The Burdensome Neighbor:

South Africa and the Zimbabwe Dilemma

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Introduction

In 1980, Robert Mugabe became the first leader of a free Zimbabwe after fighting a bitter and ultimately successful struggle against white minority rule in Rhodesia. Independence and the country's role as the "breadbasket" of southern Africa brought hope to millions of black Zimbabweans who felt that they finally controlled their own future. Thirty years later, however, President Mugabe has refused to relinquish power and brought his country's economy to the verge of collapse. Two million Zimbabweans, as a result, have turned to neighboring South Africa in search of political freedom and livelihoods.¹ This sudden influx of jobless migrants has imposed a heavy burden on South Africa's already strained economy. Their native citizens have even taken to the streets to attack the largely undocumented Zimbabwean community as they fear greater competition for scarce employment opportunities. These events not only result in violent deaths, but also threaten the very core of South Africa's national identity and image.²

With the hosting of the 2010 FIFA World Cup this summer, it is critical that the South African government implements a durable solution to the Zimbabwe dilemma. What steps should the President Jacob Zuma's administration take to solve this increasingly urgent issue? South Africa's high unemployment rate and limited public

resources means that permanently resettling the migrants does not present a viable option. Any policy framework, therefore, must promote political stability and economic viability in Zimbabwe to facilitate their eventual repatriation. While recent changes in the Zimbabwean economic policy have resulted in some positive trends, it will likely take years to adequately improve living conditions in the country. Accordingly, the undocumented Zimbabwean migrants must be provided with an official temporary asylum status in the short-term.

In order to achieve these short- and long-term outcomes, the Zuma administration should adopt the following policies: (1) apply diplomatic pressure on President Mugabe to compromise on core issues needed to reestablish the Government of National Unity (GNU); (2) lobby for full funding of Zimbabwe's 2010 Consolidated Appeals Process (CAP) to codify recent economic and political gains in the country; and, (3) grant temporary asylum status for undocumented Zimbabweans to dissuade xenophobic attacks, facilitate adequate living conditions, as well as abide by the South Africa's common law and international treaty obligations.

Background

The origins of the Zimbabwean presence in South Africa date back to the late 1990s when President Robert Mugabe allowed

veterans of his revolutionary movement, the Zimbabwe African National Union (ZANU), to seize many of the country's white-owned commercial farms. The subsequent decline in agricultural productivity alongside international sanctions, foreign capital flight, and the government's unchecked monetary policy resulted in an economic collapse. It was not long before unemployment reached 85% and hyperinflation rendered the country's dollar essentially worthless leading many Zimbabweans to migrate abroad in search of basic sustenance.³

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In addition to the economic turbulence, the instable political environment also played an important contributing role in the exodus. When the opposition party, Movement for Democratic Change (MDC), and its leader Morgan Tsvingirai rose to prominence as a viable political challenge, President Mugabe's actions became increasingly irresponsible and repressive. Such actions included *inter alia* the 2005 forced evictions of shantytown dwellers known as “Operation Murambatsvina”, which left 18% of the country's population without shelter.⁴ This crackdown coincided with the parliamentary election victory of President Mugabe's ZANU-PF party that same year labeled by Western election observers as “neither free nor fair”.⁵ In the 2008 presidential elections, the political turmoil boiled over when Mr. Tsvingirai won a majority vote in the first round, but dropped out from the run-off due to harassment by the police and widespread violence against his supporters.⁶ As a result of the instability, 34% of Zimbabwean migrants in South Africa cite

political concerns as one of the factors causing them to flee.⁷

Given Zimbabwe's geographic proximity and the analogous historical experience of living under white minority rule, South Africa has made it a priority to stabilize the country. Its policy goals vis-à-vis Zimbabwe are two-fold: prevent mass migration by promoting politico-economic stability, and tacitly support President Mugabe given his legacy as a freedom fighter. To this end, despite the objections from the international community, South Africa recognized ZANU-PF's 2005 parliamentary election “victory” in order to support President Mugabe and maintain stability.

During the 2008 elections, then-President Thabo Mbeki held a more balanced role as a mediator acting through the Southern African Development Community (SADC) to negotiate a compromise. As a result of Mr. Mbeki's efforts and pressure from the international community, the Government of National Unity (GNU) was formed in late-2008 with President Mugabe remaining in his post and Mr. Tsvingirai becoming Prime Minister. The developments have improved living conditions in Zimbabwe leading aid organizations to call for a “humanitarian plus” donor package, which includes food and medical relief as well as long-term structural assistance. Despite these gains, significant hurdles still exist. Most notably, Mr. Tsvingirai has disengaged from the government due to President Mugabe's failure to uphold core principles of the GNU agreement, and the Zimbabwean migrants in South Africa have yet to begin repatriating.⁸

Threatening South Africa's Identity and Image

Zimbabwe's deterioration poses a threat to both to South Africa's national identity and international image. First, its post-Apartheid identity is built on the idea of national unity between different races and cultures. In his 1994 inaugural presidential

address, Nelson Mandela declared his vision of South Africa as a “rainbow nation at peace with itself and the world.”⁹ Scarred by decades of minority rule, Mr. Mandela presented this idea in hopes of encouraging reconciliation and tolerance among the diverse range of people residing in the country. This message has proven effective between the white and black communities as there has been remarkably little race-based violence since the transition to majority democratic rule.

