

PART ONE

MOZAMBICAN REFUGEES IN SOUTH AFRICA

Flight and reception

The Mozambican civil war, which began in 1979 but reached fever pitch in the mid-1980s, was remarkable for the depth and ubiquity of its destructiveness. It was quite literally a war of attrition; the infrastructure supporting civilian life was destroyed across swathes of the Mozambican countryside. Between 1979 and 1992 approximately 5.7 million people – one in three Mozambicans – fled their homes. Of these, about 4 million were internally displaced. The remaining 1.7 million crossed Mozambique's borders and became international refugees; they went to Tanzania, Malawi, Zambia, Zimbabwe and South Africa. Malawi was the largest host country, followed by South Africa.²

Of the 1.7 million people who fled Mozambique, between 250,000 and 350,000 came to South Africa.³ Most were from Gaza and Maputo provinces in Mozambique and crossed the border in a steady stream between 1985 and 1987. The majority walked through the Kruger National Park for four or five days – in large groups, where possible, to deter the predatory animals that live in the park – before arriving in the apartheid homelands of Gazankulu and KaNgwane, themselves in an advanced stage of social trauma triggered by a generation of apartheid social engineering.⁴ The reception the refugees received was shaped by an extraordinarily subtle and variegated cocktail of national apartheid politics and local interests and sensibilities. Attempting to distil the various components of this cocktail is perhaps the most prudent place to begin.

From the arrival of the first refugees in 1984 until its demise a decade later, the apartheid government did not offer Mozambicans forced to leave their country by war refugee status. The government did, however, in principle permit refugees to settle in the homeland territories scattered across the northeast of South Africa: Gazankulu, KaNgwane, KwaZulu and Lebowa. Permission to settle in KwaZulu and Lebowa was nominal and meaningless, for the homeland government of Lebowa banned Mozambican settlement outright, and in KwaZulu refugees were barely tolerated. KaNgwane, on the

other hand, did permit limited settlement. And Gazankulu, which stands out for the alacrity with which it received Mozambican arrivals, did not turn away a single refugee. In the mid-1980s, Gazankulu's tribal authorities set up reception centres for refugees throughout the territory, providing them with food, blankets, cooking utensils and agricultural equipment. In dozens of villages throughout Gazankulu, land was set aside for refugee settlement.

The Gazankulu authorities' warm reception of Mozambicans refugees was deceptively complicated. Indeed, the precise nature of the relationship between the refugees and the South Africans who hosted them is the subject of some disagreement among the handful of scholars who have given the matter serious attention. For the moment, suffice it to begin with the very simple: the Gazankulu authorities' warm reception was an act of ethnic solidarity.

In the nomenclature of apartheid South Africa, Gazankulu was the homeland of the Shangaan nation. Pertinently, the presence of Shangaan-speakers in the northeastern regions of South Africa is itself the product of earlier refugee movements. The majority of South African Shangaan-speakers trace their ancestry to groups of refugees who fled conflict in what is today Mozambique in the 1830s, and 1860s and 1890s. Some of this conflict was colonial, but the mainstay consisted in chieftainship succession wars.⁵ Thus, in one version of events, the sudden arrival of many thousands of Shangaan-speaking refugees in Gazankulu in the 1980s not only triggered a sense of ethnic solidarity in their South African hosts, but also rekindled inherited memories of refugee origins; the refugees of a previous century identified with and reached out to the refugees of the present.

According to this narrative – which, as we shall see later, needs heavy qualification at the very least – the pertinence of citizenship and national boundaries was transcended by a deeper sense of loyalty, the pedigree of which preceded the colonial erection of national boundaries between South Africa and Mozambique. In this sense, the Mozambicans who crossed the border were refugees in a qualified and complicated sense: for while they were indeed forced to flee their homes and cross a national boundary, they never left the invisible but no less powerful boundaries of their Shangaan-speaking ethnos.⁶

Indeed, the Gazankulu leadership at the time explained its hospitable behaviour as an expression of ethnic solidarity. In 1984, Hudson Ntsanwini, chief minister of Gazankulu, likened his homeland's acceptance of Shangaan-speaking refugees to the assistance South Africa gave to white Mozambicans

who fled the country in the wake of Portuguese withdrawal and the coming to power of Frelimo in 1975.⁷

There is a sense in which the sentiments of Ntsanwini's account tally with the patterns of flight of Mozambican refugees. Chris Dolan has chastised the United Nations High Commission for Refugees (UNHCR) for characterising the flight from Mozambique as "an undifferentiated mass of people all fleeing simultaneously and without forethought".⁸ Rather, he argues, the process of flight was often planned and staggered, and sometimes extended to a period of several years. For instance, it was typical for young male members of families to go first, crossing the Kruger Park, finding employment in South Africa, and then remitting money to Mozambique to bring family elders to South Africa by road.⁹

For our purposes, another aspect of the planned nature of flight is pertinent: it appears that the destination to which most refugees headed was seldom arbitrary; most made their way towards relatives and acquaintances. Indeed, throughout the 20th century, a small proportion of the hundreds of thousands of Mozambicans who had come to the Witwatersrand as temporary migrant workers settled permanently in South Africa, some in greater Johannesburg, others in Gazankulu. Mozambican migration had thus left faint but permanent traces on the South African landscape, and it was these traces refugees followed as they fled their homes. Many, it seems, sought out particular villages in Gazankulu because they knew people who lived there.

