

**NATIONAL SECURITY FRAMEWORKS FOR REFUGEES: SOMALIAN REFUGEES IN
SOUTH AFRICA**

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Thesis submitted in fifty percent completion of the degree of Master of Management in the field of Security at the University of the Witwatersrand, Johannesburg.

12 June 2018

Abstract

The aim of this research was to understand the shift in the nature of security over the past few decades, with specific emphasis on the role played by refugees regarding security-related matters in a host country. There is a constant debate on what exactly security entails, and national security and scholars from different fields have argued the relevance of the different international relations theories. Evidence suggests that while some states ascribe to the liberal school of thought in their interactions with states and their subjects, most states have a realist narrative undertone, which is a perception of which international organisations such as the UN and the AU tend to be wary. Through policies derived from international organisations, states have formulated their domestic policies to address issues related to security, in particular the management of refugees in host countries. In the case of South Africa, there is a clear demonstration that the country holds the values of both the UN and AU in high regard. However, due to short-sighted projections, it is clear that government faces challenges with regard to the management of refugees.

While great strides have been made in formulating a national security policy that is inclusive of human security, South Africa continues to face a high influx of refugees. Due to the absence of effective programmes for the screening of new arrivals in the country, it can be safely assumed that large numbers of these refugees are not victims of circumstances. The threats that refugees can pose to a host country vary from soft (non-military) to hard (military-related) targets. There are, however, no indications that Somalian refugees pose a direct danger to the national security of South Africa.

While South Africa has the responsibility to protect its borders and its people, it also has a responsibility to protect those who are believed to be vulnerable and in need of special care. In the case of Somalian refugees, human rights protection should continue to take centre stage. A national security framework that emphasises territorial integrity and the importance of human security should be frequently formulated to address the ever-changing socio-economic dimensions.

Declaration

I, declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Masters of Management in Security in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other university.

Assumed Singed

Cebbie Nandipa Wolf

June 2018

Dedication

This master's report is dedicated to my Queen Nomalungelo Glenrose Gijimi Wolf without you my life would be aimless. Thank you for encouraging me to realise my potential. You are my world.

Ephesians 6:2 'Hlonipha uyihlo nenyoko, ukuze tinsuku takho lobekelwe tona emhlabeni tandze.'

Acknowledgements

To the God I serve, the endless mercy you show me is nothing short of a miracle.

To my Supervisor, Professor Anthoni van Nieuwkerk – I wish to express my sincere gratitude for your tireless guidance and support.

My better half, Thandeka Landiwe Wolf, and my princess, Lithemba Lihlumile Wolf – I live for you.

My family, Gogo Siphiwo Fakudze, Malume Sandile Fakudze, Mom Fikile Fakudze, Malume Xolani Mkhwanazi, Aunty Thoko Mkhwanazi and Dubs Nolwazi Njokweni – you have all contributed towards raising me into being the woman I am. Thank you.

To my special and dear friends, Phakamile Hlungwani and Thato Sebalane – Phakamile, I know you were always with me in spirit while I was burning the midnight oil and that you truly understand the value of the work produced here, and Thato, choma, you were amazing during this journey. Thank you.

The CDMHFS office, Maj Gen (ret) Lifeni Maake and Lt Col Esther Mohale – you opened the doors of opportunity for me and I will forever be indebted to you.

My academic mentors, Lt Col (Prof) F Vrey, Mr Calvin Manganyi and Capt MD Madavhu – you held my hand through my years in academia, believed in me and supported me. Thank you.

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Lt Gen Nyembe, thank you for giving me chance to contribute to the world of security.

To the Somalian population in South Africa – *‘Where there’s a will there’s a way, Allah will provide.’* Without your assistance, this research would not have been possible.

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Acronyms

ACA	Aliens Control Act
AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
BRICS	Brazil, Russia, India, China, South Africa
CoRMSA	Consortium for Refugees and Migrants in South Africa
CTRC	Cape Town Refugee Centre
CW	Cold War
DHA	Department of Home Affairs
DoD	Department of Defence
DoH	Department of Home Affairs
GDP	Gross Domestic Products
HIV	Human Immune Virus
IDP	Internally Displaced People
NGO	Non-Governmental Organisations
OAU	Organization for African Union
RDP	Reconstruction and Development Programme
SADC	Southern African Development Community
SANDF	South African National Defence Force
SAPS	South African Police Services
SSA	State Security Agency

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UN	United Nations
UNHCR	United Nations Higher Commission on Refugees
USA	United States of America
WW II	World War II

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CHAPTER 1 INTRODUCTION AND BACKGROUND

1.1 Introduction

The end of both colonialism and the Cold War (CW) brought along many positive changes that gave rise to hopes that the world would become a better place to live in. In Africa, those hopes were renewed and strongly supported through the ideology of nation-building and state-building. However, numerous questions arise regarding nation-building and state-building in Africa and other parts of the world as a result of ongoing conflicts and wars, low life expectancy, low economic growth and many other elements that hinder the development of a state. While some countries have succeeded in transforming themselves into strong states that are democratic and functioning, others are still struggling to establish strong and functioning states (Balthasar, 2012). Various factors contributed to Africa's lack of development and the failure of many of its states, and although that is not the focus of this study, some attention will be given to it to provide a proper background to do justice to the research topic.

The legacy of colonialism is often accepted as the starting point, and to a large extent Africa is a mirror of what colonialists intended to achieve with their 'divide and conquer' tactics. Almost all African states have undergone some kind of oppression or a slave/master relationship, and when African states pursued freedom, other states often proclaimed themselves as their 'saviours'. Nevertheless, African leaders have attempted to remedy the situation by means they still believe are best suited to their specific countries and people. It is against this background that today's scholars and leaders speak of 'African solutions for African problems by African people'. However, despite reasoning and deliberations, Africa is still the worst affected in terms of civil conflicts, border wars and succession wars, which have resulted in the continuous influx of foreigners and high numbers of refugees into African countries perceived as peaceful (Ayittey, 2010). Currently Africa has the highest number of refugees in the world. The renewed interest in the refugee phenomenon was highlighted by the United Nations Higher Commissioner for Refugees (UNHCR) in 2005. At that time, global figures for 'displaced persons' showed that there were 21 million refugees in Africa. This number increased to an astonishing 32.9

million in the following year (UNHCR, 2016). Many of these displaced persons move to different parts of the continent, in particular to South Africa, in pursuit of finding work, food and other basic necessities for survival. Though this data is relatively old, recent South African data which is often debated indicates that South Africa is home to the most number of asylum seekers in the world. In June 2016, UNHCR report published that in just one year, South Africa registered close to 1.2million refugees, which is doubled compared to the previous year in 2015. In 2013, statistics showed that half of the refugees from ten states that had fled their countries came from countries on the African continent. Furthermore, this crisis is not unique to Africa. In Europe, the number of refugees recorded in 2014 doubled in 2015. Numerous reasons can be given for the migration of refugees from one country to another. It is also worth noting that this phenomenon may cause problems for both the host country and the country losing citizens.

