In the Absence of Citizenship: Congolese refugee struggle and organisation in South Africa

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Introduction

The position of refugees is instructive for understanding the meaning of citizenship. Simone suggests that the lives of some poor South Africans are ‘analogous to those of refugee camps – an endless present unavailable to politics, unavailable to the elaboration of institutions and ways of life capable of marking a passage of time, of rendering what one does today in some larger framework of purpose and meaning’ (2004: 3). Here Simone reminds us that there is no necessary overlap between having South African nationality and being a citizen in the full sense of the word. Such citizenship, where claims to rights shape relations with the state, is something which has to be claimed given a colonial history in which citizenship was denied (Mamdani 1996).

As studies in this project and elsewhere demonstrate, one of the dominant features of post apartheid social movements is the extensive use of the language of rights to articulate needs, make social demands and secure legally enforceable commitments from the government. Rights have become a way of defining fairness and social justice. The language of rights is used across the spectrum of social movements, including relatively militant ones who draw on this language to attach legitimacy to their illegal activities. It is even used to make claims regardless of whether there are legally encoded rights on the matter at hand (Greenstein 2003: 24). The appeal and power of the language of rights is that the end of apartheid has allowed the majority of the population for the first time to claim citizenship of South Africa, through which they can make demands on the state. Social movements are arguably a reflection of this new and growing claim to citizenship, something which becomes all the more evident when we examine groups that cannot, by definition, claim citizenship.

Of the 152,414 applications for asylum have been received by the Department of Home Affairs since 1994 (Groot 2004: 38), the largest group is Congolese refugees who have fled what has become known as ‘Africa’s world war’, responsible for the deaths of around three million people. As Appendix 2 explains in more detail, refugees face considerable hardship in South Africa, with scant livelihood opportunities, inability to access services such as health and education, poor provision of documentation from the Department of Home Affairs and xenophobia experienced daily in institutions and public settings (Bahamjee and Klaaren, 2004; Crush and

1 This study does not represent all refugee political activity. Congolese refugees were chosen partly because they are the largest group, and also because they have been particularly vocal in expressing frustration and making claims. See Appendix 1 for a discussion on methodology.
Despite these extensive hardships, refugees have by and large not organised as an aggregated group with a common political interest. Aside from a Gauteng-based NGO, the Coordinating Body of Refugee Communities (CBRC), attempts to bring refugees together have failed. Congolese refugees have, instead, atomised into ethnic groupings, linked to the language group and corresponding province from which they originated. These ethnic groupings combine a focus on custom and tradition with saving schemes and other local level mechanisms to ameliorate material deprivation. These groups call themselves ‘tribes’ or ‘families’ and are the basic unit of grassroots organisation.

While the discovery of Congolese tribes organising in South African cities may initially seem somewhat surprising, this needs to be located within the history of Congolese political identification. Any impression that ethnic groups are pre-colonial identities that have somehow survived into a modern age must be tempered with a recognition that ethnicity has been manipulated and promoted under colonialism (Mamdani 1996). In the Congo, as elsewhere in Africa, colonial authorities used chiefs and ethnic structures to rule populations indirectly. This underpinned a structural exclusion of these ‘tribal’ populations from full citizenship. The era of independence initially threatened to dismantle these structures but has singularly failed to do so. Accounts of political organisation in the Congo suggest that in recent decades, local level ethnic networks have been prominent (de Boeck 1996). Even before the war of the mid 1990s, the failure of the Mobutu state over decades killed the kinds of expectations citizens would normally have of their government. In response, local level ethnic organisation begins to function as what de Boeck described as ‘local strategies of resilience’ (de Boeck 1996: 99).

Transplanted to South Africa, refugees find themselves once again in the familiar position of being unable to draw on their citizenship to make demands on the state. They express no intention of claiming citizenship in South Africa and see their time in the country as temporary and relatively undesirable. They express frustration, at times against the United Nations High Commission for Refugees, at times against NGOs, at times about the politics of the DRC, and against xenophobia. They generally do not, however, seek to organise to ensure that the conditions for the treatment of refugees laid out in the legislation are adhered to. The structural category of ‘refugees’ fails to translate into a political identity or basis of organisation. Instead, sustained organisation takes the form of ethnically based local strategies of resilience.

The following discussion explores Congolese refugee grassroots mobilisation and organisation. The case we wish to make is that, despite considerable protest on one hand, and considerable grassroots organisation on the other, the inability to draw on notions of citizenship pushes refugees away from demands on the South African

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2 Such structures are by no means alien to South Africa. Migrant workers living in cities in the 1930s and 1940s often organised into ‘homeboy’ networks based on their rural origin (Mamdani 1996: 193). As well as assuming cultural forms, many of these organisations had survivalist imperatives, organising saving schemes in stokvels or burial societies to help cover the costs of large expenses. Furthermore, they operated as political conduits, not only bringing consciousness of the ANC, PAC and communist party to migrant workers in the city, but allowing migrant workers to anchor resistance against authorities in the rural home.
government, despite the fact that the latter has signed up to the 1951 United Nations Refugee Convention, thereby undertaking to meet a variety of basic needs of refugees. The result is a splintered politics which proceeds from the heritage of ethnic identification in the Congo, political affiliation in the Congo, physical displacement to South Africa and a belief that the South African government is not going to be of much help. Self-sufficiency and self-organisation along ethnic lines at the micro-level is seen as the basis for material and social security in the hostile South African environment. Yet the political identity of refugees is contradictory. Within this context, protests are an unambiguous expression of discontent and, at times, a tentative claim to rights.

Expressing discontent

On Saturday 19 June 2004, a small group of Congolese refugees gathered on the corner of Park and St Georges Streets in Durban’s inner city in order to prepare for a march. The last time there was a protest by refugees in the city was on the occasion of the United Nations World Conference on Racism in 2001. After a considerable break in any direct action, refugees were once again provoked to demonstrate. It was the day before World Refugee Day, and a march seemed well-timed. Daily life for refugees in South Africa is extremely difficult, with abusive treatment by police, exclusion from healthcare and education, xenophobic treatment by the South African public, and exclusion from livelihood opportunities being almost universal experiences.

However, the organisers were quick to point out that their march had nothing to do with World Refugee Day, or, for that matter, conditions in South Africa. The march was, in fact, being organised ‘against Rwandan aggression in the DRC’. A few weeks earlier, a renegade rebel Tutsi leader had captured the town of Bukavu in the east of the DRC. The occupation resulted in fighting; one of the protesters said that his brother had been killed a week earlier. The organisers had been in contact with compatriots living in the US and Europe who had organised their own protests expressing dismay that the fragile peace in the DRC seemed to be under threat. Durban refugees were inspired to hold a march of their own.

Preparations were underway at 10:00 am, and the scene would be familiar to activists around the world: The smell of dope hung in the air and activists were creating placards from cardboard, signs that read ‘We need peace in the DRC’, ‘UN: tell us your responsibilities in the DRC’, ‘Kagame Agresseur’, ‘USA, Rwanda, SA’ (all three crossed out), and ‘African Union Corrupt’. Some had tied white strips of cloth around their heads to denote membership of the Mayi Mayi, a traditional warriors group. The police arrived in two vans in order to escort the march; the organisers had sought permission and it was a legal march. South Africans looked on, and some came up to challenge the refugees. One asked why the march was taking place. When told it was for peace in the DRC she indignantly exclaimed ‘Is this the DRC?’

The march set off down St Georges Street, left into Russell, right into West, under a sign erected by the council celebrating ‘10 years of democracy’. As the march passed through areas filled with Saturday morning shoppers it doubled in size to around 40 protesters. The protest took up two lanes so traffic was diverted and everyone turned to watch in bemusement. The group sang songs in Swahili, saying that the Rwandese president should die today. It worked its way to the United States consulate and paused
for a moment, denouncing US involvement in the DRC. It ended at the city hall where a statement was read out. No press were there to hear it.

Episodes such as these are interesting as they represent at once the willingness of refugees to take to the streets and the complicated political identities they wish to express. Refugees in South Africa are not averse to protesting on various fronts, in relation to the politics of the home country, against refugee forums and service providers, and in relation to institutional exclusion and xenophobia in South Africa. The following provides some accounts of these protests, followed by perceptions of whether protesting is a viable tool to achieving goals. Reasons for protest can be grouped into four broad themes: protest in relation to the politics of the home country, protest against South African dominated refugee forums and service providers, protest in relation to institutional exclusion and xenophobia in South Africa, and protests objecting to the asylum granting process as administered by the Department of Home Affairs.

Some marches have related directly to the politics of the Congo. In 1998 there was a march to the Non Aligned Movement meeting at the ICC in Durban which was being attended by the new DRC leader Lorent Kabila (Interview, Anonymous, 19.11.03). This march was attended by around 300 people and was organised to show support for his ‘banning of Ruandese’ in the Congo. Such protests were expressions of political beliefs to the South African community, and it was hoped that this would have an impact in the Congo (Interview, Anonymous, 08.10.03). In 2001, the same venue was host to the UN Conference against Racism and Xenophobia. As well as using this as an opportunity to highlight xenophobia in South Africa, local refugees also used it as a platform to object to ‘Tutsi occupation’ of eastern regions of the Congo (Interview, Anonymous, 08.10.03). In Cape Town during the same year, refugees marched on the US and British embassies as well as parliament (Interview, Anonymous, 06.12.03 b). This group had seen an email from the DRC written in French that warned of the potential balkanisation of the DRC, and the Cape Town protesters wanted to oppose this. Permission for the protest had been granted by the authorities, and the purpose was to object to the proposed division of the Congo. There were more than 100 protesters, mostly from the East of the Congo.

