

Violence, Labour and the Displacement of Zimbabweans in De Doorns, Western Cape

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From 14-17 November 2009, De Doorns, a farming area in Breede Valley Municipality, Western Cape Province, was the scene of violence that resulted in the forceful displacement of an estimated 3000 Zimbabweans and the destruction and looting of their dwellings by their South African neighbours.

This policy brief provides a summarised analysis of causal factors, police responses and solutions adopted and/or proposed in relation to this violence.¹ For assessments of the humanitarian support provided to the displaced, see regular situation reports by UNHCR and CoRMSA.² Our research suggests that **many current analyses miss critical causal factors** behind the violence and that proposed **responses and solutions may be neither appropriate nor durable**. Beyond helping to find immediate solutions, this report suggests that the De Doorns violence has broader significance in terms of national patterns of violence against foreign nationals. There are three reasons for our concern:

- De Doorns represents the first large scale displacement of foreign nationals since the xenophobic violence of May 2008;
- The violence affected a rural farming area whereas the 2008 violence was concentrated primarily in urban informal settlements;
- It selectively targeted Zimbabweans despite the presence of other foreign nationals (e.g. Lesotho nationals) living and working in the same area; and
- It reflects the continuing challenge by South African authorities to develop effective early warning, prevention and disaster response mechanisms.

¹ This brief draws on an intensive three-day research visit (19-21 November 2009) conducted by the Forced Migration Studies Programme (FMSP) at the University of the Witwatersrand. During this period, researchers conducted in-depth interviews with local residents, victims, local authorities (Mayor, Police Commissioner, Ward Councillor) farmers' representatives and humanitarian assistance providers. The FMSP will release a more detailed research report in January 2010.

² These sitreps can be requested from Tina Ghelli [GHELLI@unhcr.org] and CoRMSA [info@cornsa.org.za].

The Violence

Violence occurred in three informal settlements (Ekuphumleni, Stofland and Hasie Square) located in Ward 2 of De Doorns, Breede Valley Municipality, Western Cape. The first wave of attacks took place from 2.00 am on Saturday, 14 November in Ekuphumleni, displacing 68 Zimbabwean nationals. On Tuesday, 17 November, the violence intensified, spreading to Stofland and Hasie Square. This second wave displaced approximately 3000 Zimbabweans. While the displaced initially sought protection at the De Doorns police station, they were moved to a local sports field (Hexvallei Sportklub) on Wednesday, 18 November as numbers increased. Shelter and humanitarian assistance were provided at the sports field and many Zimbabweans remain there at the time of publishing this brief (12 December 2009).

Causes of the Violence

Many government officials and stakeholders initially explained the violence by **rationalising the perpetrator's actions**. They repeatedly identified the following factors as the primary causes:

- Local farmers' preference of foreign workers because they are seen as being cheap labour;
- Labour brokers importing people from Zimbabwe; and
- The presence of a Home Affairs satellite office that attracted foreigners to the area.³

Addressing labour issues, and specifically farmers and labour brokers who exploit workers and break labour laws, is undeniably important. However, exclusively focussing on these issues risks casting the perpetrators as victims in ways that legitimise or justify the attacks on Zimbabweans.

There has been little effort to understand how labour issues led to violence against Zimbabweans

Beyond asserting the relationship between labour and violence, there has been little effort to understand how labour issues led to violence against Zimbabweans. To draw this link we need to determine why local residents decided to violently remove Zimbabweans from the area instead of

³ See Provincial Disaster Management Centre's update report of 16 November 2009

taking on the employers or brokers through existing legal or political channels. Our study identifies a number of factors that appear to explain the choice of violence. These include:

- Competition between groups of labour brokers;
- Involvement and complicity of local authority members in contractor conflicts for economic and political reasons;
- Failure of early warning and prevention mechanisms regarding community-based violence;
- Local authorities' lack of political and administrative power in relation to commercial farmers.