1.2 Background

Since the end of the CW, the focus on security in developing states has changed, yet remained objective. Traditionally, security was understood by many to refer to the security of the state, which was concerned mainly with military power and how it was used. This ensured that the state and its institutions were adequately prepared to counter any possible external threats propelled by foreign invasions and colonialism. However, with the increasing number of intrastate conflicts, the idea of security has been forced to include pertinent issues that could help secure both the individual and the state. Over the years, security has been repeatedly revised to include factors such as politics, economics, society and the environment (Buzan, Wæver & Wilde, 1998). The new view on security thus assumes that the referent object is no longer the state, but the individual within the state (Buzan & Hansen, 2013). Security of this kind allows the individual to contribute towards the overall security of the state. Van Aardt (1997) maintains that the state is now the means by which to achieve security, and the individual the end of that process. The increased number of factors affecting the security of the state implies an increase in the state's insecurity. While security matters may be resolved in particular countries and regions, more and more insecurities remain for both. It is against this background that the

research report attempts to understand the impact that Somali refugees may have on the national security of the Republic of South Africa.

The Republic of Somalia, a state torn apart by insurgent groups, weak government institutions and a federal government not accepted by all its citizens, lies between the equator and the Tropic of Cancer at the tip of the Horn of Africa and has been independent since 1960, after having been colonised (Assowe, 2011). In addition to this challenge, Somalia constantly has to battle with the growing calls for succession as seen in the case of Somaliland. Clear divisions have been present in the country for years and attempts to mend them have been unsuccessful. The clan based system which characterises Somalia's geopolitics has played a significant role in shaping the country. Somalia has been under a number of different government administrations since the overthrow of Siad Barre in 1991, which has resulted in the collapse of the state. The situation within this country's borders has affected not only the neighbouring countries and the region, but also many other countries, including South Africa.

South Africa, a developing state at the Southern tip of Africa, is one of the most stable countries on a continent faced with numerous social and security challenges. These challenges are not unique to South Africa and can be seen in other parts of the continent. They are fundamentally concerned with the high unemployment rate, poverty and inequality. It therefore comes as no surprise that many citizens from less stable states try to find refuge in South Africa. It must be noted that South Africa has only fairly recently rid itself of apartheid. Prior to that, the oppressed black population in South Africa had, for many years, been assisted by other African states in their struggle against apartheid. Currently Africans from sister states that are grappling with social ills and security challenges expect South Africa to return the favour. At the international level, the South African National Defence Force (SANDF) has been requested on numerous occasions to assist countries undergoing transition from violence. Such actions demonstrate the military and economic power that the country wields on the continent. While that is not the primary

role of the SANDF, South Africa appears to be one of only a few states in Africa that can play this role (Le Roux, 2005).

South Africa also faces security challenges as a result of the influx of refugees from other African countries, these challenges include heightened competition for economic survival, competition for limited social services such as water, housing, healthcare and the perceptions that foreigners increase criminal activities in the country. With limited resources, the country has to stretch its already thin budget to cater for all its citizens including the 'adopted citizens'. (Greyling, 2016). Many South Africans have been forced to share their living spaces with refugees from all over the continent, for example Nigeria, Ghana, Swaziland, Congo and Somalia, many of whom lack the required documents and are therefore in the country illegally. This can be detrimental to the security of South Africa as a country.

1.3 Problem Statement

Although Africa remains a continent with great potential, life on the continent is marred by increasing intrastate conflicts, migration, famine and poverty. While many security-related problems in African countries have their origins within those countries' borders, the security of the stable African states is also affected. Even though this paper focuses on South Africa, it is impossible to discuss the refugee crisis without mentioning the similar trend seen in Europe. For example, in recent years, large numbers of refugees have crossed the Mediterranean in pursuit of better living conditions. This has led to an increase in security-related challenges in most European countries.

One of the consequences of the increase in the number of foreigners migrating to South Africa has been an increase in xenophobic attacks. This phenomenon impacts on the country's national security. Newspapers have reported on instances of Somali refugees attacking South African citizens, and vice versa. In the past 12 years, South African newspapers have regularly reported on incidents related to attacks on foreigners residing

and working in South Africa. Even though attacks on South African nationals have not been limited to a particular group, a recurring pattern highlights the fact that in the case of most of the clashes between South African citizens and foreigners, the latter are from African countries. Since the start of these attacks, little has been done to address immigration in South Africa.

In an attempt to address the influx of illegal foreign nationals into South Africa, Malusi Gigaba, the Minister of Home Affairs, introduced laws that did not address the status and management of foreigners, but were interpreted by many as an attempt to prevent non-South Africans from taking up residence in South Africa. Two prominent South African leaders, namely King Goodwill Zwelithini (king of the Zulu tribe) and President Jacob Zuma's son, Mr Edward Zuma, publicly suggested that all foreigners should return to their countries of origin and insinuated that the South African government did not protect its citizens from foreign nationals who came into the country and took jobs and occupied land that belonged to South Africans. These leaders agreed that unless the government took action, the country might soon find itself in a national security predicament.

The influx of refugees in general, adds a large amount of pressure on host countries. The reason is simple, if a government adheres to international norms and standards, the host country will often than not follow a narrative that seeks to protect and promote human rights, by providing basic human right conditions. This is not always possible for governments to practice. In most instances, governments already have a mammoth task of providing for its own citizens. It therefore becomes somewhat a burden for a host country to support and provide for refugees. South Africa being faced with basic challenges of service delivery is no exception.

However, the government responded by pledging to support Somalia while the country formed a new government and to assist the country on its road towards establishing a stable democracy (Du Pisani, Konrad Adenauer Stiftung & Außenstelle Windhoek, 2014)

This was to be done at the intergovernmental level to enhance relations between the two countries. The Consortium for Refugees and Migrants in South Africa (CoRMSA) also pledged to promote and protect the rights of all refugees and migrants who enter South Africa (CoRMSA, 2008). However, with the attacks on refugees that took place all over South Africa, for example in Cape Town, Soweto and KwaZulu Natal, a need arose to understand the effects of hosting foreign nationals and the possible consequences for South Africa's national security. This will be the main focus of this study.

1.4 Purpose Statement

There is a generally accepted view that because the nature of threats to security has evolved, the scope of both these concepts also changed. It is against this backdrop that the purpose of this research was:

to investigate and appraise both the nature of the policy frameworks used for national security in relation to refugees and the policies on the management of refugees in South Africa; and

to describe that the influx of Somali refugees into South Africa might cause security problems.

The paper assumes that the policy frameworks in question will be able to provide evidence on how refugees in particular Somali refugees are managed in South Africa. Finally, conclusions will be drawn, based on the information collected by the researcher, to establish whether those frameworks provide sufficient support to Somali refugees in South Africa or not, and whether the refugees do indeed pose a threat to national security in South Africa.

1.5 Research Questions

Due to a number of security challenges faced by the African continent, an attempt should be made to understand the manner in which security-related issues unfold. Coupled with that, it should be borne in mind that globalisation has allowed states to interact and for their citizens to migrate between countries. One of the consequences of this enhanced trade and communication is that the security of the countries involved is sometimes negatively affected. In order to achieve the objective of this study, it is imperative to ask the following questions:

What are the fundamentals of national security in the current era?

What is South Africa's national security policy?