Indeed, a sizeable minority (some estimate 100,000) of the 350,000 or so refugees who came to South Africa ventured further than Gazankulu and into greater Johannesburg, and it seems that many, perhaps most, were following relatives and friends. As an informant of Dolan's commented:

"Most of the people who went to Johannesburg went there following an invitation from people already there or meeting with someone from there. It is very difficult to go there if you don't know anybody. Often people in Johannesburg will pay someone to take a message to Mozambique to their cousins, brothers, etc, to come and join them in Johannesburg. As a result, you find that people from different areas in Mozambique group together in Johannesburg."¹⁰

But the spectacle of Shangaan welcoming Shangaan is only the very beginning of the story. Things appear to get far more complicated. In 1984, the very year in which refugees began to arrive in South Africa in large numbers, a violent border dispute erupted between Gazankulu and the Pedi-speaking homeland

of Lebowa. During the dispute, anonymous pamphlets were distributed demanding that Shangaans employed in public service be sacked and that they and their families be repatriated to Mozambique.¹¹ The implication, of course, was that all Shangaans were cursed with the mark of Cain: even those who migrated 150 years ago remained Mozambican interlopers.

In the arcane politics of apartheid South Africa, Shangaan leaders had played a smart game with Verwoerdian ideology, arguing that they were the leaders of an ethnic nation and ought to govern a homeland of their own. They won this game, provisionally at any rate, and their prize was Gazankulu. But, if the territorial wars with Lebowa are an indicator, their victory was somewhat fragile; if they themselves held memories of their origins as refugees, so did their enemies, who reminded them with some sharpness that their pedigree was not South African. The national boundary between South Africa and Mozambique was of consequence after all, for the territorial claims of the Shangaan-speaking aristocracy were at stake.

The arrival of thousands of Mozambican refugees in the mid-1980s must have been met with a degree of ambiguity, if for no other reason that it gave succour to the toxic arguments of the foes of Gazankulu's ersatz aristocracy, and perhaps to the foes of Shangaan-speakers more generally. As Tara Polzer has pointed out: "The threat of being associated with foreignness can be met in two ways: dissociation from new arrivals, or their incorporation by denying their difference and outsider status."¹²

Polzer argues that from the very beginning, in the mid-1980s, Shangaan-speaking South Africans have overwhelmingly taken the latter route. She gathers a great deal of anecdotal evidence. She points out, to give just one example, that "it was very common for South African families who shared surnames with Mozambican families to de facto adopt refugee neighbours and acquaintances by claiming them as relatives and assisting them to apply for IDs".¹³ Indeed, she comments elsewhere, "soon, shops, churches and crèches were owned and led by integrated former refugees as was much of the district's [Bushbuckridge, a district in the former Lebowa which hosted 50,000 refugees] taxi and car repair industry".¹⁴

These anecdotes lead Polzer to a more abstract commentary, which involves the observation that national boundaries should not be reified since they compete with other demarcations between friends and enemies, and other social processes of consequence. Talking of Bushbuckridge, she places the influx of Mozambicans refugees in the 1980s as just one event in a time bursting with social and political-economic trauma. She writes: "In the

context of the general social upheaval and population movements – where population densities doubled every decade between the 1950s and 1980s because of forced displacement within South Africa – the addition of another 50 000 people, distinguished through slightly greater poverty and lack of documents, was not such an exceptional occurrence.”¹⁵

Polzer is surely right to point out that identity and division are complex matters; that a simple dichotomy between South Africans and refugees must, by its very starkness, fail to do justice to the relationship between the new arrivals and their hosts. Nonetheless, every piece of primary research examined for this review would suggest that Polzer has overstated her thesis. Despite the strong bonds of ethnic solidarity which have tied the refugees to their hosts, former refugees nonetheless constitute a clearly distinguishable underclass, exploited by fellow-Shangaan speakers and whites alike, to this day, two decades after the arrival of the first refugees, and several years after the majority have been granted permanent residence rights. Perhaps what Polzer has missed is that even a rich, vividly imagined ethnos can be imagined and practised as fiercely unequal. Indeed, the durability of their outsider status is perhaps the most arresting feature of Mozambican refugee settlement in South Africa.

To understand the darker side of the reception of Mozambican refugees it is necessary to turn to the political economy of their new context and their situation.

An imported underclass?

