Victimisation of African Foreign Nationals in Durban, South Africa

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Abstract: Media reports of the continued violence and discrimination experienced by African Foreign Nationals[1] in South Africa have brought into the forefront victimisation of this sector, despite pledges by the government and law enforcement agencies to put a stop to it. This is also linked to current social milieu debates taking place within international trends on migration. Studies and evidence have shown that although the attitudes towards foreign nationals vary across South Africa's socio-economic and ethnic spectrum, foreigners who live and work in South Africa do face discrimination by citizens, some government officials, members of the police, and by private organisations who are contracted to manage their detention and deportation. This research, with a qualitative approach, explores the persistent issues that threaten African Foreign Nationals. Fifty participants were selected through a purposive sampling technique. The main aim of this research was to examine the issues that threatened the safety and security of African Foreign Nationals in Durban, South Africa. It was found that offences such as physical assault (i.e. Grievous Bodily Harm - GBH), arson, rape, verbal abuse, house robberies, property damage as well as discrimination were serious crimes perpetrated against African Foreign Nationals which was often characterised by xenophobic violent attacks against them.

Keywords: Victimisation, South Africa, Migrants, Foreign Nationals, Discrimination.

INTRODUCTION[1]

The history of human societies may be expressed as the history of migration. The earliest primitive tribes were nomads who were migrants by profession. They moved to all parts of the continents that they inhabited. Freilich and Addad (2017) indicated that the United Nations Population Division estimates that more than 100 million persons are living in countries that are not their place of birth. This is probably an underestimate. It does not include those living outside their own ethnic 'policy' and more than 20 million designated by the United Nations as refugees (Freilich & Addad, 2017).

Various types of foreigners live in South Africa: refugees, asylum seekers, migrants, and immigrants. A refugee is defined as "a person fleeing from individual persecution, generalised human rights violations of armed conflict in their country of origin. While seeking refugee status the person is known as an "asylum seeker (The United Nations High Commissioner for Refugees (UNHRC), 1998: 2)." In South Africa, according to Schoeman (2019) a ''foreign national'' means an individual who is not a South African citizen or does not have a permanent residence permit issued in terms of the Immigration Act of South Africa.

The International Organisation for Migration (2019) defines a migrant as someone with a foreign birth, by foreign citizenship, or by their movement into a new country to stay temporarily (sometimes for as little as one month) or to settle for the long-term. It is an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes some well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.

South Africa has in the past two-three decades received large numbers of legal and illegal immigrants from African countries (Crush & Ramachandran, 2010). The influx of foreigners into the country has resulted in strong feelings of resentment among many South Africans. This animosity towards black foreigners is based on the belief among black South Africans that "these people" are taking jobs and women and committing crimes (Dodson, 2010). Hence, sometimes, gruesome violence against foreigners is often seen by the perpetrators as justified, meted out to people who should not be in South Africa in the first place (Dube & Politics, 2017). The objective of this research was to interrogate the issues that threatened the safety and security of African Foreign Nationals in Durban, South Africa.

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[1]The term Foreign Nationals and migrants will be used interchangeably in this article.

GLOBAL ATTITUDES TOWARD MIGRANTS

Dempster and Hargrave (2017), suggest that what drives public attitudes towards refugees and migrants can be highlighted in several key factors, citing economic, cultural, and security issues to be the most important real-world concern. This is much like Hellwig and Sinno (2017), who have revealed studies emphasising cultural elements focusing on threats to national identity, religion, values and beliefs, ethnic differences, or conservative social attitudes. Other studies highlight the effect of security fears (Lahav & Courtemanche, 2012; Wike & Grim, 2010), and concern about crime (Fitzgerald, Curtis, & Corliss, 2012). These accounts speak to the complex and multifaceted nature of sentiments towards immigrants.

In the European context, migration scholars have found increased anti-immigrant sentiment where native populations felt threatened politically (Ceobanu & Escandell, 2010). Hence, increased social interaction across diverse social groups can lessen negative attitudes rather than enhance them. The connection made between immigration and criminality through discourses of fear reaches its apex with the criminalisation of the illegal immigrant for example, in Italy and Arizona for instance it is precisely a case where the immigrant is no longer regarded as more likely than a national citizen to commit a crime (Garner, 2015).