What framework is in place for the management of refugees in South Africa?

What are the strengths and weakness of South Africa's national security policy regarding refugees?

Do Somalian refugees threaten the national security of South Africa based on what policy provides?

1.6 Conclusion

African states as a collective are faced with a number of challenges that influence their socio economic situations. Even though there are a number of reasons that can be tabled to justify the movement of people from one place to another, amongst the many reasons, security is predominant. The instability of states may cause movement from one country to another and thus often creating new challenges for the receiving states. Somalia is a case in point. The latter, is considered a weak and failed state, therefore it comes as no surprise that many Somalian citizens find themselves all over the continent and the world. The instability in Somalia has propelled the movement of people both internally and externally.

South Africa being a better developed country in Africa, it comes as no surprise that many refugees and migrants have moved down south in pursuit of better living standards. The

refugees and migrants that have moved to South Africa have according to media reports caused a stir within South Africa. Both citizen and prominent statesmen have made pronouncements on the increased number of refugees that seek refuge in South Africa. In some instances, policies have been reviewed in order to rectify a challenge that seems to be growing daily in South Africa. This begs the question on whether refugees can cause a national security threat to a host country. The following chapter will introduce at length the literature review. By doing this, consistent concepts that will be used throughout the report will be unpacked, in addition to that, the report will use traditional international theories to give the reader a better understanding of the modern realities that are concerned with refugees and national security.

CHAPTER 2 LITERATURE REVIEW

2.1 Introduction

Evolution is believed to occur without any warnings and at different rates. While it may be true that the only constant thing is change, it can also be argued that when change occurs, warning signs generally do present themselves. The world is different from what it was two or three decades ago. Globalisation has led to interdependence and connectivity between countries. States, security, citizens and the definitions of concepts have not escaped evolution. This is not a new phenomenon. The meanings of concepts, as used today, sometimes differ from their previous meanings. Scholars continue to improve on how concepts should be defined through engaging in research in order to best understand the world. Researchers are encouraged to be cautious as some theories may be irrelevant.

Countries are considered to be the entities that are most able to ensure the security of their citizens. However, the entry of paramilitary groupings (rebels or insurgents) prevents countries from discharging their responsibility in this regard. One of the considerations relating to national security should always be the security of a country's citizens, this includes refugees. When states adapt to globalisation, it makes sense that they have to heed the calls of their citizens on issues perceived by those citizens as threatening, especially issues pertaining to their security. The conflict between states and their citizens needs to be unpacked and thoroughly understood by looking at the responsibility of the state towards the individual, and vice versa. The state and the citizens should be considered equally important and should benefit equally from measures taken to ensure their security (Bereketeab, 2013). In this regard, the citizens that the research is most concerned about are the refugees within a host country. Although much has been written about national security, many still perceive it as a topic for ongoing debate and the definition of this concept has evolved dramatically over time. In its inception, national security was understood to refer to the efforts made by a country to protect itself from an external military threat. However, most scholars agree that since the end of the CW, the focus of security measures has shifted somewhat from ensuring national (state) security to also include human security. Romm (1993) argues that the end of the CW brought about a

worldwide sentiment that security was not concerned only with issues related to military threats, which led to a significant widening of the scope of security. Today, the security of states is concerned with issues that are not seen in a traditional light. Romm (1993) also emphasises the idea that in the post-colonial era, security threats evolved, and that this resulted in ambiguity in respect of definition and framework. Yet, after the end of the CW, there have been cases in which scholars and think tanks have been forced to describe certain events concerning security through the traditional lens. Buzan and Hansen (2013) note that while there has been drastic changes in the approach to national security, there were also cases in which there was still a need to respond to and analyse national security in the traditional sense. In order to fully understand the evolution of national security and the accessories associated to it, it is important to provide the origins and basic definition of the concept.

2.2 Origins and evolution of national security

This section is concerned with clarifying security as a concept. McSweeney (1999) rightly states that security is a slippery concept used by a number of entities, which may include individuals, corporate bodies, governments and academic specialists. These entities generally agree that security is concerned with people, and describes it as a means to an end. Whichever position one is aligned to, the concept of security can have various connotations attached to it. For the purpose of this paper, the definition of security will be limited to the state and its relationship with its own citizens and neighbouring countries. Therefore, security can be defined as: ‘... [a] coercive means to check an aggressor and all manner of persuasion, bolstered by the prospects of mutually shared benefits, to transform hostility into cooperation’ (Kolodziej, 2005:25).

An alternative definition provided by Bellany (1981) describes security as freedom from war, stating that defeat should not be a consequence of any war. (Collins, 2010) states that while there are a number of different definitions of security, there is consensus in security studies regarding the definition. Simply put, security focuses on threats and survival. Many other definitions speak of war and a threat to use force. However, within the

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simple definition provided above lies the complexity of an array of issues that are not always exclusive to war and the use of force.

Upon realising that security is focused on the use of force and the protection of state boundaries, it becomes evident that security taps into a number of concepts such as globalization, international relations, strategic studies and state institutions. If one is to attempt to understand security, it makes sense to unpack the phenomenon from an international perspective. Internationally the security of a state is still referred to as national security. The concept national security is mainly a Western concept that emerged after the Second World War. In the aftermath of World War II (WWII) states, especially the United States of America (USA), were forced to rethink their approach on how they engage with other countries. In the years since the end of WW II, the involvement of states in international affairs has drastically increased, which has forced some states to merge issues of foreign policy, integration of military forces, revision of diplomatic engagements, expansion of intelligence services and economic interests.

National security is now an issue that has attracted the attention of scholars from not only developed states but also Third World countries (Azar, 1988). This was fast-tracked by the collapse of the communist bloc towards the end of the 1990s. In addition, after 9/11, countries started to adapt and integrate national security to suit their foreign policies. This enabled them to focus more intensely on their national security strategies. It must be noted that although the shift in thinking emerged mainly after the end of the CW, theorists and political leaders were already preoccupied with national security challenges and the evolution thereof.

2.2.1 From traditional to contemporary

Since the end of the CW, there has been growing discontent about the relevance of the traditional notion on security. The dominance of the military and/or strategic considerations in the conducting of international relations and acts will always be perceived as the legacy

of the CW. Further to this, the foreign policies of many states were formed or shaped as a consequence of the CW. Therefore, it is difficult to discuss national security without mentioning the effect of the CW in this regard. Over the years, each generation has looked at and understood national security differently, mainly because of changing circumstances during different periods. That shift may be credited to the establishment of positive relations between states. Nations seem more occupied with autonomy, common interest and transnational cooperation, as opposed to conflict in national interests. A global security paradigm became more apparent in the early 1990s (Shultz, Godson & Quester, 1997). The traditional approach viewed security as being centred exclusively in the state. This approach was also a proponent of the belief that states behaved in a rational and cohesive manner. This definition was narrow and paved the way for the military to take centre stage in the conceptualisation of security. Security in its traditional form, served the needs of a discipline that attempted to map out the international order by trying to apply methods of natural science to the relations between states (McSweeney, 1999). The post-cold war period presented an alternative view.