Perhaps the most salient feature of the newly arrived refugee population in the mid-1980s was its rightlessness. The South African government, as mentioned earlier, allowed Mozambican refugees to settle in homeland territories, but in South Africa proper their presence was illegal. The 250,000-odd refugees who settled in the northeastern regions of the South African countryside were thus quite literally ghettoised. There is some irony in this. The international community had refused to recognise South Africa’s homelands as independent states, correctly dismissing the Verwoerdian understanding of the South African project as the parallel and equal development of separate nations. Yet for Mozambican refugees, the border between Gazankulu and South Africa proper was quite real: on the wrong side of the border, they were liable for arrest and deportation. It is this, above all, which shaped their experience, particularly in the labour market.

Not only were the refugees ghettoised, but the ghettos to which they were consigned were in a dismal state. As is discussed at greater length later, much of the population of Gazankulu had itself been displaced over the previous generation as part of the grand apartheid project. A significant proportion of the refugees' Shangaan-speaking hosts had, in living memory, been forcibly removed from their grazing and pastoral land and resettled in densely populated villages, undermining a crucial element of their livelihoods, and placing them in a new social context in which they lived at close quarters with relative strangers.¹⁶

None of the literature surveyed for this study includes a thorough socio-economic profile of Gazankulu in the mid-1980s, and perhaps none was available. But approximately a decade and a half later, in 2001, the Bushbuckridge district was in an advanced state of economic decrepitude. South Africa's official statistical agency had placed the unemployment rate at 69%. It also found that two-thirds of households experienced regular food insecurity.¹⁷

Given these conditions of extreme social trauma, it is indeed perhaps a sign of deep ethnic solidarity that the Gazankulu authorities and their subjects welcomed Mozambican refugees as graciously as they did. Perhaps it is also testimony to Polzer's argument, that in the context of a generation of trauma and displacement, another 50,000 new arrivals "was not such an exceptional occurrence".

Nonetheless, there can be little doubt that while Gazankulu's authorities welcomed the refugees, it simultaneously understood their presence as a Malthusian threat, and treated them accordingly. In villages across Bushbuckridge, land set aside for refugees was always discrete and separate from the mainstay of the village. Right from the beginning, and to this day, refugees were allocated separate ground in which to bury their dead. Most refugees were given land for housing only, and were thus unable to reconstitute the herds of cattle they lost when they fled their homes. In many villages, refugees were denied access to infrastructural services such as water and electricity – once again, a state of affairs that in places persists today. In short, the refugees not only found themselves in an economic wasteland, but were stripped of what frugal means the environment had to offer.

Indeed, some reports suggest that there were times when the refugees' hosts actively put down their attempts at self-reliance. Nolan and Nkuna write:

"One refugee told the story of how he collected the stones necessary to wall his vegetable garden, only to come back the next day to find

that a local person had come with a tractor and taken them away. When the refugee complained, the local just said 'U Mupoti, u rilela yini?' ('You're just one of those Mozambicans, so what are you complaining for?')"¹⁸

Some researchers have made much of the refugees' mechanical skills and their aptitude for informal business, suggesting that many managed, through collective cooperation and superior entrepreneurial acumen, to "take over" Bushbuckridge's taxi industry.¹⁹ Yet these observations are casual and anecdotal, and have not been buttressed with social-economic research of any description. It seems prudent to heed Dolan and Nkuna's caution, penned in 1995: "Although Mozambicans are reputed for their manual skills and have in fact set up numerous informal businesses such as panel bearing, vehicle and electrical repairs, their lack of formal status makes it virtually impossible for them to obtain finance with which to invest in and consolidate these businesses."²⁰

Perhaps the most eloquent testimony to their desperate straits are reports throughout the literature that, from the mid-1980s to the present, a significant proportion of refugees have found employment with their South African neighbours as domestic workers and as field labourers. Given that their neighbours are among the poorest of the South African poor, this phenomenon speaks volumes. While there is no record in the literature of how much refugees were and are paid to work in the homes and fields of their neighbours, one can only imagine that it is next to nothing. Indeed, the arrival of the refugees in South Africa appears to have created, overnight, an entirely new labour market segment, created by virtue of its toleration of unprecedentedly low wages. Viewed from the perspective of the labour market, refugees came to constitute the underclass of the underclass: the servants of the underclass.

Nowhere is this phenomenon of the sudden creation of a new labour market segment more graphically illustrated than in the commercial farming districts of the lowveld, an economic sector rapidly and dramatically transformed by the arrival of the refugees.

Refugees and the agricultural labour markets of the lowveld

We have said that the illegality of their presence in South Africa proper confined the refugee population to a ghetto existence; that the ghetto in which the majority settled, Gazankulu, was in a state of extreme economic

decrepitude; that there is evidence that the host population prevented refugees from tapping what few resources the environment offered for strategies of self-reliance. How, then, did they feed themselves? Some, as discussed above, worked in the homes and fields of their hosts, while others established rudimentary micro businesses. Many others crossed the border between Gazankulu and South Africa illegally to seek work, at risk of arrest and deportation. A study conducted in 1995 found that in Gazankulu and KaNgwane between 46% and 58% of male refugees over the age of 19 were migrants labourers.²¹ Some migrant workers went to urban centres, especially Johannesburg, while a great many found work in the farmlands across the homeland border in what was then the Eastern Transvaal lowveld.

