia*, Sage: New Delhi, pp. 144-74

(AASU) spearheaded an anti-foreigners' movement in Assam opposing the entry of irregular Bangladeshis. It also demanded the expulsion of all people of Bengali descent who had entered its territories after 1951.[75] At the height of the movement, close to 2,000 Bengali-speaking Muslim immigrants were brutally massacred in Nellie.[76] The violence reportedly first broke out over the alleged abduction and rape of Assamese tribal Tiwa women by Bengali Muslim migrants.[77] It also unleashed the simmering resentment against the settlement onto tribal lands of Bengali *miyas* from Mymensingh district of East Bengal.

To this day, the strongest expressions of xenophobia against migrant Bangladeshis are being witnessed in north-eastern provinces. Scholars like Hazarika have argued that in these insurgent-prone, socially and politically unstable areas, the continuous entry of substantial numbers of Bangladeshi migrants rapidly aggravates these divisive, aggressive tendencies.[78] Moreover, escalating anxieties about threatened cultural or linguistic identities provide a powerful motivating force.[79] For example, in a news interview, Sarbananda Sanowal of the Asom Gana Parishad (AGP) party stated: 'The illegal migrants from Bangladesh are a major threat to our identity. We will become foreigners in our own land unless we keep these people out of Assam.'[80]

Over the last two decades, the exclusionary politics of the Hindu right have only re-invigorated the rhetoric of fear and loathing surrounding these migrations. Highly incendiary texts associated with the Hindu-right create the specter of an impending catastrophe posed by the 'enemy alien' threatening the long-term safety and security of the Hindu-Indian nation.[81] These migrations have been described as a 'demographic

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[75] See Hazarika, Sanjoy 2000 *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin Books: New Delhi
[76] Rehman, Teresa 2006 'Nellie revisited', *Tehelka*, 30 September
[77] See Hazarika *Rites of Passage*
[78] Ibid.
[79] Hussain, Wasbir 2003 'Bangladeshi migrants in India: towards a practical solution – a view from the north-eastern frontier' in Chari, P R et al (eds) *Missing Boundaries: Refugees, Migrants, Stateless and Internally Displaced Persons in South Asia*, Manohar: New Delhi, pp. 125-50
[80] Bhaumik, Subir 2005 'Assam's victim of religious hatred', *BBC News*, 16 June
[81] Upadhyaya, Priyankar 2006 'Securitization matrix in South Asia: Bangladeshi migrants as enemy alien' in Caballero-Anthony, Melly, Ralf Emmers and Amitav Acharya (eds) *Non-Traditional Security in Asia:*

aggression' and 'silent invasion' of a 'Muslim avalanche' unleashed on India by 'millions of illiterate, fanatical, hungry and highly motivated Muslims [who] have already settled and spread themselves like a swarm of locusts in the lush green fields and forests of Assam.'[82] Consistent with the political ideology of the Hindu right, these texts make a distinction between Hindu and Muslim migrants from Bangladesh. The former are characterized as 'refugees' and as 'victims' of 'a most iniquitous political system based on Islamic fundamentalism' while the latter are described as 'infiltrators' who have yet to be 'punished' for this ' act of crime.'[83] Another propaganda text describes the Bangladeshi migrations as the 'ingredients of a grand design and strategy to demolish India…surely, steadily and irreversibly.'[84]

This exaggerated imagery has been unquestioningly adopted by many Indians, including state authorities. In May 2005, in its judgment repealing the terms of the long-controversial Illegal Migrants Determination by Tribunals (IMDT) Act, the Supreme Court described migration from Bangaldesh as 'external aggression.'[85] The judgement read:

> The presence of such large numbers of illegal migrants from Bangladesh, which run into millions, is in fact an *aggression* [emphasis ours] on the state of Assam and has also contributed significantly in causing serious internal disturbances in the shape of insurgency of alarming proportions.[86]

Even those opposed to the nationalist politics of the Hindu right have supported the forcible expulsion of migrant Bangladeshis. Public discourses on migrants now

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Dilemmas in Securitization, Ashgate: Burlington, VT, pp. 13-39; See also Ramachandran, Sujata 2003 'Operation Pushback' and Navlakha, Gautam 1997

[82] See Rai, Baljit 1993 *Demographic Aggression against India: Muslim Avalanche from Bangladesh*, BS Publishers: Chandigarh, p. 11. See Joshi, Srikant 19 *Ghuspaith: Ek Nishabda Akramana* [Infiltration: A Silent Invasion], Lucknow: Lokhit Prakashan

[83] Ibid, p. 4

[84] Rai, Baljit 1994 *Is India Going Islamic?* BS Publishers: Chandigarh, p. 2-3

[85] The Illegal Migrants Determination by Tribunals (IMDT) Act was established in 1983 to protect the rights of Indian minority groups. Independent tribunals would determine the nationality of those accused as irregular Bangladeshi migrants. Critics have argued that its provisions prevented the large-scale expulsion of irregular migrants from Bangladesh and only encouraged these flows.

[86] *Hindu* 2005 'IMDT Act is the biggest barrier to deportation, says Supreme Court', 14 July

represent them as 'thieves, traitors and terrorists.'[87] In the past few years, growing concerns about Islamic fundamentalism and terrorism have only hardened these perceptions. In an op-ed article, for instance, journalist TVR Shenoy argued:

> There are as many as 20 million Bangladeshis scattered across India. Some are genuine refugees, men and women fleeing persecution. But many are seeking to make a quick buck at the Indians' expense. More worrying, an increasing number are criminals allied to terrorists.[88]

Others have rejected the proposal to issue temporary work permits to the migrants. Sanjay Nirupam, then affiliated with the Hindu right-wing Shiv Sena Party, attacked it as follows:

> With the battalions of the jobless swelling day after day in India, it is absurd to roll out the red carpet for Bangladeshis. By admitting them into our own farms and factories, the union government will rob our own people of their legitimate right to work.'[89]

This comment by an ordinary citizen now echoes the sentiments of many living in India: 'Too many Bangladeshis are coming here without passports. They take our jobs, some are terrorists. They need to be stopped.'[90]

In this highly charged scenario, there are increasing reports of violence and persecution of Bangladeshi migrants and other minority groups, including Indian Muslims and Indian Bengalis. Even migrants from Indian provinces like Bihar and Uttar Pradesh have been attacked in places like Assam, Meghalaya and Maharashtra. In September 2008, vigilante groups from Assamese indigenous communities conducted a

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[87] Ramachandran, Sujata 'Indifference, impotence, intolerance'
[88] Shenoy, TVR 2003 'Don't ignore threat from other border', *Pioneer*, 20 February
[89] *Times of India* 2001 'Should Bangladeshis be allowed work permits: Sanjay Nirupam', 13 May
[90] Pocha, Jehangir 2004 'India erecting a fence along Bangladesh border', *Boston Globe*, 30 May

state-wide drive to locate 'Bangladeshis.'[91] The following month, clashes between the indigenous Bodo community and Muslim migrants (including irregular Bangladeshis) in northern Assam contributed to more than 50 deaths and the displacement of more than 10,000 Muslim migrants.[92]

Malaysia

According to the Department of Immigration, there are 2.1 million documented migrant workers in Malaysia.[93] While the exact numbers are not known, estimates for migrants in an irregular situation vary from half a million to five million persons.[94] Many of the registered migrants have arrived from twelve countries in the region including ASEAN and neighbouring countries. The largest number of migrant workers is from Indonesia followed by Nepal, India, Myanmar, Vietnam, Bangladesh, the Philippines, Pakistan, Sri Lanka and China, working in the manufacturing, agricultural, construction and service sectors.[95] As one of the most robust economies in South-east Asia, Malaysia relies heavily on migrant workers to perform the 3D (dirty, dangerous, and difficult) jobs commonly rejected by citizens. Even though their labour is indispensable to the Malaysian economy, draconian control measures combined with the absence of cogent immigration policies or immigrant quotas mean that migrants often face a raw deal from unscrupulous employers, recruitment agencies and enforcement authorities.[96]

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[91] Bhaumik, Subir 2008 'Fears over Assam vigilante violence', *BBC News*, 8 September, http://news.bbc.co.uk/2/hi/south_asia/7603984.stm (Last accessed February 2009)

[92] Talukdar, Sushanta 2008 'Communal inferno', *Frontline*, 25 (22), 7 November, http://www.hindu.com/fline/fl2522/stories/20081107252202800.htm (Last accessed February 2009); See also *Indian Express* 2008 '12 killed, Pak flags sighted in Assam', 4 October

[93] MWG-JUMP 2009 'A joint submission by members of the Migration Working Group and the Northern Network for Migrants and Refugees (*Jaringan Utara Migrasi dan Pelarian*, JUMP) for the 4th Session of the Human Rights Council Universal Periodic Review

[94] FIDH and Suaram 2008 *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, International Federation for Human Rights (FIDH) and Suara Rakyat Malaysia (Suaram): Paris and Selangor

[95] MWG-JUMP 2009 'A joint submission of the Migration Working Group and the Northern Network for Migrants and Refugees'

[96] For a discussion on Malaysian public opinion and state policies during the decade of the 90s, see Spaan, Ernst et al 2002 'Re-imagining borders: Malay identity and Indonesian migrants in Malaysia', *Tijdschrift voor economische en social Geographie* 93 (2), pp. 160-72

There are some 100,000 refugees, asylum-seekers and stateless persons in the country. By August 2008, the UNHCR had registered 41,405 asylum-seekers, nearly 90 percent from Myanmar. Since Malaysia has not formally accepted international human rights instruments for the protection of refugees, like the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, many refugees (even those registered by the UNHCR) are routinely treated as irregular migrants by immigration authorities and RELA, the People's Volunteer Corps, or Itakan Relawan Rakyat, used to control irregular migration. In a crackdown on irregular migrants in 2005, then Deputy Prime Minister Datuk Seri Najib Razak confirmed this conflation: 'We will take action against anyone who is here illegally. There is no exemption on this including those carrying letters, genuine or otherwise from the UNHCR. If the UNHCR wishes to appeal after these people are arrested, it is up to them. But it is up to us whether we accept the appeal or not.'[97] A 2003 Human Rights Watch study censured the Malaysian government for not recognizing as refugees Indonesians who had fled military operations and martial law in the war-torn Aceh province.[98]

Like many other destination countries, Malaysia has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and their Families. In recent times, it has taken several steps that contravene the human rights of both documented and irregular migrants. In February 2007, for example, Malaysia proposed that migrant workers be confined to their *kongsi* (work areas) even when they are not working and that their travel in the country be carefully monitored by authorities.[99] Some of the harshest measures of the Malaysian state have been directed at irregular migrants who are increasingly unwelcome.[100] Apprehended irregular migrants have been subjected

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[97] *Star* 2005 'Illegal immigrants: none will be spared from Ops Tegas', 4 March, http://thestar.com.my/story.asp?file=/2005/3/4/nation/10322842&sec=nation (Last accessed December 2008)

[98] Human Rights Watch 2003 *Aceh under Martial Law: Problems Faced by Acehnese Refugees in Malaysia*, HRW: New York, http://www.hrw.org/en/reports/2004/03/31/aceh-under-martial-law-problems-faced-acehnese-refugees-malaysia (Last accessed December 2008)

[99] Caram-Asia 2008 'No to restriction on movement',

[100] Amnesty International 2007 'Not welcome here: vigilante force targets migrants in Malaysia', ASA 28/007/2007, December

to corporal punishment like whipping and caning.[101] They have also been detained for extended periods in camps that fail to meet minimum standards recommended by the United Nations.[102] In August 2002, the Philippines' government summoned the Malaysian Ambassador Mohamad Taufik to hand over a formal complaint protesting the mistreatment of irregular Filipina migrants.[103] The Philippines Foreign Secretary Blas Ople explained at a news conference that although the country did not expect 'Hilton-standard treatment' for its citizens in Malaysia, several reports had indicated that the conditions in the detention centers were 'unduly harsh.'

Poor treatment is sometimes justified by making migrants scapegoats for 'problems' like crime. RELA's Director-General Zaidon Asmuni declared in a recent newspaper interview: 'We have no more Communists at the moment, but we are now facing illegal immigrants. As you know, illegal immigrants are enemy No. 2 in Malaysia [following drugs as Enemy no. 1].'[104] Similarly, a RELA volunteer expressed a common sentiment about migrants: 'Especially the illegal immigrants from Indonesia, they always give us a lot of trouble. They break into the house, they rob…steal everything. Most Malaysians worry about it.'[105]

Crackdown operations against irregular migrants have been carried out on a regular basis. In 2005, the government launched 'Operation Tegas' (meaning tough or firm operation) to control the number of irregular migrants.[106] The *Daily Express* newspaper quoted Sabah MP Wilfred Madius Tangau who urged ordinary Malaysians to report the whereabouts of irregular migrants: 'As we celebrate the coming Malaysia Day

[101] Cho, Violet 2007 'Malaysian government uses cane to whip illegal migrants', *Irrawady*, 3 August; See also Inter-Press Service News 2007 'Illegal migrant workers may escape the cane', 20 March
[102] Nah, Alice M 2007 'Struggling with (il)legality: the indeterminate functioning of Malaysia's borders for asylum-seekers, refugees and stateless persons' in Rajaram, Prem Kumar and Carl Grundy-Warr (eds) *Borderscapes: Hidden Geographies and Politics at Territory's Edge*, University of Minnesota Press: Minneapolis, pp. 35-64
[103] *BBC News* 2002 'Malaysia mistreating migrants', 27 August, http://news.bbc.co.uk/2/hi/asia-pacific/2219016.stm (Last accessed December 2008)
[104] Mydans, Seth 2007 'Volunteer corps poses threat to migrant workers'.
[105] Kent, Jonathan 2005 'Hunting Malaysia's illegal migrants', *BBC News*, 8 March, http://news.bbc.co.uk/2/hi/asia-pacific/4329067.stm (Last accessed December 2008)
[106] *Daily Express* 2005 'Give Ops Tegas a chance', 22 March, http://www.dailyexpress.com.my/news.cfm?NewsID=33404 (Last accessed December 2008)

on September 16, we must stand united in support of the government's efforts in ridding the state of illegal immigrants.'[107] Operation Tegas was renewed in December 2008 under conditions of global economic slowdown.[108] During the operation in 2005, thousands of Acehnese asylum-seekers were detained, many of them sentenced to jail or whipping. [109] On 28 February 2005, the Indonesian Labour and Transmigration Minister Fahmi Idris revealed that some 100,000 Indonesian irregular migrants who had not been paid by their employers were refusing to go back despite the constant threat of forcible detention and expulsion.[110]

On March 17, 2007 at its Annual General Meeting, the Malaysian Bar Council (Badan Peguam Malaysia) unanimously urged the government to use trained law enforcement personnel and disband RELA.[111] Set up originally in 1972 'to help maintain security in the country and the well-being of the people' in an attempt to restrain the spread of communism, the 2005 amendment to Malaysia's Essential Regulations Act gave RELA workers extensive authority to enter or carry out searches of public and private spaces without an arrest warrant, make arrests, provided the right to carry and use firearms and to check the citizenship documents of anyone living in the country.[112] With nearly half a million volunteers, RELA's numerical strength exceeds the total number of

[107] *Daily Express* 2005 'Upko: Ops on Sabah illegals not so Tegas', 1 September, http://www.dailyexpress.com.my/news.cfm?NewsID=36800 (Last accessed December 2008)

[108] Suparmaniam, Suganthi 2008 'Illegals resorting to Komuter', *New Straits Times*, 22 December, http://www.nst.com.my/Current_News/NST/Monday/National/2434194/Article/pppull_index_html (Last accessed December 2008)

[109] *Refugees International Bulletin* 2005 'Malaysia: Acehnese refugees face a triple threat', 12 April

[110] *BBC News* 2005 'Malaysia begins migrant round-up', 1 March, htpp://news.bbc.co.uk/nolpda/ukfs_news/newsid_436000/4306863.stm (Last accessed December 2008); See also ACHR 2005 'Mid-night knocks in Malaysia', *ACHR Review*, No. CHR1/62/05, 2 March, http://www.achrweb.org/Review/2005/62-05.htm (Last accessed December 2008)

[111] With mandatory and automatic membership for lawyers, the Malaysian Bar Council or Badan Peguam Malaysia is the professional regulating body for law practitioners in this country. See Hector, Charles 2007 'Lawyers unanimous in call for the demise of RELA and the usage of only professional law enforcement personnel in Malaysia', *Migrant Forum in Asia*, 18 March, February.http://www.mfasia.org/mfaStatements/F94-MalaysiaBaronRELA.html (Last accessed December 2008)

[112] Human Rights Watch 2008 'Malaysia: Universal Periodic Review Submission', September, http://www.forum-asia.org/news/press_releases/pdfs/2008/HRW-Malaysia%20UPR%202008.pdf (Last accessed December 2008). See also HRW 2007 'Disband abusive volunteer corps' (Press Release), http://www.hrw.org/en/news/2007/05/08/malaysia-disband-abusive-volunteer-corps?print (Last accessed December 2008)

Malaysian police and military personnel.[113] Largely untrained, the volunteers receive an allowance for their work and until mid-2007 received a special bonus based on the number of migrants apprehended.[114]

Advocacy and migrant groups have heavily criticized the actions of RELA workers who are accused of frequently abusing the extraordinary powers accorded to them. RELA volunteers have come under attack for their treatment of migrants, for confiscating personal property during raids (including clothing, jewellery and household goods), for demanding bribes from detainees, and for deliberately destroying valid identification documents. In 2007, Human Rights Watch described RELA as 'little more than a vigilante force to target foreigners' arguing that 'the Malaysian government fans xenophobia through its use of RELA.'[115] RELA members have also on occasion failed to respect the rights of refugees and asylum seekers. In one episode in January 2007, 45 men and 7 women asylum-seekers from Myanmar's Chin state were arrested and sent to Lenggeng Detention Camp.[116]

On February 12 and 13, 2006, following an immigration raid conducted by RELA in the Selayang area of the capital city Kuala Lumpur, bodies of five migrant workers were discovered in a lake.[117] Allegedly, they were victims of the excessive brutality exhibited by someRELA workers. The following month, the Special Rapporteur on the Human Rights of Migrants and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions expressed their concern to the Malaysian government over the

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[113] Mydans, Seth 2007 'Volunteer corps poses threat to migrant workers', *Taipei Times*, http://www.taipeitimes.com/News/editorials/archives/2007/12/13/2003392377 (Last accessed December 2008)

[114] Migrant Forum in Asia 2007 'RELA's catch a migrant and get paid for it policy must end', 22 January, http://www.mfasia.org/mfaStatements/F115-RELAcatchamigrant.html (Last accessed December 2008)

[115] HRW 2007 'Disband abusive volunteer corps'

[116] *Aliran Monthly* 2007 'Chin asylum seekers detained in Rela raid', 24 January, http://www.aliran.com/index.php?option=com_content&view=article&id=184:chin-asylum-seekers-detained-in-rela-raid&catid=32:2006-9&Itemid=10 (Last accessed December 2008)

[117] Asian Centre for Human Rights (ACHR) 2006 '*Umma* not adequate for migrants in Malaysia', *ACHR Review*, No. 113/06, 22 February, http://www.achrweb.org/Review/2006/113-06.htm (Last accessed December 2008)

incident.[118] The Malaysian government, however, did not offer an explanation. The same year, an appeal by Jorge Bustamante, the Special Rapporteur on the Human Rights of Migrants, to visit the country to assess the condition of migrants and refugees was also ignored.[119] In December 2008, despite accepting the allegations of maltreatment by some volunteers, the Malaysian government unequivocally rejected any plans to dissolve RELA emphasizing that 'RELA has served the country well and has a useful purpose.'[120]

Thailand

Thailand is one of the major migration destination countries in South-East Asia. In 2007, there were more than 300,000 highly and semi-skilled migrant workers from Western and East Asian countries in Thailand.[121] Additionally, there were around 650,000 registered low-skilled migrant workers in Thailand from the Greater Mekong Region, including countries like Myanmar, Lao PDR and Cambodia. Another 1.3 million migrants from these countries are believed to exist irregularly here. The largest number of migrants are from Myanmar, believed to account for some 70-80 percent of migrant workers. Over the past several decades, Thailand has also hosted a large number of refugees, totalling several million by some accounts. It continues to host several hundred thousand refugees to this date, albeit reluctantly.