ANTI-IMMIGRANT ATTITUDES IN SOUTH AFRICA

In South Africa, the post-apartheid era has been marked by a steady undercurrent of xenophobia[2], both attitudinal and behavioural. Over 550 incidents of xenophobic violence have been recorded since 1994, with thousands of foreigners displaced and hundreds murdered in the process. In its 2020 South African Report, Human Rights Watch refers to a total lack of accountability for xenophobic crimes, for which "virtually no one has been convicted… including the attacks in 2019, the Durban violence of April 2015 that displaced thousands of foreign nationals, and the 2008 attacks on foreigners, which resulted in the deaths of more than 60 people across the country (Eisenberg, 2020)". Crea, Loughry, O'Halloran, and Flannery (2017) observes that African migrants are the immigrant group most likely to experience the behavioural consequences of xenophobia. Public

attitudes towards immigrants and the government's reaction to anti-immigrant sentiment must be understood as part of political discourse. Following the breakdown of the apartheid system, the new democratic government discouraged the recruitment of foreign workers in the country (Claassen, 2017). This decision was made in an effort by the state to protect 'indigenous' South African labour from foreign competition. By extension, in the years after the democratic transition, several politicians seem to have promoted an anti-immigration message.

Nevertheless, to better understand xenophobic opinions in South Africa, the 2006 South African Migration Project (SAMP) survey on attitudes towards immigration asked questions about foreigners from specific countries. According to the public opinion data from SAMP on South Africa, a majority of South Africans believed that immigrants create unemployment and drained the country's economic resources (Neocosmos, 2010). In the same way, South Africans believe that immigrants are largely responsible for the post-1994 crime wave in the country (Crush & Chikanda, 2012). In 2012 more than half (55%) of the nation's adult population identified African immigrants as the most undesirable foreign immigrant group (Crush & Peberdy, 2018). Besides, crime statistics for police operations regularly report the apprehension of "illegal immigrants" in the same breath as arrests for armed robbery, car-jackings, and rape. Officials and politicians from all parties subscribe to a discourse in which foreignness and criminality are assumed to be closely correlated (Crush & Peberdy, 2018). To that end, Crush and Peberdy (2018), concludes that the battle for scarce resources has led to the "criminalization of immigrants" where immigrants become the "symbol of and target for all social anxieties". Hence subject to victimisation affecting the safety and security of African foreign nationals living on South African land.

RESEARCH METHODOLOGY OF THIS STUDY

The qualitative method was used to explore the experiences of the victimisation of a group of foreign nationals in the city of Durban in the KwaZulu-Natal province. Participants resided in the city of Durban for more than two years. All the participants had experienced victimisation in some form or another.

This study utilised the purposive sampling technique. The participants were purposefully selected from churches, shops, and work sites. Wacquant (2009) states that "the logic of purposeful sampling lies

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[2]In 2008 marked a major xenophic outburst against migrants in South Africa.

in selecting information-rich cases, intending to yield insight and understanding of the phenomenon under investigation". Data collection was accomplished utilizing semi-structured interviews that were conducted on an individual basis.

The sampling size of this study was 50 participants who were African foreign nationals, representing 16 countries within the African continent. Semi-structured interviews were constructed in such a manner that more neutral, socio-demographic information was requested at the onset of the interview with more sensitive questions following once the research participant felt at ease and comfortable in the presence of the researcher. Of the fifty participants, five were females and forty-five were males. It is interesting to note that out of the fifty participants who took part in the research study, thirty-seven were entrepreneurs, two were teachers, four were in the private sectors, one waitress, one cashier, one student, one does "piece jobs" and one was jobless. The number of years participants spent in South Africa ranged between two years and twenty-five years. The youngest participant was aged twenty-four years and the oldest 50 years. The questions were open-ended and participants were allowed sufficient time to gather their thoughts and answer the questions.