In 1998, an in-depth study of the lowveld's agricultural labour market was conducted by Charles Mather and Freddie Mathebula, with particular reference to Mozambican migrants.²² Frustratingly, the aims of the study did not include differentiating the war refugees of the 1980s from other Mozambican migrants, but there is nonetheless sufficient evidence to tell a remarkable story.

Farming in the lowveld is dominated by citrus, subtropical fruit and vegetables, and tobacco, all of which require irrigation. Irrigation farming is classically labour intensive, its labour needs fluctuating and seasonal. It is, in other words, ideally suited to mop up a deluge of desperate and undocumented workers at very low cost.

And mop up the deluge it did. Mather and Mathebula argue that throughout the 20th century, demand for labour on the lowveld exceeded supply. From the 1920s on, farmers' associations were forced to conduct active labour recruitment campaigns in Mozambique and Swaziland. Larger agricultural enterprises set up permanent recruitment stations on the border between Mozambique and South Africa. In 1990s, this generations-long practice abruptly ended. "While farmers have consistently had problems in recruiting labour in the past," Mather and Mathebula argue, "they now appear to have more labour than they need."²³

There is little doubt where this sudden surfeit of labour came from. The authors interviewed 100 randomly selected workers on the lowveld, 67% of whom were Mozambicans who had entered South Africa before 1990; the majority of this 67% had fled the war.²⁴

The labour market Mather and Mathebula describe is three-tiered. The first consists of permanent and semi-permanent workers. They are all legally employed. Most are South Africans, some are Mozambicans who have

been granted permanent residence status, and others are Mozambicans on one-year guest worker contracts.²⁵ The second tier consists of seasonal workers employed for harvesting. All are women. Some are the spouses and partners of permanent workers and live on the farms. The majority live in the former homelands and commute daily to the commercial farms. The third tier the authors designate “temporary workers”. Farmers refer to them as “spare chaps”, or “hands and eyes”. “They are almost exclusively young men between the age of 16 (and younger) and 20, and are hired for specific short-term tasks that require few skills.”²⁶ They are undocumented migrants; at the time of the study, in 1998, they earned between R4.50 and R6 per day, a wage no South African would work for. The authors did not attempt to measure the respective sizes of the three tiers of the labour market, but suggest anecdotally that turnover in the third tier is enormous; one farmer the authors interviewed calculated that he had employed 7,000 young men on his farm over a four-year period.²⁷

The third tier of the labour market, then, has been woven from the existence of a great many young men whose presence in South Africa is illegal. Indeed, perhaps the most interesting aspect of the story is the informal support given to this arrangement by local and regional law enforcement institutions. While employing undocumented migrants is illegal, “not one of the farmers interviewed reported police raids for undocumented migrants on the farms themselves ... Security force attempts to control undocumented migrants are restricted instead to the country’s main roads.”²⁸

Even on the main roads, a semi-formalised code has developed to prevent defence force members from inadvertently deporting a person currently employed on a farm: “Workers on some farms are issued with a ‘farm tag’ that is pinned to their clothes and provides the worker’s name and his or her farm identity number, the name of the farm, and an expiry date. The role of these farm identity cards is to prevent the army and the police from arresting migrants who are ‘economically active’.”

With this security force collusion thrown into the mix, the relationship between undocumented temporary workers and their employers becomes difficult to define: it occupies something a twilight zone between a feudal bond and a modern contract. The temporary worker is not quite a serf, but he is certainly not a proletarian. Indeed, the state of affairs Mather and Mathebula describe has echoes of the relationship between whites and Khoi-Khoi in the early 19th-century Cape. In 1809, the Cape Colony promulgated a law which stipulated that a khoi found travelling without a permit be considered a vagabond and put to work.²⁹

Unfortunately for the purposes of this research project, Mather and Mathebula's study is not of war refugees per se but of Mozambicans in South Africa more generally. They thus did not explore the distribution of refugees across the three tiers of the labour market as things stood in 1998. It is likely that many in the third tier were not refugees from the 1980s but economic migrants who arrived in South Africa after the end of the Mozambican civil war. It is also possible that many of the legal employees in the first tier were 1980s refugees who subsequently obtained permanent residence status in South Africa. It is a pity that a longitudinal study of this question has not been conducted, for it would speak a great deal to the matter of how and whether former refugees have integrated into South African society in the late 1990s and early 2000s. As we shall see later, this question is perhaps more troubling than any other; and yet it has been left curiously under-researched by scholars in the field.

