

## INTRODUCTION

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The task of this monograph is modest and discrete. It is to review existing literature on two episodes of forced migration to South Africa. The first is the flight and reception of between 250,000 and 350,000 Mozambicans during that country's civil war in the 1980s. The second is an influx of people to South Africa from what is now the Democratic Republic of Congo (DRC) beginning in the early 1990s and continuing to this day.

The existing literature on these two migratory movements is uneven, and this unevenness is obviously reflected in this monograph. The flight of Mozambicans to South Africa during the civil war is well documented and has produced a substantial scholarship. As happens when scholarship accumulates, the literature on Mozambican refugees is permeated by a range of intellectual and political perspectives, and by some scholarly disagreement. This review charts and comments upon some of these perspectives and disagreements. Migration from the DRC to South Africa, by contrast, has thus far been poorly documented. Substantive qualitative and quantitative studies only began to emerge as late as 2003. This review thus reflects the incompleteness of the picture we have.

Differences in the character of the two literatures aside, there appear, at first glance, to be enormous divergences in the nature of the two migratory episodes themselves. The majority of the Mozambicans who fled the war to South Africa were drawn from the rural peasantry. While they did not flee en masse as a single, undifferentiated group, they generally left because the conditions sustaining continued human settlement in their home districts had been severely and violently disrupted. Once in South Africa they settled in some of the poorest and bleakest rural districts in the country; indeed, many of their hosts struggled to keep themselves above the breadline.

The migration from the DRC, by contrast, is primarily a movement of young, well-educated, urban middle-class people. Nearly one in two have some tertiary education and fewer than one in 20 was unemployed in the DRC. The majority have settled in the cosmopolitan inner-city neighbourhoods of South Africa's largest metropolitan centres. They are thus a world apart from their

Mozambican counterparts, and their motivations and aspirations are very different too. While many no doubt fled in the face of persecution, and others in the face of violent instability, still others left because the DRC is increasingly unable to sustain a middle-class existence. The collapse of their country's educational system and the falling away of vocational prospects figure high among the factors that have pushed Congolese people to South Africa.

Aside from differences in the social character of the migrants themselves, the two groups arrived to very different political and legal contexts. The Mozambican war refugees came to South Africa in the late apartheid years. The apartheid government never gave them formal refugee status. Instead, they lived in a juridical twilight zone in the homelands Gazankulu and KaNgwane. Whenever they stepped foot into South Africa proper – and most did, either as migrant workers or as permanent settlers in the greater Johannesburg area – their presence was illegal and they were liable to be arrested and deported without due process.

In contrast, forced migrants from the DRC – particularly those who arrived from the late 1990s onwards – were greeted by a very different legal dispensation. For a start, the country hosting them was a constitutional democracy, one which protected all people, on paper at any rate, whether their presence in the country was documented or not, from arbitrary arrest, detention without trial, and deportation without due process. By the late 1990s South Africa had also signed all major legal instruments relating to the rights of refugees. After the Refugee Act was passed in 1998, it was recognised in statute that refugees were entitled to the same rights as citizens, barring the right to vote. Finally, refugees in South Africa are entitled to self-settle, to work, and to study.<sup>1</sup>

There are nonetheless some striking continuities in the experiences of these two very different groups of forced migrants. The continuities consist in the bracingly inhospitable reception foreigners receive in South Africa, whether in the 1980s or 2000s, and whether the hosts are black or white, rural or urban. One of the abiding themes in this monograph is a disturbing gap between law and social practice. Despite vast improvements in the *de jure* status of forced migrants in the late 1990s and early 2000s, many are *de facto* 'illegal' by virtue of the practices of state officials, neighbours and employers. The place of forced migrants and other immigrants in South Africa is lucid and powerful testimony to the impotence of formal rights when social practice refuses to absorb the content of law. Indeed, a disappointment about the existing literature is a widespread reluctance or inability to unearth the wellsprings of an abiding, extraordinarily potent xenophobia.