Competition between groups of labour brokers

Zimbabwean victims of the violence report that the violence was a culmination of **long-standing tensions between Zimbabwean and South African labour brokers** (known locally as contractors or spanners). These tensions had become particularly acute in the two to three weeks preceding the attacks. To understand these tensions, we must remember that:

- Labour brokering is an integral part of the South African agricultural industry that is critical in matching employers and potential employees.
- Labour brokering is a lucrative business with contractors receiving commissions from farmers and charging every labourer they place R5 per day.
- There are between 60 and 80 contractors in the area. Respondents report that the brokers and those they recruit divide themselves on the basis of race and nationality (e.g. White, Xhosa, Coloured, Zimbabwean and Basotho).
- According to contractors, farmers and displaced Zimbabweans, Zimbabwean contractors have recently been more successful than others. They account for this success by reference to farmers' preference for Zimbabweans workers (see discussion in subsequent sections).

South African contractors admit that they are more affected by lost income than South African farm workers.

- South African contractors, particularly those from the Xhosa community, report dissatisfaction at income losses due to Zimbabwean contractors. **South African contractors**

admit that they are more affected by lost income than South African *farm workers*.

Nonetheless, contractors insist that when they are affected, ‘their communities’ also suffer.

They say “when we lose jobs, our communities lose jobs. We represent them.”⁴

- Some respondents report that dissatisfied labour brokers pressured local leaders and incited local residents to attack and chase Zimbabweans away. Such mobilisation was facilitated by the fact that some **contractors are also ward committee members.**
- FMSP interview material does not constitute conclusive evidence of incitement to violence. However, it suggests that the investigation into the role of labour brokers should not be limited to the exploitation of workers and the breaking of labour laws. Instead, it must also focus on **labour brokers’ direct involvement in fuelling tensions and triggering the violence by inciting local residents.**

Investigations into the role of labour brokers should look into their involvement in fuelling tensions and triggering the violence by inciting local residents.

Involvement and complicity of local authorities

Displaced Zimbabweans widely believe that the local councillor, Mpumelelo “Poyi” Lubisi (Ward 2) and the Mayor of Breede Valley Municipality, Charles Ntsomi, were either directly involved in organising the violence or at least tolerated or indirectly supported it. They base their convictions on the following:

- Prior knowledge
There were at least two meetings (evenings of the 13th and 16th of November) between South African residents and local authorities including the Mayor, the police and the local ward councillor. During those meetings, some residents expressed their intention to chase Zimbabweans away. In a telephone interview with the FMSP, the Councillor Lubisi admitted that local residents raised the issue of Zimbabweans at these meetings but that he warned them that expelling anyone was against the law and that perpetrators would be arrested and prosecuted.⁵ These **meetings were immediately followed by attacks on Zimbabweans** (early morning, 14 November and 17 November). While there is not necessarily a link between the meetings and the expulsions, the close proximity of the two created a general

⁴ Focus group interview with South African contractors on 19 November 2009

⁵ Phone interview with Ward 2 Councillor on 3 December 2009

impression that local authorities sanctioned the removal and that it was in those meetings that attacks were systematically planned.

- Self-interested motivations

A number of respondents offered two reasons for their belief that the councillor and ward committee members were involved in organising the violence:

- i) the **councillor** reportedly gave in to demands by a powerful pressure group (contractors) in order to **protect his position during the upcoming local elections;**
- ii) some **ward committee members have interests in protecting their jobs as contractors.**

Respondents accuse the Mayor of complicity by omission, mainly because he knew that the attacks were being planned (he attended the meetings) but did nothing to prevent or stop them before or when they started.

It is not clear which institution has the mandate to monitor and oversee local political actors if they are suspected of inciting or being complicit in violence.

- Reports by other interested stakeholders such as Agri Wes-Cape (Media release of 20 November) and UNHCR (sitrep3 of 30 November) also mention the involvement of local political actors. There was no official response to these reports by the Department of Cooperative Governance and Traditional Affairs or any other institution responsible for overseeing local government.
- As noted above, perceptions and allegations do not constitute evidence. However, they suggest widespread mistrust of elected and municipal officials among residents, and they raise the need for better oversight and investigation. A key concern is that it is not clear which institution has the mandate to regularly monitor and oversee local political actors if they are suspected of inciting or being complicit in violence.

Failure of early warning and prevention mechanisms

The occurrence of violence despite early indicators of tensions illustrates the failure of early warning and conflict prevention systems.