2.2.2 Post-Cold War views

In order to be able to understand the paradigm shift in security after the CW, one has to understand the events that took place during the period leading up to the decline of the CW. The traditional understanding of the role of the state was questioned when inter-state wars increasingly became the norm. Interstate wars that occurred during and after the Napoleonic era and until the end of the CW in 1989, were and are still referred to as modern wars, whereas wars fought from 1990 onwards are commonly called postmodern wars (Bennett & Lepgold, 1993; Baylis, Wirtz & Gray, 2013). What makes postmodern wars different from modern wars is the nature and characteristics of these wars. The difference between modern and postmodern wars is that the former involved two or more belligerent groups, which was not always the case with the latter group. In postmodern wars, states are faced with conflicts that often stem from within their borders. Postmodern wars are characterised by relatively low-tech weaponry and are concentrated mainly in what has been classified as Third World countries. This new phenomenon in war forced

researchers to look at the role and capabilities of the military forces differently and take into account how state relations have improved or not.

2.2.3 Security communities

To highlight the broad scope of security, Mashshāt (1985) approaches the definition of this concept by looking at two approaches and distinguishes between a strategic definition and an economic, non-strategic definition. The first refers to abstract values, such as the protection of the sovereignty of a country, while the second refers to the maintenance of economic resources and non-military aspects. Whichever of these definitions one chooses, the responsibility for ensuring security still largely rests with the state and its custodians. Many states and heads of state have come to the realisation that globalisation has made it increasingly more difficult for countries to focus on security within their borders. However, states still need to come together and admit that security and national security extends beyond national borders. As a result of this concern, states have opted for what is known as security communities. These communities are established for different reasons.

Even though wars still occur today, Muller (in Betts, 2008) emphasised the fact that security communities in different societies agree that they have become less prevalent because of their psychological and physical costs. Psychologically wars were described as immoral and uncivilised, whereas their physical effect was described as destructive and expensive. Both these views emerged after the two World Wars. A number of measures were applied in attempts to prevent wars, for example, mediation, diplomacy and collective approaches that were adopted to address security through regional, continental and international organisations. Collective security implies that states pursue security through cooperation with other states or organisations. According to Bennett and Leppgold (1993), the first and most successful attempt towards collective security was the Concert of Europe, which helped to prevent the outbreak of war between the major powers between 1815 and 1854. Since then various other such attempts have been made, notably in

Africa, where countries come together to form communities based on security and economic interests.

Since this study focuses on more than one state, it is imperative to understand how states as collectives have embraced the concept of security and how they understand the ever-changing environment, especially in Africa, where wars and conflicts are still rife. In light of the complexity of the post-CW world, CW Buzan (1991) attempted to explain and define the true nature of regional security. In his book titled *People, state and fear*, he reflects on and challenges the idea that regional security is concerned with relationships between member states. While the emphasis is strongly on member states, this does not assume that states that are 'outside' a particular region do not form part of that region's security. The theoretical framework that Buzan puts forward is that many states form regional security sectors or systems based on their geographic locations. When states are close to each other, they will be bound by a relationship of either amity or enmity, which will inevitable result in the existence of a relationship.

The idea behind collective security is to ensure that international peace and order is maintained. When one explores the difference between collective security after the CW and during the early 1990s, it becomes evident that the intention remained more or less the same. During the early 1880s, the focus was on preventing one state from being conquered by another, whereas after the end of the CW collective security was dominated mainly by the idea that states should join forces in order to avert a threat (Weiss, 1993). Tsagourias and White (2013) acknowledge that the notion of collective security is an ideal that is yet to be achieved, and that in order to realise this ideal, states need to work together as coherent units. Throughout history states have on numerous occasions come together to form collective security bodies. Though driven mainly by the moral and ethical issues they had in common, states did not always agree on all matters, which complicated the realisation of the set goals. Therefore, in order to achieve collective security, states needed to agree on their aims and objectives. At almost all levels, including the regional and international levels, states find commonality in security matters in order to achieve

peace and stability. Coupled with collective security is collective responsibility, commitment, sound institutions, strategies and resources. However, for many years this has been unattainable due to a lack of response to both internal and external events. The daunting realities highlighted in *Collective security* (Tsagourias & White, 2013) show that authors and scholars alike have not been able to fully agree on the theoretical framework, politics and legal parameters of the concept. This makes it rather difficult to cultivate and respect the security of states. African countries, South Africa and Somalia are part of a collective security region and are therefore influenced by the security challenges facing the continent. South Africa is, for example, a member of the Southern African Development Community (SADC) and the African Union (AU).

SADC is a community of states on the African continent south of the equator. Buzan (1991) and Adler and Barnett (2000), describe communities in two ways: First, it is described as a loosely arranged security community, which involves relations between peaceful sovereign states that are not aggressive towards each other. Second, they speak of an arranged security community, which involves support between states through cooperative arrangements, such as treaties. It appears to be common in global politics for states to form part of communities that exhibit the following characteristics: shared identities, values and meanings, multidimensional and direct relations, a reciprocal relationship and a clear sense of obligation and responsibility to one another.

State behaviour within organisations in the contemporary era appears to lean towards cooperation, rather than competition. However, critics may claim that though states appear to be cooperating, they only do so to achieve their own national interests. The reason for mentioning the above point is to emphasise the fact that regional cooperation and bodies have now become the norm and that many states, if not all, become members for both security reasons and national interests.

As mentioned earlier, it is difficult to discuss national security without referring to theories surrounding international security. The theories that the report concentrates on are two main theories on international security, namely realism and liberalism. In the contemporary era, one seldom witnesses the military takeover of power emphasised by realists. The theory of liberalism is seen as encouraging countries to negotiate in order to foster international cooperation and pursue their security. The formation of regional bodies to help maintain security illustrates how the meaning and the application of security as a concept has evolved. If one unpacks the roles of SADC, one notes that while the organisation was once devoted to collectively addressing aggression and encouraging the peaceful resolution of conflicts, it now addresses various non-military threats to security. SADC, formerly known as the Frontline States (FLS), was established to curb the total strategy of the then apartheid South Africa, but has now expanded to include other objectives, including economic integration and various other forms of interaction. This reflects the assumptions made by the liberal view on international security (Buzan, 1991).

Various scholars, including Booth (1991), have argued that the currently accepted definition of security is not comprehensive. To analyse this assertion, the paper will use the theories of international relations. While realism has been shown to focus on the military aspect of security and excludes other factors, liberalism brought a new way of thinking by advocating cooperation instead of aggression and competition. The approach taken will be that liberalism is preferable to realism. The argument brought forward is that the two main things associated with realism are the narrow military focus and the lack of inclusion of other pertinent factors on the national security agenda, whereas the theory of liberalism focuses on cooperation rather than competition.

2.3 Traditional theories of International Relations

The state has always been the main, and possibly the most powerful actor in the international security realm. It is for that reason that the state has been its own primary protector and has also protected its citizen from both external and internal threats, which

provided the basis for the realist school's interpretation of national security. The theories of realism and liberalism will be discussed in detail in the following paragraphs.