Alongside these protests addressing the political situation in the DRC, there have been a series of events targeting service providers, mainly NGOs, who work with refugees in South Africa. Respondents in Durban remember having marched against the Durban Refugee Forum in April 2000 (Interview, Anonymous, 10.07.03, see Daily News 2000 a and b). The Forum was a city-level initiative which attempted to bring together service providers and refugee representatives. The idea for the march originated at a meeting several weeks before it occurred. There was much anger over two problems with the Forum. One problem was that money donated by the UNHCR and intended for scholarships for refugees was only being allocated to some refugees. The other was that local NGOs were attempting to manipulate the appointment of a leader to the Durban Refugee Forum (Interviews, Anonymous, 09.10.03; 20.02.04). A participant recalled that at the meeting they were upset and decided they had to ‘go to the road to show the government we were not happy’ (Interview, Anonymous, 20.02.04). She recalled that the march was attended by about 200 people and a statement was handed over to officials. It stopped at the Durban Refugee Forum offices which were stormed, and chairs were broken and the telephone cable pulled out. There was fighting and the
police had to ‘make peace’. The intention was to reform the Durban Refugee Forum but instead the Forum was closed. Similar protests have taken place elsewhere in the country. In Johannesburg, one leader said that in 2001 40 people marched to the Jesuit Refugee Services as they had proof of stealing (Interview, Anonymous, 27.11.03).

The third category of protest is against xenophobia. In Cape Town a number of marches have resulted from murders of refugees in what are interpreted as xenophobic attacks. Respondents in Cape Town reported that in 2002 a Congolese person was killed for his cell phone (Interview, Anonymous, 03.12.03 a). The community then marched with the body to Parliament on the way to the cemetery. The decision to march came from the Congolese community but the march was supported by a number of other refugee groupings. Leaders reported that there were approximately 700 people at this protest. When asked why they marched, the network elder said that protest shows dissatisfaction and that even if there is no immediate result, it is important to show the international community how badly they are treated in South Africa. He said that they were aware that Cape Town is an international tourist attraction and this is an opportunity to bring attention to problems. The leader said that protest is good as it is the only way in which weak people can express what is going on (Interview, Anonymous, 03.12.03 a). There was also a protest following the death of an Angolan who had been burnt to death in ‘Bangalore’, a settlement in Cape Town (Interview, Anonymous, 03.12.03 b). All kinds of foreigners joined in this march and they were even, reportedly, joined by a South African woman who had been driving past but wanted to express sympathy when she heard why the march had been organised.

Finally, some marches have been directed against the Department of Home Affairs local offices. As the agency responsible for receiving asylum applications, granting refugee status and providing documentation, it is notoriously inept at doing so. In Durban several respondents remembered a march against Home Affairs in order to demand improvement in the way refugees are handled (Interviews, Anonymous, 05.09.03, 08.10.03). One said that it seemed home affairs had responded positively, with better assistance in terms of processing necessary applications and documentation. It seemed that refugee status was now easier to obtain and to extend.

Other centres have also experienced frustration with the Department of Home Affairs. There was a spontaneous riot at the Department of Home Affairs in Cape Town resulting from frustration that it was only processing about 20 people a day (See Sterken 2003 for a full description of the Cape Town refugee reception office). Refugees had to queue from four o’clock in the morning and were expected to bribe officials to get necessary documentation (Interview, Anonymous, 06.12.03 b). One day there was a ‘fight’ and the waiting crowd pulled a gate down and started to break office equipment. Unlike other protests in Cape Town, which had been planned and which were legal, this was spontaneous. A respondent described this as cumulative anger and said that ‘enough is enough’ (Interview, Anonymous, 07.12.03). The incident resulted in an investigation and the overhauling of systems at Home Affairs.

Protests, then, have addressed four themes: the politics of the DRC, local NGOs working with refugees, xenophobia, and the Department of Home Affairs. Discussions

3 Lawyers for Human Rights reports that there was little involvement of refugee civil society in the drafting of refugee and migration legislation and that the feedback process was dominated by the South African-run NGOs. One exception was in 1996 where a group of refugees organised themselves and had
around the efficacy of protests as a tool for achieving goals have resulted in a range of responses. Several respondents felt that marches should only be a last resort and that it is not a good way to solve a problem (Interviews, Anonymous, 20.11.03; 20.02.04). The Gauteng-based Coordinating Body for Refugee Communities wants to avoid marches altogether and limit themselves to negotiation (Interview, Anonymous, 28.11.03 a). Their intention is to relate to the South African government ‘as fellow human beings’ and attempt to raise sympathy in this way. Another respondent from the same organisation stated that he did ‘not see marching as a solution as this has to come from the government. If you are a guest you can’t revolt if you are ill treated. I have never been involved in a march. I would rather go elsewhere than protest’ (Interview, Anonymous, 28.11.03 b). He stated that he is not interested in struggling for improvements in their treatment in exile, and that the only way to solve their predicament is to fight to liberate the Congo. In a related argument, another respondent stated: ‘The Government can’t do everything for its citizens let alone refugees’ (Interview, Anonymous, 06.12.03 c, also see Sabet-Sharghi 2000: 69).

A major reason why some preferred to negotiate is that they feared state repression. One said that the police would treat foreigners badly, and that there is a level of fear amongst refugees (Interviews, Anonymous, 19.11.03, 20.11.03). The National Consortium for Refugee Affairs confirmed that those who have taken action have, at times, been victimised (Interview, Tlou, 27.11.03). One Johannesburg leader said that there were street marches in 1995 and that some people were deported as a result (Interview, Anonymous, 27.11.03). Since then, people have been scared to march.

Unlike the reticence of more formal lobby groups who felt that protest was to be avoided, many at a grassroots level expressed considerable faith in the potential of marching, and confirmed that it was something they should be doing (Interview, Anonymous, 05.09.03). Some felt justified in marching rather than talking to the government because the government has known for a long time about various problems, such as xenophobia, and has failed to solve them (Interview, Anonymous, 03.12.03 a). It was believed that there is widespread frustration and that people were keen to do something about it. There was clearly an expressive element to marching. When asked why they marched, one leader indicated that they ‘wanted to show the world what is in their hearts’ (Interview, Anonymous, 30.08.03). Similarly, another said that it is a way for people to ‘express their feelings’ (Interview, Anonymous, 08.10.03). A third leader said marching is important ‘when someone feels their rights have been violated and when other ways of mobilising are not working’ (Interview, Anonymous, 09.10.03). A Cape Town leader indicated that at marches, refugees can express their anger and feeling in front of the world and this brings relief (Interview, Anonymous, 03.12.03 b). Another simply said that it’s ‘better than just taking it’ (Interview, Anonymous, 06.12.03 a).

The idea for marches was said to come from ‘informal organisation’ and is sparked by the anger at the treatment of refugees here (Interview, Anonymous, 05.09.03). However, it was said that without an organiser, no march was likely to take place (Interview, Anonymous, 21.10.03). It was suggested that an absence of marching resulted from an absence of organisation rather than general satisfaction amongst

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a sit-in at the Union Buildings in order to object to the lack of attention being given to refugees (Interview, Van Ger Gerden, 27.11.03). This was broadcast on TV and the President’s Office then began engaging over the issue.
refugees with their conditions (Interview, Anonymous, 09.10.03). In turn, this lack of protest was seen to lead to the violation of rights. Those who are more organised were said to be more likely to receive assistance from organisations such as the UNHCR. One respondent exclaimed ‘We don’t fight for our rights here in South Africa. We should initiate a movement of all refugees. We never organise’ (Interview, Anonymous, 06.12.03 c). Some respondents felt that refugees were not sufficiently aware of their rights, for example that they did not have to pay officials in order to acquire refugee status (Interview, Durban, 21.10.03). Refugees do not know the constitution and the legislation, and this makes it difficult for refugees to claim their rights.

On the question of whether refugees feared a repressive response, not all sided with the position that the South African government was going to respond repressively. Some were encouraged by earlier marches in which they ‘stared down the South African army’ (Interview, Anonymous, 05.09.03). Some informants even said that they did not fear being arrested. Many seemed to feel that protest is tolerated in South Africa and that people are not scared to protest (Interview, Anonymous, 08.10.03). More than one respondent stated that the police are always very cooperative whenever there is a march and that it is usually possible to get permission to do so (Interviews, Anonymous, 03.12.03 b; 09.10.03). A lack of participation might be explained rather in the inability to leave work or poor advertising of the march. Furthermore, some felt that refugees did not know that they had the right to march and did not know the constitution (Interview, Anonymous, 10.10.03). Some refugees said that they are not marching any more as they are tired of complaining (Interview, Anonymous, 10.10.03). Another said that the lack of progress after marches and protests has discouraged further efforts at protest.