The series of xenophobic attacks against Zimbabwean migrants, however, demonstrates that the call to build a “rainbow nation” has not been headed by large segments of South African society. In the most prevalent example of xenophobia, mobs of native South Africans took to the streets in May 2008 lynching and raping foreigners, which forced then-President Mbeki to domestically deploy the armed forces in response.¹⁰ Another spate of attacks occurred in the summer of 2009 when mobs hunted migrants, who were attempting to integrate into the local economy.¹¹ With unemployment at 34% and South Africa recovering from its first recession in seventeen years, the violent contest for jobs is not likely to dissipate in the near future.¹²

Moreover, these attacks could have reciprocating effects by discouraging foreign investment, thereby furthering economic strains. Given that Western media outlets including *The New York Times* and *BBC* extensively covered both the 2008 and 2009 incidents, they have received significant attention abroad.¹³ The attacks serve to reinforce international concerns that crime and internal fissures make investing in South Africa risky. Without confidence in the country’s social stability, foreign investors will look elsewhere for more attractive business opportunities. In the short-term, the violence may dissuade tourists who are considering travel to South Africa for the World Cup, which will result in a loss of potential capital flows for the country.

The stakes for solving the Zimbabwe

dilemma are clearly high for South Africa, but the Zuma administration has the adequate leverage to facilitate a resolution. While the international community and other neighboring countries can have an impact, it is widely recognized that South Africa holds the greatest degree of influence over President Mugabe and ZANU-PF. This is largely due to their international isolation and the close diplomatic ties between the bureaucracies of the two countries. During the ongoing SADC-mediated negotiations, South Africa has the critical opportunity to use this leverage to draw concessions from the president and ZANU-PF.

The Way Forward

The reestablishment of the GNU is critical to the political stability of Zimbabwe. Under President Mugabe’s rule, the political situation greatly deteriorated, most notably due to his decision to takeover white-owned farms as well as the increasing corruption in the ranks of ZANU-PF. Furthermore, he has committed numerous repressive acts such as “Operation Murambatsvina” and the detainment of MDC supporters by the thousands.¹⁴ Despite these actions, however, President Mugabe still enjoys strong support within the country’s military including its Commander-in-Chief Constantine Chiwenga.¹⁵ As a result, President Mugabe has the means to further entrench himself and cause significant instability if South Africa attempts to him out of a power-sharing agreement.

Since Mr. Tsvingirai disengaged with the government in October 2009, South Africa has worked through SADC to reestablish the unity government and should continue in this role. Although South Africa did not support the MDC’s decision to withdraw from the GNU, numerous infractions, such as unilaterally appointing cabinet members and arresting MDC officials, demonstrate that President Mugabe has failed to uphold his terms of the agreement.¹⁶ Specifically, there are 27 outstanding issues that must be

addressed in order to secure Mr. Tsvingirai's reengagement—the most important of which include the appointments of the Reserve Bank Governor and Attorney General, the seating of MDC Deputy Minister of Agriculture designate Roy Bennett, sanctions against ZANU-PF, and continued farm takeovers.¹⁷ In order to achieve an agreement during the ongoing SADC-mediated negotiations, all options including the imposition of sanctions on President Mugabe and his party should be put on the table during these discussions.

While the political discourse resumes, South Africa should lobby the international community to fully fund the \$378.4 million CAP “humanitarian plus” donor initiative. This requested aid package recognizes that major humanitarian concerns still exist in Zimbabwe, but also that recent economic gains must be consolidated through transitional assistance. The key humanitarian priorities to be addressed include containing the 2008 cholera outbreak that has spread to 55 of the country's 62 districts resulting in over 4,000 deaths; compensating for the national cereal deficit that will leave 1.9 million Zimbabweans hungry; treating the 1.2 million people infected with HIV/AIDS; and, providing nourishment for the 35% of children under the age of five who suffer from malnutrition.¹⁸ Despite the starkness of these figures, they mark an improvement from previous years; the CAP also includes transitional programs such as funding for educational activities and infrastructure reconstruction to facilitate long-term development.¹⁹

South Africa should lobby donor governments to give generously to the CAP, particularly for transitional assistance, as these activities will make repatriation more attractive for the Zimbabwean migrants. Given that only 2.4% (\$8.9 million) of this year's request has been funded, South Africa should instruct its ambassadors in donor countries and the UN to hold high level discussions in order to maximize appropriations.²⁰ It should be noted that western governments are often reluctant

to provide funds citing corruption within the Government of Zimbabwe (GoZ) and their belief that the aid will be used for political purposes. The United States, for instance, has declined repeated requests to provide financial assistance to the GoZ while President Mugabe remains in power.²¹ Consequently, South Africa's ambassadors should stress to donors that the CAP is a consolidation of UN agencies, other inter-governmental organizations, and NGOs. Thus, the funding will not be transferred directly to the GoZ.