2.3.1 Realism

Realism is believed to be one of the oldest theories associated with international relations. Scholars have debated whether there is still room for this theory in the 21st century, and there has indeed been a paradigm shift in this regard, but that will be discussed later. This theory is based on a number of assumptions. As their main assumption, realists emphasise the central role the state should play in the international security arena. The state is presented as paranoid, acting in a selfish manner to satisfy its narrow national interests and protect its security in an anarchical world. To its proponents, the absence of a world body regulating peace means that there is no order, which makes the world a less peaceful place. States may therefore go to great lengths to bring about peace, which may include waging war against each other (McGowan, Nel & Institute for Global Dialogue, 2002)

It is not surprising that the proponents of this theory emphasise the role of the state as the sole actor in international relations, especially relating to security. Its major drawback is that it totally disregards all other role players. The state's actions concerning state relations are always justified. Loosely put, the state finds ways and means by which to survive in an anarchical world. Others may argue that realists do in fact acknowledge that there are other role players in the international arena, but the truth is that they do not attach much importance to those role players since they believe that they lack the requisite power and might to play any central or leading role. This reasoning is influenced by the fact that the state is still the only entity that controls legitimate violence: first, states are the only actors that have the ability and permission to wage wars, and second, states are the only entities that can authorise the movement of people between borders. This means that they also have influence and control over the refugee phenomenon, which is the central topic explored in this study. In most parts of the world, the state is the only institution that can raise resources that will develop a nation. Finally, it can also be seen as the only entity that

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can control the economy by means of policies that regulate monetary and tax policies (Nel, cited in McGowan *et al.*, 2007:28). It is for these reasons that most realists believe that their theory is still relevant.

The second assumption relates to the role of morality in international relations. The idea that morality should prevail given that the world is a more caring place seems to contradict the idea on which realism is based. Realism as a theory tends to be sceptical about the role of morality in the international arena. Contemporary scholars have asked questions regarding what exactly can be considered moral. With globalisation and porous borders, it becomes difficult to filter that which is good and that which may be toxic. These scholars are particularly interested in whether modern-day refugees should be viewed as victims or as agents of insecurity. This study will also look at whether the South African government policies regarding the management of Somalian refugees contains elements of morality (Mcelroy, 2014).

One should never lose sight of the fact that this school of thought states that because the world has no 'official world government or policing force', countries may do as they wish. According to the realists, states may act in any way without fear of punitive measures taken against them. Experience has proved that there is very little that international organised communities and organisations can do to hold such states accountable. In essence, the theory supports the view that there is little room for altruism, which advocates for peace and harmony in the international arena (Nel, cited in McGowan *et al.*, 2007:28). Morgenthau cited in Nel, focusing on how human beings behave, alludes to the idea that human beings are naturally evil and will do whatever is necessary in order to survive. Like human beings, states will continue to wage war or ostracise people who threaten their security to ensure their own survival. Morgenthau therefore maintains that humans are inherently destructive.

Though there are a number of other assumptions that underpin this theory, the researcher deliberately chose to address factors related to morality. The rationale behind this is that it deals with the state as an organ (the actor) in relation to national security, and the refugee as a *man* in modern society who needs to be assisted when faced with trying circumstances (morality).

2.3.2 Liberalism

The liberal school of thought does not ascribe to the ideas and values of the realist school of thought. Unlike the realists, liberals state that the world is not anarchical. In fact, they believe that the world is structured in an organised manner, which is apparent when states work together in unison to achieve peace and harmony (Nel, cited in McGowan *et al.*, 2007:28). This peace and harmony can be seen in the collective security communities that exist today. Nau (2012) maintains that the only reason for the realist perception that the world is disorderly is because of the organisations that currently exist. Liberals therefore assume that people are generally good and only become bad because of the influence exerted by bad, self-enriching organisations. This school of thought believes that, like individual human beings, states can become organised and reach agreements on almost anything and everything. In total contrast to the realist school of thought, liberalists believe that states can frequently interact with each other on various issues without becoming heavily dependent on each other. Modernisation and technology have catalysed the process of interdependence (Nau, 2012). Liberalists emphasise the way in which the world makes progressive change within the international space, which is assisted by the theory of dependence. In addition to dependence, globalisation has also transformed the world and states have become increasingly dependent on each other, thus making it impossible for them not to reach a comprehensive conclusion when they try to come to an agreement on matters on which they do not necessarily see eye to eye (Nel, cited in McGowan *et al.*, 2007:28).

Evidence of cooperation is also seen in the high emergence of security communities in the past decade. According to realists, this may illustrate that the world has become a better

place to live in. It is, however, interesting to note that liberals are also of the view that the state is a significant actor in international affairs. The difference is that they do not regard the state as the most powerful and sole actor in the international arena, but also recognise the roles of NGOs, international companies and civil society in promoting progressive change. They strongly advocate for a system in the international sphere that allows for the introduction and recognition of other key role players. These assertions are rooted in the belief that states do not always perform to their best capacity without the contributions of other role players, as can be seen in instances where states are governed by dictators and infested with high levels of corruption. It is against this background that it becomes essential for international organisations that advocate for human rights should become role players.

Morality is held in high regard by proponents of the liberal school of thought. They subscribe to the notion that the individual is still the most important factor within the state. States are able to make conscious decisions on behalf of their citizen. Liberals believe that the state is an important role player in the area of international relations, but does not play the most crucial role.

Liberals also agree that major corporations and NGOs worldwide are rising up to challenge the state on its role in international relations. These corporations, for example, make profits that exceed the gross domestic products (GDPs) of most of developing states (Nel, cited in McGowan *et al.*, 2007:28). Though monetary policies and aid are not the most influential factors in improving the lives of people, they do assist greatly in ensuring that development takes place, thereby indirectly elevating the role of corporations in international relations. The Red Cross is a case in point regarding NGOs. The Red Cross and the United Nations Refugee Council are entities that are steadfast in ensuring that the lives of the poor and refugees are protected and that they receive the necessary care. A number of other non-governmental organisations have, in some cases, provided for basic human needs without the help of governments. The assumption is that these organisations

work independently and free from government influence. They are also seen as willing to assist people of all races, religions and creeds, which puts them on a high moral pedestal.

It is imperative to note that while these theories can explain the international arena, they do not make recommendations, in spite of the fact that they are the two main theories on international relations. The debate regarding the relevance of the two schools of thought to national security is ongoing. Though often downplayed, the role of morality in society has grown over the years, and the assumptions made in this regard by both schools of thought call for a closer investigation (Katzenstein & Social Science Research Council (US), 1996). The treatment of refugees is determined by the moral attitudes of their host countries. Traditionally, scholars seemed to lean towards understanding national security from the realist perspective, while contemporary scholars address national security from the viewpoint of the liberal school of thought.

These developments gave birth to numerous questions relating to international theories. For a long time academics have questioned the relevance of the realist school of thought with regards to national security (Booth, 1991). There are other international relations theories that identify the state as the referent object and define the protection of the state as the protection of sovereignty and territorial integrity and these theories have become increasingly contested. Much of the opposition comes from liberalism and related schools of thought, such as idealism, neo-liberalism and constructivism.