From this survey of accounts of protest, and attitudes towards protest, three observations can be made. Firstly, the refugee community exhibits the same bifurcation that occurs in other marginalised communities attempting to express themselves politically, where the choice between engagement and opposition is a perennial theme (Greenstein 2003; Mamdani 1996; Saul 2002 and studies throughout this project). Secondly, while refugees were willing to take to the streets on issues relating to the politics of the DRC and frustration with NGOs, and in relation to xenophobia, there is very little strategic use of refugee rights as encoded in South African legislation. While tentative reference is made to rights, claims are made on the UNHCR and the service providers it supports, and political affiliation in relation to the politics of the DRC are expressed. However there are relatively few demands made on the South African government, despite the fact that it has committed itself to services such as the provision of education, health care and proper documentation for refugees. Thirdly, protests do not emanate from a consistent organisational source. They are reactive and, to some extent, free floating. In order to understand the fragmented form of refugee protest, the discussion now turns to forms of refugee political identification.

Political identification: Organisation at the grassroots

The absence of aggregated organisation
The civil society structures of refugees are described more fully in Appendix 3. In brief, the United Nations High Commission for Refugees essentially functions as a
donor. Along with other donors they sponsor national NGOs such as Lawyers for Human Rights and the National Consortium for Refugee Affairs which act as lobby groups, assist with individual cases, and attempt to confront xenophobia through awareness campaigns. Donors also support a variety of NGOs and service providers at the city level who provide limited accommodation and some basic food supplies. Many NGOs assisting refugees are staffed by South Africans.

Attempts to bring together city level service providers and refugee communities in the five main urban centres have essentially failed. Tensions arose in relation to the relative power of South African dominated NGOs who, in some cases, prevented refugee representatives from having a vote on the Forum. Since the collapse of Forums in Cape Town, Durban and Port Elizabeth, there have been no mechanisms for different refugee communities to meet. Feedback from refugees themselves confirmed that any engagement between different refugee communities remained informal and underground, and that there was no formal open network which was capable of effectively dealing with refugee problems (Interview, Anonymous, 30.08.03). One individual, who had been involved in the Durban Refugee Forum, said: ‘unity in the city is hard; in the camps this is forced’ (Interview, Anonymous, 19.11.03).

Johannesburg is an exception to this pattern, where refugee representatives have grouped together to form the Coordinating Body of Refugee Communities (CBRC). Preferring formal non-confrontational approaches, the CBRC has negotiated for the release of detainees for the notorious Lindela Detention Centre, negotiated access to free education for refugee children, partnered with banks on the provision of bank accounts and has even begun exploring potential links with unions.

With the exception of the CBRC, then, the category of ‘refugee’ has not been the basis for organising people into formal or informal groups. Instead there are a plethora of other bases for organisation: political parties, including would-be guerrilla organisations, churches, unregistered NGOs and projects, and women’s organisations. Alongside these forms of grassroots organisation, ethnicity remains a vital basis for identification.

Ethnic networks or 'mutuals'
Initially there was little ethnic distinction and association took place between all Congolese refugees. However, as numbers grew individuals began associating more closely with members of their ethnic groups. Some describe this as a more efficient way of organising, since the entire Congolese grouping in the city was too large to organise as a whole (Interview, Anonymous, 10.07.03). Ethnic structures appeared in Johannesburg and Durban from 1997 and in Cape Town from 2000. Reflecting on the origins of these networks, the founding members describe the motivation for their formation as being language, common nationality and the need to survive (Interviews, Anonymous, 30.08.03; 09.10.03; 27.11.03).

Refugees from the DRC estimate that, of the more than 412 ethnic groups in the Congo, there are around 17 different Congolese tribes in Durban and 11 in Cape Town. In Johannesburg it is likely that there are even more ethnic groupings given the size of the population, but because it is a relatively dispersed community it is difficult to obtain estimates. There was also some evidence that ethnic organisation was not seen as important in Johannesburg (Interview, Anonymous, 29.11.03 b). In Durban these
groups include: the Bembe, Anamongo (consisting of the related languages of Mongo, Kusu and Tetela, which are considered to have a common ancestor), the Kasongo Babanbwe (including Bango Bango, Binja and others) and Lega. In Cape Town, there are networks for the Bembe, Foliro, Vira, Rega, Baluba, Bashi, Bakongo, Kusu, Zimba, Bango Bango and Zulua (Interview, Anonymous, 03.12.03 a).

There were various triggers for the formation of the networks. In some cases, an individual set about contacting others of their ethnic grouping in the city and organising a meeting to establish a network (Interview, Anonymous, 20.11.03). In other cases, the trigger for the formation of some of the networks was a death in the community. It is seen as the responsibility of those who belong to the ethnic group of the deceased to organise the funeral (Interview, Anonymous, 09.10.03). In Cape Town, a network was formed as a result of a xenophobic killing (Interview, Anonymous, 03.12.03 b).

The invisibility of these organisations on any formal register of civil society organisations does not in any way mean that they are informal in their functioning. Ethnic networks are, in fact, highly organised and hold regular meetings, which presents different logistical challenges depending on their size and distribution. Refugees complained that there is nowhere for them to gather. One respondent said that they had tried to meet in the park, but the police came to check what they were doing (Meeting Durban Refugee Network 13 August 2003). The largest group in Durban now numbers around 500 members and of necessity holds its six meetings a year in Albert Park in the inner city. The leadership of this network reported that they are held on a Sunday night and that that the majority of members attend these meetings. Smaller groups may have less than 100 members and meet on a monthly basis, or even every two weeks, at each other’s accommodation. In Cape Town, where refugees live in a number of different areas such as Woodstock, Belville, Guguletu, Mowbray, Philippi and Milnerton, these meetings may move around in order to be inclusive (Interview, Anonymous, 03.12.03 b). One of the challenges in organising meetings is that many refugees work on shift for security companies. It is therefore difficult to find a time when everyone is available.

Each group has a formal executive committee elected by the membership. This committee has various portfolios, including president, treasurer, secretary, communications, public relations, social and cultural affairs. Many of the groups also have constitutions, written by the executive but debated by the membership (Interview, Anonymous, 05.09.03). These are necessary, according to one leader, in order to have rules and regulations to help people meet and to sanction those who misbehave (Interview, Anonymous, 05.09.03).

**Survivalist function**

These networks can be understood as communities of support which provide both monetary assistance and knowledge, and encouragement to overcome local difficulties. One reason given for the formation of networks is to help newcomers who would otherwise have to sleep on the streets when they arrive (Interview, Anonymous, 10.07.03). As one put it, established refugees are the most knowledgeable to help newcomers with accommodation and job hunting (Interview, Anonymous, 05.09.03). A community leader stated that every person’s problem belongs to the community as a
whole (Interview, Anonymous, 30.08.03). In order to provide resources for solving problems, funds are collected from members.

Mutuals collect contributions from members ranging from R10 a month for larger groups to R50 a month for smaller groups. One group with 60 members was asking for R50 from men and R30 from women on the grounds that their ‘sisters were not earning as much’ (Interview, Anonymous, 09.10.03). As one woman pointed out, this meant that women’s ability to influence decisions is downgraded because they are less able to contribute financially (Interview, Anonymous, 30.11.03). While groups that asked for smaller contributions tended to make them compulsory, groups that demanded large amounts each month had to accept that certain people could not pay and went into arrears. The money raised is used to pay for collective expenses such as funerals, or to help newcomers or members going through financial difficulties. Some groups levy special contributions from their members to deal with events on an ad hoc basis (Interview, Anonymous, 03.12.03 a). The groups attempt to solve problems with accessing state services, for example health and education, and dealing with home affairs. One group specifically mentioned arrests as something they would deal with (Interview, Anonymous, 03.12.03 a).

If we take Swilling and Russel’s distinction between developmentalist, survivalist and oppositional NPOs (2002), Congolese networks might appear to sit primarily in the survivalist category. Lest survivalist organisations be mistakenly accused of mere materialism, it would be useful to bear in mind Simone’s remarks in this regard:

> They must serve as affirmations that change is possible, that it is worth being engaged in efforts to try and change things. They must function with a sense that there is a wider world of possibilities for action and being that is not ‘out there’, far removed from the details of everyday life, but immediately accessible through the steps people take in local contexts. (Simone 2001: 112, also see MacGaffey and Bazenguissa-Ganga 2000: 8)

Simone argues that economic marginality in African cities results in a return to ‘reinvented traditions of social cohesion’ (2001: 104). Poor urban populations attempt to strike a balance between cohesion and opportunity, seeking on one had to embed themselves in networks of information and reciprocity, while at the same time attempting to find opportunities for themselves which might generate some kind of income. Although the march towards ‘modern’ conditions of individual citizenship may seem inevitable, collectives based on ‘custom’ often endure and flourish (Simone 2001: 112).