The open-ended responses facilitated understanding of the respondents' experiences and the meaning they attached to their suffering through narratives and their viewpoints. Some questions were sensitive, but no harm or discomfort was manifested by the respondents, which meant that all the questions were answered frankly and spontaneously. Being aware of ethical issues in criminological research was critically important and essential as it helps to prevent participants from harm. The principles of privacy, confidentiality, and anonymity were strictly adhered to. Anonymity has been reflected in the reporting of findings where the researcher uses the term "participant". However, due to the sensitivity of this research, the researcher assured respondents that their information will be confidential and anonymous. A focus on themes that impacted the safety and security of African Foreign nationals living in Durban, South Africa as units of analysis was utilised. The original words of participants are documented verbatim.

DATA ANALYSIS AND DISCUSSION OF FINDINGS

Reasons for Migration

From the information provided by the participants, some of them reported disturbing and alarming reasons for leaving their home countries. These factors ranged from poverty and its related socio-economic hardships to strong oppression, wars, and violence. Participants also highlighted that migration was not usually a choice but rather the only available option for survival. From the data analysis process, participants mentioned political instability, economic crisis, unemployment, and pursuit of education as some of the mentioned reasons that lead African foreign nationals to leave their country and migrate to their host countries. From the data extracted, political instability was the major drive for migration in most African countries.

Searching for greener pastures, better life, and economic opportunities were reported to be the major reasons for migrating to South Africa. The destination to Durban depended on the presence of a friend, a family member, or an acquaintance who had been in the city for a while with whom the newcomer had been in contact with some time, even before the decision to leave the country of origin. This network-enabled thousands of foreigners to reach the host community due to the presence of one or more friends or family members within the host city. Participant 2 from Kenya confirmed that:

> *I selected South Africa because I had a friend who was already here and based on the stories all around the media of how free South Africa was and how it was open and how it was inclusive the society was and also the economy was very vibrant. To the best of my knowledge, the politics were peaceful without and all races voted without any death recorded unlike my country Kenya where every time there's an election many people die.*

Another participant (32) from Cameroon who had been in South Africa for 25 years indicated that he migrated to South Africa after apartheid,

> *It was a promising democracy where there was freedom of expression in a new democratic South Africa that was promising and welcoming to people around the world. One could see that there were so many promises in terms of economy, the socially integrated life and for me, as a young person, I thought it was the right place to be where you can dream, live and develop yourself.*

The idea of democracy is everyone's dream and most foreigners were attracted to this new dispensation that characterised a new South Africa. Reinforcing the above sentiments was Participant 11 from Congo who revealed that:

> *I selected South Africa because at the time I knew it was a peaceful country and there was a rule of Law". Some participants mentioned the presence of special laws that were meant to protect foreigners from all sorts of delinquencies and promised to offer the basic needs to the immigrants, social, economic, and political stability.*

Participant 43 from Zimbabwe chose South Africa "*because of diversity I convinced myself that this is the place I can be safe in one way or another and there are special laws that protect foreigners*.

Besides the hope in democracy, some participants mentioned the issue of human rights and safety to be their motivation to migrate to South Africa. Participant 46 from the Democratic Republic of Congo asserted that:

> *I did select South Africa because from my point of view South Africa was a country that I had an understanding of and that human security and human beings can be protected because of human rights in South Africa.*

In summation of this section, the perception of people from African countries about South Africa being a democratic society, and a land of peace, is a serious pull factor for African foreign nationals who decided to leave their countries due to uncertainties, war conflicts, and socio-economic challenges in search of not only peace but also for green pastures that they hoped to find in South Africa.

Violence and Crime against Foreign Nationals

South African communities have a history of using violence and crime as a way of resolving issues. Violent and criminal protests involve physical acts against a person or property that may cause harm or injury to that person or their property. Participants mentioned that most African foreign nationals experience waves of collective violence and crime by the locals who usually target migrant-owned small businesses in the country. One participant pointed out

the intensity of fear instilled in him when he came to Durban. Participant 43 from Zimbabwe said:

> *I lived in communities and townships namely KwaMashu and Lindane, I had an experience where I was held at gunpoint because they thought that I was selling drugs to children".*

The wave of violence perpetrated on the foreigners at times is intense and unbearable as some foreigners are burnt alive through a concept they call 'necklacing', where a tyre is put on a person's neck and petrol is poured onto them, after which the person is burnt alive. Some of the comments were:

> *Violence and crime are the only threats we are facing every day. My brother was killed, and nothing was done (Participant 49).*

> *Robbery is my greatest fear in Durban. I fear my life as a foreigner, innocent people are constantly killed, they are stabbed or gunned down and most are foreigners (Participant 44).*

Some of the attacks are motivated by jealousy which motivates local South Africans to be perpetrators of violence and crime towards foreigners.