Several categories of migrants have faced acute discrimination in this country, living and working in inferior, exploitative conditions. These include refugees and asylum-seekers, migrant workers in low skilled positions, and irregular migrants. More than ever, unskilled migrant workers from the Greater Mekong Region are vulnerable to abuse and exploitation. Because of their status, irregular migrants exist at the fringes of

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[118] MWG-JUMP 2009 'A joint submission.' See also Kent, Jonathan 2006 'Malaysia's mystery migrant deaths', *BBC News*, 16 February, http://news.bbc.co.uk/2/hi/asia-pacific/4720386.stm (Last accessed December 2008)
[119] Ibid
[120] Vijayah, Meera 2008 'No plans to disband RELA, says Syed Hamid', *Star*, http://www.malaysianbar.org.my/legal/general_news/no_plans_to_disband_rela_says_syed_hamid.html (Last accessed December 2008)
[121] Sciortino, Rosalia and Sureeporn Punpuing 2008 *International Migration in Thailand*, International Organization for Migration (IOM): Geneva

Thai society without social and legal protection. In addition, refugees and asylum-seekers have been at risk, often treated as irregular migrants. Migrants can sometimes straddle several of these categories at the same time which also has a bearing on their vulnerability in this receiving state.

In 2008, a report by the United States Committee for Refugees and Immigrants (USCRI) ranked Thailand as one of the ten worst host countries worldwide for refugees.[122] Since early last year, Thai authorities have refused to accept as refugees hundreds of Rohingya Muslims from Myanmar, many of whom are believed to have drowned in the Andaman Sea while trying to reach Thailand.[123] In an attempt to stem additional flows, the Thai government threatened to detain them on a deserted island. At the end of the year, it attracted widespread criticism for allowing its army to forcibly turn back out hundreds of Rohingya refugees to sea, resulting in a large number of deaths.[124] An independent human rights monitoring group, Arakan Project, revealed that several groups of refugees were coerced by the Thai army into small boats with their hands bound and set adrift with little food and water. The refugees drifted for more than two weeks in the Andaman Sea before they were rescued by the Indian coastguard. It is believed that nearly 500 refugees may have perished during the journey.[125] Although the Prime Minister Abhisit Vejjajiva initially denied any wrongdoing, eye-witness accounts and photographs taken by tourists soon forced the Thai government to initiate an inquiry into these human rights abuses.[126]

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[122] UN-IRIN 2008 'Thailand: refugee policy gets mixed reviews', UN Integrated Regional Information Networks, 14 July; See also http://www.refugees.org/article.aspx?id=2144&subm=33&ssm=96&area=About%20Refugees (Last accessed January 2009)

[123] Human Rights Watch (HRW) 2008 'Thailand: migrants' deaths spotlight exploitation', 11 April, www.unhcr.org/refworld/docid/4804673b1a.html (Last accessed December 2008)

[124] *BBC News* 2009 'Thailand's deadly treatment of migrants', 17 January; See also Head, Jonathan 2009 'Thais hold more migrants amid row', *BBC News*, 16 January and Bhaumik, Subir 2009 'Survivor's ordeal on Andaman sea', *BBC News*, 16 January

[125] Ganjanakhundee, Supalak 2009 'About 500 missing Rohingyas might have drowned', *Nation*, January 20, See also AFP 2009 'With Thailand accused, India says hundreds feared dead at sea', *Nation*, 20 January

[126] *Nation* 2009 'Navy did not abuse boat people's rights: Abhisit', 21 January

Though not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, Thailand has played host to large numbers of refugees from neighbouring countries, especially Myanmar, for several decades. All the same, from the late 1990s onwards, it has adopted a progressively hardnosed approach towards refugees. In particular, after dissidents seized the Myanmar embassy in Bangkok and occupied the Ratchaburi hospital in October 1999, Thai authorities moved all Burmese asylum-seekers to camps close to the Thailand-Myanmar border and narrowed the criteria of acceptance.[127] The official stance hardened even further after Burmese refugees protested outside the Myanmar embassy and The United Nations building in Bangkok in June 2003, when it threatened to expel them en masse from its territories. In 2005, it announced that Burmese refugees living in urban areas would be moved to camps near the border. In 2004, under extraordinary pressure from the Thai government, UNHCR had to suspend the screening of asylum-seekers under the Refugee Determination System (RDS).[128]

Refugee groups have criticized Thailand for failing to respect the human rights of refugees, many of whom are 'warehoused' and face severe restrictions on settlement outside camps.[129] This situation has been particularly serious for Burmese refugees, some of whom have been 'warehoused' for more than 20 years.[130] Refugees are forced to depend on humanitarian aid or seek work illegally outside the camps. It is believed that up to 40 percent of refugees find such employment in order to survive, facing the risk of being detained and deported as irregular migrants.[131] In areas like Mae Hong Song, refugees are employed in low wage sectors like agriculture but are forced to bribe police

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[127] Huguet, Jerrold and Sureeporn Punpuing 2005 *International Migration in Thailand*, IOM: Bangkok

[128] HRW 2004 *Out of Sight, Out of Mind: Thai Policy towards Burmese Refugees*, Human Rights Watch; See also Martin, Veronica 2004 'No freedom, no choice: Myanmarese refugees in Thailand' in United States Committee for Refugees and Immigrants (USCRI) *World Refugee Survey*, USCRI: Washington, DC, pp. 82-89

[129] The term 'warehousing' refers to the confinement of refugees in camps or restricted settlements. Refugees are not allowed to seek employment especially outside the camps, do professional work, or own property or businesses outside the camps. See http://www.refugees.org/article.aspx?id=1296&rid=1179&subm=33&ssm=87&area=Investigate& (Last accessed March 2009)

[130] Brees, Ingrid 2008 'Refugee business: strategies of work on the Thai-Burma border', *Journal of Refugee Studies*, 21 (3), pp. 380-97

[131] USCRI 2008 *World Refugee Survey 2008 – Thailand*, USCRI: Washington, DC

regularly to evade arrest and detention for defying the rules. Refugees from the Greater Mekong Region are allowed to register to work as migrant labour in selected, low-waged sectors of the Thai economy. However, they lose their status as refugees and their names are disclosed to their home governments which discourages many from registering in this program.

Forced detention and deportation of refugees have become increasingly commonplace. According to the World Refugee Survey 2008, the Thai Ministry of Interior lists on its website as one of its priority tasks: 'to intercept and drive back refugees.'[132] Over the last two years, the Thai government repatriated several hundred Hmong asylum-seekers and refugees from Laos. In early 2007, it deported 16 Hmong asylum-seekers from Laos before UNHCR could assess their cases. Reportedly, the deportees were immediately incarcerated by Lao authorities upon their return. A few days later, another 150 Hmong asylum-seekers were forcibly returned to Laos even though UNHCR had recognized them as refugees. In June 2007, two Lao Hmong refugees who reportedly attempted to kill themselves in fear of repatriation revealed that Thai authorities brutally coerced them into giving consent for repatriation. In 2008, Thai authorities declared their intention to repatriate 7,800 Hmong refugees living in a closed camp in Petchabun province, 'no matter how many bullet wounds they have.'[133]

Like Thai policy on refugees, policies towards migrant workers have widened the gap between migrants and citizens. For example, a 'Provincial Decree on Migrant Workers' adopted by the government of Phuket in December 2006 has severely inhibited the movement and basic rights of migrant workers from Myanmar, Cambodia and Laos.[134] They are no longer permitted to own cell phones, drive motor bikes or cars or to leave their residences between 8 pm and 6 am. Since mid-2007, the decree has been adopted by seven other Thai provinces on grounds of 'national security.' Similarly, the

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[132] Ibid

[133] Ibid

[134] Malikaew, Sutthida 2007 'Restrictions make life tough for migrant workers', *Inter-Press Service News*, 17 August, http://ipsnews.net/news.asp?idnews=38929 (Last accessed March 2009); See also CARAM-Asia 2007 'Scrap restrictive mobility law for migrants', May, http://www.caramasia.org/index.php?option=com_content&task=view&id=527&Itemid=454 (Last accessed March 2009)

Thai government adopted another controversial law in March 2008 which rewards informers in apprehending irregular migrants.[135] Migrant advocacy groups have urged the authorities to repeal this law, arguing that it 'will create more divisions between migrants and Thai communities and [inflame] xenophobia.'[136]

Advocacy groups like the Migrant Working Group and Labour Rights Promotion Network have also censured Thai authorities for inflaming xenophobic sentiments through public statements that vilify migrants. In November 2007, they expressed their dismay over the 'cultural insensitivities and prejudice against foreign workers' exhibited by Veerayuth Yeamampur, then governor of Samut Sakhon province in an official letter.[137] The communiqué issued to employers of factories in the province described migrant workers from the Greater Mekong Region as 'problems,' causing 'criminal problems' and 'security problems':

> They [migrant workers from Myanmar, Cambodia and Laos] are also now trying to organize cultural performances at social occasions and fairs, which is not suitable. These activities are not be supported because it will make the community feel that these people are the owners of the community and it could also create security problems…We should not allow them to organize cultural ceremonies at all.[138]

Official policy resonates with Thai opinions on migrant workers. Citizens' attitudes have generally been unfavourable towards Burmese migrants and refugees.[139] An ABAC public opinion survey sponsored by the International Labour Organization (ILO) and United Nations Fund for Women (UNIFEM) on attitudes towards migrant workers carried out in 2006 showed that nearly 59 percent of respondents wanted the

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[135] CARAM-Asia 2008 'Thai government urged to repeal new migrant labour law', 17 June, http://www.caramasia.org/index.php?option=com_content&task=view&id=766&Itemid=51 (Last accessed March 2009)
[136] Ibid
[137] *Nation* 2007 'Controlling and monitoring of foreign workers', 7 November
[138] Ibid
[139] See Brees, Ingrid 2008 'Refugee business and Sciortino, Rosalia and Sureeporn Punpuing 2008 *International Migration in Thailand*

government to ban the entry of migrant labour. [140] Only nine percent of respondents were supportive of the entry of additional migrant workers. More than 80 percent of participants believed that migrant labour had an adverse impact on the wages of Thai workers, in particular those with lower skills and wages. While many participants indicated that they would report the abuse of migrant workers, they did not favour equal rights and opportunities for them. Forty percent of the participants were opposed to migrants' receiving the same wages as Thai citizens. Similarly, half of the respondents felt that migrant workers should not receive the same Social Security benefits.

Although migrant workers from Myanmar, Cambodia and Laos added an estimated $2 billion to the country's total GDP of USD$177 billion in 2005, a majority of respondents believed that they did not contribute positively to the Thai economy. [141] More than 70 percent of the participants accepted that migrants were 'hard-working,' though only 20 percent considered them to be 'honest' and 'loyal.' Respondents also lacked adequate knowledge about Thai policies towards migrant workers, with only three of the eight policies being familiar to half of the participants. Significantly, a majority of respondents indicated that they were influenced by negative media reporting on migrant workers.

Libya

The most explosive bout of anti-immigrant aggression witnessed in Libya to date erupted in Zawiya (also spelled as Zawiyya, Ezzaouia and Az zawiya), west of Tripoli, in September 2000. Although government officials played down the incident and reported only seven casualties, international media coverage revealed that the numbers of those killed were much higher. According to the World Refugee Survey (2001), several

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[140] ILO and UNIFEM 2006 'Thai attitudes regarding foreign migrant workers in Thailand', ABAC Poll Research Center, Assumption University, http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/whatsnew.htm (Last accessed March 2009)

[141] See Sciortino and Punpuing, p. 17

hundred migrants were killed and some 20,000 African migrants fled Libya.[142] Other estimates indicate that 50 or so migrants died due to the violence.[143] The chain of events that sparked the violence is still unclear. To date, the Libyan government has not disclosed details of the terrible episode even though it claims to have conducted an investigation into it.[144] According to the Sudanese independent daily newspaper *Akhbar al-Yom*, some 50 people were killed in clashes between Libyans and migrants from Sudan and Chad.[145] Similarly, *BBC News* reported that a trivial dispute ostensibly triggered the clashes between Libyans and migrants from Chad and Sudan, subsequently spreading to Tripoli.[146] Another *BBC* news article indicated that a petty fight among onlookers at a football match provided the initial spark.[147] A senior Libyan official informed Human Rights Watch in 2000 that the first clash took place between Libyans and Nigerian migrants over the latter allegedly 'teasing girls.'[148] He emphasized that 'the police intervened immediately and took the necessary measures and arrested those who were involved.'[149]

The cause of the initial clash may have been insignificant, but the violence was widespread and clearly directed at immigrants from sub-Saharan Africa. One article reported that large gangs of Libyans chanting 'blacks must go' went on a rampage in a migrant neighbourhood, killing some 50 Sudanese and Chad workers.[150] The violence then quickly spread to other areas like Zahrah and Benghazi. On September 25, a mob of around 1,000 Libyans reportedly attacked and set ablaze a locality occupied by Ghanaian

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[142] United States Committee for Refugees and Immigrants 2001 *World Refugee Survey 2001 – Libya*, 20 June, http://www.unhcr.org/refworld/country,,USCRI,,LBY,,3ca985044,0.html (Last accessed December 2008)

[143] *Reuters* 2000 'Gaddafi blames 'hidden hands' for attacks in Libya', 10 September

[144] Human Rights Watch (HRW) 2006 *Stemming the Flow: Abuses against Migrants, Asylum-Seekers and Refugees*, Vol. 18, no. 5E, HRW: New York

[145] *BBC News* 2000 'Libya tightens security', 27 September, http://news.bbc.co.uk/2/hi/africa/943863.stm (Last accessed December 2008)

[146] Hawley, Caroline 2000 'Libyan unrest over immigration', *BBC News*, 29 September, http://news.bbc.co.uk/2/hi/africa/949208.stm (Last accessed December 2008)

[147] Phillips, Barnaby 2000 'Nigerians tell of Libya horror', *BBC News*, 5 October, http://news.bbc.co.uk/2/hi/africa/958211.stm (Last accessed December 2008)

[148] HRW 2006 *Stemming the Flow*; See also *BBC News* 2000 'Libya tightens security'

[149] Ibid

[150] Takeyh, Ray 2000 'Gadhafi's failed African ambitions', *Baltimore Sun*, 26 October

migrants.[151] A repatriated Nigerian migrant later stated that 'the only way to describe Libya [was] hellfire.' Other narratives argue that much of the violence was directed at Nigerian immigrants who were accused by officials of engaging in criminal activities and inciting the clashes.[152]

Libya's leader Muammar Gaddafi blamed the attacks on foreign 'hidden hostile hands' seeking to undermine his vision of African unity.[153] Eyewitness accounts, however, point out that gangs of youth carried out the rampage with the direct and indirect complicity of state authorities. News of sporadic attacks on migrants persisted even three months after the first bout of violence.[154] Migrants from countries like Chad, Sudan, Gambia, Ghana, Congo and Nigeria complained that they were viciously attacked and their host and home governments had failed to protect them.[155] Repatriated migrants from countries like Nigeria described the racist conduct meted out to them by locals, declaring that Libyans 'disliked blacks.' They said that they were called derogatory names like 'monkey' in the streets and even Libyan children often covered their noses in their presence.[156] A returned Ghanaian migrant noted: 'It was not easy, because being a black man (in Libya), you can't live there simply. You can't move around freely. The problem is: Libyans don't like blacks.'[157]

In a report to the UN Commission on Human Rights in 2001, Maurice Glele-Ahanhanzo, then Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance condemned this xenophobic

[151] Ibid

[152] Simmons, Ann M 2000 'Migrant workers from Ghana who fled Libya cite racism', *Los Angeles Times*, 16 December, http://articles.latimes.com/2000/dec/16/news/mn-761 (Last accessed December 2008)

[153] *Reuters News* 2000 'Gaddafi blames hidden hands for attacks in Libya'

[154] *Migration News* 2000 'Africa', December, 6 (4), http://migration.ucdavis.edu/MN/more.php?id=2270_0_5_0 (Last accessed February 2009)

[155] *Migration News* 2000 'Africa – Libya, Ivory Coast', November, 6 (4), http://migration.ucdavis.edu/MN/more.php?id=2248_0_5_0 (Last accessed February 2009)