*The cultural function*

‘Survivalist’, then, may not be an adequate description of what is going on in refugee grassroots organisation. While the survivalist function of networks is important, it would be a mistake to see them as mere savings groups focusing only on the material wellbeing of their members. As one informant said, they would meet anyway, even if they weren’t trying to deal with problems (Interview, Anonymous, 03.12.03 a). To illustrate, a leader explained that

> Our main concern is trying to bring on board anyone who has [tribal name] blood because we as [tribal name] want to protect and conserve our culture.
The main focus is to preserve at all costs our mother tongue because whenever a [tribal name] is born we must try our best to teach him. The father must teach him that wherever he is born he must look for the [tribal name] community. Then he will feel secure because he will be among brothers and sisters. This does not mean excluding others or isolating ourselves but we must know what we are. (Interview, Anonymous, 03.12.03 a)

The agenda of network meetings deals not only with everyday life in South Africa, but also ways of safeguarding culture and identity. One said that their organisation ‘is trying to remind people where they come from’ and that ‘the feeling of belonging to a particular place is important’ (Interview, Anonymous, 03.12.03 a). They speak of the need to create an environment similar to home (Interview, Anonymous, 05.12.03) and say that the network ‘provides a sense of safety’ (Interview, Anonymous, 09.10.03). Leaders of these groups express a need to preserve their language, and say that they are proud of their ethnic group (Interviews, Anonymous, 30.08.03; 09.10.03; 06.12.03 b). Several groups said that they keep traditions alive, such as songs and oral proverbs. Respondents had been circulating pamphlets of their proverbs and plan to write book of proverbs (Interview, Anonymous, 20.11.03). Traditions also include the performance of rites and rituals at important points such as births, marriages and deaths (Interview, Anonymous, 19.11.03). Keeping traditions alive encompasses everyday conduct, such as ‘how we eat and how we talk’ (Interview, Anonymous, 19.11.03).

Belonging to an ethnic group is seen to result in unity among members as a result of common language and common origins. It was said that having a common language ‘proves a real connection’ (Interview, Anonymous, 27.11.03). Group unity was associated with the mythological origins of the group. One group stated that their origins were in the forest and that members’ culture and livelihood have to be understood according to that background (Interview, Anonymous, 09.10.03). Their main characteristics were that they are brutal, they talk a lot, they are independent and they will defend their rights at all costs. Part of their culture is that they cannot do housework, which precludes them from working as domestic workers even under the desperate circumstances they find themselves in as refugees. Another group is associated with initiation rituals involving circumcision, and a spirit about which they are secretive (Interview, Anonymous, 28.11.03 a).

There is a sense of incompatibility between refugee culture and local culture. At times there is outright antipathy towards local culture, which is seen to be permissive. South Africans are seen to be more Western, resulting in a lack of respect towards elders (Interview, Anonymous, 19.11.03). Frequent mention was made of the way in which local women wear more revealing clothes, unmarried couples live together, and children disrespect their parents (Interviews, Anonymous, 05.09.03; 27.11.03). Concern was also expressed in relation to the commodification of labola, or bride wealth. One respondent said ‘I don’t want to sell my daughter’ as they do in South Africa (Interview, Anonymous, 20.11.03).

Resistance to assimilation therefore came through strongly as an objective of the networks. Many leaders and members express an extreme dislike for living in South Africa and say that they hope conditions in the Congo will one day allow them to return. Peberdy and Crush (1998) found that ‘less than 4% of those interviewed intended on staying in South Africa’ (Cited in Hunter and Skinner 2001: 8, also see
Sabet-Sharghi 2000: 70). One respondent said that he would not stay even if he was offered citizenship, and that it was impossible for him to be happy outside of his home country (Interview, Anonymous, 28.11.03 b). Refugees’ time in South Africa is therefore constructed as both temporary and undesirable. There is little interest in adopting and practising the cultural and national identity of their host country. One respondent stated that he had no ambitions to say that he was a proud South African and that he was still connected to his home country, which he remembers as peaceful (Interview, Durban, 09.10.03). Whereas he would be well established in his home country, he feels that in a foreign country he is without respect, hope or a future. The intention to return home provides an even greater imperative not to abandon ethnic identity.

Many perceived a need to guard against the tendency for people to drop their culture once they leave their land (Interview, Anonymous, 28.11.03 b). There is much concern about children born outside of their homeland as they do not know their culture (Interview, Anonymous, 27.11.03). One respondent recounted an incident in which a Zulu person told him his father was Mozambican but considered himself to be Zulu. The respondent was shocked that this ‘Zulu’ person could reject his Mozambican ancestry, and insisted that his own children would always be Congolese, even if raised in South Africa (Interview, Anonymous, 05.09.03). This will be done by teaching the child the ethnic language before English or Zulu, and by ensuring that only other Congolese cared for the child in its formative years, as there is a danger that the child may learn Zulu and forget the home language. A Congolese child, it was said, could only start to learn Zulu after the age of seven. Clearly, concern about cultural contamination was pervasive amongst many refugees.

Regardless of whether or not this perception of transience will result in an actual return, or whether this is simply first generation migrants’ inevitable sense of displacement and longing for home, the key point for this research is the impact it has on claims to the state by contemporary refugee groups. Specifically, the avoidance of assimilation prevents claims to rights and citizenship and forces an ethnic structuring of civil society.

**Ethnicity, nationalism, and citizenship**

Although the primary unit of organisation is the ethnic group, there are mechanisms that ensure that all Congolese engage with one another. When there is a funeral, for example, all ethnic networks are expected to contribute towards the costs. Furthermore, all Congolese are expected to attend funerals even for deceased from another network. In Durban, such events now happen several times a month given the growth in the Congolese population. Funerals are a networking opportunity for the larger community (Interview, Anonymous, 30.09.03). On particular occasions, people will even travel from other cities to attend funerals, thus enabling communication nationally.

Aside from these cultural events, there is currently no formal forum in which the leaders of various ethnic networks can gather and address issues affecting the entire Congolese group. Some groups reported that there have been attempts to organise a forum for all Congolese refugees but that these fell apart because of the relative representation of smaller and larger ethnic groups (Interview, Anonymous, 09.10.03). Larger groups wanted to monopolise decision-making positions and did not want to rotate overall leadership for equal periods as smaller groups demanded. Another
respondent suggested that difficulties in creating Congolese unity were related to the effects of the war that the refugees had fled (Interview, Anonymous, 19.11.03). There are also divisive individuals who destabilise unity. The lack of association as a national grouping was a concern for some individuals who felt that a focus on ethnic groupings would detract from the formation of nationalist movements (Interview, Anonymous, 12.09.03).

Various opinions were offered as to whether an ethnic identity was more important than the national identity. Some suggested that the ethnic identity was more important because it ‘came before the Congolese identity’, and that while the Congolese identity may change, the ethnic identity will remain constant (Interview, Anonymous, 09.10.03). One representative stated that, even though he was a Congolese nationalist and opposed ethnic chauvinism, his ethnicity was more important than the Congolese identity as it was his family group (Interview, Anonymous, 28.11.03 a). However, even where ethnic identities are seen to be strong, the Congolese identity is also seen as extremely important. Some respondents resisted temptations to prioritise Congolese or ethnic identity saying that it was impossible to separate the two (Interview, Anonymous, 03.12.03 b). ‘To be Anamongo is a base to be Congolese’ said one respondent of their ethnic identity (Interview, Anonymous, 20.02.04). Ethnic identities appear not to be at odds with a national identity, and indeed specific ethnic identities and broader Congolese are understood to be mutually constitutive.

In order to properly understand the relationship between ethnicity and nationalism, it is useful to briefly consider how these functioned in the Congo before the refugees took flight. Mamdani argues that the relationship between nationalism and ethnicity has to be located within the colonial practice of indirect rule. The appearance of unmediated pre-colonial ethnicity is entirely false given that colonial authorities manipulated ethnicity in order to control populations. Belgian colonial authorities implemented the policy of indirect rule in the Congo from the 1920s, thereby reproducing the approach of the French, Portuguese and British throughout Africa (Mamdani 1996: 86). Rather than directly ruling all people as citizens within a nation state territory, colonialists gained the cooperation of ethnic leaders, or installed cooperative ethnic leaders where there were none available, who continued to rule a ‘free peasantry’ as subjects. Since the advent of independence, historical ethnic engineering has left a profound legacy on African identity despite various attempts at reform (Fanon 1967: 128). Although some chiefs were chased from office after independence, Mobutu restored chiefs to office (de Boeck 1996: 82). Reforms in the 1970s failed to dislodge chiefs as central power brokers in Zaire, and the increasingly clientelist postcolonial state maintained an ambivalent relationship towards chiefs as both a means for exerting power and a threat.

In parallel to this constant reinvention of ethnicity, a discourse of independence and self-support has emerged in recent decades. The reclamation of agency became important given the way in which Zairians had been subject to Belgian colonial and post-colonial influence, Mobutu’s rule and increasing state collapse, and the austerity of the IMF (de Boeck 1996, also see MacGaffey and Bazenguissa-Ganga 2000). Ritual was idealised and reinvigorated, and ethnic identity gained renewed significance. Constructions of ‘tradition’ have become a compass for the organisation of everyday life. De Boeck asks whether, in the context of state collapse, ‘order, morality and social control [are] relegated to local-level village, kinship and co-operative units’ (1996: 76).
The ethnic ‘mutuals’ or networks that have been emerging amongst South African Congolese refugees, therefore, are not particular to the local context but have their origins in the Congo. This is confirmed by respondents who describe these structures as a normal part of life. Some Congolese refugees said that they remember their parents having formal monthly meetings about a range of issues pertinent to their community (Interview, Anonymous, 06.12.03 a). Several groups explained that the state has not functioned properly for many decades in the Congo, and that people have long relied on their own networks of support (Interviews, Anonymous, 09.10.03; 06.12.03 a). If a person moved to another province within the Congo, they would seek out individuals from their ethnic group and organise a support network (Interview, Anonymous, 06.12.03 b). The war has, in effect, created diasporas of the Congo’s ethnic groups all over the world. Networks are connected to the Congo and at times senior leaders in the ethnic groupings send messages which have to be followed (Interviews, Anonymous, 19.11.03; 06.12.03 a). Members of an ethnic group visit one other in different cities from time to time. One group had been in telephone contact with refugees in Belgium whom they had known from the Congo (Interview, Anonymous, 05.09.03). Such networks can be called upon for financial or even legal assistance. All assist one another in the improvement of life conditions.