Social Challenges Experiences

Corruption as already alluded to is a social ill that affects the safety and security of African Foreign Nationals. According to Davies and Francis (2018), mainstream criminology generally works within the criminalisation of corruption. Bribing has an active side of offering enticements by the 'corruptor' and a passive side of accepting bribes by the 'corrupted'. The concept of corruption in this study was generated when reporting the issue of housing. Housing in South Africa is generally a contentious issue that is usually seen as political. Participants who took part in the study highlighted that access to housing is a big problem for poor and needy South Africans hence foreigners are not spared at all when it comes to that. Participants have acknowledged that access to housing is part of their human rights, but unfortunately not afforded to them by the government.

Due to a lack of access to housing, African Foreign Nationals establish informal settlements which further exposes them to attacks. Dimant and Schulte (2016),

observe South Africa be an illuminating case in the study of informal settlements. According to (Cirolia, Görgens, van Donk, Smit, & Drimie, 2017), more than 1.3 million households in South Africa live in informal settlements, without access to adequate shelter, adequate services, or secure tenure.

Foreigners face serious problems when they decide to live in informal settlements together with a high number of poor citizens living in these settlements or shacks. The negative attitudes of local citizens towards African Foreign Nationals is another factor causing foreigners not to live in townships where accommodation is cheaper. Consequently, they have no option than finding accommodation in town or urban areas because they seem to be safer and comfortable despite being very expensive.

As a coping mechanism to the rental problem, which is very expensive, foreigners apply the "sharing strategy" which allows them affordability to compensate for the rent. The sharing strategy is a strategy whereby three to four or more foreigners rent a flat and share rooms among themselves for the affordability of the rent. These rooms will again be shared depending on the number of people the room can accommodate. Some single rooms can house five to six people allowing them to easily pay the rent but also to save money for other expenses including remittances. Consequently, rooms or flats occupied by foreigners mostly from African countries are overwhelmed. This has serious health implications due to the living lifestyle conditions affecting the welfare of people sharing the room.

Participants highlighted that corruption is a problem they are facing in Durban as local authorities are threatening their existence in South Africa and are constantly blackmailing them to pay them the little money they have. It is unfortunate that the same foreigners who are striving to make a living, are subject to police bribery. This renders their economic condition tougher because police officers extract money from them due to their status of being non-nationals.

Xenophobic Attacks

Xenophobic attacks are the result of what is happening in society, foreigners being the easy target to be blamed for strains among community members. When participants were asked about their experience of threats on their safety and security in Durban, they mentioned "xenophobia" as one of the worst attacks

that they experienced in the urban areas. Since most foreigners are self-employed and those from the township/rural areas see that they have achieved a certain success as compared to locals, this attracts hatred and jealousy. This is so due to the locals not achieving much, although they are aware that South Africa is their country and has many resources. The immediate reaction is that locals turn to attack foreigners because they feel undermined, poor, and abandoned.

Karliner, Jacobs, Chen, and Mutha (2007), point out that South Africa has been described as the most hostile country in the world towards refugees and migrants, but such attitudes should be understood within the country's narrow concept of national belonging, endemic xenophobia and its apartheid past. Thus, the enduring inequalities in South African society have roots in apartheid history which have left a serious strain on the African majority who went through racial segregation and a serious level of discrimination affecting their socio-economic well-being. In light of the above perspective, apartheid becomes a serious element to consider when exploring the behaviours or the attitudes of local citizens towards foreign nationals living in their midst.