[156] *Migration News* 2001 'Africa', January, 7 (1), http://migration.ucdavis.edu/MN/more.php?id=2292_0_5_0 (Last accessed February 2009)

[157] Simmons, Ann 2000 'Migrant workers from Ghana who fled Libya cite racism'

aggression as 'witch hunts targeting blacks.'[158] He cited an article that appeared on 22 November 2000 in the Ivorian daily newspaper *Fraternite Matin*:

> Immigrants said that they were victims of racist attacks resulting in deaths, expulsions, and repatriations for the luckiest…immigrants from sub-Saharan Africa and especially nationals of Burkina Faso, Cameroon, Ghana, Niger, Nigeria, Sudan, Chad and even Côte d'Ivoire , were treated by locals and especially by young *rebels* in a way reminiscent of apartheid [emphasis in original]. The authorities, who attribute this violence to clashes between gangs from black Africa, expelled several thousand back to their countries of origin.[159]

Another report in the *Jeune Afrique* newspaper described the event as a 'pogrom':

> It was difficult for the Libyan authorities to maintain for very long their rather anodyne version of the dramatic events that had taken place at Ezzaouia at the end of September. Six people died (one of whom was a Libyan). This official figure was very quickly refuted by survivors of the pogrom who managed to leave Jamahiriya [Libya]. In point of fact, several hundred African immigrant workers were killed…the tidal wave of immigrants seeking refuge in embassy compounds and the complaints of NGOs eventually revealed the seriousness of the situation. Abuja then chartered a plane which, in the course of seven trips, evacuated 450 Nigerian nationals. Almost 5000 are waiting to leave the former Libyan El Dorado. John Jerry Rawlings, the President for Ghana, went to Tripoli to recover his nationals. Sudanese and Chadians are also leaving the Jamahiriya in droves. The two million Africans residing legally in Libya are completely terrified. [160]

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[158] UN Commission on Human Rights 2001 'Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination: Report by Mr Maurice Glele-Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance' submitted pursuant to Commission on Human Rights Resolution 2000/14, E/CN.4/2001/21, p. 5
[159] Ibid, p. 6
[160] Ibid, p. 6

During the repatriation of Nigerian migrants in the aftermath of the violence, the Libyan embassy *Charge D'Affaires* in Abuja was quoted in the Nigerian *Post Express* newspaper as saying that the repatriations were 'good riddance to bad rubbish.'[161] He underscored that migrants residing illegally would be 'fished out,' and blamed Nigerian migrants for the mounting levels of crime: 'Some of them who can't get a job get involved in drug peddling, prostitution and armed robbery, which our society does not like.' Partly seeking to assuage popular sentiments, many African migrants whom the authorities blamed for the clashes were quickly expelled by the state.[162] Significantly, the clashes erupted shortly after the General People's Congress (Parliament) announced their plans to tighten immigration by apprehending and deporting migrants without papers. Many of the migrants had existed in Libya for an extended period without proper documentation and their presence had been tolerated by local authorities.

Since it is conducted largely through informal and irregular channels, accurate figures for migrants may be hard to calculate. The Libyan government puts the number of legal migrants at around 600,000 and of irregular migrants between 750,000 and 1.2 million.[163] Other assessments provide much higher figures of 2 to 2.5 million migrants, including some one to one and a half million migrants from Sub-Saharan Africa.[164] Reportedly, there are a substantial number of migrants from countries like Chad and Sudan. The International Organization for Migration (IOM) estimates that there are currently some two million migrants in Libya consisting of slightly more than thirty percent of the country's population of 6 million.[165] In the last few years, Libya has become a stopover point for African migrants headed to Western Europe.

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[161] Johnson, Trevor 2000 'Ethnic violence and mass deportations of immigrants in Libya', October,
[162] Fidh 2004 'An open letter to EU foreign ministers', www.fidh.org/spip.php?article1977 (Last accessed February 2009); See also De Haas, Hein 2006 'Trans-Saharan migration to North Africa and EU: historical roots and current trends', *Migration Information Source*, November, http://www.migrationinformation.org/feature/display.cfm?ID=484 (Last accessed February 2009)
[163] De Haas, Hein 2008 Irregular migration from West Africa to the Maghreb and European Union: An Overview of Recent Trends, Monograph no. 32, Migration Research Series, IOM: Geneva
[164] Ibid
[165] See International Organization for Migration 2007 'Libyan Arab Jamahiriya' http://www.iom.int/jahia/Jahia/activities/pid/404 (Last accessed February 2009)

It is also important to note that Libya had pursued an open-door policy towards migrants for several decades. During the 1970s and 1980s, the economic boom that followed the discovery of oil attracted many migrants from neighbouring countries like Sudan.[166] In the 1990s, when the air and arms embargo imposed on Libya by the UN Security Council isolated the country more than ever from the West, Gaddafi opened Libya to the rest of Africa.[167] Frustrated by the so-called uncooperativeness of Arab states, and in a radical shift in foreign policy, he recast himself as an African leader inviting Sub-Saharan Africans to seek employment in the country in the spirit of Pan-African solidarity. Previously the destination point for mostly North African migrants, a major surge took place in trans-Saharan migration to Libya. The country became a major destination country with some one million migrants entering its borders during that decade. Migrants filled up positions in the informal and labour-intensive construction sectors doing menial jobs that citizens did not want to perform.

The welcome mat extended to African migrants was already wearing thin by the mid-1990s when the Libyan economy had shrunk, partly due to sanctions, and inflation levels were extraordinarily high. Unemployment rates for citizens reached as high as 30 percent.[168] As migrant numbers continued to climb upwards, the Libyan government announced its plans to cut down on foreign labour and tackle irregular migration. In 1995, 335,000 migrants left Libya.[169] Of these, 200,000 were deported after being apprehended in intensive raids called *kasha* while others left voluntarily after being given a one-week grace period to quit the country.[170] The Libyan state's unease over the alleged entry of fundamentalist Islamic groups abetted by Sudan further provoked these widespread raids. In 1996, however, the Libyan authorities were forced to relax these

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[166] Young, Helen, Abdal Monim Osman and Rebecca Dale 2007 'Darfurian livelihoods and Libya: trade, migration, and remittance flows in times of conflict and crisis', *International Migration Review* 41 (4), pp. 826-49

[167] De Haas, Hein 2007 The Myth of Invasion: Irregular Migration from West Africa to the Maghreb and the European Union, IMI Research Report, International Migration Institute Report, University of Oxford, October

[168] *Migration News* 1996 'Libya expels foreign workers', 2 (4), http://migration.ucdavis.edu/MN/more.php?id=912_0_5_0 (Last accessed February 2009)

[169] Ibid

[170] Young, Helen, Abdal Monim Osman, Yacob Aklilu, Rebecca Dale, Babiker Badri and Abdul Jabbar Abdullah Fuddle 2005 *Darfur - Livelihoods Under Siege*, Feinstein Famine Center, Tufts University: Medford, MA, pp. 176-94.

expulsions after receiving widespread criticism following an incident in which several hundred Sudanese migrants were killed. Apparently, the fatalities occurred after 4,000 Sudanese migrants imprisoned in Hawza Elenab fled the detention centre and began protesting outside the Sudanese embassy.

Since 2003, when sanctions against Libya were lifted, the country has faced mounting pressure from the EU to curb irregular migration to Western European countries. In particular, demands from Italy have had an added effect on state policies, and especially towards irregular migrants. Not surprisingly, the official stance in Libya now is that irregular migrants contribute to 'problems' that have 'an impact on the economic, sanitary, social and security situation.'[171] In 2006 at a meeting for an EU-African migration and development conference, Gaddafi informed participants: 'I support your efforts to stop illegal immigration and I wish that migration stops because Libya is one of the countries paying dearly for it.'[172]

Public attitudes towards migrants have not been systematically recorded through large-scale surveys in Libya. Press coverage on immigration has not yet been examined critically. Nevertheless, the few studies available make it clear that xenophobic attitudes and practices are rampant. Immigrants, especially those from other African countries, are commonly treated with contempt and derision. A Human Rights Watch report has highlighted the widespread antagonism and hostility, including physical and verbal attacks, harassment, and extortion, encountered by migrants in Libya.[173] Cultural, religious, and racial differences between migrants and citizens have contributed to some extent to the growth of this animosity.

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[171] Jawad, Rana 2008 'Marching orders for migrants in Libya', *BBC News*, 23 January
[172] *Tripoli Post* 2006 'Al-Qathafi: do not ignore objective historical conditions when reviewing immigration problem', 26 November, http://www.tripolipost.com/articledetail.asp?c=1&i=438&archive=1 (Last accessed February 2009)
[173] HRW 2006 *Stemming the Flow*

CAUSES OF XENOPHOBIA

This section provides a brief review of various theories commonly advanced to explain xenophobia. Most of these explanations were developed to try and explain the phenomenon in migrant destination countries of the North. However, where possible, this paper makes reference to the applicability of such theories to the rise of xenophobia in the global South.

The socio-biological approach to xenophobia proposes that human beings are biologically predisposed to favouring their own and discriminating against outsiders. It uses the analogy of infants shying away from strangers to argue that xenophobia is an innate behaviour and central to the human make-up.[174] Accordingly, conditions of economic and emotional insecurity simply exacerbate these 'natural' tendencies. In other words, violence against outsiders is a spontaneous, inevitable aspect of the human condition. Following this approach, negative outcomes can be expected from increasing levels of immigration.

However, not all immigration-countries have experienced similar xenophobic reactions and some countries that have received very few immigrants have also registered very high levels of xenophobia. Some scholars have justifiably criticized this approach for providing validation to an anti-immigration stance.[175] It is worrying that this approach can be used to justify the marginalization, exploitation, and expulsion of migrant groups. In 2000, for example, during a public debate on rising levels of xenophobia in Slovenia, a journalist defended it as a 'normal, understandable' response when he observed: 'If foreigners don't leave…the local people will try to starve them out which is of course scandalous but *understandable* [emphasis ours].'[176]

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[174] Ginsburg, Benson E, Heiner Flohr and Fred Kort 1994 'The roots and consequences of xenophobia: implications for European integration', *History of European Ideas*, 19 (1-3), pp. 35-40

[175] Fekete, Liz 2001 'The emergence of xeno-racism', *Race & Class*, 43 (2), pp. 23-40

[176] Jalusic, Vlasta 2002 'Xenophobia or self-protection: on establishing the new Slovene civic/citizenship identity' in Mojca, Pajnik (ed.) *Xenophobia and Post-Socialism*, Peace Institute: Ljubljana, pp. 45-72

What happens when different groups of people come in contact with each other? Is the outcome of this contact inevitably tension and conflict between the groups as proposed by the socio-biology approach? Or does contact lead to tolerance? In this context, does social contact between migrant and non-migrant groups produce positive or negative results? Gordon Allport's original approach held that certain types of contact can diminish prejudice, though the reverse could also hold true. [177] He outlined four broad conditions under which contact between groups would result in greater harmony and understanding between them. First, the groups in question should have or perceive equal status. Second, the contact should be effective in that the groups must work together, relying on each other to achieve a common goal. Third, he emphasized the need for inter-group cooperation rather than competition. Fourth, he suggested that inter-group contact will be more effective if it is supported by authorities and the guidelines that shape these interactions are clearly provided.

There has been considerable scholarly debate on the nature of contact as well as the facilitating conditions outlined by Allport.[178] Although some scholars contend that contact almost always leads to discord and disagreement, others have suggested that it can actually diminish discriminatory behaviour, contributing to greater tolerance and understanding between diverse groups.[179] One of the strongest proponents of the latter approach is Pettigrew who has long maintained that contact leads to friendliness between groups. In fact, he proposes that even when the conditions outlined by Allport are not met, contact can correct existing biases and increase empathy towards out-groups. [180]

Legge's study of Germany concludes that the marked variations in contact with foreigners between the eastern and western parts of the country contributed to the uneven

[177] Allport, Gordon 1954 *The Nature of Prejudice*, Addison-Wesley: Cambridge, MA, pp. 250-67
[178] Kenworthy, Jared B 2007 'Inter-group contact: when it works and how' in Dovidio, John F, Peter Glick and Laurie A Budman (eds) *On the Nature of Prejudice: 50 Years after Allport*, Blackwell: Malden, MA, pp. 278-92
[179] Forbes, H D 1997 *Ethnic Conflict: Commerce, Culture, and the Contact Hypothesis*, Yale University Press: New Haven and London
[180] Pettigrew, Thomas F 1998 'Intergroup contact theory', *Annual Review of Psychology*, 49, pp. 65-85. See also Pettigrew, Thomas and L Tropp 2005 'Allport's Inter-group Contact Hypothesis' in Dovidio, John F, Peter Glick and Laurie A Budman (eds) *On the Nature of Prejudice: Fifty Years after Allport*, Blackwell: Malden, MA, pp. 262-77

growth of xenophobia.[181] Residents of former West Germany, who were three times more likely to come into contact with migrants at work or in their neighbourhood, displayed much more favourable feelings towards them. Mclaren's analysis of Eurobarometer data deduces that contact can have a constructive effect on native attitudes especially in relation to perceived realistic and symbolic threat (examined later in this paper).[182] She argues that in contexts where large numbers of immigrants exist, friendship between native and migrant populations can substantially ease the level of perceived threat.

More recently, Pettigrew and Tropp's meta-analysis draws parallel inferences. Ninety-five percent of their sample reported that lower inter-group prejudice corresponded with increased contact even though only ten percent of the sample examined friendship and a limited nineteen percent of the sample followed Allport's guiding conditions.[183] Notably, contact between different racial and ethnic groups showed some of the strongest effects; this has strong resonance for migration researchers and policy-makers. Like Mclaren, they deduced that reducing anxiety during contact would have a marked impact on prejudice, reducing it by one-fifth or even one-quarter in some cases.

In Allport's ther concept of 'scapegoating,' people displace their frustration onto convenient targets, thereby obscuring the actual causes of their anxiety.[184] The scapegoats are invariably weaker, vulnerable, minority groups and the process operates on an individual level. In the context of xenophobia, immigrants, migrants and refugees are made convenient scapegoats, unfairly and erroneously blamed for various problems such

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[181] Legge, Jerome Jr 2003 *Jews, Turks and Other Strangers: The Roots of Prejudice in Modern Germany*, University of Wisconsin Press: Madison, WI

[182] Mclaren, Lauren M 2003 'Anti-immigrant prejudice in Europe; contact, threat perception, and preferences for the exclusion of migrants', *Social Forces*, 81 (3), pp. 909-936

[183] The meta-analysis consisted of 515 studies including 714 independent and 1365 non-independent samples from 1960 to 2000 representing responses from 250,493 individuals from 23 countries. It must be pointed out that the differences are measured in various ways, like racial and ethnic differences, sexual orientation and age among others. See Pettigrew, Thomas and L Tropp 2005 'Allport's Intergroup Contact Hypothesis'

[184] Allport, Gordon 1954 *The Nature of Prejudice*

as housing, unemployment and crime.[185] As non-citizens who may already be marginalized because of their status, migrants make easy scapegoats and victims. The process operates not only on an individual level; it is a social process and the media, political parties, and state all contribute to it, influencing each other and society at large.[186]

In focus group interviews on asylum-related issues conducted by the London-based Institute for Public Policy Research (IPPR), a majority of British participants exhibited hostility to asylum-seekers.[187] Participants held them responsible for housing shortages and felt that they were preferentially provided accommodation by local authorities. They also blamed asylum-seekers for unemployment, not realizing that the latter are not allowed to work. When informed of this, many participants declared that asylum-seekers were unwilling to work and thereby not contributing to the economy.

Another common social issue for which migrants are made scapegoats is crime. In many host countries, there is an enduring belief that migrants are responsible for increasing levels of crime. In a study of Greek police attitudes towards migrant groups, they were described as a 'huge problem.' [188] In the words of a study participant:

> Migration has harmed Greece to a very great extent. Migrants have made us fearful of sleeping in our yards and balconies in the summer, as we used to before. Everyone lives in fear now. Greece has become a fenceless vineyard in which anyone can enter whenever they want and the results are evident. They made us install alarms in our houses and sleep with a gun under the pillow. I do not think migrants are a good thing for Greece.[189]

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[185] Joly, Daniele 1998 (ed) *Scapegoats and Social Actors: The Exclusion and Integration of Minorities in Western and Eastern Europe*, Centre for Ethnic Relations, University of Warwick and Macmillan Press
[186] Glick, Peter 2005 'Choice of scapegoats' in Dovidio, Glick and Budman *On the Nature of Prejudice: Fifty Years after Allport*, pp. 244-61
[187] Lewis, Miranda 2005 *Asylum: Understanding Public Attitudes*, Institute for Public Policy Research: London
[188] Antonopoulos, G 2006 'Greece: policing racist violence in the 'fenceless vineyard'', *Race & Class*, 48 (2), p. 92-100
[189] Ibid, p. 95

However, these perceptions are often divorced from reality. In the United States, for example, data from the 2000 Census Survey demonstrated that the incarceration rate of US-born was four times higher (3.51 percent) than that for foreign-born residents (0.86 percent).[190] The foreign-born rate (0.57 percent) was half that of non-Hispanic white citizens (1.71 percent) and 13 times less than the rate for native black men (11.61 percent). Despite lower levels of education, the incarceration rates for migrant groups like Mexicans (0.70 percent), Guatemalans and Salvadoran immigrants (0.52 percent) were low. Interestingly, many of these groups are often vilified as 'illegals' and blamed for rising criminal activity. Scapegoating tendencies and public rhetoric of fear and loathing collectively shape and define the contours of symbolic threat posed by immigrants. That is, they transform diverse migrant groups in the public imagination as an undifferentiated mass, representing a 'menace' and 'threat' to the well-being and security of host populations.

When migrants are made scapegoats for social ills, negative and biased stereotypes are produced, re-produced and accepted as 'common sense.' This rhetoric not only instigates fear and loathing by demonizing migrants as the 'Other,' it also excuses the poor treatment of migrants.[191] It creates divisions between citizens and migrant groups as 'Us' and 'Them.' Here, the latter are attributed qualities that are negative and which dehumanize, debase, and degrade them. They are viewed as somehow inferior and not worthy of equal or fair treatment. Differences between migrant and native populations are exaggerated while similarities are overlooked, maintaining social distance between migrants and native groups.