In the interim period while Zimbabwe rebuilds, the Zuma administration should grant temporary asylum status to the two million undocumented migrants already living in South Africa. This enactment will serve to dissuade xenophobic attacks against migrants, provide adequate living conditions, as well as abide by South Africa's common law and international treaty obligations. Providing temporary status to undocumented migrants serves as an important first step against preventing attacks since victims will be more willing to come forward to the police without fear of deportation.

In addition, granting Section 22 status will facilitate more adequate living conditions for the asylum seekers. The UNHCR has labeled the South Africa's response to the migrant influx as having “significant protection gaps”. The High Commissioner cites transit shelters in Musina, for instance, as being “extremely basic” and “inadequate”.²² Given the strains already placed on the South African government for public service delivery to its own citizens, it may not be able to provide significantly improved conditions. With temporary asylum status, however, the migrants can find short-term employment to support themselves, thereby relying less on South Africa's public safety net. This policy will likely draw discontent from the domestic workforce, but the administration should emphasize that this status is only temporary and will not take away permanent job opportunities from South African citizens. Finally, the government has a legally binding

obligation to grant temporary asylum status to Zimbabwean migrants based on the South African Refugee Act; the UN's 1951 Convention relating to the Status of Refugees; and the Organizations of African Unity's (OAU) 1969 Convention governing the Specific Aspects of Refugee Problems in Africa.²³ The Refugee Act defines a refugee as a person who is fleeing due to events that "seriously disturb or disrupt public disorder," and similar language is imbedded in the UN and OAU conventions.²⁴ Given the upheaval caused by President Mugabe's political and economic mismanagement, the vast majority—if not all—of the Zimbabweans in South Africa meet this criterion.

Due to the inability of the South Africa's Department of Home Affairs (DHA) to process the high volume of individual asylum applications, I recommend the implementation of Section 35 of the Refugee Act. This mechanism allows the Home Minister to provide an entire group of asylum seekers resulting from a "mass influx" with temporary Section 22 status. Thus far with the individualized recognition procedure, the DHA has only granted temporary asylum to 10% of Zimbabwean migrants and has a backlog of 250,000 applications.²⁵ By implementing Section 35, the migrants could be given Section 22 status *en masse* until economic and political conditions in their home country warrant repatriation.

Alternative Proposals

This section will present two alternate proposals that exist on opposing ends of the political spectrum. Within the Zuma administration, there are likely a number of government officials who propose full support for President Mugabe. Their policy to address the Zimbabwe dilemma would likely include the following key tenets: publically endorse President Mugabe; lobby the international community for funding of a broad-based assistance package controlled by the GoZ; and return the migrants to Zimbabwe. This

South African President Zuma embraces Zimbabwean President Mugabe at a Zanu-PF conference.

policy framework, however, would alienate Mr. Tsvingirai and lead to a collapse of the negotiations to reestablish the GNU. With power squarely in President Mugabe's hands, he would potentially accelerate the farm takeovers and other hazardous activities reversing the recent political and economic gains made by the GNU. Moreover, encouraging GoZ control of aid flows would likely lead to waste, fraud, and abuse due to ZANU-PF's corrupt culture. Deportation would remove the migrants at an extremely high cost to the South Africa's image abroad and would be illegal under international treaties and South African common law.

Conversely, some administration officials may seek to put the full weight of South Africa's diplomatic efforts behind Mr. Tsvangirai, which could prove equally problematic. Their proposal might look as follows: publically endorse Mr. Tsvangirai; lobby the international community for funding of "humanitarian plus" assistance controlled by the MDC; and grant permanent refugee status to undocumented migrants. This policy framework would further isolate President Mugabe leading him to use his influence with the military and police forces to further entrench himself. A fierce political battle would likely erupt given that the MDC or possibly even elements within ZANU-PF might attempt a coup. The "humanitarian plus" package coupled with this political digression

would not create the necessary conditions for the return of the migrants. And, as discussed above, granting permanent refugee status to the undocumented migrants could lead to domestic instability given that the South Africa does not have adequate public services or employment opportunities to fully absorb the two million person strong community.

Conclusion

While the proposals that fully back either President Mugabe or Mr. Tsvingirai will satisfy their respective constituencies in the South African government, a more moderated approach is needed to successfully resolve the Zimbabwe dilemma. As presented in

this essay, the Zuma administration should pressure President Mugabe to abide by the GNU agreement, lobby the international community to fund aid organizations in distributing the “humanitarian plus” assistance package, and grant undocumented Zimbabwean migrants temporary asylum status. This policy framework addresses the urgency to protect the Zimbabwean migrants and to create the circumstances facilitating their eventual repatriation home. The story of Zimbabwe is truly a tragic one, but South Africa has the leverage to resolve the dilemma. The question remains, however, does the Zuma administration have the political will to use it?

Endnotes

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Photo Courtesy of:

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