2.3.3 Contending theories on National Security

These alternative explanations of international relations, in a broad sense, no longer view the state as the only important role player in international relations. The state is therefore no longer perceived as the sole provider of security. According to these emerging theories, contemporary threats are no longer exclusively directed at the state, and in some instances the state itself poses a threat to its citizens. To substantiate this argument, liberalists overtly imply that the state is no longer able to cope with international crises, such as the degradation of the environment, mass migration, starvation and disease

(Cornelia, 2013). It has, therefore, become imperative for 'world interests', which concern the survival of the human species, the reduction of world violence, the provision of conditions for healthy subsistence to all people, the preservation of cultural diversity and the preservation of the world's ecology to compete with 'state interests'. This may include the survival of the state, specifically in terms of sovereignty and territorial integrity. The former view is more in line with the human security concept and the latter more starkly in traditional notions of national security.

As stated before, liberalism and related schools of thought allude to the diminishing role of the state in international relations. Neoliberal institutionalism, for example, points out the increasingly important role of international organisations in international relations. The theories on international relations, which depict security as a phenomenon that extends beyond the state, make it possible to include issues that affect human beings and their wellbeing.

Theories that compete with the theory of realism, for example, also take cognisance of the fact that in current interactions between states, the survival of humans surpasses the importance of state interests. The BRICS (Brazil, Russia, India, China and South Africa) summit held in South Africa in March 2013 is a case in point. The summit focused on economics and the role member countries could play in facilitating a shift in global economic power (Dube, 2013). In the contemporary world, it seems as if the world is increasingly committed to advancing the economic agenda, which may have a direct effect on human security and lead to a ripple effect on a country's national security.

2.3.3.1 Critical Security Theory

The Critical Security Approach, which was shaped after 1990, endorsed the view that the state is no longer the only referent object of security. This is in direct contrast with the realist school of thought, which views elements such as globalisation to have forced the state to relinquish its full powers of policy-making on national security and, to some extent,

force the state to hand over its power to international and transnational organisations (Robinson, 1996). Oyebade and Alao (1998) highlight the way in which state failures have encouraged citizens to opt for self-determination and autonomy. Citizens organise themselves along ethnic, racial, religious or tribal lines and, in turn, these actions create a variety of competing locations and factions. This renders the state incapable of performing its functions. The most prominent issues that have caused the international realm to identify with the critical school of thought are the common major problems that face most countries in Africa and include ethnic and racial issues, and the competition for resources. Additional problems include the failure of some African governments to deal with such problems and the failure by the people who are elected as leaders and custodians of the government to uphold their obligations towards the state. These self-serving leaders create a scenario that paints the state as a threat to its own citizens (Helman & Ranter, 1992). In some cases, threats by leaders have led to human rights violations. However, many authors have found it difficult to define national security because of the increased scope of the matters falling under its scrutiny.

2.3.3.2 The Copenhagen School

Regardless of whether the state or the individual deserves prioritisation, constructivists state that referent objects cannot be predetermined. The circumstances have to be analysed before a decision can be made on what should be prioritised at any given moment. The Copenhagen school of thought, which highlights societal security, may be regarded as being within the realm of constructivism and is positioned somewhere between traditional state-centrism and individual security (Buzan & Hansen, 2013). The Copenhagen school emphasises the point that threats to security concern matters beyond military attacks and include risks and threats emanating from economics; the environment; societal fault lines; and the absence of basic human rights, a lack of necessities such as access to water, food, shelter and government service delivery (Buzan & Hansen, 2013).

In terms of priority areas, the Copenhagen school recognises that the different sectors or the different elements of national security, be they political, military, economic, societal or

environmental, have their own referent objects (Wilkinson, 2007). This sectorial approach is particularly welcome where states lack legitimacy, since in such circumstances the protection of the state almost always overrides economic security or societal security. In such instances, it is usually difficult to determine whose security is paramount. The sectorial approach clarifies this to some extent. When resources are abused by the elite, in most cases people in power, it reflects, for example, in contradictions between state expenditure and service delivery. The Copenhagen school acknowledges the increasing importance of areas of concern beyond the state, but maintains that the state is still 'generally privileged as the actor historically endowed with security tasks and most adequately structured for the purpose' (Buzan *et al.*, 1998). This more balanced approach indicates that security is not state centric but rather state dominated. Although the meaning of security has evolved to include aspects beyond the protection of the state, the state remains a dominating factor in terms of the provision of security. Whether one is referring to economic security, societal security or food security, the state still has the largest stake in terms of the provision of security and the state together with its citizens should be able to determine what issues need to be considered security issues.

2.3.3.3 Securitisation Theory

In the past ten years or so, more and more scholars have tackled and attempted to understand the issue of refugees as sources of insecurity in host countries (Abrahamsen, 2005). In his book titled *Victims as security threats: refugee impact on host state security in Africa*, Mogire (2011) discusses the issue of refugees in host countries at length. For a long time refugees have been – and to a great extent still are – perceived as victims rather than perpetrators. The author immediately points out that refugees can be considered to be threats to security, rather than victims, and that refugee policies are increasingly concerned with the protection of national security, rather than with that of the refugees. In order to comprehend refugees as threats, the attention will now be turned to the theory of securitisation, which is deliberately used to uncover what is often swept under the carpet.

The theory of securitisation, as presented by the Copenhagen school of thought, helps us to understand what is meant when refugees are referred to as a threat. In essence, the

theory is not necessarily concerned with the traditional approach to security as it does not regard security as an unquestionable good. The question, according to this school, is not concerned with whether or not there should be less or more security, but with what issues deserve to be treated as security related issues. In principle, this means that there is an indefinite expansion of the security agenda. However, this does not mean that all matters regarded as important by the government/state, for example, may be classified as security related. What distinguishes irrelevant issues from relevant issues is largely based on the audience they serve, and the audience should recognise and accept that an issue deserves security classification (Abrahamsen, 2005). In South Africa, the increase in the number of xenophobic attacks can be regarded as a matter of national security only if both the actors (government) and the audience (citizens) agree to classify it as such. Without the buy-in of both parties, xenophobia is not likely to be considered a national security issue.

According to the Copenhagen school, security takes politics beyond norms and rules. Buzan *et al.* (1998) describe securitisation as an extreme form of politicisation. When plotting problems on a spectrum, it may not be far-fetched to imagine issues as being on the most extreme ends of the spectrum. In principle, this means that any issue can find itself at any given point or level on a spectrum, depending on the nature and urgency of that issue.

The basic tenet of this theory is that an issue can be regarded as a security threat only if it is defined as such by both the audience and the decision maker. The Copenhagen school supports the argument propagated by this study, which is to describe whether or not refugees should be seen as a security threat to the countries hosting them. In light of the above discussion it seems more appropriate to pursue theories or schools of thought that include both the state and individuals as requiring security. Alkire (2003) agrees that there is a connection between national security and individual security. For example, the United Nations' existing organisational mandates and mechanisms draw heavily from individual state security assumptions. This view was supported by Mandel as early as in 1964, when

he defined national security as the ‘... pursuit of psychological and physical safety, which is *largely the responsibility of national government*, to prevent direct threats [endangering the survival of a states’ citizenry, or their ways of life]’ (Ramsden & Kervalishvili, 2008:43). This implies that the objectives pursued by the United Nations largely depend on state security needs and their ability to provide for those needs. This feat cannot be achieved unless states are impartial and legitimate. Furthermore, states are required to cohere (make to work together) the elements of national security (politics, military, economics, environment and society) towards the security of society, and individuals in particular. The state is then viewed as the means of security and individuals as the end. With that said, it is understood that cooperating with state institutions is essential to individual, or rather human security, addressed from the national level. It is thus prudent to further explore the nexus between the state and human security.