Exclusionary, divisive, and dynamic rhetoric is created, shaped, and sustained by the media, mainstream politicians, extreme right-wing parties, and even citizens. Sometimes also characterized as 'discriminatory discourses,' the rhetoric of fear and

[190] Rumbaut, Ruben G, Roberto G Gonzales, Golnaz Komaie, and Charlie Morgan 2006 'Debunking the myth of immigrant criminality: imprisonment among first and second-generation young men', *Migration information Source*, June, http://www.migrationinformation.org/Feature/display.cfm?ID=403 (Last accessed January 2009)
[191] Delanty, Gerard 2008 'Fear of Others': social exclusion and the European crisis of solidarity', *Social Policy and Administration*, 42 (6), pp. 676-90

loathing generally contains some constant features.[192] However, discriminatory discourses do respond to changing contexts, mutating in form and substance, which adds to their potency and effectiveness. Established discourses on migrants as 'criminals,' 'carriers of disease,' and 'job-stealers' now combine with newer ideas about 'threats' to 'national identity' and 'national security.'[193] Hagendoorn and Sniderman's survey of prejudice in the Netherlands, for example, showed that in terms of perceived threat, the danger posed by immigrants to cultural identity far outweighed other concerns for participants, such as threat to economic well-being and safety.[194]

The term 'asylum-seeker' has been transformed in recent years from a legal term referring to those seeking a safe haven to becoming synonymous with 'illegal migrants' or 'bogus' refugees.[195] While campaigning for local elections in West Yorkshire in 2004, Nick Griffin, chairman of the far-right British National Party and one of his deputies, Mark Collett, described asylum-seekers in a demeaning way as 'cockroaches.' 'I often say asylum-seekers are like cockroaches, because it's take, take, take,' stated the latter, urging people to vote for his party 'if [they] want these people out and stop the asylum-seekers coming in.'[196] In South Africa and Botswana, immigrants, migrant labourers, and refugees are denigrated as 'kwerekwere' and 'amakwerekwere' or people who speak with strange accents.[197] The term also carries other pejorative references, such the 'darkest of the dark-skinned,' people from (culturally and economically) backward countries, and 'primitives,' 'savages' or 'barbarians.'[198]

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[192] Grauffman, Carl A 1995 'Discriminatory discourse', *Patterns of Prejudice*, 29 (1), pp. 69-83

[193] Bigo, Didier 2002 'Security and immigration: towards a critique of the governmentality of unease', *Alternatives*, 27, pp. 63-92

[194] Hagendoorn, Louk and Paul Sniderman 2001 'Experimenting with a national sample: a Dutch survey of prejudice', *Patterns of Prejudice*, 35 (4), pp. 19-31

[195] Kundnani, Arun 2001 'In a foreign land: the new popular racism', *Race & Class*, 43 (2), pp. 41-60; See also Colville, Rupert 2006 'The perfect scapegoat', *Refugees Magazine*, 142 (1), pp. 5-8, and Colville, Rupert 2006 'Words and images', *Refugees Magazine*, 142 (1), pp. 9-11

[196] Norfolk, Andrew 2006 'BNP leader is acquitted of race hate but faces new trial', *Times Online*, 3 February, http://www.timesonline.co.uk/tol/news/uk/article725723.ece (Last accessed January 2009); See also *Daily Mail Online* 2006 'BNP leader said Islam was 'wicked'', 3 November, http://www.dailymail.co.uk/news/article-414343/BNP-leader-said-Islam-wicked.html (Last accessed January 2009)

[197] Eyber, Carola 1998 'Name-calling alienates foreigners', *Crossings*, June, p. 6; Nyamnjoh, Francis *Insiders and Outsiders*

[198] Nyamnjoh, Francis *Insiders and Outsiders*, p. 39

Grillo's account of opposition to proposed housing for asylum-seekers at a hotel in Saltdean, a well-to-do middle-class suburb in the seaside resort of Brighton and Hove, England, shows how popular exclusionary discourses on immigration at a national level can manifest themselves at the local scale.[199] More importantly, the study reveals the manner in which the national 'moral panic' concerning refugees shaped and was subsequently reproduced by this smaller community who protested that they would be 'swamped by many more [asylum-seekers], with the school and health services overrun' and 'crime rates will rocket,' 'our streets will become unsafe for women, children and older members of our community' and 'they will steal washing off the lines.'[200] Arguing that they were 'law-abiding, tax-paying residents appalled at the influx of people from another land and culture,' residents sought to justify their resistance to the hostel on the grounds that they were not opposed to 'genuine asylum-seekers but against those who don't have a right to be here that the Government are letting in.'[201]

Material produced by the Saltdean Residents' Action Group (SRAG) contended that their ancestors did not fight the last war 'so this country could be turned into a foreign land and overrun with every Tom, Dick and Harry that cares to drop in uninvited.'[202] During public protests, residents held banners and placards that expressed sentiments familiar in many British mainstream and tabloid newspapers: 'Homes for our elderly, not *bogus* asylum-seekers [emphasis ours].'[203] Although the SRAG sought to distance itself from the British National Party (BNP) which participated in these protests, many of its arguments ironically intersected with those of the party.

Xenophobia has also been tied to the exclusionary impulse of nation-building processes and nationalism. Immigration and the presence of immigrants may simply exaggerate this impulse, argue some scholars. In her work on immigration and national identity in Europe, Triandafyllidou observes that the continued entry of political refugees

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[199] Grillo, Ralph 2005 '‘Saltdean can't cope': protests against asylum-seekers in an English seaside suburb', *Ethnic and Racial Studies*, 28 (2), pp. 235-260
[200] Ibid, p. 246
[201] Ibid, p. 249
[202] Ibid, p. 250
[203] Ibid, p. 236

and economic migrants has posed a fundamental challenge to European nation-states.[204] Receiving states have to manage the increasing cultural and ethnic diversity produced by immigration. They are also confronted with the task of dealing with the immigrant 'Other' who challenges the cultural identity of the nation-state. Similarly in South Africa, the rise of xenophobia after 1994 has been attributed to the redefinition of 'insiders' and 'outsiders' that accompanied the post-apartheid nation-building project.[205]

A related perspective links the growth of xenophobic sentiments to the development of aggressive forms of nationalism, in which the tendencies to eliminate or prohibit are much more strongly evident. In particular, the new Right has espoused notions of ethno-nationalism which include only people belonging to their own nationality, excluding immigrants and other ethnic minorities.[206] This form of nationalism constructs the idealized notion of a geographical area being occupied by people from certain races or ethnicities. Here, the restrictive notion of national community is formed through birth and descent.

A noteworthy development tied to the resurgence of xenophobia, witnessed especially in Western European countries over the past two or so decades, is the growth of extreme right-wing political formations. Sometimes described as Radical Right-Wing Populist Parties (RRP Parties) or the New Right, they have not emerged strongly in all countries that have experienced anti-immigrant hostility and differ somewhat in their ideological roots and form.[207] Despite these variations, the New Right shares the fundamental trait of a hostile, belligerent rhetoric concerning 'foreigners' or immigrants

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[204] Triandafyllidou, Anna 2001 *Immigrants and National Identity in Europe*, Routledge: London; See also Triandafyllidou, Anna 2000 ''Racists? Us? Are you joking?': the discourse of social exclusion of immigrants in Greece and Italy' in King, Russell et al (eds) *El Dorado or Fortress: Migration in South Europe*, Macmillan and St. Martin's Press: Houndsmill, pp. 186-205

[205] Peberdy, Sally 2001 'Imagining Immigration: Inclusive Identities and Exclusive Policies in Post-1994 South Africa', Africa Today, 48 (3), pp. 15-32.

[206] Rydgren, Jens 2006 *Tax Populism to Ethnic Nationalism: Radical Right-Wing Populism in the Western World*, Berghahn Books: New York

[207] Rydgren, Jens 2006 *From Tax Populism to Ethnic Nationalism: Radical Right-Wing Populism in Sweden*, Berghahn Books: New York

and an intense opposition to immigration.[208] Some scholars have argued that the growing popularity of the New Right is largely an expression of the widespread prejudice against immigrants among West European populations. These parties have channelled growing anxieties and unease over broader (social and economic) changes in Europe and manipulated general resentment over immigration to their advantage. They have used new and old myths surrounding immigration, culture, and national identity to expand their sphere of influence in these countries.

In several Western European countries, the pervasiveness and popularity of the New Right has reached an alarming level. They have assumed positions of political importance at the regional, national and local level, successfully introducing their exclusionary agenda to the centre-stage of mainstream politics. Even in countries where they are less powerful politically, they vitiate the political and social scene by breeding intolerance and fear of diversity. More alarmingly, they negatively influence mainstream parties to adopt an inflexible stance towards immigration. Mainstream political parties in countries that have experienced strong growth in the far right have openly embraced the xenophobic rhetoric of these parties.[209]

Many examples can be given, especially in the context of Western Europe. The Front National (or National Front) for instance, which is currently the third largest political party in France, has campaigned using an aggressively anti-immigrant program that calls for a moratorium on immigration, forcible expulsion of 'non-white' immigrants, and radical restructuring of citizenship laws.[210] At a political rally in April 2007, Front National leader Jean-Marie Le Pen asserted that immigration represented a threat to France: 'This is just the start of mass immigration. If we do nothing, we will be

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[208] Betz, Georg 2004 'Exclusionary populism in Western Europe in the 1990s and beyond: a threat to democracy and civil rights', Identities, Conflict and Cohesion Program Paper no. 9, United Nations Research Institute for Social Development (UNRISD): Geneva; See also Betz, Georg 2003 'Xenophobia, identity politics and exclusionary populism in western Europe' in Leo Panitch and Colin Leys (eds), *Fighting Identities: Race, Religion and Ethno-Nationalism*, The Socialist Register and Merlin Press: London, pp. 193-210

[209] Ford, Glyn 2004 'Racism and xenophobia in Europe: stemming the rising tide', *UN Chronicle*, Issue no. 4, http://www.un.org/Pubs/chronicle/2004/issue4/0404p32.html# (Last accessed January 2009)

[210] Roemer, Lee and K Van der Straeten 2007 *Racism, Xenophobia and Distribution*, Russell Sage Foundation and Harvard University Press: New York

submerged.'[211] Le Pen gained prominence during the 1980s with his infamous slogan connecting immigration with unemployment: 'two million unemployed, two million migrants.'[212]

The Vlaams Blok, issued a seventy-point xenophobic program in 1991 aimed at establishing an independent and homogeneous Flemish homeland in Belgium. The program included a 'watertight' end to immigration, immediate expulsion of migrants who were undocumented, convicted of criminal activity or unemployed for more than three months, 'discouragement' and 'encouragement' measures for legal migrants to quit the country, and segregated schools and residences for natives and immigrants. The party's platform has received increasing electoral support in recent years. [213] Although a 2005 High Court ruling forced the party to disband, it managed to collect 23 and 24 percent of the votes in European and Flemish polls in 2004 signalling strong support for its policies.[214]

Less popular than some of its European counterparts, the mandate of the British National Party (BNP) clearly excludes ethnic minorities by seeking to guarantee 'the continued existence, as the clearly dominant ethnic, cultural and political group, of the native peoples of these islands—the English, Scots, Irish and Welsh—together with the limited numbers of peoples of European descent who arrived as refugees or economic immigrants centuries or decades ago, and who have fully integrated into our society.'[215]

In April 2008, Italians brought back to power the centre-right coalition government of Silvio Berlesconi's People of Freedom Party and its ally, the far right Northern League party, approving an election campaign that crudely linked crime and

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[211] Kirby, Emma Jane 2007 'Le Pen urges halt to immigration', *BBC News*, 16 April, http://news.bbc.co.uk/2/hi/europe/6558949.stm (Last accessed January 2009)
[212] Deangelis, Richard A 2003 'A rising tide for Jean-Marie, Jorg and Pauline? xenophobic populism in comparative perspective', *Australian Journal of Politics and History*, 49 (1), pp. 75-92
[213] Hossay, Patrick 1996 ' 'Our people first': understanding the resonance of the *Vlaams Blok*'s xenophobic program', *Social Identities*, 2 (3), pp. 343-63
[214] Fouche, Alexandra 2004 'Belgium's far right builds up strength', *BBC News*, 12 July, http://news.bbc.co.uk/2/hi/europe/3870681.stm (Last accessed December 2008)
[215] Marsden, Chris and Julie Hyland 2006 'Political issues raised by British National Party', 11 February

immigration.[216] The Northern League scored more than 8 percent of the votes, doubling its performance from the previous election. One of its election posters featured an aboriginal with the caption: 'They were also subjected to immigration and now they live on reserves.'[217] The Northern League's fierce resistance to immigration had been evident earlier as well. In June 2003, the League's leader Umberto Bossi allegedly informed an Italian newspaper that boats carrying irregular migrants should be shot out of the water with cannons:

> After the second or third warning, boom…the cannon roars. Without any beating about the bush, the cannon that blows everyone out of the water. Otherwise, this business will never end. Illegal migrants must be hounded out, either nicely or nastily…There comes a time when it is necessary to resort to the use of force.[218]

In 2007, the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance asked the Swiss government to explain inflammatory campaign posters created and widely distributed by the right-wing Swiss People's Party (Schweizerische Volkspartei or SVP).[219] Now the strongest party in Switzerland, the SVP's poster featured three white sheep kicking a black sheep against the backdrop of the Swiss flag with the caption 'for more security.'[220] Another poster featured several black hands grabbing a stack of Swiss passports above the phrase 'stop mass naturalizations.'[221] An SVP member declared that 'the black sheep is not any black sheep that does not fit into the family. It's the foreign criminal who doesn't belong here,

[216] *Migration Information Source* 2008 'Xenophobia rising', 4 December, www.migrationinformation.org/Feature/print.cfm?ID=708 (Last accessed December 2008); See also Michael, Adrian 2008 'Silvio Berlesconi calls in the troops to reassure his countrymen', *Telegraph*, 17 December

[217] Pomeroy, Robin 2008 'Rapes push crime to top Italian political agenda', *Reuters*, 20 April

[218] *BBC News* 2003 'Transcript: Bossi's alleged comments', 16 June, http://news.bbc.co.uk/2/hi/europe/2995084.stm (Last accessed January 2009)

[219] Foulkes, Imogen 2007 'Swiss row over black sheep poster', 6 September, http://news.bbc.co.uk/2/hi/europe/6980766.stm (Last accessed February 2009)

[220] Chrisafis, Angelique 2007 'Swiss party accused of racist campaigning', *Guardian*, 1 September

[221] Bachman, Helena 2008 'Who decides who is Swiss', *Time Magazine*, 20 May; See also Colville, Rupert 'The perfect scapegoat' and Colville, Rupert 'Words and images'

the one that doesn't obey Swiss law. We don't want him.'[222] Claiming that immigrants commit a disproportionate share of violent crimes and abuse Swiss social and welfare benefits, one of the party's 2007 election platforms was to push for a law that would sanction the immediate deportation of immigrant families whose member(s) were found guilty of crime or benefits fraud.[223]

Even though attention has centered largely on more well-known far right political formations, smaller fringe groups that actively engage in hate crimes motivated by xenophobia and racism are flourishing in areas like Russia. A recent report on the Russian Federation by Doudou Diene, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance noted this disturbing development.[224] Russian officials have estimated their numbers to be between 10,000 and 20,000 while human rights groups give a much higher estimate of 50,000.[225]

Cultural differences between migrant and host populations can contribute to hostility towards selected migrant groups, especially when there is striking diversity.[226] The 2008 Annual Report of the European Union Agency for Fundamental Rights (FRA) notes that non-Western cultural attire, like headscarves for Muslim women, made them more visible targets of xenophobic attacks.[227] In newer manifestations of racism and xenophobia, cultural differences and identities are playing an increasingly important part. In Europe, Stolcke argues that cultural identity, traditions, and heritage have circumscribed the contemporary rhetoric of national inclusion and exclusion.[228] Immigrants from the poor south, and more recently from the east, are seen as 'strangers'

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[222] Sciolino, Elaine 2007 'Far-right Swiss party divides nation on immigrant issue', *International Herald Tribune*, 7 October
[223] Vallely, Paul 2007 'Switzerland: Europe's heart of darkness', *Independent*, September 7
[224] United Nations General Assembly 2007 'Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diene: Mission to the Russian Federation', A/HRC/4/19/Add.3, 30 May
[225] Ibid; See also Pain, Emil 2007 'Xenophobia and ethno-political extremism in post-Soviet Russia: dynamic and growth factors', *Nationalities Papers*, 35 (5), pp. 895-911
[226] Eide, Asjborn 1998 'Racial and ethnic discrimination in Europe: past, present and future' in Joly, Daniele (ed) *Scapegoats and Social Actors: The Exclusion and Integration of Minorities in Western and Eastern Europe*, St. Martin's Press: New York, pp. 13-34
[227] FRA 2008 *European Union Agency for Fundamental Rights – Annual Report 2008*, FRA: Vienna
[228] Stolcke, Verena 'The new rhetorics of exclusion in Europe'

or 'alien' to the common cultural heritage of Europeans. This form of 'cultural fundamentalism' invokes the notion of a homogeneous culture tied to nationality, citizenship, and territory.[229]

While all non-Western cultures are seen as threatening to some extent, certain cultural traditions are now being seen as fundamentally incompatible with European values. In particular, cultural values and practices of Muslim immigrants have become central to current political debates on immigrant integration and incorporation in countries like the Netherlands, France and Germany. Because it is not expressed in overtly racist terms, the new 'symbolic' or 'cultural' racism, which uses the logic of seemingly insurmountable cultural incompatibilities, is far more socially acceptable than 'biological racism' (based on color and racial differences).[230] This new manifestation of racism in Europe is a combination of racism and xenophobia. Fekete terms it as 'xeno-racism' suggesting that it is racist in substance yet xenophobic in form. [231] 'Xeno-racism' simultaneously perpetuates racism in a new guise and conceals its sharp opposition to immigrants.