The heritage of political identity which refugees bring with them, therefore, has a fundamental impact on the way in which they organise and make claims on the state. This is a heritage in which concepts of democracy and civil society have decreasing appropriateness. De Boeck states that ‘analysis of central issues foregrounded in the Zairean crisis – issues concerning representation, identity, ethnicity, nationalism, violence, strategies of survival and resilience, the role of the media, the notion of citizenship and civil society – no longer benefits from an explanatory frame that presupposes the “state”’ (de Boeck 1996: 93). Similarly, it is inappropriate, in the context of the Congo, to conceive of ‘local strategies of resilience’ only as opposition to the state (de Boeck 1996: 99). This resilience can simply be attempts by groups of people to insert themselves into political and economic realms. We can, now, better situate comments from refugees such as the following:

The South African government should teach the population to work for themselves and avoid a paternalist attitude. Since Mabutu, we have learned not to expect anything from the government. We know that we are refugees. We just want to survive here. [We find it strange] to see people marching here demanding. (Interview, Anonymous, 28.11.03 a)

The political nature of ethnic identities
The absence of a socialist agenda, or claims to citizenship, may well push refugee ethnic groupings outside of the realm of ‘social movement’ if defined only as organisations with a socialist programme. The idea of a social movement is certainly one that would seem alien to these Congolese groupings whose English words to describe their groups include ‘tribe’, ‘family’ and ‘network’. However, these groupings do represent political identities. One respondent said that, although their organisation was not a political party, it worked like a political party (Interview, Anonymous, 27.11.03). He said that it had a political culture that reflected the political and ethnic organisation at home.
The fact that these kinds of organisations are now no longer located in the Congo means that their politics takes on new dimensions. At one level this is a banal and somewhat obvious point. Not unlike first generation migrants all over the world, Congolese refugees in South Africa retain a strong attachment to their ethnic origins and resist assimilation into the host environment. The decision not to assimilate is arguably not so much a choice as it is a response to the unwelcoming host environment. If a sense of belonging to a moral community is taken to be a relatively generic human need (Hetherington 1998: 63, Simone 2001: 113), then the understandable response to an environment where one feels one does not belong is to create a community of one’s own. Belonging and identification are based upon a sense of similarity – common elements that unite a group of people. Since the South African social environment responded to the arrival of refugees by telling them they were unwelcome and different, the option of assimilating into the host country became immensely difficult. A sense of belonging, then, was to be achieved by linking with others like me. The emotional effect of such groupings should be recognised as an end in itself and should not be diminished in relation to political effects (Hetherington 1998: 63).

As much as these organisational forms are intended for internal consumption, the South African context fundamentally transforms their meaning. Hetherington argues that cultural movements

are often just as much about assuming or creating a new identity, of embracing marginality, and being openly and proactively different. These identities play with the idea of margins and marginalisation. (Hetherington 1998:16)

What Hetherington had in mind was anti-essentialist identity politics conceptualised as the use of hybrid and multiple identities to unsettle the dominant notions of essentialised unitary identity (Hetherington 1998:25). Spivak’s notion of strategic essentialism requires any adherence to an identity to be accompanied by a critique of the possibility of that identity being somehow immutable (quoted in Bonnett 2000: 139-40). As we have seen, ethnic networks amongst Congolese refugees assert a kind of uncritical ethnic essentialism based in a sense of historical rootedness and authenticity. However, this is not a reproduction of a pre-colonial ethnic identity. It is the result of both colonial and postcolonial manipulations of ethnic identity, and local level investment in ethnic forms of association in response to state collapse. In South Africa these are marginal identities which function as ‘a source of empowerment and resistance’ (Hetherington 1998: 22). In the face of xenophobic hostility, Congolese refugees respond with defiant pride in their culture – something they believe is not only valid but is actually better than their new cultural environment. Rather than accepting the denigration heaped on them, they reverse the hierarchy of inferiority, placing themselves at the apex. In effect, they create a ‘society outside society, a world of their own’ which rejects ‘both the activities and the value system of mainstream society’ (MacGaffey and Bazenguissa-Ganga 2000: 7).

Refusing to assimilate or conform is itself a kind of politics. As de Certeau (1984: 30) says of a migrant in Paris:

Without leaving the place where he has no choice but to live and which lays down its law for him, he establishes within it a degree of plurality and
creativity. By an art of being in between, he draws unexpected results from his situation.

As one leader stated: ‘our presence here is an eye opener for local people’ (Interview, Anonymous, 03.12.03 a). For example, he said, they see that foreigners do what is required to survive and this forces local people to consider new possibilities for their own survival. The very cosmopolitanism introduced by refugees is itself transformative. It presents a challenge to ethnic chauvinism of South Africans – hostile not only to migrants from beyond the borders but other South Africans of different ethnic origin. It also challenges the nationalism being promoted by the government (Landau 1994). It forces the recognition of social diversity beyond South African nationals and therefore creates the possibility of the creation of a more open and accommodating society.

The notion of new social movements has been criticised for the way it defies its own multiplicity and cannot deal with the specificity of particular formations (Hetherington 1998: 10). Social movements are often loaded with the responsibility of being agents of massive social change – the ‘hinge’ around which society can be diverted in a new direction (Hetherington 1998: 10). As the present case suggests, however, political formations in responses to marginalisation are better imagined as housing an assortment of political, social and cultural functions.

Conclusion

Refugee communities will by and large fail to register in a scan for what would be considered to be conventional social movements. Yet in the absence of more recognisable political expressions, there is not simply a void. There is both a high degree of grassroots organisation on one hand, and a considerable amount of protest activity on the other. These formations are neither irrelevant nor are they to be uncritically romanticised on the landscape of social movements in contemporary South Africa. They are an understandable response to the circumstances refugees find themselves in. They are a political response as well as being about survival and culture.

In material terms, survivalist organisations are attempting to help refugees meet their basic needs of housing and finding a livelihood. They operate as communities of support in which people subjected to similar forms of exclusion attempt to work out how to deal with it. It is striking that material interest is addressed through ethnic organisation. Economic marginality is, therefore, not the primary ‘sub identity’ which forms the basis for these networks (Hetherington 1998: 15). This is not to say, of course, that members of these groups are not highly marginalized or that this position is not of concern to the leaderships of these networks. However, were this to be the basis for organisation, we would expect organisation at the broader level of ‘refugees’ or, at the very least, ‘Congolese refugees’. Instead we find that the preference is to organise in a somewhat atomised way along cultural lines, at times cooperating with other networks and refugee groupings to address combined concerns, but not within the framework of an institutionalised meeting of leadership structures, for example.

Along with material support, these structures function to maintain national or ethnic cultural identity. In response to xenophobia through which the host South African society stigmatises refugees’ foreignness, many refugees respond with attempts to
preserve their own cultures. Ethnic organisation represents, to use Mamdani’s (1996) analysis, ambiguous potential. Although this national or ethnic pride is essentialist, the cultural plurality that results can be seen as a kind of defiance, and a kind of resistance with transformative potential. It adds cosmopolitanism to South African cities and introduces unapologetic otherness which forces host populations to begin engaging with social difference. Its drawback, of course, is the inability to transcend ethnic identities and to organise either as Congolese or as refugees as a whole.

Grassroots organisations have indeed been the platform for a number of street marches. Even here, however, the thrust of protest is fractured. Protests have confronted the poor service delivery of the Department of Home Affairs and various other government agencies. They have been directed at other refugee representative bodies (e.g. the Durban Refugee Forum) deemed not to be effectively representing refugees. Protests have also addressed xenophobia. However, they are not limited to the adverse conditions in South Africa. A number of protests were concerned with the politics of the Congo. The complex nature of refugee marginality therefore results in various grassroots organisational formations and various political impulses expressed in a range of modalities.

The forms of mobilisation and organisation that have been reviewed here can largely be explained through the absence of citizenship in two senses. In narrow terms it is the result of being refugees; the technical legal status of being foreign and therefore having inferior claims on the state. In broad terms, the absence of citizenship is inherited from the Congo, where there were few expectations of government and people were not used to making any claims on it. This was as a result of the colonial history of indirect rule which deprived people of citizenship, and the failure of independent governments to transcend this. The result is a situation in which it makes no sense either to fight for extended citizenship or to pursue counter-hegemonic political projects. Local level ethnic organisation functions both in the Congo and in South Africa as a substitute for national citizenship, where cultural norms, laws and hierarchies are strongly defined and underpin the structure of everyday life.
Appendices

Appendix 1: Methodology and fieldwork

Examining the refugee community through a ‘social movements’ lens was extremely difficult as there is no equivalent of the Anti-Privatisation Forum, Landless People’s Movement, Treatment Action Campaign or other recognisable social movements that exist in South Africa today. Since the starting point was a ‘category of people’ rather than a political identity or political project, we were faced with various political expressions in relation to the home country and exclusion in South Africa. These did not emerge from any single organisation but were articulated by a wide range of organisations. Given this, our approach was to map out these organisations and these various expressions of political positions and identities. We decided to focus on Congolese refugees since they are one of the largest groupings of refugees (Handmaker 2002: 4), and since there was extensive grassroots organisation.