The end of the war and the UNHCR repatriation programme

On 7 August 1992, Mozambican president Joaquim Chissano and Renamo rebel leader Alfonso Dhlakama signed a peace accord in Rome ending Mozambique's civil war. Democratic elections, in which Mozambique's governing party Frelimo and its erstwhile enemy Renamo would contest for power peacefully, were scheduled for late 1994. In September 1993, a little over a year after the Rome Accord was signed, the UNHCR began implementing a programme to repatriate all Mozambican refugees in South Africa who wished to return home. Mozambicans in South Africa who could show that they had arrived between January 1985 and December 1992, as well as those who came to South Africa as contractual labourers in the early 1980s had become refugees *sur place* with the outbreak of war back home, could sign up to the voluntary repatriation programme.

The programme turned out to be one of the UNHCR's less flattering moments. By the time it had ended, the situation of the vast majority of Mozambicans who had fled to South Africa during the war was no better than it had been before.

The first serious problem was the manner in which the wishes of refugees were canvassed. The UNHCR surveyed a sample of 6,348 refugee families in Gazankulu, KaNgwane and Winterveld, a settlement outside Pretoria. The main finding was that 83.7% of those interviewed intended to return to Mozambique. And yet, as Chris Dolan has pointed out, the survey question was in fact far too crude to penetrate the variegated matrix in which refugees weighed costs against benefits, and made choices. The figure of 83.7%:

“Was based on a simple ‘Yes/No’ question ‘Do you intend to return to Mozambique?’ Those who answered the question ‘yes’ were asked where they wished to return to, but not ‘when?’ or ‘under what circumstances?’ Neither were they asked who in the household would take the decision to repatriate, nor whether the whole household would repatriate together or in stages.”³⁰

Indeed, the very manner in which interviewees were assembled and questioned mirrored the carelessness of the survey design: mass meetings were called at which refugee men were lined up in a row and questioned.³¹ In parts of Johannesburg where large numbers of refugees were known to live, such as Alexandra, no canvassing was conducted at all. And in Winterveld, field workers were attacked by refugees who believed that being interviewed might lead to their deportation.³²

In the end, of an expected 250,000 people, only 31,074 enrolled in the voluntary repatriation programme.³³ Scandalously, those who chose to remain in South Africa – which turned out to be about 87.6% of eligible people – were not given refugee identification documentation or any other formal documentation. In other words, the option given to refugees was in reality to return home or to remain in South Africa illegally. As Dolan and Nkuna have suggested, the UNHCR appeared to have structured the choice given to refugees in a manner that would dissuade them from staying in South Africa, rather than promoting their rights and interests in South Africa.³⁴ Indeed, the UNHCR campaigned to reduce an NGO-led food aid programme for Mozambican refugees from R11 million to R4 million in order to encourage refugees to repatriate.³⁵

The resulting situation was bizarrely anomalous. The repatriation programme began in September 1993. Within seven months, apartheid homelands such as Gazankulu would cease to exist, the borders between them and South Africa abolished in statute and in administrative practice. Except as far Mozambican refugees were concerned. For them, the status quo of the late apartheid years would persist. Within the (former) borders of Gazankulu and KaNgwane they would de facto be entitled to live and work. Outside those borders their presence would remain illegal. Nor, indeed, had South Africa’s security forces desisted from targeting undocumented migrants: in the early 1990s they were deporting people at a rate of between 70,000 and 80,000 a year. And so, with both apartheid and the UNHCR come and gone, the refugees remained confined to their ghettos, and as vulnerable to extreme exploitation as they were in the late 1980s and early 1990s. South Africa thus greeted democracy harbouring a population of almost a

quarter of a million people whose *de facto* status was that of spare hands and feet.

Why, if this was the choice, did so many refugees decide not to enrol in the voluntary repatriation programme? A fair amount of thorough research has been conducted in regard to this question and a great many reasons have been proffered.³⁶ Ultimately, the answer appears to be reasonably simple: enrolling in the repatriation programme was perceived by refugees to foreclose options, while staying out of it kept all options open.

For one, early on in the process, the UNHCR stipulated that refugees could only return in family units. Enrolling thus meant being denied the possibility of a single family member returning provisionally to evaluate conditions back home. And matters back home were uncertain. By September 1993, refugees were in no position to make an informed assessment as to whether the Rome Accord would hold; for all they knew, they would be returning to a renewed outbreak of civil war. Second, state services in the Mozambican provinces lay in ruins. Schooling in particular had ground to a halt outside urban centres. In Gazankulu and KaNgwane, on the other hand, refugee children were enrolled in local schools. Indeed, local educators welcomed them, since the increasing numbers qualified schools for increased resources.

Cattle stocks in Mozambique had been decimated during the war and there was little wage work available in Mozambique from which cash could be accumulated to invest in replenishing cattle. As Dolan points out, by 1996 the unofficial minimum wage in Mozambique was the equivalent of R18 per month.³⁷ Thus, even the R4.50 to R6 per day undocumented migrants could earn as “spare chaps” on the commercial farms of the lowveld offered better financial prospects than returning home.³⁸

Added to these uncertainties was that, in the perception of many refugees, enrolling in the UNHCR programme would entail getting locked inside Mozambique; once they were back home, it was believed, the South African authorities would prevent them from returning to South Africa. Thus, Dolan probably has it right when he says that it was not so much “pull factors” that kept refugees in South Africa, but “holding factors”. Refugees did not feel that they ought to be making decisions that were anything more than provisional. Enrolling in the programme entailed an intolerable foreclosure of options. The 83.7% of respondents who told the UNHCR that they intended to return home were probably engaging in an abstract exercise: they were imagining an ideal future somewhere on an indeterminate horizon.