Some scholars prefer to see xenophobia as having historical roots. For some, xenophobia is the direct consequence of intensified and uneven globalization. Globalization is seen as a paradoxical set of processes marked with real closures in a celebratory rhetoric of borderless flows and boundless opportunities.[232] With its emphasis on the free movement of capital, globalization has accentuated the economic disparities between countries and regions. It has also sharpened the divisions between social classes, and rural and urban areas within these countries. This in turn exacerbates, rather than diminishes, migration pressures. As flows of capital, goods, and people rise, it weakens the boundaries of states. Contradictorily, nation-states attempt to manage these transnational impulses by trying to stem the flow of migrants through stronger immigration controls, directed largely at unskilled and involuntary migrants. The

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[229] Ibid, p. 27
[230] Delanty and Millward 'Post-liberal anxieties'
[231] Fekete, Liz 'The emergence of xeno-racism'
[232] Nyamnjoh, Francis *Insiders and Outsiders*

emergence, under globalization, of transnational migrant communities who display loyalties and affiliations with both receiving and origin countries, are seen as a further challenge to the sovereignty and character of nation-states. The tensions between nation-states and migratory flows are therefore magnified through deepening globalization.

The restructuring of global labour markets places migrants increasingly in the peripheral service sectors that often exclude possibilities of citizenship and makes them more vulnerable to exploitation.[233] The acceleration of flows (of capital, goods and people) heightens citizens' anxieties and fears, stimulating a stronger fixation with belonging and identities, which in turn exaggerates exclusionary tendencies through xenophobia and other intolerances.[234] These insecurities are managed by treating migrant groups as 'unwanted' and making them scapegoats for social problems, thus exacerbating their social insecurity.

Another common stream of materialist analysis proposes that real competition over limited resources contributes to xenophobic sentiments among native populations. During periods of economic crisis when resources shrink and jobs and housing are scarce, rivalry between migrants and natives becomes more acute. Here, immigration is seen as a more or less negative force whose outcomes are almost always detrimental for host populations. Migrant inflows decrease the numbers of jobs available for citizens, create a surplus pool of labour, and result in reduced wages for both citizens and migrants. Another version views immigration as a 'zero sum game' where the benefits from in-flows are offset or neutralized by the costs associated with it.

It has been argued by some that perceived rather than real economic threats contribute to xenophobic tendencies. Fears and anxieties are generally elevated during uncertain economic circumstances. Consequently, people in weaker economic circumstances or lower classes exhibit the highest propensity to develop xenophobic

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[233] Jureidini, Ray 2003 'Migrant workers and xenophobia in the Middle East' Program Paper No. 2, Identities, Conflict and Cohesion Program, United Nations Research Institute for Social Development (UNRISD): Geneva.
[234] Nyamnjoh, Francis *Insiders and Outsiders*

attitudes. For example, results from the 2003 Eurobarometer survey reveal that individuals in the lowest income category displayed the strongest hostility towards migrant groups.[235] SAMP's 2006 survey of South African attitudes made a similar finding.[236] Scholars like O'Connell have contradictorily shown that anti-immigrant hostility is also displayed by some affluent communities and wealthier countries.[237] Some of the recent anti-immigrant political movements in Western Europe have appeared in some of the wealthiest countries.

The evidence and opinion on the economic impact of immigration is rather mixed. Some researchers have established that immigration does affect the economy adversely, increasing unemployment.[238] Conversely, other scholars argue that immigration has a mostly beneficial influence on host populations. The latter have argued that the relationship between economic structures and population size is not so straightforward. The idea that migrants 'steal' jobs is based on the flawed notion that the number of jobs in an economy is fixed.[239] Immigrants often create jobs in host countries thereby benefitting local economies.[240] This is very much the case when they are employed in the informal sector. Immigrants also provide a valuable service for host populations by often performing the worst jobs in host societies, unwanted by native workers who reject the very low wages. Rates of unemployment have little to do with population size and density. Rather, it is economic structures and cycles that influence the rate of unemployment.[241] Some of the world's most densely populated countries (Singapore for

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[235] Coenders, Marcel et al 2003 *Majorities' Attitudes Towards Minorities in European Member States* (Report 2); See also Coenders et al 2003 *Majorities Attitudes towards Minorities in (Former) Candidate Countries of the European Union* (Report 3), EUMC/FRA: Vienna

[236] Crush et al, The Perfect Storm, p 34

[237] O' Connell, Michael 2005 'Economic forces and anti-immigrant attitudes in Western Europe: a paradox in search of an explanation', *Patterns of Prejudice*, 39 (1), pp. 60-74

[238] The work of Borjas, for instance, follows these lines. Broadly put, he argues that immigration harms rather than benefits native populations. See Borjas, George 2004 'Increasing the supply of labor through immigration: measuring the impact on native-born workers', Unpublished Paper, Center for Immigration Studies: Washington, DC

[239] Stalker, Peter 2001 *The No Nonsense Guide to International Migration*, New Internationalist and Verso: Oxford and London

[240] Harris, Nigel 2002 *Thinking the Unthinkable: The Immigration Myth Exposed*, IB Taurus Publishers: London and New York

[241] Stalker, Peter *The No Nonsense Guide*

example) are also among the most wealthy. Population size and density have little to do with the rates of unemployment.

Adding more people to a country through immigration may not always reduce average national income, it may even enhance it. Receiving countries even benefit from irregular migration because it is largely these migrants who form a flexible workforce, providing extra labour when needed but easily discarded during lean periods. During economic downturns, not all native populations have exhibited high levels of animosity towards immigrants, and citizens of some countries have expressed animosity even during periods of modest economic growth.[242] This conflict does not emerge from real competition in the labour market but from the perception of competition.

Though they can be treated as contextual factors, xenophobic tendencies are responsive to broader changes in political, social, and economic structures. The strength of xenophobia may vary with different social, economic, and political conditions, suppressed at certain times and re-appearing in strength at others. Pain's analysis of xenophobia in Russia reveals that the collapse of the old Soviet Union, the demise of communism and a general disintegration of Soviet society have all played a part in the emergence of an aggressive nationalism that opposes the entry of immigrants.[243] In Europe, the political and economic integration of countries into the European Union (EU) has sharpened these differential tendencies. As the internal boundaries of the EU have become more permeable, the external boundaries have been more tightly closed.[244] Other scholars have linked the events of 9/11 to the 'securitization' of migration where international migration is linked to terrorism and becomes a 'security threat.'[245] A meta-politics of immigration emerges where it not only becomes a threat to 'our' jobs, income, housing or culture, but also a threat to the lives of citizens.

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[242] Wimmer, Andreas 1997 'Explaining xenophobia and racism'
[243] Pain, Emil 2007 'Xenophobia and ethno-political extremism in post-Soviet Russia: dynamic and growth factors', *Nationalities Papers*, 35 (5), pp. 895-911.
[244] Stolcke, Verena 'The new rhetorics'
[245] Faist, Thomas 2006 'The migration-security nexus: international migration and security before and after 9/11' in Bodemann, Y Michal and Gokce Yurdakul (eds) *Migration, Citizenship, Ethnos*, Palgrave Macmillan: New York and Hampshire, pp. 103-20

Wieworka's analysis links the escalation of xenophobia, racism, and differential nationalism to modernity and the structural transformation of industrial societies in what he terms 'destructuration.'[246] The decline in industries through the closing of factories as well as the decay in the working class movement has created a social and economic dualization in these societies. Unlike the past, where people had a strong sense of belonging to a society, a growing proportion feel excluded and marginalized, creating conditions for renewed expressions of xenophobia and racism. Those who are 'out' experience a loss of social identity, blaming their misfortunes on migrants, even if the latter share the same experience. Another aspect of destructuration is that state and public institutions are increasingly unable to fulfill their welfare functions, which exacerbates insecurity and the tendency to seek scapegoats. These changes also activate political debates about nation, nationality and citizenship but the progressive dimensions of nationalism are eroded. National identity is increasingly tied to racist and xenophobic expressions.

The media has often been criticized for subtly and not-so-subtly fanning the flames of xenophobic sentiment in many countries. Analyses of representative articles on RASIM (Refugees, Asylum-Seekers, Immigrants and Migrants) in British newspapers between 1996 and 2006 showed that a small number of topics were used to portray them, displaying a largely negative stance.[247] These topics centered on exaggerated numbers, depreciatory constructions of RASIM as an economic burden (as abusers of welfare), threat to cultural and community values, danger, and legality issues.[248] Refugees and asylum-seekers were commonly portrayed using water metaphors like 'flood,' 'waves,' 'pour' and 'stream' constructing them as an 'out-of-control, agent-less, unwanted natural disaster.'[249] The term 'immigrant' constantly carried an uncomplimentary connotation

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[246] Wieworka, Michel 1994 'Racism in Europe: unity and diversity', in Rattansi, Ali and Sallie Westwood (eds) *Racism, Modernity and Identity*, Polity Press: Cambridge, pp. 173-88

[247] KhosraviNik, Majid 2008 'British newspapers and the representation of refugees, asylum-seekers and immigrants between 1996 and 2006', CLSL Working Paper No. 128, Center for Language in Social Life, Lancaster University: Lancaster

[248] Ibid

[249] Baker, Paul, Costas Gabrielatos, Majid KhosraviNik, Michal Kyzyzanowski, Tony McEnery, and Ruth Wodak 2008 'A useful methodological synergy: combining critical discourse analysis and corpus linguistics to examine discourses of refugees and asylum seekers in the UK press', *Discourse & Society*, 19, pp. 273-306

discussed largely in the context of non-positive topics like 'immigrants and illegality' and 'immigrants as/and problems.'[250] Many newspapers used nonsensical terms to describe RASIM like 'illegal refugees/asylum-seekers' and 'bogus im/migrants' establishing the boundaries of those who merited inclusion while underscoring the negative aspects of immigration.[251] The most commonly-used stereotype of a RASIM member was 'a different-looking (generally non-Caucasian), healthy (but lazy) adult, a single male with no or little educational or professional skills.'[252]

The Institute for Public Policy Research (IPPR)'s study on UK media coverage of asylum-related issues found that some 22 million residents or more than one-third of the British population subscribed on a frequent basis to four large British newspapers that consistently demonized asylum-seekers through false, inaccurate and distorted stories about them.[253] Like other research critical of media portrayals of immigration, this study argues that negative press on a large and frequent scale has a direct and damaging influence on public opinion. People believe what they read in newspapers because it confirms their prejudices and legitimizes existing hostility.[254] When harmful myths on immigration and immigrants are not challenged, they are normalized and accepted as facts. Another IPPR study showed that many British citizens believed false stories about asylum-seekers including those printed in tabloid newspapers, like asylum-seekers receiving free golf lessons, swimming lessons or bus passes.[255] 'It was in the local paper that they [asylum-seekers] get free bus passes whereas old people have to pay' was how one respondent described it.[256]

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[250] KhosraviNik, Majid 2009 'The representation of refugees, asylum-seekers and immigrants in British newspapers: a critical discourse analysis', *Journal of Language and Politics*, 8 (3), forthcoming

[251] Gabrielatos, Costas and Paul Baker 2008 'Fleeing, sneaking, flooding: a corpus analysis of discursive constructions of refugees and asylum-seekers in the UK press, 1996-2005', *Journal of English Linguistics*, 36 (1), pp. 5-38

[252] KhosraviNik, Majid 2008 'British newspapers and the representation of refugees, asylum-seekers and immigrants', p. 36

[253] Greenslade, Roy 2005 'Seeking scapegoats: the coverage of asylum in the UK press', Asylum and Migration Working Paper No. 5, IPPR: London

[254] See Rydgren, Jens 2004 'The logic of xenophobia', *Rationality and Society*, 16 (2), pp. 123-48

[255] Lewis, Miranda 2005 Asylum: Understanding Public Attitudes, IPPR: London, pp. 28

[256] Ibid, p. 35

Studies from diverse social, political, and geographical contexts display disturbing similarities in negative imagery and rampant use of stereotypes in migrant representation.[257] A study of press coverage in Slovenia showed that words like 'crowding,' 'swamping,' 'besieging,' and 'flooding' were repetitively used in reference to immigration.[258] Migrants were dehumanized by referring routinely to 'hunt' for 'illegals.' Like other countries, articles perpetually accentuated the fear and sense of threat posed by the migrants: 'Crime in Siskia…has literally blossomed,' 'all the foreigners are becoming an excessive burden for our country,' 'all the costs have to be paid by us penniless citizens, who ourselves are already living on the edge of poverty' and 'illegals can swamp little Slovenia.'[259] 'What in the name of God, Allah, Buddha or the animist deities can these foreigners do for us to accept them more willingly and easily, nothing,' observed a journalist while another pointed out that 'a lot of all this is wrong because some people just have rights but others just have duties.'[260]

In Australia, the media has been blamed by many commentators for the outbreak of anti-immigrant violence in Sydney in 2005. On December 11th an estimated five to seven thousand people (most under the age of twenty-five) took to the streets in the beach suburb of Cronulla to demonstrate their frustration toward the appearance of people of Middle Eastern descent, on 'their' beach.[261] In the days leading up to the riot, newspapers and talk-radio hosts frequently repeatedly broadcast the racist text messages that had been sent out to drum up support for the rally. The day before the attack The Daily Telegraph published an article with the first line, 'Cronulla is a suburb under siege.' Most media failed to accurately report on the event that sparked the riot – an attack on three young surf lifesavers the previous weekend by a group of Lebanese youth.

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[257] For examples from other contexts, see Kampmark, Binoy 2006 'Spying for Hitler' and 'Working for Bin Laden': Comparative Australian discourses on refugees' *Journal of Refugee Studies*, 19 (1), pp. 1-21; Chavez, Leo 2001 Covering Immigration: Popular Images and Politics of the Nation, University of California Press: Berkeley

[258] Jalusic, Vlasta 2002 'Xenophobia or self-protection: on establishing the new Slovene civic/citizenship identity', p. 48

[259] Ibid, p. 53

[260] Ibid, p. 60

[261] The Sydney Morning Herald 2005 "Thugs Ruled the Streets, and the Mob Sang Waltzing Matilda" 12 December

The Australian media widely publicised the attack. They reported that the young men of 'Middle Eastern appearance' had been swimming outside the flags which are posted by surf lifesavers to denote where it was safe to swim. When approached by three surf lifesavers and asked to swim only within the flags, the group of 'thugs' (which ranges in number from four to twenty-five in articles in *The Daily Telegraph* alone) instead responded with a violent attack. What the media failed to acknowledge however, was that the surf lifesavers were out of uniform, and it therefore would have been impossible to identify them as such. In addition, the group of young men were apparently taunted with calls of 'Lebs can't swim' before the attack took place.[262] It was in fact not a random, unprovoked, attack. The stories and discussions published by the media no doubt encouraged many people to participate in the riot and are probably largely responsible for the great numbers that eventually turned up in support of Cronulla 'locals.'

A Southern African Migration Project (SAMP) study of press coverage on immigration in South Africa found that a large number of articles frequently used racial and national stereotypes to describe migrants from other African countries such as 'Mozambicans as car thieves' and 'Nigerians as drug smugglers.'[263] Coverage was largely negative with many news articles and features using anti-immigrant frames by uncritically reproducing dubious statistics and flawed assumptions about immigration. Twenty-five percent of the articles used sensational headlines that reinforced myths and stereotypes about migrant groups, like 'Illegals in SA add to decay of cities,' '6 million migrants headed our way' and 'Africa floods into Cape Town.'[264]

A more recent SAMP study of media representation of immigration in Southern African countries between 2001 and 2003 included South Africa, Zimbabwe, Namibia and Botswana. It found that despite some improvement since the 1990s, coverage was

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[262] Evers, Clifton 2008 "The Cronulla Race Riots: Safety Maps on an Australian Beach" *South Atlantic Quarterly* 107 (2) (Spring), p. 419
[263] Danso, Ransford and David A McDonald 2000 Writing Xenophobia: Immigration and the Press in Post-Apartheid South Africa, Migration Policy Series No. 17, SAMP: Kingston and Cape Town
[264] Ibid, p. 19

largely negative and unanalytical.[265] Pejorative images of migrants as 'job-stealers,' 'criminals' and 'illegals' were still being perpetuated in articles. However, the most negative coverage was seen in Botswana and Namibia. In Botswana, 45 percent of articles made at least one negative reference to migration, singling out Zimbabwean migrants in particular for derision and ridicule. In Namibia, the press frequently described migrants and refugees as 'illegal' and openly associated criminal activity with Angolan and Zimbabwean migrants.

HUMAN DEVELOPMENT OUTCOMES FOR MIGRANT AND HOST POPULATIONS

Without exception, human development outcomes of xenophobia for migrant and host populations are negative, pernicious, and damaging. The persistence or growth of xenophobia in receiving societies seriously diminishes the benefits and positive returns from international migration for migrant groups, receiving countries, and countries of origin. Xenophobia undermines democratic structures and liberal values along with principles of equality, fairness and social justice. It erodes universally accepted human rights standards and creates a global milieu in which discrimination against, and ill-treatment, of non-citizens becomes acceptable and tolerated. The contemporary resurgence of xenophobia has challenged and even weakened the international human rights framework. Xenophobia is tied to the decline in liberal values in Western democracies and the growing popularity of new forms of exclusionary thinking. Xenophobic attacks on migrant groups represent a threat to social order and justice which encourages lawlessness.

As the victims and targets of xenophobia and discrimination, migrant groups are the most adversely affected. In situations of heightened xenophobia, migrants have to endure the perpetual threat of violence and victimization in their lives. Xenophobia thus exacerbates the vulnerability of migrant groups, exposing them to regular harassment,

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[265] McDonald, David and Sean Jacobs 2005 Understanding Press Coverage of Cross-Border Migration in Southern Africa since 2000, Migration Policy Series No. 37, SAMP: Kingston and Cape Town

intimidation, and abuse by citizens, employers, and enforcement agencies in receiving states. The weak social position of migrant groups in host countries has been extensively documented. A new study by the International Federation for Human Rights (FIDH) shows that both documented and undocumented migrants in South Africa live in a state of 'permanent insecurity,' facing coercion and aggravation on a frequent basis by police personnel.[266] During the inspection of state-issued IDs, police officers commonly demand bribes, money and goods from migrants. They also subject migrants to physical and verbal abuse. Women migrants are especially vulnerable to sexual exploitation.