Researchers attended events such as a funeral, protests, and meetings of refugee communities. The most extensively used primary material came from 30 interviews that were conducted in three of the country’s main centres: 15 in Durban, 8 in Gauteng and 7 in Cape Town. While visits to Johannesburg and Cape Town were limited to a week each, fieldwork in Durban took place over a number of months and was therefore more extensive. Often we met with more than one person since a respondent would be reluctant to engage in a process without having witnesses to verify what took place. As a result, the total number of interviewees was 42.

Securing interviews required a tremendous amount of labour in itself, with the challenges of finding and contacting leaders of unregistered organisations, attempting to insert ourselves into people’s extremely busy and mobile daily lives, and overcoming mistrust and suspicion. Earlier research projects undertaken by universities, although well intentioned, resulted in police raids against refugees. One of the authors is a member of the refugee community and, although this did not in itself guarantee instant access, attempting to enter this world as a complete outsider would have been much more difficult.

Respondents were generally targeted for interviews as a result of the fact that they led grassroots refugee organisations, although at times interviews were conducted with members of organisations, not limited to Congolese organisations. Key stakeholders were also interviewed. Interviews were semi-structured and attempted to elicit some life history from the respondents, their experiences in South Africa, the origins, objectives and operations of the organisation they represented, experiences and perceptions of marches and protests, and cultural and national identities. Focusing on oral accounts of events and marches has certain implications for factual accuracy. Sometimes there was a lack of clarity about the exact dates, and interpretations differed between different respondents on important issues. Our objective was not so much to document the factual history of marches but rather to capture people’s recollections of these events. Furthermore, there are often no written records of these events and oral accounts are probably the most accurate available evidence.

Times and contexts of interviews were varied. For many, the weekend was better, while others saw us during the week, day or evening. Interviews took place in various contexts such as containers converted into hair salons on the roadside or outside train
stations, a township house in Mandalay in Mitchells Plain, a cosmetics shop in Yeoville, apartments in the Point Area and Albert Park, even road verges. These contexts affected the ability to use a dictaphone with loud music, traffic or talking making a clear recording impossible at times. Detailed notes were taken in all interviews regardless of whether they were taped, to ensure a reasonably accurate record. The fact that one interviewer was often translating allowed more time for the other to take detailed notes.

However, the language differences did produce some difficulties in sustaining a free flowing conversation about what, at times, were rather difficult thoughts to communicate in a single language let alone across different languages. Interviews switched between as many as four languages: English, French, Swahili and then the specific language of the respondents (Bembe, Bango Bango, etc). Communication was thus extremely difficult at times. Reading over early interview notes, it is clear that interviewer and interviewee meant different things by terms such as ‘national grouping’ (nation-wide, versus national grouping within the city). Concepts such as ‘social movements’ were therefore unavailable in discussions and the focus was instead on organisations, protest, and political and cultural identity.

While most interviews were characterised by warm hospitality, some were more challenging of the research process. One interview in Cape Town was interrupted by someone who overhead our discussion and said ‘others like you’ have been to talk to us but they just take information, what were we going to do about the problem? He thought that we were journalists. In all interviews we felt it important to stress that this was an academic process in which our primary purpose and mandate was to understand organisation in the refugee community. We said that this would be a chapter in a book about social movements. Anonymity had to be assured and names and specific ethnic organisations are generally not included in the write up.
Appendix 2: Refugee experiences of marginality in South Africa

In order to understand refugee protest and political identity in South Africa, it is useful to briefly review refugee experiences of marginality in South Africa in the way they are treated by the state, difficulties in finding a livelihood, difficulties related to documentation, and various forms of xenophobia.

Refugees and the state
South Africa only began recognising refugees in 1994. Prior to democratisation, South Africa did not recognise the 300 000 Mozambicans who sought refuge from civil war (Handmaker 2002: 1). Since the possibility of application for asylum was introduced, applicants were primarily from the Great Lakes region and the Horn of Africa (Handmaker 2002: 2, Tlou 1994: 44). According to the Deputy Regional Representative of the United Nations High Commissioner for Refugees (UNHCR), a total of 152 414 applications for asylum have been received by the Department of Home Affairs since 1994 (Groot 2004: 38). Despite the fact that this is a modest proportion of Africa’s refugees, more than half of these applications have yet to be processed.

Although the South African government seems inclined towards a detention policy for asylum seekers (Jenkins 2001) there are, at present, no refugee camps in South Africa. South Africa has an urban refugee population consisting primarily of young men, which is different from the situation elsewhere in Africa were primarily women and children refugees are organised into UNHCR camps (Groot 2004: 38). There are five designated refugee reception centres, in Braamfontein, Cape Town, Durban, Port Elizabeth and Pretoria, which in effect means that these are the ‘home affairs offices’ at which individuals may apply for refugee status. Beyond this they receive little support from the state as Groot explains:

According to the South African legislation, refugees and asylum seekers should have access to many public services, such as primary education and emergency health care. These rights are articulated on paper but in practice they are not always implemented. (Groot 2004: 39)

To illustrate, a quarter of those surveyed in an UNHCR study, who had children of school-going age were not sending their children to school as they could not afford the fees (Groot 2005: 39, also see Bahamjee and Klaaren 2003, Landau 2004). Migrants are a highly sensitive issue within local government, which is responsible for the provision of many services, and refugees are marginalised within local government policy making (Hunter and Skinner 2003, Vawda 1999: 10). Refugees frequently express surprise and indignation at the lack of support from the state. They point out that all they get is a piece of paper which theoretically allows them to work but in reality this is difficult (Interview, Anonymous, 10.07.03).

Work and livelihood
Many reported arriving with nowhere to stay. Sometimes it took several days of sleeping rough (Segale 2004: 51) before being put in contact with a mosque, church or other provider of emergency shelter. Although some charitable organisations provide
accommodation for new arrivals, this is limited, and networks of other people from the same country of origin are vital in helping people in their early stages of integration (Vawda 1999: 7). Many refugees arrive not being able to speak English. Association with others from home is therefore imperative, as newcomers can piggy-back of those who have spent some time learning the language and livelihood strategies. While some have moved to outlying areas of the metro to find cheaper accommodation, refugees tend to be concentrated in inner city areas (Hunter and Skinner 2001: 24; Sadie and Borger 2004, Vawda 1999: 8). There seem to be relatively limited township populations, with the exception of Cape Town. This might be the result of acute safety concerns and fear of xenophobia.

Having made contact with other migrants or refugees from one’s home country, the establishment of a means of livelihood becomes a priority. Established refugees cannot indefinitely host new arrivals and it is necessary for them to start contributing rent within weeks of arrival. Already acquired professional skills such as teaching and nursing are now redundant and new arrivals are quickly re-trained in more survivalist abilities. Furthermore, the law decrees that it is illegal for asylum seekers to work (Crush and Williams 2003: 9), which forces individuals into the informal economy. One refugee group in Johannesburg gave R500 to each newcomer to assist them in setting up a street trade enterprise (Interview, Anonymous, 27.11.03). Commonly this would be cutting hair, for which many Congolese believe they are well respected. Other means of earning a living are becoming a car guard or a security guard. Even these are not secure, as Cape Town refugees reported that there had been moves to secure these opportunities exclusively for South Africans (Interview, Anonymous, 03,12,03 a, also see Gaerdes 2003). Furthermore, attempts have been made to secure opportunities in the informal economy for the exclusive use of South Africans. Even Ethekwini’s policy on the informal economy, which is a particularly advanced and progressive one, fails to squarely confront the highly sensitive issue of migrant traders (Hunter and Skinner 2001: 3, Vawda 1999: 8).

Documentation

The CBRC reports that, while the law states that a decision on an asylum application will be provided after 6 months, some are not even decided within 6 years (Interview CBRC representative, 28.11.03 c). During this time they should not work and are vulnerable to arrest (Palmaray 2003). Respondents stated that at the Department of Home Affairs there was corruption, and that staff were not trained to deal with refugees (Interview, Anonymous, 19.11.03). Bribes of R100 to R1000 were solicited from asylum seekers but they were unable to pay this as they had just arrived and had no income (Interview, Anonymous, 20.11.03, also see Segale 2004). A UNHCR study suggests that a fifth of refugees have bribed in order to acquire their documentation (Groot 2004: 39).

If refugee status is finally granted, it does little to improve the opportunities of refugees. One refugee stated that they are given papers which prevent them doing anything to ‘bring about life’ and that they are constantly living in boundaries (Interview, Anonymous, 30.11.03 also see Landau 2004). Another said ‘if you apply for a job or want to open a bank account, they want a green ID’ (Interview, Anonymous, 06.12.03 a). Until recently, refugees were simply issued with an A4 piece of paper to acknowledge their refugee status, which was not recognised by potential
employers or banks (Interview, Anonymous, 03.12.03a). More recently the Department of Home Affairs has introduced a red refugee ID book but because of its newness it is also not recognised by many institutional gatekeepers. Furthermore, these have been issued very slowly, only 456 in the first two years since their introduction in 2000 (Bhamjee and Klaaren 2004 citing de la Hunt 2002).