- Local authorities confirm that they were aware that tension between South African and Zimbabwean residents has become a **regular occurrence**.⁶ In February 2009, 7 Zimbabweans were burnt to death in their shacks in the same area. Clearly, neither the local police, local elected representatives nor provincial or national monitoring mechanisms had put preventive measures in place after that attack.
- Many individuals in and outside of government **knew that tensions were building up and that meetings were held to plan concrete attacks in November** but local elected and security authorities did not intervene to prevent an escalation into violence.
- The violence also illustrates that the assurances made by the national government to prevent the recurrence of xenophobic violence in the country have not been followed by the **establishment of concrete, practical and reliable preventive mechanisms on the ground**.

Local authority's lack of political and administrative power

Local government's mandate of coordinating local development requires local government institutions and officials to be recognised as legitimate and effective by all groups of local residents as well as by other levels of government (provincial and national). If this is not the case, local government cannot be an effective arbiter in disputes between groups.

- In the case of De Doorns, there are indications of long-standing tensions between the municipality and commercial farmers in the area. **The municipality lacks effective and legitimate authority over farming areas and is not seen as a neutral arbiter in farm-related matters**. Therefore it could not prevent or resolve the labour-related tensions which informed the violence.
- One effect of a perceived lack of municipal legitimacy and power is that it undermines residents' trust and confidence in the local authority's ability to address concerns such as labour disputes, which in turn may lead residents to resort to **vigilantism and mob justice**.
- An example of the lack of municipal control and authority was the establishment of a temporary Department of Home Affairs satellite office on private farming land without the knowledge of the local authority.⁷ Contractors and farmers used the office to issue foreign workers (Zimbabweans as well as Basotho from Lesotho) with asylum papers, which subsequently allowed them to work on farms.
- This situation also raises concerns regarding the Department of Home Affairs. Firstly, it is not clear why such an office could be established without consulting the municipality. Secondly,

⁶ Interview De Doorns station commissioner Supt Desmond van der Westhuizen on 20 November 2009

⁷ Interview with Mayor Charles Ntsomi of Breede Valley Municipality on 21 November 2009

asylum applications can only be made at dedicated Refugee Reception Offices. While every foreign individual has the right to apply for asylum and have his or her case judged on individual merit, the process is not intended as a means of granting general work permits and so its use in this case undermines the purpose and integrity of the asylum system.

- The inability of the municipality to exercise authority over its own farmer residents and a national government department in the case of the Home Affairs office contributed to the tensions which fuelled the violence. Labour brokers and leaders felt the office was attracting too many foreigners to the area.⁸ The office has since been closed.

On Reasons Commonly Invoked as Justifications for the Violence

The reasons which local leaders, South African residents, and many outside commentators have given as background to the violence against Zimbabweans in De Doorns reflect South African and global anxieties over economic competition. One of the main reasons provided by officials and commentators is that long term local residents accuse Zimbabweans of stealing ‘their’ jobs because they work for lower wages and tolerate exploitation by farmers. However, it is not clear that labour standard related concerns are always based on facts.

Stealing jobs

- In the past few years, numbers of seasonal Zimbabwean workers on farms in the De Doorns area have increased significantly. Farmers, Zimbabwean and South African respondents agree that local farmers currently prefer Zimbabwean labourers over South Africans. The reasons offered reflect prevailing stereotypes about South African versus foreign workers, specifically that South African workers lack the dedication required for long and physically strenuous work during the harvest season.
- However, farmers and other observers report that **there are enough jobs for everyone who wants to work**. According to Porchia Adams (Agri Wes-Cape Corporate Communications Manager), there are at least 125 farms in the area that need about 14 000 workers during peak season.⁹ Locals are not able to satisfy such labour demands as the total population of De Doorns is estimated at 13 000, meaning a working age population of less than half that number.¹⁰ Porchia Adams says that in harvest season farmers need to recruit workers from other surrounding towns. She also says that there are currently far more locals employed than Zimbabweans. The reported seasonal worker figures are: South Africans from the De Doorns

⁸ Telephone interview with Councillor Lubisi on 3 December 2009

⁹ Phone interview on 2 December 2009

¹⁰ UNHCR sitrep1 of 19 November 2009

area: 5701; South Africans from surrounding towns e.g Worcester: 894; Zimbabweans: 1558; Basotho: 630. These figures exclude 5337 permanent workers, almost all of whom are South African.