While xenophobia has an adverse effect on all categories of migrants, some migrants are much more prone to victimization than others. Above all, irregular migrants are extremely susceptible, due largely to their lack of status in receiving states. In Malaysia, for instance, apprehended irregular migrants have been subjected to detention, caning and imprisonment.[267] Immigration-enforcement agencies like RELA routinely employ aggressive methods during raids to detect irregular migrants. In a similar manner, when asylum-seekers and refugees are treated as 'illegal' migrants, they can endure harsh treatment at the hands of authorities. They can face long periods in detention centers and experience poor conditions of confinement, including inadequate food, housing, and medical facilities.[268]

Research has highlighted the frequent assault on the human dignity and self-respect of migrants in receiving states. In Libya, African migrants from sub-Saharan countries have faced brutality and verbal insults by locals, including children, while conducting their daily lives.[269] In situations where immigrant groups are demonized as 'threats' and 'problems,' they are even more socially excluded. The new 'securitization' of migration has brought renewed negative attention to migrant groups, increasing their powerlessness. It has created an unstable social situation and exacerbated the risks of physical violence between natives and migrants. In India, for instance, Bangladeshi

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[266] International Federation for Human Rights (FIDH) 2008 *Surplus People: Undocumented and Other Vulnerable Migrants in South Africa*, FIDH: Paris, p. 5.
[267] FIDH and Suaram *Undocumented Migrants and Refugees in Malaysia*
[268] Ibid; See also HRW 'Stemming the flow'
[269] Ibid

migrants are treated with suspicion by police and intelligence agencies because of the popular belief that they harbour terrorists or are engaged in terrorist activities.[270] Bangladeshi migrants have been rounded up and detained in police custody following bomb blasts in cities like Jaipur and New Delhi.[271]

When migrants are made scapegoats for various problems, the result is to increase the social distance between migrant and local populations. Contact between them is reduced and these groups are prevented from interacting socially or developing friendly relations that can correct biases and prejudices. In this respect, xenophobia has an unfavourable impact on social cohesion. Besides, it contributes to shrinking tolerance and respect for other cultures and fosters the distrust of diversity in societies.

Prolonged mistreatment of migrants in host countries can exacerbate social inequalities between migrant and non-migrant populations. That is, xenophobia impedes the social and economic integration of migrants in receiving societies. This trend is already being witnessed in many receiving states where migrants face discrimination in areas like employment, housing, health and education. In terms of employment, migrant groups often take up undesirable, unskilled, jobs that pay low wages, involve long hours and provide few benefits. They can be placed in jobs where there is little possibility of upward mobility, that contribute to de-skilling, and are paid lower wages than native workers. This situation can be even worse for marginal migrant groups, like irregular migrants and asylum-seekers, who often endure conditions of super-exploitation at work. In Indian cities, many Bangladeshi migrants perform 'dirty' scavenging work like the collection and recycling of garbage and waste material, a task traditionally performed by the lowest, untouchable Indian caste groups.[272]

An International Labour Organization (ILO) study on Burmese child migrant workers, carried out by the Federation of Trade Unions – Burma (FTUB) in Mae Sot,

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[270] Mohaiemen, Naeem 2008 'Easy scapegoats', *Communalism Combat*, 15 (133), July-August

[271] Wax, Emily 2008 'Poor Muslims cite fear of backlash after blasts in historic Indian city', *Washington Post*, 16 May; See also *Indian Express* 2008 'Mehrauli blast: illegal Bangladeshi migrants under scanner', 27 September,

[272] Ramachandran, Sujata 2008 'For the sake of our stomachs'

Thailand, shows that they were 'working day and night, week after week, for wages that were far below the legal minimum wage, to the point of absolute exhaustion.'[273] Nearly half of the respondents were seventeen years old and some were as young as twelve years of age. Many of them had been enrolled in schools in Myanmar. Another study on Indonesian domestic workers in Malaysia has documented the slave-like conditions of employment, with migrants generally working sixteen to eighteen hour days seven days a week.[274] Many domestic workers were socially isolated, forbidden to leave the house or maintain contact with outsiders. Many employers also withheld their salaries which meant that migrants often endured dire work conditions or worked illegally to earn sufficient money to return to their home communities. Sometimes, employers even confiscated the worker's passport, preventing them from leaving abusive situations.

Similarly, migrant groups often face discrimination in access to basic health-care. In Malaysia, irregular migrants and asylum-seekers are reluctant to seek medical treatment because hospitals are required to inform authorities. Even pregnant women who have gone to hospital for delivery have not been exempted; they have been arrested with their newborn soon after delivery.[275] An MSF briefing paper on Malaysia reveals that many irregular migrants are unable to afford medical care. Both irregular migrants and refugees face linguistic and financial barriers to obtain health services.[276] The paper further records the sub-standard living conditions of these groups in jungle locations to evade apprehension and deportation. Others had set up small huts with no electricity or toilets and were susceptible to infections. Bangladeshi migrants occupy make-shifts shanties in the most undesirable marginal spaces of slums in Indian cities, located near open sewers, railway lines or bridges.[277]

[273] International Labor Organization (ILO) 2006 *The Mekong Challenge -- Working Day and Night, The Plight of Migrant Child Workers in Mae Sot, Thailand*, International Labour Office: Bangkok, p. ix
[274] Human Rights Watch (HRW) 2004 'Help wanted: abuses against female domestic workers in Indonesia and Malaysia', 16 (9B), Human Rights Watch: New York
[275] Nah, Alice M 2007 'Struggling with illegality'
[276] Medicins San Frontieres (MSF) 2007 'We are worth nothing: refugee and asylum seeker community in Malaysia' (Briefing Paper), MSF: Geneva
[277] Ramachandran, Sujata 2004 'There are many Bangladeshis in New Delhi'

Xenophobia legitimizes cruel and degrading treatment of migrants and refugees. Continued discriminatory treatment of migrant groups can contribute, in the long-term, to the emergence of a new social underclass. In many contexts, migrants already represent some of the most marginalized, weak and exploited groups in host societies, economically and socially disadvantaged by virtue of their foreign origin. They can exist in a state of social isolation and alienation in receiving states. Above all, it creates a situation in which increased social insecurity is experienced not only by migrant populations but by other minority and marginalized groups as well. In this respect, xenophobia adversely impacts and enhances other forms of discrimination. For example, weak citizenship verification systems in India have led to the victimization of poor Muslim and Bengali communities during state operations to detect and deport irregular migrant Bangladeshis.[278] Some of those identified as Bangladeshis, and subsequently deported, were in reality legitimate citizens. Likewise, provinces like Assam and Maharashtra that have displayed some of the strongest antipathy towards migrant Bangladeshis have also witnessed brutal attacks in recent times on Indian migrants from other provinces like Bihar, Bengal, and Uttar Pradesh.[279]

POLICY RESPONSES

What kinds of policy response have there been to counter xenophobia and how successful are they? When countries in the North obstruct the rights of refugees to seek safe haven, they set an extremely negative example for other states, especially those in the South that host a majority of the world's refugees.[280] Similarly in the case of migrant labour, many developing countries are now opting to emulate developed host countries that have adopted restrictive and discriminatory policies.

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[278] Ramachandran, Sujata 2005 'Indifference, impotence, intolerance'; see also Citizens' Campaign for Preserving Democracy (CCPD) 2005 *Democracy, Citizens and Migrants: Nationalism in the Era of Globalization*, CCPD: New Delhi

[279] Internal Displacement Monitoring Center (IDMC) 2007 'Assam: violence against Hindi-speaking people forced thousands to flee the state', January, http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/3103ECD3FE7D139D802570B8005A729E?OpenDocument (Last accessed March 2009).

[280] HRW 2000 'Refugees: Western Europe weakening protections', December 11

Bad Practices

Notwithstanding the sovereign right of states to include or exclude migrants, immigrants, refugees and asylum-seekers from their territories, state policies on immigration can directly and indirectly heighten xenophobia. Equally importantly, practices adopted by state agencies like police, immigration officials, and other enforcement agencies can perform a contributory role in inciting and perpetuating xenophobia.

From the late 1990s onwards, many destination countries adopted ever-narrower policies and rescinded their acceptance and tolerance of the presence of migrants, including irregular migrants. For example, Tanzania, which was long recognized as an exemplary host to tens of thousands of refugees, began imposing a series of harsh policies against refugees in 2003. From May 2006 to May 2007, the country expelled nearly 15,000 Rwandans and several thousand Burundians, some of them registered refugees, by closing down schools and ending employment programs for them. Amnesty International has claimed that many refugees were harassed, beaten and had their property confiscated during the expulsions.[281]

In early 2008, Tanzania forcibly repatriated more than 150 Burundian refugees for violating the restrictive terms of the Refugees Act.[282] These refugees had been apprehended by a special police unit while they were collecting firewood outside the camps in violation of terms laid out in the Refugees Act. The Act requires all asylum-seekers and refugees to live in refugee camps or settlements designated by the Tanzanian government. It further imposes severe limitations on their movement outside the camps. Failure to comply with the rules can result in a jail sentence of up to six months and fines of nearly 50,000 shillings ($45). In addition, the Act forbids refugees from working without a permit though the procedure for obtaining the permits remains unclear. So far,

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[281] Amnesty International 2008 *Amnesty International Report 2008 – Tanzania*, 28 May, http://www.unhcr.org/refworld/docid/483e27b6c.html (accessed 27 February 2009)
[282] United States Committee for Refugees and Immigrants 2008 *World Refugee Survey 2008 – Tanzania*, USCRI: Washington, DC

no refugee has been granted the permit. Similar restraining measures have been put in place for migrant labour in countries like Malaysia and Thailand.

Destination countries often refuse to accept asylum-seekers as refugees, treating them as 'illegal immigrants' or 'illegal aliens.' The erosion of the international framework for refugee protection has been noted with concern by refugee-advocacy groups like the UNHCR. In 2006, Antonio Guterres, the UN High Commissioner for Refugees made these disturbing observations:

> Abuse of the asylum system is a hot topic among industrialized nations, especially in the European Union. But the abuse of asylum seekers is not. The EU, Council of Europe, and the UN have between them assembled an impressive array of bodies to deal with the wider issues of racism and xenophobia. But these discussions have been drowned out by other political debates.[283]

Countries may also adopt severe policies that discriminate against migrants and violate the basic and human rights of immigrants. In 1993, the newly appointed Côte d'Ivoire President Konan Bedie swiftly reversed the generous 'open door' immigration policy of his predecessor by introducing the constricted notion of 'Akwaba' or 'Ivoirite.'[284] Implemented primarily as a tactic to crush his main political opponent, Alassane Outtara, this new policy decreed that only residents who were born of Ivorian parents and were ethnically 'pure' could claim citizenship.[285] As a result, nearly one-fourth of the country's population of 17 million, especially those in the northern and western parts of the country, were disenfranchised, and labelled as 'foreigners.' Especially affected were migrants and refugees from neighbouring countries like Guinea, Burkina Faso, Mali and Liberia who had migrated to Côte d'Ivoire in previous decades. They had been previously allowed to own land and freely integrate into the Ivorian

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[283] Guterres, Antonio 2006 'Abusers or abused', *Refugees Magazine*, 142 (1), p. 3
[284] IDMC 2008 'Cote d'Ivoire: road to national recovery and durable solutions still long', Internal Displacement Monitoring Center, November; See also Mckinsey, Kitty 2006 ''Tired of refugees': Is African tolerance in decline?', *Refugees Magazine*, 142 (1), pp. 23-24
[285] Massey, T 2005 'To keep water, water: how we missed the mark with Cote d'Ivoire's warehoused refugees', *North Carolina Journal of International Law and Commercial Regulation*, 31 (1), pp. 207-54

society. Also affected were descendants of migrants, some of them third or fourth generation progeny who had lived all their lives in the country.

Even though Bedie was overthrown in a military coup in 2000, his successor General Robert Guei continued along a similar xenophobic path by bringing in a constitutional amendment that would exclusively permit 'pure' Ivorians to contest the elections. Xenophobic violence flared up yet again in Côte d'Ivoire in September 2002 after military installations were attacked in Abidjan, Bouake and Korhogo.[286] Perceived as an attempted coup d' etat by foreign elements, widespread harassment and attacks on those deemed 'foreigners' were reported. It is believed that some 20,000 immigrant households lost their homes to the violence in Abidjan.[287]

Governments in host countries can unjustly attribute various problems encountered by citizens like crime and unemployment to migrants. In many countries, migrants and refugees have been characterized by mainstream politicians and government officials as 'problems.' Of late, they have been portrayed as a threat to national security. In his recent election campaign, Italian Prime Minister Silvio Berlesconi described irregular migrants as the 'army of evil.'[288] A senior Libyan government official informed Human Rights Watch that if the country accepted refugees, 'they would come like locusts.'[289] Biased attitudes of government officials and inflammatory statements about migrants often consolidate prevailing stereotypes about migrants and refugees. In his address to the nation in May 2006, former President George W Bush linked irregular migrants to several troubles faced by the United States: 'Illegal immigration puts pressure on public schools and hospitals. It strains state and local budgets, *and brings crime to our communities* [emphasis in original].'[290]

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[286] United Nations Economic and Social Council 2005 'Report by Doudou Diene, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance: Mission to Cote d'Ivoire', E/CN.4/2005/18/Add.3, 22 December

[287] Ibid

[288] Moore, Malcolm 2008 'Silvio Berlesconi says illegal immigrants are 'army of evil'', *Telegraph*, 18 April, http://www.telegraph.co.uk/news/worldnews/1895799/Silvio-Berlusconi-says-illegal-migrants-are-'army-of-evil'.html (Last accessed January 2009)

[289] HRW 2006 *Stemming the Flow*

[290] Rumbaut, Ruben G, Roberto G Gonzales, Golnaz Komaie, and Charlie Morgan 2006 'Debunking the myth of immigrant criminality: imprisonment among first and second-generation young men', *Migration*

State authorities can incite xenophobic sentiments by targeting specific groups of immigrants or refugees. In September 2000, Guinean President Lansana Conte reversed his country's longstanding support for refugees from Sierra Leone and Liberia by publicly accusing them of protecting rebels and militias, holding them responsible for frequent cross-border attacks.[291] In a radio and television address, he openly declared: 'I am giving orders that we bring together all foreigners in [Guinean] neighborhoods so that we know what they are doing and that we search and arrest suspects. Civilians and soldiers, let's defend our country together. Crush the invaders.'[292] Guinea hosted about 125,000 Liberian and 330,000 Sierra Leonean refugees at that time, many of whom had fled civil war and gross human rights violations in their home countries.[293] Afterwards, thousands of refugees were violently attacked, beaten, raped, detained by police, ousted from their homes, and had their property stolen in the capital Conakry.[294] A refugee informed Human Rights Watch: 'In Guinea, I am afraid of three types of people: the government, the citizens, the rebels. In Sierra Leone, there is just one: the rebels.'[295]

Destination countries also crucially shape the treatment of migrants and immigrants in other ways. They can perpetuate migrants' exploitation by disregarding the ill-treatment of migrants and refugees at the hands of employers, police, government officials and citizens. They can also continue the discrimination against migrants by failing to put into place measures to safeguard migrant rights. When host states adopt highly punitive measures to control irregular migration that include difficult conditions of detention and imprisonment, they can easily create a sense of crisis or siege regarding immigration and exacerbate existing hostility towards immigrants. In July 2008, for example, the Italian senate agreed to impose tough new measures to curb irregular

information Source, June, http://www.migrationinformation.org/Feature/display.cfm?ID=403 (Last accessed January 2009)

[291] Blunt, Elizabeth 2000 'No halt to Guinea crackdown', *BBC News*, 10 September, http://news.bbc.co.uk/2/hi/africa/918900.stm (Last accessed December 2008)

[292] *Afrol News* 2002 'President's speech provokes mass rape of refugees', 14 September, www.afrol.com/News/gui002_refugees_raped.htm (Last accessed December 2008)

[293] Human Rights Watch 2001 *Refugees Still at Risk: Continuing Refugee Protection Concerns in Guinea*, HRW: New York.

[294] Onishi, Norimitsu 2001 'Guinea in crisis as area's refugees pour in', *New York Times*, 24 February, http://query.nytimes.com/gst/fullpage.html?res=9E01E5DA1039F937A15751C0A9679C8B63&sec=&spon=&pagewanted=all (Last accessed December 2008)

[295] HRW *Refugees Still at Risk*, p. 7

migration. These include extended jail sentences from four to six years and confiscation of properties rented to irregular migrants.[296] In mid-June 2008, the European Parliament accepted a proposal to hold irregular migrants in detention centers for up to eighteen months, and to ban expelled migrants from re-entering the European Union for up to five years.[297]

Certainly there is a major role to be played by independent human rights watchdogs in every country where migrants are ill-treated, but governments do not tend to respond well to what is often very damaging information about their policies and practices.

Malaysian authorities, for example, have reacted harshly to criticism of their immigration practices. Following the publication of a report by Irene Fernandez in 1996 outlining the constant exploitation, sexual abuse, ill-treatment, and lack of adequate medical care for detained irregular migrant workers, the Malaysian government arrested and charged her with 'maliciously publishing false news.'[298] The report, titled 'Memorandum on abuses, acts of torture and inhuman treatment towards migrant workers in detention camps' was conducted by Tenaganita, a migrant advocacy non-governmental organization co-founded by Fernandez. The report was based on interviews with 300 irregular migrants in detention centers in 1994-95 for a research project on health and HIV/AIDs among migrant workers. Many of those interviewed for the report were from Bangladesh, Indonesia and the Philippines.[299] It urged the authorities to establish an independent commission to examine the poor condition of migrants in detention centers and alleged human rights abuses within.[300]

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[296] Goldirova, Renata 2008 'Italy to jail illegal migrants', *Business Week*, 24 July,
[297] Povoledo, Elisabetta 2008 'Italy struggles with immigrants and aging', *International Herald Tribune*, 21 June
[298] Allen, Paul 2006 'Interview with Irene Fernandez', *New Internationalist*, April, http://www.newint.org/columns/makingwaves/2006/04/01/irene-fernandez/ (Last accessed December 2008)
[299] International Federation for Human Rights (FIDH) 2003 'Irene Fernandez judged today in the absence of her legal counsel', 15 October, http://www.fidh.org/spip.php?article2451 (Last accessed December 2008)
[300] Amnesty International 2004 'Irene Fernandez defends rights of migrant workers despite conviction', ASA 28/015/2004

Although the state authorities announced the setting up of an independent Visitors' Panel to inspect the centres, Fernandez underwent the longest trial in the country's history. During the trial, she testified 310 times. Former migrant workers who had been detained in the centres during the study period gave testimonies that supported the findings of the Tenaganita report. They revealed the regular beatings, cruel and humiliating punishment they were subjected to by the police guards. They further confirmed the inadequate conditions prevailing in the centres, including sub-standard nutrition, medical and sanitary conditions. On 16 October 2003, Fernandez was found guilty and sentenced to 12 months' imprisonment. Presiding magistrate Juliana Mohamed declared that the abuses outlined in the report were fabricated and the testimonies collected by Tenaganita had been acquired 'without effort to obtain the truth in their statements.' Moreover, the court observed that since the memorandum had discredited the Malaysian nation, Irene Fernandez's case 'must be made an example.' She was finally acquitted on 25 November 2008 thirteen years after she was first charged.[301]

Good Practices

Xenophobia is a growing global problem in migrant-destination countries of the North and, increasingly the South. Examples of "good practice" policy responses and effective, transferable solutions are not overly abundant. This suggests the need for a fundamental re-evaluation both of the causes and persistence of xenophobia and how best its pernicious effects might be mitigated. What are some of the more common "good practice" responses to xenophobia? And why has their impact to date been so limited? In answering these questions, it is clear that ad hoc, piecemeal and uncoordinated responses to the growing problem of xenophobia are insufficient and have little lasting effect. The flurry of civil society and government initiatives in South Africa in the wake of the violence in May 2008 were "crisis" responses to a deeper and more complex problem. Many have since run out of steam and their impact is uncertain. As that particular round of xenophobic violence recedes with the closure by government of all

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[301] International Federation for Human Rights (FIDH) 2008 'Ms Irene Fernandez finally acquitted', 25 November, http://www.fidh.org/spip.php?article6020 (Last accessed December 2008)

camps for the internally-displaced, so the urgency of concerted action has receded. Meanwhile, the cancer of xenophobia continues to spread.