Xenophobia

Reports of xenophobia are universal amongst refugees with attacks, aggression and name-calling being part of everyday city life (Interview, Anonymous, 2002.04, also see Sabet-Sharghi 2000: 56). Foreigners are routinely associated with crime in South Africa (Crush and Williams 2003, Danso and McDonald 2001). When asked whether he felt welcome, one refugee said ‘No, South Africans are chasing us away, rejecting us. All we get is a piece of paper and if this is a welcome it is very disappointing’ (Interview, Anonymous, 09.10.03). One poignantly asked ‘How can we build an African Union with this hostility?’ (Interview, Anonymous, 06.12.03 c). Another said that the overwhelming majority of South Africans do not like foreigners. Some are willing to help but even this help is often offered grudgingly (Interview, Anonymous, 30.08.03). A respondent explained how he is not greeted at work by fellow blacks and is made to feel that he came to the country for a job. He said, ‘It breaks your heart, you don’t get to know each other’ (Interview, Anonymous, 06.12.03 b). A respondent in Cape Town said that even a good South African friend recently asked him ‘when are you going back?’ (Interview, Anonymous, 03.12.03 b). At times, this xenophobia translates into violence. One respondent reported having been beaten in 1998 while on a train to Kayalitsha (Interview, Anonymous, 03.12.03 a).

Ignorance is seen as a key reason for hostility, with refugees complaining that many South Africans could not even identify their home country on a map. One Zulu speaker even told a Durban refugee that he thought the Congo was somewhere near Cape Town. If a person’s origin is not properly understood – they said – it is likely that they will ‘think you are a demon’ (Interview, Anonymous, 05.09.03). One leader stated that they ‘have been trying to push the South African bureaucracy to treat refugees as human beings but they are not succeeding because the South African authorities do not want to teach the population about the rights of refugees’ (Interview, Anonymous, 28.11.03 a).

If refugees do encounter the police it will tend to be a negative experience, for example being searched and having cash simply taken away (Landau 2004: 15). Klaaren and Ramji (2001) assert that the police and army’s behaviour towards suspected illegal immigrants frequently amounts to human rights abuses. One respondent stated that ‘South Africans have all rights to do everything, even wrong. But if a foreigner does something wrong it’s a worse crime’ (Interview, Anonymous, 09.10.03). He explained that in a police raid of his apartment block, Zulus freely pointed out foreigners’ flats, many of whom were arrested. Another stated that while the police respond extremely slowly, if at all, to refugees experiencing problems, ‘when it comes to arresting foreigners they are very fast, as if they are arresting Osama Bin Laden’ (Interview, Anonymous, 28.11.03 a). Police speak Zulu or Xhosa, which is a tactic to identify foreigners. A refugee stated that when his flat was being burgled, no one in the block came to his aid or phoned the police (Interview, Anonymous, 28.11.03 b). Another refugee said that he had put a board out on the pavement to advertise his sewing
business (Interview, Anonymous, 20.11.03). An Indian and an African policemen demanded that he remove it. When he pointed out that they were ignoring other boards placed there by South Africans, the African policemen simply put his finger on his lips and motioned for him to keep quiet.

Some said that relations with South Africans are starting to improve, and that hostility was worse when their presence was new, in the late 1990s (Interview, Anonymous, 06.12.03 b). One respondent said that in the past he would get on a train and not speak to anyone and then get straight to his accommodation. Now he is living in Mandalay – ‘a black township’, and there is no problem. Another respondent stated that her religion was helped, and that Christianity was a way of establishing relations with South Africans (Interview, Anonymous, 20.02.04). Some refugees believe that learning Zulu will not solve the problem of xenophobia since they will still be identified by their accent (Interview, Anonymous, 30.08.03). Others suggest that the xenophobia originates from the inability to speak South African languages, and that even if refugees speak with an accent, they will be respected by locals for attempting (Interview, Anonymous, 27.11.03). One respondent in Cape Town stated that his wife had learnt Xhosa and that he was also learning (Interview, Anonymous, 03.12.03 b). He said that this helped with integration.
Appendix 3: Refugee civil society organisations

Given the difficulties associated with refugee life in South Africa, it is unsurprising to find that there are various kinds of organisations attempting to assist refugees which can be placed into four different categories. The first is service-provider NGOs and their funders, primarily the UNHCR. The second is refugee forums, networks and coordinating bodies which attempt to bring together all refugee communities in a city to address common concerns. The third is small civil society organisations and political parties run by refugees themselves. The fourth is ethnic networks or mutuals which are for many refugees the main mode of organisation. The first three kinds of organisation will be reviewed in this section, but a fuller account of ethnic organisations will be given in section 0.

UNHCR, LHR, NCRA, service providers

The major funder of refugee-support activities is the United Nations High Commissioner for Refugees. According to its Deputy Regional Representative, the UNHCR opened offices in South Africa in 1991 (Groot 2003, also see Handmaker 2003). In 1994, South Africa signed up to the 1951 United Nations Refugee Convention, which had resulted in the original establishment of the UNHCR globally (Crush and Williams 2003: 8). The UNHCR interprets its role to be one of monitoring South Africa’s implementation of the 1998 Refugee Act, assistance with the creation of an environment that integrates refugees into South Africa, temporary assistance to refugees, assistance to local government, and assistance with specific solutions such as voluntary repatriation. The UNHCR’s mode of operation is different from that in other parts of Africa where more fully-fledged programmes tend to be in operation. The first reason for this is that host countries closer to troubled areas have better resourced camps. The UNHCR argues that refugees had access to these before they moved further away to countries such as South Africa (Groot 2004: 38). The second reason is that South Africa is a middle-income country and can therefore provide its own support. Instead of providing direct funding for the long-term material provision for refugees, the UNHCR funds local service providers who assist refugees. It intends to withdraw fully once the South African government takes full responsibility for refugees located here.

One of the organisations funded by the UNHCR is Lawyers for Human Rights (LHR). LHR helps individual refugees with their applications and other legal concerns, and also confronts the state at a more systemic level in terms of lobbying around legislation and its application. Major concerns include detention of suspected illegal foreigners, and the backlog of applications for refugee status, which has doubled over the last few years (Interview, van ger Gerden, 27.11.03). LHR has paid for more than 20 lawyers who have been seconded into the Department of Home Affairs in order to speed up the processing of applications. The cause of the backlog appears to LHR not to be the volume so much as incompetence, corruption and foot dragging by Home Affairs who say that immigrants are abusing the system.

Closely allied to LHR is the National Consortium for Refugee Affairs, an umbrella body that has existed since 1997 (Joyce Tlou, Presentation at the Forced Migration Unit 12.08.03). The NCRA has never seen itself in any way as a social movement
(Interview, Joyce Tlou, 27.11.03). Rather it facilitates communication at a national level on refugee related concerns. It has collaborated with UNHCR and the Human Rights Commission on the Roll Back Xenophobia campaign in an attempt to counter anti-foreigner sentiments. Some success was achieved in engaging with journalists who had hitherto slipped too easily into using exaggerated HSRC statistics. It was largely driven by the NGOs, rather than grassroots refugee organisations. Tlou believes that it failed to reach its potential. By the end of 2003 the programme was dormant and attempts were being made to re-staff it.

Aside from these national NGOs, the UNHCR and religious and human rights orientated donors also fund NGOs in each of the Refugee Reception Office cities. For example, these include Jesuit Refugee Services, Menonite Church and Refugee Pastoral Care in Durban. To illustrate, the latter provides basic food for the first two to three months consisting of 1 kilogram of rice, 75 centiliters of oil, 1 kilogram of beans, 1 kilogram of sugar per month, and shelter. The Menonite Church offers medical assistance for chronically sick refugees, school fees of R350 per child per year and lodging for unaccompanied minors.

Refugee networks/forums CBRC

Refugee forums established in each of the five refugee reception centres tried to bring together all stakeholders attempting to address refugee needs, but have struggled to succeed. One reason was a mismatch in understandings of the purpose of these forums. Service providers believed that these forums were an interface between representatives of refugee communities and service providers in order to provide strategic direction and enable communication, networking, information sharing and programme building. On the other hand, refugees expected these forums to provide material assistance (Interviews, Anonymous, 08.10.03; van ger Gerden, 27.11.03). There is considerable suspicion of NGOs by the recipients of their services. One respondent stated that ‘there are big profits in refugees and NGOs don’t want you to be organised’ (Interview, Anonymous, 06.12.03 c). While the Durban Refugee Forum was unable to transcend its impasse, Gauteng refugees representatives have been able to create an entirely new kind of organisation driven by refugees themselves and able to leverage considerable gains from the government, banks and other service providers. Each of these two forums will be examined in turn.

A refugee forum was established in Durban in 1995 (Daily News 1995). However, this became highly politicised and lost credibility. Some South African-run NGOs involved in the forum were seen to be unfairly distributing support and resources from donors. In particular, there was a concern that a large sum of money destined for the construction of a school for refugees was channelled into the construction of a school in Umlazi. In general, the forum was seen to have been subjected to manipulation by South Africans involved. The forum was abandoned when aggrieved members of the community marched on the offices (discussed again in section Error! Reference source not found. below, also see Sabet-Sharghi 2000: 63).