There is another possibility; it was never canvassed with any rigour and thus remains speculative. We mentioned earlier that while schooling in rural Mozambique was in disarray, refugee children in South Africa were being educated alongside South African children. It is possible that some refugees were imagining a scenario one generation into the future; while they had resigned themselves to living in limbo the rest of their lives, perhaps they imagined that their children would reach adulthood as fully integrated South Africans. Perhaps, in other words, some refugees imagined that they were laying down South African roots for posterity.

A succession of amnesties

If the Mozambican refugee population was treated with inhumanity by the apartheid government and shoddily by the UNHCR, the African National Congress (ANC) and the government it formed in 1994 was by no means an unmitigated friend. A presage of the ambivalent status the refugees would have in the eyes of South Africa's new governors came on the eve of the first democratic elections in April 1994, when refugees in Bushbuckridge were told that if they voted they would acquire South African citizenship.³⁹ It is not clear in the literature with what sort of ID documents refugees voted, but the promise was cynical in the extreme. Not only did refugees remain undocumented in the months following April 1994, the South African state's new leaders redoubled efforts to arrest and deport undocumented Mozambicans.⁴⁰ Indeed, by the late 1990s, the South African state was deporting in the region of 150,000 Mozambicans a year, more than double the figure from the early 1990s.⁴¹

Nonetheless, that nearly a quarter of a million people were left in legal limbo at the advent of South Africa's democracy was untenable. In December 1996, in response to a request from the UNHCR, the South African cabinet decided that Mozambican refugees who wished to remain in the country should be given permanent residence status. To be eligible, applicants would have to demonstrate that they were Mozambicans and that they had arrived in South Africa before the end of 1992, the time at which the Mozambican civil war ended. As a sign of the government's lukewarm commitment to its decision, it took three years to implement. It was finally implemented between August 1999 and February 2000.

In the intervening years, though, there were two other amnesties for which some Mozambican refugees were eligible. In 1995, an amnesty gave permanent residence status to Mozambican miners who had settled in

South Africa. And in 1996, an amnesty was announced for Southern African Development Community (SADC) citizens who could show that they had lived in South Africa for five years or more and were gainfully employed, or were married to a South African spouse.

During the five-year period in which these various amnesties were offered, the Mozambican refugee population found that the South African state's relationship with it was manifold and contradictory. On the one hand, deportations continued apace; stepping foot outside the now non-statutory boundaries of the former homelands put one at risk of deportation. And yet the three amnesties seemed to suggest that they were welcome to stay. There is insufficient space here to describe either refugees' documented responses to the three amnesties, or the administrative problems encountered in implementing them. Suffice it to say that refugees were often uncertain whether the hand of the state offering amnesty was indeed the benign hand or the malignant hand in disguise. Throughout all three amnesty processes, refugees remained highly suspicious of any attempt to document or enumerate them.⁴² That the very process of attempting to give them final status evoked such a response is eloquent testimony to the nature of the twilight zone in which their lives in South Africa were lived.

According to one scholar, refugees in Bushbuckridge made sense of these contradictory tendencies in the South African state in a very interesting manner indeed. Then president Nelson Mandela was understood as the leader of a movement which advocated a regional, transnational, African inclusiveness. The Department of Home Affairs, in contrast, was beholden to the Zulu chauvinism of Mangosuthu Buthelezi, who wished to punish Shangaans for voting for Mandela in 1994.⁴³ Refugees thus believed that South Africa was beset by an ideological tussle. Those sympathetic to them controlled the presidency while their enemies had captured the Department of Home Affairs.

By the end of the third amnesty process in 2000, 176,648 refugees had been granted permanent residence status.⁴⁴ A further 60,000 at least had returned to Mozambique. Many of the remaining number had probably been hiding their Mozambican identity for years, so much so that they were unable to prove it when the amnesty application process began. So, in letter at any rate, by the end of 2000 the vast majority of Mozambicans who had fled the war to South African before 1992 had had their status "regularised".

The (now former) refugees won another significant victory four years later. In 2004, the Constitutional Court handed down a judgment – triggered

by litigation initiated by two groups of former Mozambican refugees in Bushbuckridge – rendering unconstitutional the withholding of state old age pensions and child support grants from permanent residents. The judgment itself was split, uncannily resembling the Janus face of South Africa’s attitude to Mozambican refugees during the course of the 1990s. The majority judgment was generously cosmopolitan in spirit. A dissent, penned by Judge Sandile Ngcobo, was, by contrast, positively Scrooge-like in its attitude to permanent residents.⁴⁵

The judgment meant that former refugees now had access to social grants, just as their South African neighbours did. As in all poverty-stricken districts in South Africa, grants are a significant – in places the most significant – source of revenue. The 2004 judgment, then, together with the granting of permanent residence status to the majority of refugees four years earlier, should signify the closure of a chapter. One should be able to concur with Polzer that there has been a change in most Mozambican refugees in South Africa “from fear about whether they would be allowed to stay to confidence in recognition and status”.⁴⁶

Yet, a dispassionate reading of recent research makes that assessment difficult to endorse.