There is clearly a need for greater monitoring and research on citizen attitudes to migrants, refugees and migration policy in states where xenophobia is a problem or is on the rise. The information base on public attitudes is generally quite poor, particularly in the South. Anecdotal evidence is insufficient and general questions in endeavours such as the World Values Survey do not provide the kind of in-depth information that survey research can provide on the nature and reasons for particular attitudes, as well as the common stereotyping that accompanies intolerance. Such research would allow for evidence-based interventions and permit the assessment of the effectiveness of counter-xenophobia measures and policies.

While the causes and manifestations of xenophobia are clearly unique to each country, the fact that xenophobia is spreading as international migration increases does not mean that the solutions are similarly unique. There is clearly a need for a coordinated global response to xenophobia and for international organizations to work in tandem with national governments and regional bodies in addressing the problem. It would be naïve to think that governments, on their own, will act unequivocally against xenophobia absent of pressure from civil society organizations and the courts. The ideal scenario would see a coordinated plan by international bodies, government, civil society, labour and business being developed and implemented.

'Good practice' models are in short supply but they do need to be identified and evaluated and, where there are results or the promise of success, be widely disseminated. This could apply not only to government policies but also to civil society initiatives, to public education campaigns and to the media. The core elements of a coordinated "good practice" model would include:

- Greater understanding of citizen attitudes to migrants, refugees and migration policy through research which also uncovers the root causes of xenophobia and

evaluates the effectiveness of interventions from the perspective of citizens and migrants;

- Ratification and implementation of normative global standards on the protection of migrants such as the UN Migrant Workers Convention and relevant ILO conventions;

- Global, regional and national monitoring of the treatment of migrants in destination countries;

- National political leadership and will to acknowledge and condemn the presence of xenophobia and to advocate tolerance and the benefits of migration;

- Legislative solutions including the criminalization of xenophohia as hate speech and appropriate sanctions against the perpetrators of xenophobic violence;

- Identification and critical analysis of xenophobic discourse in the media and media education for reporters and editors;

- Public education campaigns by the state and civil society to foster tolerance, build social cohesion and encourage diversity.

1. Measuring and Understanding Xenophobia

The prevalence and manifestations of xenophobia can be measured by investigating the following:

- Attitudes of the native population towards migrants, immigrants and refugees through public opinion surveys, both qualitative and quantitative.

- Attitudes of political parties, both mainstream and extreme right-wing, towards immigration including critical analyses of legislative debates on immigration, speeches, interviews, and comments on immigration (overall and on particular groups of migrants) by politicians, and election manifestos of political parties. Other materials that can be examined are pamphlets, magazines and literature on immigration (especially on selected groups of immigrants such as refugees) sponsored by political parties. Books and articles produced by ideologues/supporters of extreme-right wing parties can also be studied.

- Media depiction of immigration – How accurately does the mainstream media (print and other media) represent immigration-related issues? For example, analysis of print media through content like articles, features, op-ed pieces, letters to the editor, political cartoons and editorials can indicate the general level of acceptance for immigration and migrant groups.

- Internet sites for groups strongly opposed to immigration like Migration Watch in the UK

- Hate-sites set up by Neo-Nazi groups and state responses to such groups like stringent anti-hate crime legislation

- Migrant/immigrant/refugees' lived experiences in host countries. What kind of social insecurity, intolerance and discrimination do they experience in their daily lives and how common is it?

- Episodes of violent attacks on migrants and refugees can be assessed through media coverage of events, eye-witness narratives, and accounts produced by national/ international civil society groups and/or migrant advocacy groups.

- Inventory or database of hate-crimes involving migrants and refugees as victims

- States' policies on social cohesion, protection of the rights of migrants, and equally importantly, practices of immigration control. To what extent have states adopted and complied with international human rights instruments like the Refugee Convention?

- Tolerance towards ethnic minorities in host countries. Generally, areas with low-levels of tolerance towards minorities exhibit higher levels of xenophobia

A systematic, coordinated program of applied research on xenophobia (such as that pioneered in countries such as South Africa and India) in the global South is imperative. This should have outcomes such as evidence-based public education and media strategies.

2. Normative Standards

Responding to the unanimous appeal by participants at the World Conference on Human Rights, held at Vienna in 1993 to strengthen the international human rights mandate, the United Nations created the Office of the United Nations High Commissioner of Human Rights (OCHCR) the same year.[302] It is the leading international body for the protection of human rights of all communities and groups. The Office closely monitors the human rights situation in countries and works closely with national bodies, governments, NGOs and the UN human rights monitoring system to build capacity, especially at the national level, to protect these rights.[303] As far as international migration is concerned, the OCHCR views the protection of the human rights of migrant groups as central to migration management and policy. [304] It has set up an in-house Migration Task Force to review and work on migration-related topics.[305] The Migration Task Force contributes to the activities of the UN Commission on Human Rights. The OHCHR drafts the annual report on the rights of migrants on behalf of the UN Secretary-General. It is a member of The Geneva Migration Group and has provided feedback to the Global Commission on International Migration and the Expert Group Meeting on International Migration and Development. It is also a member of the Steering Committee for the Ratification of the International Convention on the Rights of All Migrant Workers and members of Their Families (ICMW).

The adoption of the ICMW by the UN General Assembly in 1990 delivered a new set of international norms for the protection of migrants and their family members. In contrast to other rights-based UN Conventions (such as the Convention on the Elimination of All Forms of Discrimination and the UN Convention on the Rights of the

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[302] Office of the High Commissioner for Human Rights 2009 'Brief History' http://www.ohchr.org/EN/AboutUs/Pages/BriefHistory.aspx (Last accessed February 2009)
[303] Office of the High Commissioner for Human Rights 2009 'Mission Statement' http://www.ohchr.org/EN/AboutUs/Pages/MissionStatement.aspx (Last accessed February 2009)
[304] Office of the High Commissioner for Human Rights 2007 'OHCHR and Migration' http://www2.ohchr.org/english/issues/migration/taskforce/index.htm (Last accessed February 2009)
[305] Office of the High Commissioner for Human Rights 2007 'OHCHR's Activities on Migration' http://www2.ohchr.org/english/issues/migration/taskforce/ohchr-activities.htm (Last accessed February 2009)

Child), the ICMW has experienced a long and painful gestation. At the latest count (March 2009), the Convention had 41 ratifications and 15 signatories.[306] None of these countries are in the North and few are major migrant-receiving countries.[307] The reasons for the global reluctance of states to ratify have been exhaustively examined by UNESCO but at root there is little enthusiasm for the fundamental idea that migrants should enjoy the same rights and legal and social protection as citizens and permanent residents.[308] None of the case study countries considered in this paper have ratified the Convention and some are actively opposed to it.

Malaysia, for example, is far from unique in Asia in its opposition to the Convention. However, it does have the poorest ratification record of UN instruments. There is little public debate about the rights of migrant workers, who keep a low profile 'apart from the odd riot by Indonesian workers.'[309] The Employment Act is deemed to offer sufficient protection but is not widely implemented. All migrant workers have been prohibited from marrying Malaysians and the government reportedly feels that if the Convention were ratified, the country would be 'flooded' with migrants who could not be repatriated. Extending protections to irregular migrants is generally viewed as unacceptable by the state and citizenry, as it is in South Africa.

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[306] United Nations Treaty Collection, 'International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families' http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=138&chapter=4&lang=en (Last accessed April 2009)

[307] Pécoud, Antoine and de Guchteneire, Paul 2004 'Migration, human rights and the United Nations: An investigation of the obstacles to the UN Convention on Migrant Workers' Rights' Global Migration Perspectives No. 3, Global Commission on International Migration, Geneva; Piché, Ictor, Eugénie Pelletier and Dina Epale 2006, Identification of the obstacles to the ratification of the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: The Canadian case' UNESCO Country Report on the Ratification of the UN Convention on Migrants, UNESCO International Migration and Multicultural Policies Section: Paris; MacDonald, Euan and Ryszard Cholewinski 2007 'The Migrant Workers Convention in Europe: Obstacles to the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, EU/EEA Perspectives' Migration Studies No. 1, UNESCO: Paris

[308] Pécoud and de Guchteneire, 'Migration, human rights and the United Nations'

[309] Piper, Nicola and Robyn Iredale 2003 'Identification of the obstacles to the signing and ratification of the UN Convention on the Protection of the Rights of All Migrant Workers: The Asia-Pacific Perspective' UNESCO Country Report on the Ratification of the UN Convention on Migrants, UNESCO International Migration and Multicultural Policies Section: Paris

South Africa has no official position on the UN Convention. Indeed, at the top of the list of reasons for non-ratification is the lack of awareness and knowledge of the Convention itself. Perhaps this is a debate that the state does not want to encourage, preferring to wait on the response of other migrant destination states, but many of the provisions of the Convention are not substantively different from what is already contained in South Africa's domestic policies and laws.[310] However, for as long as migration policy continues to be a low priority issue for both government and civil society, the likelihood that South Africa will take the first steps towards ratifying the Convention is low. On the other hand, the events of May 2008 might have prompted a broader debate about migrant rights, in general, and the UN Convention in particular. However, the opportunity was lost with the official denial that the violence had anything to do with xenophobia.

The global campaign for the ratification of the Convention is gathering momentum but migrant receiving states are likely to continue to be hold-outs which significantly reduces the short-term prospect of the Convention's normative framework becoming implemented in those states of the North and South where migrants need its protections most. In contrast to the GCIM and UNDP Secretary General's Report, the African Union has taken a position in support of the Convention, calling on all states to ratify in its Strategic Framework on Migration and in the African Common Position on Migration and Development. The Southern African Development Community (SADC) has not endorsed the Convention or initiated a debate on ratification amongst its member states. However, in response to the events in South Africa in 2008, SADC and the African Population Commission issued an important joint statement on xenophobia.[311]

The SADC/ACP Statement on Xenophobia cites the African (Banjul) Charter on Human Rights and People's Rights, 1986; the Plan of Action of the 1994 International Conference on Migration and Development and the Programme of Action of the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related

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[310] Crush, Jonathan, Vincent Williams and Peggy Nicholson 2007 'La Convention en Afrique du Sud: les droits des migrants depuis la fin de l'apartheid', *Hommes & Migrations,* 1271, pp. 108-19
[311] 'Joint SADC/ACP Statement on Xenophobia,' Issued in Somerset West, South Africa, 5 June 2008

Intolerance, but includes no reference to the UN Migrant Workers Convention. The Statement acknowledges, however, that 'xenophobia can undermine sustainable political, social, economic development and regional integration.' It also notes that xenophobia causes 'displacement of people, including women, children and the disabled, with dire social, health, economic and related consequences.' The states commit themselves to fight xenophobia through various national and regional policies and programmes and provides a 13-point plan of action including combating manifestations of rejection of migrants and discouraging all actions generating xenophobia; promoting peaceful co-existence and tolerance of migrants; promoting respect for and protection of migrant rights through civic education; encouraging legal and orderly migration; establishing fair and effective procedures for refugee status determination; safeguarding the human security needs of refugees; engaging in public information and awareness campaigns on the plight and rights of refugees; disseminating information about migrants to promote respect and understanding of migrants; combating human trafficking and working closely with the UN, the private sector and civil society to address xenophobia and its consequences. Issued in the heat of xenophobic violence, the SADC/ACP is a remarkably sober and pragmatic response to what it identifies as the 'scourge of xenophobia.' There is little evidence, almost a year on, that any of the member states have actually acted on the many practical policy measures contained in the Statement.

3. Global Monitoring

The general disinterest in migrant rights in the 1980s and 1990s (exemplified by the lukewarm response to the UN Convention on Migrant Workers) encouraged the UN to adopt measures to monitor the position of migrants in destination countries. In 1999, the OCHCR created the position of the **Special Rapporteur on the Human Rights of Migrants**. The Rapporteur works to eliminate the violations of human rights of migrants, immigrants, and refugees, including irregular or undocumented migrants.[312] The mandate of the Rapporteur extends to all countries, even those that have not ratified the

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[312] Office of the United Nations High Commissioner for Human Rights, 'Special Rapporteur of the Commission on Human Rights on the human rights of migrants'
http://www2.ohchr.org/english/issues/migration/rapporteur/ (Last accessed December 2008)

International Convention on the Protection of Rights of all Migrant Workers and Members of their Families. S/he invites and acts on information provided by various sources on the abuse and discrimination against migrants, sends appeals and messages to concerned governments informing them of the situation and/or inviting a response from them, conducts fact-finding missions to various countries to assess the status of migrants and refugees on the invitation of the Government, presents an annual report to the UN Human Rights Council on the global state of protection of migrants, and provides suggestions to promote migrant rights.[313] Over the past four years, the current commissioner Jorge Bustamante has undertaken visits to Indonesia, South Korea, Burkina Faso, Peru, Italy and Iran.[314] On 5 June 2008, the mandate of the Rapporteur was extended for another three years.

More than a decade earlier, the OCHCR created the position of the **Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance**.[315] The Rapporteur examines all forms of discrimination globally and works closely with UN bodies to strengthen mechanisms to combat it. Like the Special Rapporteur on the Human Rights of Migrants, the Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance conducts country visits to assess the situation and requests individual governments to respond to complaints. On March 28, 2008, the mandate of the Rapporteur was extended to 2011. In the next two years or so, the Rapporteur will focus their attention on issues such as episodes of discrimination against migrants, refugees and asylum-seekers and other minorities, best practices in the elimination of discrimination and right-wing political formations that incite hatred, racism, and xenophobia.

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[313] United Nations High Commissioner for Human Rights (OHCHR) 1999 *Human Rights of Migrants, Commission on Human Rights Resolution 1999/44*, OHCHR: Geneva. See also Rodriguez, Gabriela 2001 'The role of the Special Rapporteur on the Human Rights of Migrants', *International Migration*, 38 (6): 73-79

[314] Office of the United Nations High Commissioner for Human Rights 2007 'Special Rapporteur of the Commission on Human Rights on the human rights of migrants' http://www2.ohchr.org/english/issues/migration/rapporteur/visits.htm (Last accessed December 2008)

[315] Office of the United Nations High Commissioner for Human Rights 2007 'Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance - Overview of the mandate' http://www2.ohchr.org/english/issues/racism/rapporteur/overview.htm (Last accessed February 2009)

In Europe, the **European Commission against Racism and Intolerance (ECRI)** is a pan-European human rights' monitoring body set up in 1993 that examines issues relating to intolerance including racism and xenophobia. In 1997, The European Union created the **European Monitoring Centre on Racism and Xenophobia (EUMC)** as an independent body to examine the phenomena and manifestations of racism, xenophobia and related forms of intolerance like anti-Semitism. The principal objectives of EUMC were to analyze the causes, consequences and effects of these phenomena, develop strategies to counter these processes and document examples of good practices on migrant integration in EU member states. On 15 February 2007, EUMC was re-named as the **European Union Agency for Fundamental Rights (FRA)**.[316] In order to collect information and document the process nationally, the EUMC/FRA created the **European Information Network on Racism and Xenophobia (RAXEN)** in 2000. The Network consists of twenty-five **Nodal Focal Points** or **NFPs**, one in each member state. The NFPs work with a variety of agencies to collect information, including data, reports and analysis, for FRA. Some of the main activities of RAXEN include the production of country reports, special analysis and the provision of critical information to European institutions and FRA. Each year, the NFPs produce a country report documenting racism and discrimination in five thematic areas, namely, employment, housing, education, legislation, and racist crime and violence.

On December 7, 2004, the African Commission on Human and People's Rights passed the resolution to establish a **Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa**.[317] Among the main responsibilities of the Commissioner are to carry out studies and activities to enhance the protection of refugees and migrants on the continent. The Special Rapporteur also assists Member States of the African Union to establish policies and mechanisms to better protect refugees and migrant communities. S/he reports on the state of refugees and

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[316] European Union Agency for Fundamental Rights 2007 'About the European Union Agency for Fundamental Rights (FRA)' http://www.eumc.eu.int/fra/index.php?fuseaction=content.dsp_cat_content&catid=2 (Last accessed March 2009)

[317] Mandate/Resolution, Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa, African Commission on Human and People's Rights, http://www.achpr.org/english/_info/rdp_res_1.html (Last accessed December 2008)

migrants in Africa at the sessions of the African Commission. The mandate of the Special Commissioner was renewed for two years on November 23, 2007.