Labour standard related concerns are not always based on facts

Working for lower wages

- There is a wide-spread belief among South African residents of De Doorns that Zimbabweans work for lower wages. This is despite farmers and Zimbabwean workers themselves reporting that **all seasonal workers get the same wages: they work for R60 per day**. There are however concerns that Zimbabwean workers are not paid overtime for extra hours or work on weekends. According to Agri Wes-Cape, everyone who works extra hours gets paid for overtime. Zimbabwean workers however report that they work 10 to 12 hours per day and 6 ½ hours on Saturdays but still get only R60 per day. Our research could not clarify whether South African workers also tend to work such long hours.
- The labour contracting system places an additional financial burden on farm workers, but this applies to all nationalities equally. All workers who are recruited through contractors pay R5 per day to the contractor.
- If there are in fact wage level and working condition differences, this still does not justify or explain the violent expulsion of disadvantaged workers. It would rather suggest the **need for more effective collective bargaining strategies or conflict resolution mechanisms among workers and between workers and employers**.

No participation in struggles for better wages and working conditions

- Asked why they attacked Zimbabweans rather than engaging with employers and/or relevant institutions to solve their labour related concerns, South African labour brokers responded that communities attacked Zimbabweans because Zimbabweans did not want to participate in a strike organised for Tuesday, 17 November to demand wage increases from farmers.
- Zimbabwean respondents reported that they were not aware of any strike plans. One of them stated: "...this is just another excuse because after chasing us, they [South African workers]

immediately went to work; **they reported to work the following day and there was no salary increase.**¹¹

- Porchia Adams reported that farmers “are not aware of any salary increase demands. How can they demand salary increases when they are being paid more than the minimum wage?”¹²
- Finally, the violence broke out on 14 November, two days before the strike was to take place.

Police Responses

Inconsistent and indecisive responses by the police are another reason why many observers, particularly the victims, believe in the complicity of the local authority.

- According to witnesses, the police responded swiftly and decisively to the outbreak of violence on 14 November. They shot rubber bullets, arrested people and were able to stop the violence. However, **the police response on 16 November was not effective.** According to the same witnesses, the police escorted perpetrators, telling them to destroy houses, loot property and chase Zimbabweans away but ‘not to beat anyone’. No deaths or injuries have been reported.
- **Wrong people arrested?** During the violence on 16 November no arrests were made at the scene despite the presence of the police. Eventually 23 people were arrested on the following Thursday. However, Councillor Lubisi believes that the wrong people were arrested. He stated that, instead of arresting the ‘hooligans’ on the spot, the police arrested people who attended a meeting that was trying to find a solution. He was not involved in identifying the suspects as he believes the police considered him to be a suspect himself. He says: “I was supposed to be number one on that list [of people suspected by the police]. I did not understand why they did not arrest people on the spot since they were all over the place and just relied on a list made by someone.”¹³
- As in previous cases around the country where those accused of anti-foreigner violence have been arrested, local residents staged demonstrations and collected bail money to get the arrested released.¹⁴ It is not clear whether this is because local residents agree that the suspects were involved in the violence but supported their eviction of Zimbabweans, or because they believe the suspects were falsely accused of being involved.

¹¹ Interview with a displaced male Zimbabwean on 19 November 2009

¹² Phone interview on 2 December 2009

¹³ Phone interview on 3 December 2009

¹⁴ Bail hearing in Worcester Court resulted in 12 suspects releases. Nine were denied bail. See CoRMSA, Oxfam and Black Sash Monitoring Report 4 of 2 December 2009

- As during the May 2008 xenophobic violence, the police response focused mainly on evacuating Zimbabweans from the settlement instead of protecting them and their property within the settlement. Among the displaced, this was interpreted as the police **supporting the intentions of perpetrators**.

Analysis of Solutions Proposed by Local Actors

The solutions currently being proposed by local task teams and various other actors in De Doorns – resolving labour issues and reintegration – do not address the key causal factors of the violence described above, including competition between labour brokers, the involvement of local political actors, and the failure of early warning and conflict resolution mechanisms. There will be no effective and durable solution for the current displacement nor will future violence be prevented if these issues are not addressed.