2.4 The nexus between National Security and Human Security

Human security allows for a more inclusive and deeper understanding of security. It encourages an understanding of security from a people-centred, multidimensional perspective. It therefore confirms that various security-related factors are interconnected. The critical school of thought states that the individual should replace the state as a referent object in security. For the purpose of this study, the critical school’s explanation of arriving at the individual as the referent object will be used. This critical notion of security is expertly encapsulated in the human security concept. Before the notion of human security is discussed, it is imperative to first determine whether the state has been completely overshadowed in terms of holding the position as the sole guarantor of security. It would be impossible to establish a possible connection between state security and human security unless the state remains as an integral role player in providing security, in particular for individuals. The discussion will show that the importance of national security has now been overshadowed by human security as a priority on national security agendas.

If security remains a state-dominated arena, as purported by the Copenhagen school, a strong, legitimate, stable state would be capable of providing security. That is according to Cebbie Nandipa Wolf

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the contemporary understanding of security, which highlights the importance of individuals. An illegitimate state could possibly defend itself militarily, but usually at the cost of human security. This point is reiterated by Buzan (1991), who states that if the security of individuals is linked to the security of the state, the state and society, and also their security, becomes indistinguishable. To elaborate, one cannot speak of a successful state and unsuccessful people. This is especially true where the state becomes a major threat to its citizens. In the past the success of a state depended on its ability to protect itself against attacks. This no longer applies.

2.5 The modern state and National Security

The success or failure of the modern state is determined more by its ability to pursue the interests and security of its citizens. The state is then viewed as the means by which the interests and security of society is pursued. In order to effectively and efficiently do that, the state must ensure that all the elements of national security (political, military, economic, environmental and societal) are well articulated so that the interests of society are prioritised at both the national and the individual (household) levels. For a state to be 'successful', it has to be aligned with John Locke's concept of a social contract, which prescribes that the state should be oriented towards serving the individuals who constitute it. In other words, the state's interests should also reflect the interests of its citizens. This means that the state does not have interests of its own. Such a successful state will be one that pursues a type of security that benefits the interests of those who constitute the state, namely its citizens. This view of the state implies that clashes between citizens and the state are avoided or do not reach major proportions or contradictions since the consent of those governed play a prominent role in government activities and decision-making (Buzan, 1991).

However, the view of the maximal state stems from the assumption that the state is, or should be, more than the sum of its parts and therefore has interests of its own. Marxists believe that state interests derived from outside the citizenry of that state belong mainly to members of the dominant elite who use the state to advance their own cause. In extreme

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versions of this argument, philosophers see the state as necessary and primordial, and maintain that it exists as an independent force that demands obedience. According to this view, the state stands above the individuals comprising it and is not something created by individuals, as implied in the social contract (Buzan, 2007).

2.5.1 The Maximal State and Minimal State

A state that poses a threat to its citizens usually adopts the maximal view. This may be justified by the arguments that follow. During times of interstate wars, and possibly during the CW period, states were restricted regarding possible counter-measures to threats and had to put state interests ahead of other interests given that in that context the state was the threatened object and emergency measures were required (United States Commission on National Security/21st Century, 2002). However, the phenomenon whereby a state is threatened does not feature prominently in the post-CW world as a result of a decline in the prevalence or danger of interstate wars. Even where there are intrastate conflicts, such occurrences are the result of maximal states and governments exploiting resources for the benefit of an elite group. Active participation of citizens in state matters ensures that they are also consulted on security issues.

The narrative that the state is most adequately structured for security purposes and privileged as the actor endowed with security tasks was mentioned earlier. In the light of this argument, the conclusion may be drawn that the state might best provide human security when it is also minimal in its approach. One could argue that maximal states are able to produce a greater degree of security, but this applies only if security is viewed in positive terms, which means that security extends beyond peace towards development in respect of all aspects of national security. Security should, however, also be viewed in negative terms. Increased security measures contribute to an unstable or 'negative' environment. Something has to be threatened for security to exist. The more threatened an entity is, the more the security that entity will require. Wars often involve maximal states (with strong armed forces), while peace is usually associated with minimal states (weaker armed forces). This substantiates the point that increased security endeavours do not

necessarily contribute to a peaceful environment. Therefore, if minimal security measures are required it implies that the threats are minimal (Buzan, 2007).

Proponents of state dominance in security matters after the CW hold the view that contemporary security threats are best countered by a strong state, not in military terms, but mainly in terms of the state's ability to analyse the components of national security in such a manner that both military and non-military threats can be effectively dealt with. In other words, a state's strength or weakness should not be understood purely in military terms, but rather in its ability to provide security to its citizens in a way that enhances the latter's well-being. Consequently a threat to human security would be best dealt with by a strong state – not in terms of military power, but rather through its ability to articulate its constituent components of national security. This type of security is best achieved when states adopt a minimalist approach towards security. In addition to being minimal in its approach and in order for a state to carry out its functions effectively, it should be able to cohere the following three concepts to protect its citizens against a wide variety of threats (Holsti, 1996): the idea of the state, the institutional expression of the state and the physical basis of the state.

When these three elements are well articulated, human security is enhanced. Under such conditions the state will not advance its own interests, but rather those of its citizens. These three elements have to exist alongside vertical and horizontal legitimacy. States that lack in one or both forms of legitimacy are usually weak states, unable to provide sufficient security, lack legitimate political institutions, are unable to provide social welfare and have poor economic management.

The idea of the state is the most abstract of the three, but also the most central. It comprises of those characteristics that distinguish political communities from each other. This is a particularly complex notion, especially in Africa, since political community and territorial sovereignty are frequently not the same thing. The legacy of colonialism, which

led to arbitrarily drawn borders, affected the composition of groups within boundaries where some states chose to secede from others. This often led to instability (frequently caused by ethnic or racial differences) in some countries, which in turn led to people leaving their countries of origin. It must be noted that colonial borders separated tribal, ethnic or racial groups, which led to wars in various states. This is not discussed in detail in this paper since the focus here is on people fleeing their countries of origin due to insecurities and adopting the status of refugees elsewhere. The objective of colonialism was in any case not to unify, but rather to create divisions to simplify the process of resource exploitation. Even in instances where states are diverse, it is important for a state to be able to command loyalty in the absence of the strong and widely held ideas that usually serve to bind a state (Buzan, 1991).

State institutions include the various arms of government or the state, among others the executive, legislative, administrative and judicial bodies. The concept of 'institutions of the state' is more tangible than the idea of the state as they are visible. Institutions can be replaced more easily than ideas. Turning our focus to South Africa, it is apparent that although apartheid in South Africa may still very well serve as a binding force within certain groups, the institutions of those ideas have certainly been replaced. The institutions of government are the entities that rulers, particularly in totalitarian regimes, use to advance elite interests. The coherence of such a state would be preserved by the unstinting use of the state's coercive powers against its citizens. An example where state institutions are used appropriately (in pursuing the interests of all its citizens) could be Switzerland, which has a system of direct democracy that caters for direct participation in governance by its citizens (Holsti, 1996).