The NEPAD (New Partnership for Africa's Development) peer review mechanism has also provided the opportunity for some states, including South Africa, to be singled out for their poor treatment of migrants and refugees. The South African Peer Review Report noted that 'foreigners, mostly of African descent, are being subjected to brutality and detention.'[318] Xenophobia was increasing and should be 'nipped in the bud.' In its response, South Africa countered that 'the assertion that illegal immigrants are subject to brutal and inhuman treatment is strongly disputed.'[319] In South Africa, the reports and investigations of international and local human rights organizations including, notably, the state-funded South African Human Rights Commission, reached very different conclusions.[320]

4. Political Leadership

Governments worldwide are not noted for their willingness to embrace the idea that citizens are intolerant of foreigners or xenophobic. President Mbeki's denial that South Africa's month of violence against foreign nationals had anything to do with xenophobia is simply one example. More often, political leadership is completely mute or anxious to deflect blame on to migrants themselves. There are few countries in the world where a majority of the population favours immigration or is favourably disposed to 'strangers in our midst.' What marks out those who have begun to address the problem is a willingness on the part of political leaders to condemn intolerance and xenophobic action, to highlight the benefits of migration, to defend migrant rights and to introduce social and cultural policies that foster social cohesion and celebrate diversity.

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[318] African Peer Review Mechanism, 2007 *South Africa Country Review*, Report No 5, Para. 956
[319] Ibid, Appendix 2: Comments of the South African Government on the Report, Paras 103-5
[320] Human Rights Watch 1998 *Prohibited Persons: Abuse of Undocumented Migrants, Asylum Seekers and Refugees in South Africa*, Human Rights Watch; South African Human Rights Commission 1999 *Illegal? Report on the Arrest and Detention of Persons in Terms of the Aliens Control Act*, SAHRC: Braamfontein; Consortium for Refugees and Migrants in South Africa (CoRMSA) 2008, *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*, CoRMSA: Johannesburg; Lawyers for Human Rights 2008, *Monitoring Immigration Detention in South Africa,* LHR: Pretoria

Regrettably, these examples are few and far between. In many more cases, there are political parties that make political hay out of the presence of foreign migrants and the 'threat' they pose to citizens. In countries such as those considered in this paper, there is a further problem that demands more than a rhetorical political response to xenophobia. Very often it is the actions and words of politicians and officials that deliberately or inadvertently promote an atmosphere of suspicion and hostility. States have employees and when those employees are themselves xenophobic, the opportunities for abuse and exploitation multiply.

5. Xenophobia and the Law

The Aliens Control Act of 1991 in South Africa set the direction and tone of post-apartheid migration policy right up until the passage of the 2002 Immigration Act. To the extent that the new Act duplicated the provisions of the old, it failed to provide a clean break with that past. Throughout the 1990s, the Department of Home Affairs was constantly in court facing challenges to its application of the law (and usually losing). That losing trend has continued since 2002. In recent months, the Grahamstown High Court overturned the decision of the Department of Home Affairs to deny a work permit to a Zimbabwean teacher as an 'illustrious example of litigation (that) was instituted for the purpose of simply abusing the due process of law.' The Minister was ordered to pay compensation for the loss of salary and the cost of 11 two-hour taxi rides to government offices.[321] In January 2009, eleven victims of xenophobic violence filed a claim for R5.7 million in damages and an 'unconditional apology' from the authorities for discrimination during the attacks and subsequent investigation of May 2008.[322] The vigorous independence of the South African judiciary means that the case will receive a full and proper hearing.

In many countries where xenophobia is rampant, complaints against the authorities would receive short shrift. Migrants see the legal system as complicit in their exploitation and

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[321] Ernest Mabuza, 2008 'Teacher welcomes home affairs victory', *Business Day*, 22 December

[322] Ella Smook, 2009 'Refugees take government to Equality Court and claim R5.7m in damages', *Cape Argus*, 28 January

abuse and would certainly not think of going to the courts for relief. Yet, the power of legal challenges to xenophobia should not be underestimated. In a rare example of 'good practice,' the Parliament in Côte d'Ivoire adopted a new **Anti-Xenophobia Law** in August 2008 to counter conduct and activities that incite xenophobic violence and tribalism.[323] The law's preamble openly recognizes that such actions are divisive and damaging to social harmony as they 'weaken national unity and cohesion.' It imposes stringent punishment on perpetrators including incarceration (five to ten years' sentence) and fines (from $1200 to $12,000). Stiffer penalties are to be imposed on those found guilty of inciting such acts by way of the media (radio, television, or print media), Internet and during the course of a public demonstration or political rally.

6. Media Analysis and Education

The media is often complicit in building an atmosphere of mistrust and misinformation in countries of destination where xenophobia is a problem but they are also the first to hide behind the pretence of objectivity and facts-based reporting. SAMP was publically denounced in 2008 by the South African Press Association (SAPA) for its claim that SAPA was guilty of uncritically reproducing negative stereotypes of migrants. SAPA threatened legal action with a counter-claim that all its reporting was "facts-based" and "neutral." To prove its case, SAMP undertook a more systematic analysis of the SAPA news archive and demonstrated that the problem of biased and inflammatory reporting at the press association was even more serious than originally thought.

As this paper has demonstrated, "bad practice" and sensationalist media reporting and stereotyping of migrants is a pervasive problem in the global North and South. In countries where racist language would be considered abhorrent and even illegal, xenophobic stereotyping and imagery (often with racial undertones) seem perfectly acceptable. Media analysis is a critical first step but needs to be followed up with systematic and coordinated education for journalists and editors.

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[323] Zamble, Fulgence 2008 'Anti-Xenophobia Law gets lukewarm reception', *Inter-Press Service Agency*, http://ipsnews.net/africa/nota.asp?idnews=43629 (Last accessed December 2008). Many human rights groups have criticized the law as too sweeping and draconian, however.

In the global South, radio and TV, not the print media, remain the main source of information for many. In Southern Africa, SAMP targeted community radio chat shows for its public education series on migration issues. The response from the public was good but there was no funding for ongoing programming so the long-term impact was probably small. National, state-funded broadcasters were less willing to air the series although state radio in South Africa did carry a great deal of condemnatory commentary on the xenophobic violence of May 2008.

6. Public Education

Public education, in the media, in communities, in schools and in workplaces, is a critical antidote to the poison of xenophobia. In South Africa, such initiatives have been initiated by civil society and international organizations, often in partnership.   In the late 1990s, a multi-partner initiative to highlight the problem of xenophobia included the South African Human Rights Commission (SAHRC), National Consortium of Refugee Affairs (NCRA), United Nations High Commissioner for Refugees (UNHCR) and several civil society groups including the Southern African Migration Project (SAMP). As a result, the **Rollback Xenophobia (RBX) Campaign** was launched in South Africa in December 1998.[324] Through its programs, it aimed to counter increasing levels of anti-migrant hostility in the country directed at African migrants and asylum-seekers. The RBX campaign was the outcome of a series of consultative conferences attended by the SAHRC and other migrant or rights advocacy groups including that on 15 October 1998 when the **Braamfontein Statement on Xenophobia** was drafted. The Statement unequivocally stated: 'South Africa needs to send a strong message that an irrational prejudice and hostility towards non-nationals is not acceptable under any circumstances'.[325]

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[324] SAHRC 2002 *South African Human Rights Commission – 6th Annual Report*, SAHRC: Johannesburg, See also SAHRC 2000 *South African Human Rights Commission – Fifth Annual Report*, SAHRC: Johannesburg, pp. 9-10

[325] SAHRC 1998 'Braamfontein Statement on Xenophobia', www.sahrc.org.za and http://www.queensu.ca/samp/migrationresources/xenophobia/responses/sahrc2.htm (Last accessed March 2009)

A plan of action was adopted by the RBX which would identify six priority areas: condition and rights of refugees; violence against migrant hawkers; migrant human rights' violations; role of education; the attitude and actions of government staff towards migrants, especially Home Affairs and police officers; and finally, the representation of migrant issues in the South African media.[326] Special training programs were devised for South African Police Services personnel, including border and community police, educating them on the rights of migrants and refugees.[327] Similarly, several media sensitization workshops and seminars were held to encourage more balanced coverage of immigration in the press as well as to enhance journalists' understanding of displacement-inducing conflicts in the region.[328] Literature such as pamphlets, posters and a magazine, special radio programs like the 'Once We were There' series documenting the experiences of 10 South African exiles, and a national photography project 'Soutra: Images of Refuge' (Soutra refers to peace and protection in Madeng, a dialect spoken in West Africa) involving refugees were other highlights of the campaign.[329]

The RBX campaign ran out of funding in 2002 and the promise of the initiative was never realised. It was not until the horrific, large-scale attacks on migrants and refugees six years later that civil society mobilized. A coalition of over 20 South African NGOs formed the **Western Cape Emergency Civil Society Task Team** and activated the **No to Xenophobia** emergency mobile phone SMS network. Based on the idea that 'South Africa belongs to all those who live in it,' residents and citizens were asked to condemn the violence by sending text messages, report incidents of violence to the network (who would inform authorities), and to help victims and those displaced by

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[326] Parsley, Jennifer 2002 'We are not treated like people: The RollBack Xenophobia Campaign in South Africa', *Humanitarian Exchange Magazine*, 17, http://www.odihpn.org/report.asp?id=2208 (Last accessed December 2008).

[327] SAHRC 2001 'Launch of the training program for police officials on the protection of refugees and non-nationals', http://www.sahrc.org.za/sahrc_cms/publish/article_104.shtml (Last accessed December 2008).

[328] SAHRC 2001 'Teacher assaulted for being too dark', http://www.sahrc.org.za/sahrc_cms/publish/article_97.shtml (Last accessed December 2008)

[329] Parsley 2002 'We are not treated like people'

the assaults through donations of food and blankets.[330] At the same time, a collective of South African independent and other film-makers launched the group **Filmmakers against Racism (FAR)**.[331] To date, FAR has produced a series of short documentaries and public service announcements (PSAs) documenting the violence and experiences of those affected by it. The documentaries and PSAs produced by FAR have been broadcast by the South African Broadcasting Corporation (SABC).

Likewise, the Sonke Gender Justice Network, a South African NGO, organized a **One Man Can Street Soccer Festival against Xenophobia** in Khayelitsha outside Cape Town in July 2008.[332] The underlying message of the event was that 'one person can halt xenophobia, stop violence, support reintegration, celebrate diversity, demand justice and make a difference'.[333] Fourteen teams consisting of equal numbers of citizens and immigrants participated in this festival that attempted to enhance social contact and rapport between migrant and non-migrant communities.[334]

In September 2008, the African Diaspora Forum (ADF) helped to launch an **Adopt a Country Initiative** in schools in Alexandra, an informal township near Johannesburg believed to be the starting point for the May 2008 anti-immigrant riots.[335] Schools in this area have adopted each of the 54 African countries and school-children are being taught their history, topography, customs, culture and food in an attempt to promote tolerance and appreciation towards other communities.

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[330] One World Net 2008 'South Africans text no to xenophobia', 26 May,
[331] http://filmmakers-against-racism.blogspot.com/ (Last accessed December 2008)
[332] Sonke Gender Justice Project 2008 'Working against xenophobia', http://www.genderjustice.org.za/projects/working-against-xenophobia.html (Last accessed December 2008)
[333] Sonke Justice Network 2008, 'Soccer for reintegration', http://www.genderjustice.org.za/soccer/soccer-for-reintegration.html (Last accessed December 2008)
[334] Sonke Justice Network, Grassroot Soccer and Family Violence Prevention Fund 2008 *The 2010 World Cup: Opportunities to Engage Men and Bouys in Advancing Gender Inequality (Report from a Meeting held in Cape Town, 15-16 July, 2008)*, Sonke Gender Justice Network: Johannesburg, Cape Town and Pretoria.
[335] Masango, Bongani 2008 'Pupils take on roles in anti-xenophobia drive', *Star*, 4 September, http://www.iol.co.za/index.php?set_id=1&click_id=3069&art_id=vn20080904060350155C330553 (Last accessed December 2008). See also Rupapa, Tendal 2008 'Schools adopt Zim in anti-xenophobia campaign', *Herald*, http://allafrica.com/stories/printable/200809170875.html (Last accessed December 2008)

The effectiveness of these civil society interventions has yet to be assessed but the problem of xenophobic attitudes is so deeply entrenched that piecemeal and under-funded initiatives are unlikely to make much of a dent. The state should also take a lead in recognizing and rooting out xenophobia in its own ranks. The likelihood of that happening is diminishing further as the shock of May 2008 recedes. President Mbeki's disavowal that the violence was xenophobic in character meant that what little momentum there was in government to understand and address the causes of xenophobia seemed to be lost.

Elsewhere, the Council of Europe for Diversity, Human Rights and Participation (CoE) in partnership with the European Commission and the European Youth Forum, created the **All Different, All Equal Campaign** which was carried out in 2006-07 in 42 member states.[336] Following on from an older program conducted during the mid-1990s and using the same slogan and theme, the campaign sought to promote respect for diversity and promote greater understanding about human rights and discrimination based on the general idea that all human beings are equal despite differences in appearance and cultural beliefs.

Speak out against Discrimination is a new program instituted by the CoE in 2008 that seeks to bolster the role of the media in fighting all forms of prejudice and discrimination, including Islamophobia and intolerance towards Roma.[337] A training-kit and virtual resource centre for journalists, book on anti-discrimination policies and CoE guidelines, television and radio spots for free broadcasting, and other material on cultural diversity, tolerance and the role of the media are to be prepared. [338] It is anticipated that the program will result in the formation of a **Collective of Friends**, a group of media

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[336] All Different, All Equal 2007 'The Campaign in a Nutshell' http://alldifferent-allequal.info/?q=node/35 (Last accessed December 2008)

[337] Council of Europe 2009 'Council of Europe Campaign' http://www.coe.int/t/DG4/ANTI-DISCRIMINATION-CAMPAIGN/ (Last accessed December 2008)

[338] Council of Europe 2008 'Anti-discrimination Campaign' http://www.coe.int/t/dg4/anti-discrimination-campaign/About_us/CampaignPresentation_en.asp (Last accessed December 2008)

organizations and journalists who will actively promote inter-cultural dialogue in Europe.[339]

Another CoE program, **Dosta! Go beyond Prejudice, Discover the Roma Campaign** (taken from the Romani word meaning 'Enough') promotes the social inclusion of Roma peoples in Europe.[340] In 2007, the Congress of Regional and Local Authorities of the Council of Europe instituted a new **Dosta! Congress Prize for Municipalities** in South Eastern European countries that actively advance the protection and inclusion of Roma peoples.[341] Other activities of the campaign include: a CD of Roma music titled 'Music beyond prejudice: Romani variations on the European Anthem'; a 'School and Civil Society Awards' for NGOs and educational institutions in the Western Balkans; a Public Service Announcement/TV spot on the Roma peoples; a media training program on Roma culture and traditions in Serbia; 'Art Against Stereotypes' Festival in Tirana, Albania on 5-7 April, 2007 to celebrate International Roma Day; a conference on 'Romaphobia and Anti-Gypsyism' organized in collaboration with the Forum of European Roma Young People (FERYP), and the 'Roma are Europe' Summer Camp and Roma Youth Festival in Ohrid, Macedonia.[342]

In Ukraine, a new program, **Diversity Initiative (DIN),** was set up in April 2007 by the UNHCR, Amnesty International, IOM and other NGOs after numerous episodes of xenophobic attacks on African migrants.[343] Conceived as a network of organizations that get together on a regular basis for strategy meetings organized by the IOM and UNHCR, DIN has contributed to the creation of an inter-agency anti-xenophobia working group chaired by the State Committee of Nationalities and Religions as well as a public service

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[339] Ibid
[340] Council of Europe 2008 'Dosta: Roma Campaign' http://dosta.org (Last accessed December 2008)
[341] Council of Europe 2007 'Dosta!-Congress Prize for Municipalities: call for applications' http://dosta.org/?q=node/204 (Last accessed December 2008)
[342] Council of Europe 2006 'Dosta Activities' http://www.dosta.org/en/content-19; See also Council of Europe 2006 'Roma and Travellers' http://www.coe.int/t/dg3/romatravellers/documentation/youth/Romaphobia_en.asp (Last accessed December 2008)
[343] IOM 2008 'The Diversity Initiative: fostering cultural understanding in Ukraine', http://www.iom.int/jahia/Jahia/facilitating-migration/migrant-integration/pid/2026 (Last accessed December 2008)

announcement on tolerance screened on MTV, and to be broadcast regionally. DIN has provided input into a new government White Paper on Ukrainian and European anti-discrimination legislation. The initiative maintains a database of xenophobic episodes based on information provided by members and other bodies.[344] So far, more than forty organizations, including business, civil groups, international, and government bodies have joined the campaign.

Conclusion

Xenophobia is a generalized problem that accompanies large-scale migration, in both its legal and irregular manifestations. Its impact is pernicious and overt, poisoning social interactions between locals and foreigners, licensing abuse and exploitation of migrants, and undermining the positive development outcomes of migration. The key paradox appears to be that good policies and practices often do not seem to enable positive opinions and mitigate xenophobia. In many cases, this is explicable because of the unwillingness of countries to admit that they even have a problem. Cash-strapped NGO's and civil society organizations attempt to fill the breach with piecemeal programs that have some local impact but often put them on a direct collision course with the authorities. In other countries, the effectiveness of anti-xenophobia measures is compromised by the crisis-driven nature of the response. Once the crisis is over, as in South Africa, enthusiasm for addressing the causes begins to wane. In situations where xenophobic attitudes are deeply entrenched and pervasive, there is no quick fix. A sustained and coordinated response over a considerable time period may be necessary. If the South African Human Rights Commission's Roll Back Xenophobia campaign had not shut its doors in 2002, it is just possible that the outrage of May 2008 would have been avoided. The various elements of such a response are discussed in the previous section of the paper. The crucial elements of that response include a coordinated comparative applied research program to measure xenophobia and evaluate the effectiveness of interventions; subscription to global and regional normative standards; monitoring of

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[344] UN in Ukraine 2008 'International organizations and Ukrainian human rights groups voice concern over the murder of a Nigerian national in Kyiv', http://www.un.org.ua/en/news/2008-06-03/ (Last accessed December 2008)

xenophobic actions at the national, national and sub-national levels; political leadership and will; media education; and public education campaigns. All of these initiatives have been tried in piecemeal and ad hoc fashion. What is required, if the development potential and gains of migration for destination and source countries are not to be undermined by xenophobia, is a more coordinated and systematic effort to understand and act. Governments on their own, even if they had the will, are unlikely to solve this growing threat.

Acknowledgements

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