Strangers in perpetuity?

When the scholar Fred Golooba-Mutebi settled in a Bushbuckridge village in March 2001 at the start of an extended field trip, a year after the status of the majority of Mozambican refugees had been regularised, he found anything but an integrated community. Former refugees still constituted “a fairly coherent and easily identifiable group”.⁴⁷ They still lived in a discrete area separate from the mainstay of the village. The refugee section, which Golooba-Mutebi dubs Maputo-sikumo, was visibly poorer than the rest of the village. The refugees did not own cattle, only goats and chickens. Their homes were far humbler than those in the village proper, and were of rudimentary traditional design. There was not much intermarriage, or even active socialising between refugees and others.

As has been pointed out earlier, Bushbuckridge is among the poorest districts in South Africa. In 2002, its unemployment rate was 69%, and two-thirds of its households experienced regular food insecurity. In the midst of this poverty, it is apparent from Golooba-Mutebi’s portrait that in the village of “Tiko” at any rate the former refugee community remained something

of underclass among the underclass. Former refugees were still a source of cheap labour in the village: they were employed as domestic workers, cattle herders, builders and handymen. Their relative poverty expressed itself too in manner in which they buried their dead. While a South African funeral was typically held a few days or a week after the death, former refugees were buried within 24 hours, testifying to the fact that they had no life insurance and could not afford to keep the bodies of those they were mourning in mortuaries.⁴⁸

Most pertinently, both South African villagers and Mozambican refugees behaved as if the stay of the latter in South Africa was temporary, their legal status ambivalent. For instance, refugees were still buried in a separate section of the cemetery and local leaders still refused to have electricity and piped water extended to the refugee settlement. This state of affairs was explained to Golooba-Mutebi on the grounds that refugee settlements were temporary; that the Mozambicans would soon be going home.

Most interesting of all, perhaps, is that at the beginning of his research, Mozambicans, both in Maputo-sikumo and in the main village, were reluctant to identify themselves to Golooba-Mutebi and his interpreter, "not least because of the fear that we could be 'sent by government to establish who they should deport'".⁴⁹

One could choose to emphasise that these observations were made in 2001, only a year after the amnesty for refugees closed, and that the refugees' new legal status had not yet found expression in local relationships. But a field trip to the Bushbuckridge village of Fofuchinha by University of the Witwatersrand master's student Aderito Machava in December 2004 reveals a similar state of affairs nearly four years later. Early in his research, when Machava attempted to map the refugee section of the village, he was threatened by villagers and told to stop. When he asked a refugee leader why he was threatened, he was told that many villagers did not have identity documents and were suspicious of people asking for or making records.⁵⁰

The majority of former refugees still lived in a separate section of the village, and many still worked as domestic workers for people in the main village. Most Mozambicans living in the main village, Machava reports, had arrived in South Africa before the war, were generally integrated into the South African community, and were extremely reticent to acknowledge their origins.⁵¹

Along with difficulties he encountered in mapping the refugee section of the village, Machava's observations about the labour market suggest that many

refugees were either undocumented, or were de facto undocumented. Many of his respondents worked on the commercial farms of the lowveld in super-exploitative relationships akin to those described by Mather and Mathebula. “They put you working hard,” one of Machava’s respondents told him, “and when it is pay day, they just chase you away. If you complain, they threaten you saying that they will call the police to arrest you and take you back to [you Mozambique].”⁵²

What accounts for this state of affairs at the end of 2004? I can think of three possible answers, or a combination of all three. One is that far fewer war refugees gained permanent residence status than the official figures suggest, and that, at very least, a sizeable minority remains undocumented. A second possibility is that undocumented economic migrants have been settling in the refugee sections of Bushbuckridge villages in a steady stream since the end of the civil war in 1992; that they have been accepted into refugee communities but not into main villages; and that in local parlance and practice all the inhabitants of these geographic spaces are regarded as more or less temporary sojourners of dubious legal status.

The third and most troubling possibility is that local communities, state agencies and commercial farmers alike have simply ignored the fact that former refugees have acquired permanent residence status; that former refugees are de facto undocumented because they are treated as such. There is a hint in the literature that this may be so. Tara Polzer points out that in Bushbuckridge, “the permanent residence ID is known as a ‘Mozambican ID’ and because the ID states ‘nationality – Mozambican’ it is seen as worthless by some and only partially useful by others”.⁵³ She cites an example of an elderly woman who was told, presumably by government officials, that her status did not qualify her to register to receive government food parcels. De jure, of course, her status as a permanent resident *did* render her eligible.