After the collapse of the forum, service providers, including Department of Home Affairs, and religious groups and NGOs offering legal services, accommodation, food parcels and education on safe sex, continued to meet on a monthly basis. Attempts to resuscitate the forum took place in 2003, when service providers convened a meeting
of refugee representatives on 13 August 2003, which was attended by around 30 people. The service providers encouraged the formation of a KZN refugee network driven by refugees themselves. The need for unity was expressed, as was a call for refugees to ‘play their part’. In order to overcome the legitimacy problems of the past, in which the motivations of NGOs run by South Africans who were taking a leadership role in the forum were questioned, the service providers said that the network should exclude them. Despite this, tensions emerged during the meeting and old accusations of irregularities in the funding of school children were levelled at South African service providers. Others expressed doubts that it would be possible to form a successful network without the active participation of service providers.

Participants in the meeting suggested that the network would be valuable as it would enable communication with refugees. As one respondent pointed out, since refugees were not confined to camps and were disbursed throughout the city, one participant said, it was important to be able to disseminate important information via representatives. Such a network would also allow different groups of refugees to gain an understanding of one another. Despite divisions between groupings, therefore, there was consensus that a network was worth pursuing, and an executive was elected. Some difficulties were experienced in setting up subsequent meetings. In the past, South African organisers had made use of a venue in the city hall. Now, however, when refugees attempted to organise this themselves they were denied access. Follow-up discussions with refugees have suggested that the initiative has yet to translate into clear success.

In Johannesburg, as in Durban, the forum was driven by South African-dominated NGOs (Interview, van ger Gerden, 27.11.03). Refugees could not vote and community leaders felt excluded. One refugee who had been involved described the forum as ‘a system of manipulating refugees without helping them’ (Interview, Anonymous, 27.11.03). Other refugees involved said that without voting rights, they had no say and service providers therefore could not assess needs as the community could not speak (Interview, CBRC, 28.11.03 c). Some started lobbying for the right to speak at the forum and were told quite bluntly ‘you sit and keep quiet and take whatever we give’.

From LHR’s point of view, agendas became dominated by ‘irrelevant conflicts that could not be resolved’ (Interview, van ger Gerden 27.11.03). The forum ultimately collapsed as a result of a walk-out by community leaders. They soon realised that they needed a structure to further their interests and set up a coordinating body of their own in 1999 (Interview, CBRC 28.11.03 c). Representatives of 8 different nationalities, none of which knew each other before they decided to create a structure together, founded the Coordinating Body of Refugee Communities. Throughout their history they have involved various facilitators to help them to resolve problems between different communities and to find a strategic direction. Unlike many other refugee organisations, they are officially registered as an NGO (Interview, CBRC 28.11.03 c). The CBRC also said that it was attempting to break the ‘camp mentality’ of passive receipt of services. The CBRC said that it didn’t want to be like refugees in camps with flies waiting for food (Interview, CBRC, 28.11.03 c). They are not service providers but focus on lobbying and advocacy.

Van ger Gerden believes that the CBRC is an excellent platform from which to launch some strategic actions, including protests, against conditions for refugees in South
Africa (Interview, Anonymous, 27.11.03). However, the strategy of the CBRC is to engage constructively and it wishes to avoid protest (Interview, CBRC, 28.11.03). They distinguish themselves from unions and other more oppositional organisations on the grounds that they are ‘not in a position to be demanding’. Instead they just want the basics such as proper documentation required of the South African government in terms of the UN agreement. They therefore choose to negotiate, and, if this fails, to negotiate again until they succeed. Their strategy is to appeal to negotiating partners as fellow human beings, believing that this should yield sympathy.

If engagement is antagonistic or demanding, there is a possibility of deportation or failure to achieve goals. The CBRC provides the example that, in March of 2001, Operation Crackdown resulted in 800 refugees with legitimate papers being locked up in the Lindela Detention Centre. There was a school of thought that this should have been opposed publicly and forcefully. However, the diplomatic route was attempted and the head of the Human Rights Commission, Barney Pityana, approached the Police Commissioner, Jackie Selebi about the issue. This route was successful and 500 refugees were released one by one. The CBRC then met with Selebi to thank him, knowing that he initiated Operation Crackdown.

The CBRC applied its negotiating strategies to other problems such as access to education, access to banking facilities, access to trading positions in the city and representation in the media. In 2000 a refugee took her daughter to a school in Benoni which refused to register her despite the fact that the parent was willing to pay. The CBRC contacted the Human Rights Commission and the Independent Complaints Commission (Interview, CBRC, 28.11.03). The issue was taken to the National Minister of Education at the time, Kader Asmal, who then wrote a letter to all schools to inform them of refugee rights. This then opened the door to sustained engagement with the provincial Department of Education in Gauteng. In 2001 they were able to get 141 children placed with financial support, including 3 at Houghton Primary. In 2002, 641 pupils were placed. The current barrier is now one of resistant principals, and CBRC’s strategy will therefore be to engage with principals individually. The CBRC is also engaging with the UNHCR in order to secure funding. They report that South African-dominated service providers are feeling threatened by this.

A major problem for refugees is a lack of access to banking facilities, which can only be obtained with green South African ID books. In order to resolve this, the CBRC started engaging with the Banking Council in 2001. Various attempts to change this were rejected. They then started going one-on-one to various banks. They lobbied First National Bank for two months who agreed to set up the Carlton Centre branch as a pilot for savings accounts. The arrangement was that the CBRC would screen potential clients on behalf of FNB, for which they charged each client R50. The number of clients rose to more than 3 000 and FNB is reportedly very pleased with this new business (also see Emdon 2004; Jacobson and Bailey 2004).

Other projects of the CBRC have covered concerns of hawkers, media representation and police treatment. The CBRC has been engaging with the chair of the Gauteng Hawkers Association who did not want to allow foreigners to trade. In 2001, the Association started registering foreigners. There have been media workshops to educate journalists on refugee issues and attempt to overcome the bad press refugees
have been getting. In order to counteract police harassment, the CBRC has been placing members in Community Policing Forums.

The CBRC also began strategic alliances with other parts of civil society. Relationships with unions started as a result of the unions’ need for translation services at meetings they had organised (Interview, CBRC, 28.11.03 c). The SACTWU Congress in August 2003 needed Spanish translation as a result of guests they had invited from abroad. As a result of these engagements, the union and the CBRC have decided to offer mutual aid. The CBRC reports that there is a feeling of affinity as a result of both sets of activists being interested in human rights causes in general.

Refugee-run NGOs, political parties and churches
There is a plethora of political parties and small civil society organisations such as NGOs and churches that are run by refugees themselves. Given that refugees are created through political circumstances in the home country, with people often fleeing as a result of their political beliefs, this became a key point of mobilisation. Political parties were used to express political positions – whether through the establishment of a local branch of an existing party, or through the creation of new parties altogether. Some of these organisations, such as a Durban political party, literally want to ‘buy guns and wage a war’ in the Congo and thus consider themselves to be guerrilla liberation movements (Interview, Anonymous, 12.09.03). Similarly, a political party in Johannesburg was organised along nationalist principles in order to simultaneously overcome ethnic chauvinism and denounce Rwandan aggression (Interview, Anonymous, 28.11.03).

By contrast, some organisations attempt to promote tolerance of Rwandans. One such organisation is Umojowakivu which, in Johannesburg, is registered as a Section 21 company (Interview, Anonymous, 27.11.03). Durban informants indicated that when Umojowakivu attempted to launch in Durban, they were unaware of this objective and it collapsed soon after they found out, precisely because of their antipathy towards Rwandan rebels in the Congo.

There are also grassroots NGOs that may or may not be registered, but attempt to implement projects with very little funding. The Hope Initiative in Durban was formed in 2000 in the wake of the collapse of the Durban Refugee Forum (Interview, Anonymous, 21.10.03). It has implemented programmes such as HIV education and the provision of condoms, using the volunteer services of refugees trained as nurses in their home country. It has been given some support, including office space, condoms, and education materials, from the Planned Parenthood Association of South Africa. Other initiatives include advocacy work and assistance with rent for newcomers. Membership has grown to 60 and is not limited to a particular ethnic grouping. There are quarterly meetings attended by around 40 members. Many members are Congolese and are also members of other organisations such as ethnic networks. Some Congolese people will not join, however, as it is not limited to Congololese refugees. Organisers report that the Hope Initiative has not been registered as a charity because this is not possible without South African citizenship. It is also very difficult to raise funding from donors who are focusing their attention on the local population.
In Johannesburg, one woman refugee has founded an NGO to address women’s concerns (Interview, Anonymous, 30.11.03). She found that there were no organisations set up to assist with the problems she was facing. In particular, women who do not have husbands in South Africa find it difficult to establish a livelihood. Furthermore, sustaining livelihoods with children is extremely difficult. She reported that some refugee women have been raped, not only by South Africans but by compatriots from the DRC. Perceptions that any form of pre-marital sex, even if rape, brings shame on the woman, prevent women from reporting such incidents. The organiser wanted to help in these situations and was given her NGO number in April 2003. There are 12 executive members who meet monthly with 150 members in total from various countries. Most are single women. Through participation, the organiser says, women start to regain their dignity as human beings and have hope. They run a variety of projects including a feeding scheme for refugee families and street kids, a training programme, and a crèche. She has been engaging with the ANC Women’s League over a possible association.

Many Congolese refugees are Christian and organise in churches. Sometimes this is linked to ethnicity, in that the ethnicity of the pastor determines the ethnicity of the congregation (Interview, Anonymous, 28.11.03 a). Several commentators suggested that there were financial motivations for an individual to create a church and that it was in fact a form of livelihood (Interviews, Anonymous, 28.11.03 a; 29.11.03 a).
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