*The solutions currently being proposed
do not address the key causal factors of the violence*

Resolving labour issues

- The effective monitoring of labour standards on farms is needed across South Africa. However, focussing only on labour standards in this case does not address why a labour standard dispute turned into a violent eviction.
- The “equitable and balanced employment of farm workers”¹⁵ has been suggested as the solution to prevent future tensions and conflict. The employment numbers listed above suggest that local South Africans already occupy almost all of the better paid permanent farm worker positions and by far the majority of seasonal jobs. Furthermore, what is being suggested is effectively the introduction of a ‘quota system’ limiting the number of Zimbabwean (or foreign) seasonal workers in the area. South African labour law already requires employers to hire qualified South African job applicants before foreign nationals, so the concern should be with how to enforce this. Any quota system beyond this would not be enforceable if there is indeed a labour shortage, and it may be illegal discrimination against persons with a legal right to work.

¹⁵ Provincial Disaster Management Centre’s update report of 16 November 2009

*New seasonal workers will arrive next year.
Community-level processes must not focus on 'reintegrating'
individuals, as these individuals will change, but on building
mechanisms for inclusive and non-violent conflict resolution.*

Reintegration

- With regard to the Zimbabweans who have been displaced, 'reintegration' is the solution that is being proposed. 11 December has been set as a tentative date for the 'reintegration' process to begin (see UNHCR sitrep4, 4 December 2009).
- Official engagement with South African residents who took part in or supported the violence has been limited to holding communal prayers and making moral appeals to accept the displaced back to their former areas of residence. Given the above description of how residents were mobilised to commit violence, general moral appeals are unlikely to prevent further violence if the interests of those behind the attacks have not been met.
- Those who have proposed rapid reintegration are ignoring **clear warning messages from South African residents and contractors that they do not want Zimbabweans back in the settlements.** Since farmers have continued employing Zimbabweans since the violence—including picking up workers from the shelter erected for the displaced—some South African contractors continue to feel that their interests have not been met. They continue to threaten to organise South African residents to chase Zimbabweans from the shelter and the farms where some are currently living.
- Any 'reintegration' process will also have to take into account that the majority of Zimbabweans affected are seasonal workers who have not been living in the area for long and who may or may not move elsewhere once the harvesting season is over. New seasonal workers will arrive next year. **Community-level processes must therefore not focus on 'reintegrating' the individuals involved, as these individuals will change, but on building sustained mechanisms for inclusive and non-violent conflict resolution.**
- The experience after the 2008 xenophobic violence is that premature 'reintegration' represents **serious security risks for the displaced, including the risk of being killed.**

Conclusions

To be effective, the search for the causes of the violent expulsion of Zimbabweans in De Doorns must go beyond the identification of the factors that explain long lasting social tensions and conflicts. Although those underlying factors provide a fertile ground, **efforts must be made to**

understand the immediate causes/triggers of violence. The details of a local solution must be developed through in-depth engagement among local players with the sustained support of other actors, including provincial and national government actors and civil society organisations. We cannot therefore make specific recommendations here. However, **a number of principles should inform future responses in De Doorns. These principles are also likely to apply to similar cases of violence and displacement in future.**

- **Responses and solutions should not be perceived to be rewarding perpetrators instead of holding them accountable.**
- **Failures of relevant institutions to effectively intervene to prevent and stop the violence should be investigated and responsibilities established.**
- **An effective and durable response must go beyond moral appeals and illegal compromises but must rely on the rule of law and respect for basic human rights.**
- **Long-term solutions should be realistic. In this case they should at least take into account ongoing threats and obvious security risks.**

“Violence is ... a form of conflict with its own dynamics. Even where violence is clearly rooted in pre-existing conflict, it should not be treated as a natural, self-explanatory outgrowth of such conflict, something that occurs automatically when the conflict reaches certain intensity, a certain temperature”¹⁶

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¹⁶ Brubaker, R. and Laitin, D. (1998:) Ethnic and Nationalist Violence. *Annual Review of Sociology*, Vol. 24 (1998), p. 426