Another anecdote, albeit from the Vaal Triangle rather than Bushbuckridge, is particularly striking. Writing of Mozambican refugees who have settled in the townships of the Vaal Triangle, Stephen Lubkemann points out that acquiring permanent residence is no guarantee against persecution:

“The ‘mark of Samora’ [a vaccination mark] is dangerous even for those Mozambicans who have legal South African identity documents obtained in a thoroughly legal manner. The physicality of this vaccination mark makes all Mozambicans vulnerable to corrupt officials. These officials can exploit their position of authority to

destroy the signs of legal South African identity, while their victims cannot destroy a sign of Mozambican identity and origin that is inscribed indelibly on their skin."⁵⁴

These anecdotes, combined with Golooba-Mutebi's observation that Maputo-sikumo was denied infrastructure and services on the grounds that its residents were temporary, together with Machava'a observation that many of his respondents worked on farms and in local homes as if they were undocumented, suggest that the various strata of South Africans with whom former refugees interact may have simply taken the issuing of 'Mozambican IDs' as a re-enactment of the status quo; that in the reality of social relations, the former refugees' status as permanent residents is simply ignored.

Conclusion

In his doctoral thesis on a refugee village in Bushbuckridge, Graeme Rodgers suggests that much of the Mozambican refugee population is committed to staying in South Africa indefinitely and yet maintains unambiguously Mozambican identities. The decision to stay, he argues, is a strategic one: "as history had taught them, they could not afford to invest all their resources in the home areas ..." Remaining in South Africa represents a calculated distribution of risk in a tenuous and insecure environment. Ironically, their continued presence in the villages of the lowveld represents an affirmation, rather than a dissolution, of their Mozambican identities. In Rodgers' words, "they maintained their social presence in exile long after its expiry date precisely by emphasising their belonging and their cultural identities in Mozambique".⁵⁵

But even if this is indeed the case, it does not explain why, a generation after settling in South Africa, Mozambican refugees still live in villages which have never been mapped or named.⁵⁶ Nor it does not explain why, four years after the end of the final amnesty process, South African identity documents are sometimes not worth the paper they are printed on. Indeed, conducting this literature review has been a puzzling experience. Not having done primary research, I am reliant on the perspectives and the data of those who have. Much of this data seems to point to a state of affairs that thus far appears to have gone largely unexamined. I am referring to a trenchant, deep-seated xenophobic impulse, one which transcends racial and ethnic lines, and appears to have rendered people holding bone fide South African identity documents de facto illegal. If this is indeed the case, it is surely among the more interesting and urgent objects of study at present.

In this conclusion, we can do no more than speculate with some tentativeness, and suggest possible avenues for further research. One possible explanation for the “stickiness” of refugees’ illegal status concerns labour markets. It is possible that the arrival of the refugees of the mid-1980s, who had no source of income other than to work on any terms, created new labour markets upon which local and regional economies have come permanently to depend. In other words, the commercial agricultural sector of the lowveld may have become structurally dependent on the “third tier” of the labour market of which Mather and Mathebula speak; that local Bushbuckridge economies became dependent on the domestic and field labour provided by refugees; and that there is thus a powerful interest among stakeholders in regional and local economies to keep refugees de facto undocumented.

There is some precedence for this scenario. During World War I and World War II, Californian farmers persuaded the US government to make exceptions to general immigration policies and provide the agricultural sector with cheap seasonal labour from Mexico. The exception was meant to be temporary, but in fact “had the effect of institutionalising dependence of farmers on 1–2 million Mexican workers, who returned year after year. Farms, railroads and mines soon made business decisions under the assumption that immigrant workers would be available when they were needed.”⁵⁷ By the early 1960s, these migrant workers constituted four-fifths of harvest workers in California’s tomato processing industry. The industry’s dependence on them was only broken with the introduction of accelerated mechanised harvesting methods in the late 1960s.

Has a similar situation developed in northeastern South Africa? In the absence of research about its labour markets it is impossible to tell. Given the high volumes of undocumented Mozambican migrants who continued to come to South Africa after 1992, one would expect that there is a ready supply of cheap, seasonal labour irrespective of whether the war refugees of the mid 1980s participate in these labour markets. The point is that we do not know. Further research is required.

Another possible explanation for the stickiness of former refugees’ illegal status concerns the power of the subjective beliefs of state officials. The notion that foreigners are both responsible for crime and parasite on resources that rightly belong to South Africans cuts deep in South African society. It could be that police officers refuse to acknowledge the South African papers of former refugees, not simply because they benefit from receiving bribes, but because they genuinely believe that giving Mozambicans permanent residence status is abhorrent. Similarly, welfare and health officials may turn

away former refugees because they abhor the idea that resources destined for poor South Africans go to foreigners. In other words, it is possible that the gap between law and popular xenophobia is so large that agents on the ground are simply not prepared to enforce the law.⁵⁸

These are very tentative suggestions. It bears repeating that the question requires and deserves further research.