Crush, Ramachandran, and Pendleton (2013) define xenophobia as attitudes, prejudices, and behaviour that reject, exclude, and often demean a person, based on the perception that they are outsiders or foreigners to a community or society. In the findings of this study, xenophobia appears to assume an even broader definition. Xenophobia, as understood in the local context, is described as a series of crimes against African Foreign Nationals which are violent leading to physical beating, killing, and the looting of goods as well as the destruction of properties owned by foreign nationals. Thus African migrants are the immigrant group that have experienced the behavioural consequences of xenophobia.

The above suggests that xenophobia cannot be seen as mere sentiments or negative attitudes towards 'foreigners' when in fact it involves serious criminal acts such as murder, robbery, and the destruction of properties and goods owned by non-citizens. Viewed from a criminological perspective, the above-mentioned criminal acts are serious, and therefore should be treated as such. By considering xenophobia as such, it should attract the attention of policymakers to think of the outcomes of the attacks so that they can implement policies as strategies or measures to prevent the

outbreaks from happening but also to punish these crimes of massive destruction.

It can be argued that xenophobia is the result of persistent social inequality in the South African communities hence the blame goes to foreigners. Participant 1 attested to the following:

> *The xenophobic attacks are a result of what is happening in society now that foreign nationals become the easy target because they live with the locals. They see that most foreigners are selfemployed and those from the township come and see that foreign nationals are working, and they feel that they are taking their employment. These days' foreign nationals have achieved a certain success as compared to locals and that attracts hatred and jealousy because they have not achieved. As a result, they feel that everybody owes them because they know that their country is so rich but, yet they are so poor, those are the results of the post-regime. And they see that suddenly the foreign nationals are living well, buying cars and living in flats with water and electricity and they appear good even though they do it through hardship and then the immediate reaction will be for locals to attack them so that they can pay themselves- what is called the redistribution of wealth. They try to distribute wealth in their way because they feel undermined, poor, and abandoned, therefore, they have to take it by force-that's why you see crime all over South Africa and it will always be there if we continue to live in inequality.*

It is important to note that these xenophobic attacks are usually in the form of violence and looting targeting foreigners or their business. Xenophobic attacks are a threat posed not only by ordinary people but also by the people in authority. Participant 9 argued that:

> *Xenophobic sentiments do not come from the people on the street but including people from the office-officials who are supposed to be protecting the foreigners.*

Participant 43 claimed that xenophobic attacks are regarded as threats by participants because:

> *Most South Africans think many black African nationals from other countries come here to take over their jobs which is not true because: Firstly I came here because of education and they are talking about foreigners taking over their jobs. Secondly, most of them are doing minor jobs and mostly we came here to have higher degrees and whatnot. So, it's not true that we came here to take their jobs.*

Most of the causes of the attacks against African Foreign Nationals are based on the wrong assumption that they are in the city illegally and want to compete with locals for the jobs in all sectors. These negative sentiments based on false assumptions lead to anger which in turn manifests in crimes during the outbreak of attacks. Indeed, xenophobic attacks are usually in the form of violence and looting targeting foreigners and their businesses. Participants have accused the politicians to be the ones instrumental in exacerbating xenophobia in the city. Another participant stated that:

> *I am saying it was politically motivated. The king stood up and said that foreigners must be attacked this is a sure thing which I can say, and it was all over the news (Participant 3).*

This was about the infamous statements expressed by the Zulu monarch King Zwelithini who referred to foreigners as cockroaches. Hence, it can be argued that the persistence of xenophobia in the city is partly due to people occupying strategic positions that ignite the attacks. This logic could also explain why no person is being charged for criminal offences during the violent attacks on foreigners regardless of the extent to which foreigners experience violence.

However, it can be argued that xenophobic prejudice, exaggerated hatred towards foreigners, have significant costs for the targeted group because of these negative attitudes toward them. Salih (2016), reveals that what makes the matter worse is when these attitudes extend to the next generations. As a result, host countries generate derogatory terms and expressions to stigmatise individuals of the out-group. The impact is numerous, and the government should ask if this behaviour is human and tolerable or what it plans to do to ensure that the outbreak is prevented from happening in the future.

Xenophobia also culminates in discrimination and abuse. At its most basic level, discrimination is simply a matter of identifying differences and can be positive or negative (Tian, 2018). Discrimination in this study is manifested in denial of rights, racist and prejudicial treatment, and limited access to quality public services, such as health care. Episodes described by participants ranged from indifference to violence (physical and psychological), including intimidation and mockery. Different expressions of discrimination and mistreatment associated with language barriers were narrated by participants.

Xenophobia in South Africa is also marked by intense criminal attacks against foreigners. These include crimes such as murder, assault, robbery and rape (Bennett, 2018, p. 183). Undeniably, violence and crime have been acknowledged to be features of the xenophobic attacks against African Foreign Nationals living in Durban. Even though crime in the city affects everybody as shown in this research, it can be argued that violence is the manifestation of xenophobia in the city of Durban and the country at large. African foreign nationals are targets of some specific crimes when identified as a "foreigner". Several participants in this research reported having been victims of violence in the city. During the attacks, participants reported having experienced violence like physical violence, looting of their business, the killing or murdering of friends or relatives, and verbal abuse.

Human Rights Violations

The experiences of Foreign Nationals in South Africa and the factors that affect their safety and security can be considered a human rights issue. Respect for the basic human rights of all persons in each society offers an essential, accountable and equitable basis for addressing and resolving the differences, tensions, and potential conflicts that interaction among different persons and groups with different interests inevitably brings (Stillman *et al.*, 2015). Human rights is another social challenge faced by African Foreign Nationals that threaten their safety and security in the city of Durban. When responding to the issues about their safety and security within the city, participants reported that an absence of human rights is one of the social challenges affecting or threatening them within the city. It was reported by the majority of participants that their human rights were not respected, mostly when they visit public places to seek assistance. Unfortunately, government officials or civil

servants are directly accused of people who do not consider respecting the human rights of foreigners. Places like Home Affairs and public hospitals are the most cited by participants in this research.

Participants have reported abuse and victimisation by home affairs agents when trying to obtain legal documents. This has a long-term negative impact on the social life of the individual. Being denied documents by home affairs jeopardises the life condition of a person, because in South Africa for each service a person applies for, they might need to provide a legal document such as an identity book (ID), marriage certificate, or any other legal document offered by the government. Not having the document hinders the process and affect foreign nationals. Hence it becomes challenging to function because of the limitations created by the system. For instance, being denied a legal document at home affairs complicates the situation in the sense that without a legal document to stay in South Africa, even at public hospitals, one would not be attended to by nurses regardless of the case. When it comes to employment, one cannot be employed without the proper legal documentation allowing for both works and stay in the country.

CONCLUDING REMARKS

This research highlighted the victimisation of African Foreign Nationals in Durban, South Africa. Participants emphasised that most African Foreign Nationals living in Durban face victimization constantly for a variety of reasons including that they represent competition with the locals for employment, housing, and other services.

The experience of African Foreign Nationals begins from their home countries where they undergo different types of intimidations provoking their decision to leave their country of origin. The public attitude toward Foreign Nationals has been identified as the triggering factor of xenophobia, hence, the root causes of criminal violence against migrants. The killing of African foreign nationals cannot be justified merely as xenophobia but rather crimes against humanity since these crimes are a breach of either national and international legislation affecting the human rights of a particular group of people within a host society.

From a criminological perspective, the concept xenophobia is not exclusively relevant to explain the suffering experienced by African Foreign Nationals in a host country. Throughout the process of xenophobia, crimes such as murder, attempted murder, assault,

physical beating, damage to property, theft, looting, and many other criminal activities committed by local citizens against African Foreign Nationals have been noted in existing literature, but what is absent is the reaction of governments in the countries in which it happens. To this end, the persistence of victimisation in some specific geographic locations can be explained by the lack of deterrent measures due to the mere fact that actions or acts committed during the violent outbreaks are not considered as crimes but rather xenophobic excluding the criminal justice system from taking action against perpetrators. Unfortunately, many of the criminal justice organizations within some countries are also xenophobic about the institutional xenophobia whereby cases of foreigners have been dismissed for the mere fact that one party is not a local to the privilege of the local. As a recommendation, there is a need to ascertain how African Foreign Nationals victims of the violent attacks manage with victimisation encountered in their daily lives.

ACKNOWLEDGEMENTS

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