The basic understanding of a state includes defined territory, population, resources, and wealth. It is the most concrete of the three components. It is in this area that states share most similarities. Threats to a state's physical base are common to all states because of the similar physical quality of the objects involved. Generally all states face challenges regarding their territorial integrity, although some areas are more valued than others,

especially resource-rich areas. Very few governments would ignore challenges to territorial integrity unless the invading force is a liberating one. Challenges to territory are generally linked to threats to population, resources and wealth. Since these elements are so closely related, they usually have a snowball effect on a state if ignored (Holsti, 1996). The concepts of the idea of the state, the institutional expression of the state and the physical basis of the state, which were discussed above, have to be well articulated and coherent as they form the foundations of a state. Without this foundation the existence of a legitimate state that is able to fully cope with its responsibilities is unlikely.

Without these basic concepts it would be impossible to determine whether there is a connection between state security and human security, since the former is dependent on the existence of a state. The absence of even one of the elements brings the legitimacy of a state into question (Takahashi, 2014). For example, the inability to command loyalty in the case of a diverse state often results in instability. Furthermore, the legitimacy and even the existence of the state is questionable if a physical basis or functioning state institutions are absent. This does not imply that having these elements qualify an entity as a state. The Republic of Somaliland, for example, has the elements mentioned above, but lacks international recognition as an independent state. In some instances, states may be recognised, but have dysfunctional institutions, rendering them failed states that are unable to unify the state through their security agencies and to provide security to their entire populations. Rather than ensuring the security of their citizens, such states contribute to their insecurity and produce large numbers of refugees. Somalia is a perfect example of such a state. Whichever position one takes, the state, as we know it today, still displays the traditional character of a state, but its responsibilities have been expanded. In justifying this thought, the theory elaborates on how the nature of security threats has evolved. It is against this backdrop that the South African government's policies regarding national security and refugee management will be discussed.

2.6 South Africa's National Security Policy

South Africa, like many other countries, does not have a single concrete document dealing with national security. Instead, its national security policy is derived from the four cardinal pillars of its democracy. The assumption is that the national security framework is drawn primarily from a number of policy documents that are concerned with and concentrated within the security cluster. To be more precise, the Defence Review 2015 (South African Defence Review 2015, 2014) states that the national security of the country is centred on the advancement of its sovereignty, values, interests and economic independence. This means that the approach to understanding national security is similar to the model of a modern-day state. Though not explicit, the values that underpin South Africa's national security are described in such a manner that they reflect the traits contained in the contemporary national security school of thought. As mentioned earlier, this school of thought understands the state as not relying only on its military capability to ensure national security, only, but also on other organisations and its citizens.

South Africa crafts its national security policy by looking at both its domestic and regional/international interests. Therefore, in constituting a national security policy, both domestic and international priorities should be thoroughly interrogated. Although the often misleading belief that national policies, in particular a country's foreign policy, are rooted in international affairs is a fallacy, national security policy cannot escape the influence of foreign policy. When using the conventional understating of national security, it is evident that national security goals are successfully achieved through an effective and persuasive foreign policy.

Over the years there has been an ongoing debate on whether or not domestic politics and foreign matters are linked. While some scholars believe that domestic and international issues are unrelated, others are of the view that they are intertwined. However, evidence has emerged that these two elements are in fact interdependent (Beasley, 2013). Whichever stance one chooses, both notions have merit and should be accepted in different circumstances.

In some instances, it is imperative to consider domestic policies, while in other cases foreign issues cannot be accepted as secondary. Thus, one cannot speak about foreign policy while and neglect to understand the domestic issues or policies of a state. This is very true in South Africa, which is being plagued by countless service delivery protests, xenophobic attacks and expressions of general dissatisfaction with the high unemployment figures and inequality, which suggest a need to reconsider policies. The rationale for linking foreign issues to domestic issues is that some foreign policies are generated based on domestic policies or issues. Chapter 2 of American Foreign Policy,(Jentleson, 2014) discusses how domestic elements such as bureaucracies, interest groups, the military dimension and public opinion contribute towards the making of foreign policy. Of late, the world has seen a new trend with societies organising themselves to form social movements. The voices of such organisations have grown louder and louder over the years. Beasley (2013) agrees with this approach and states that the personalities and beliefs of those in leadership positions also carry an equal weight towards directing foreign policy. The highlights the importance of domestic issues in engineering a foreign policy designed to guard national security or interests. Thus it is safe to state that domestic issues cannot be separated from foreign policy. But how are these two linked?

2.6.1 Foreign versus Domestic Policy

Foreign issues have an equal footing when it comes to decision making and foreign policy formulation. However, when external factors that contribute to foreign policy are assessed, the theories of international relations, as discussed in the previous chapter, prove to be relevant. One of the most influential elements in determining foreign policy, which is external in nature, is the lack of an 'international/official government body' in the international realm. This single factor undoubtedly forces governments all over the world to formulate foreign policies that seek to protect their national interest or national security. The theory of realism best explains this action by states, stating that they formulate their foreign policies against the backdrop of self-interest (Grieco, 1988).

Domestically, the foreign policy works towards ensuring that, first and foremost, the focus is on the sovereignty of the country, with sovereignty equating to territorial integrity. This implies that the national security framework still ascribes to the orthodox view that the primary goal of national security is to protect and to prevent external threats, i.e. threats that can compromise the territorial boundaries of a country, and that it recognises the Constitution as the most supreme law in the country. It is the basis that ensures that all South African people and their institutions function like a well-oiled machine. Coupled to these two factors is the prosperity and uplifting of the people of South Africa. However, national security extends beyond the borders of the country. Internationally, South Africa acknowledges that it is a major power on the African continent. Its national security is centred on its ability to be a part of the regional community – and an influential one at that. Economic development is paramount in ensuring stability, and for South Africa the ideal is to realise economic growth in the rest of the continent, hence its membership of a regional body like SADC. Therefore, security and stability go hand in hand. South Africa feels that it has an obligation to ensure that peace, development and stability prevail on a continent that faces serious challenges.

The best way to implement national security is to coordinate all means of state power by using, political, diplomatic, information, economic, social and military elements (*South African Defence Review 2015*, 2014). These tools, according to the *Defence Review*, are the best for the achievement of national goals and objectives. In support of this, the Constitution makes provision for national security by stating the following requirements in section 198 of 1996:

- a. National security must reflect the resolve of South Africans, as individuals and as a nation, to live as equals, to live in peace and harmony, to be free from fear and want and to seek a better life.

- b. The resolve to live in peace and harmony precludes any South African citizen from participating in armed conflict, nationally or internationally, except as provided for in terms of the Constitution or national legislation.

- c. National security must be pursued in compliance with the law, including international law.

National security is subject to the authority of Parliament and the National Executive (*South African Defence Review* 2015, 2014) and leans towards the thinking that government institutions play a significant role in ensuring that national security is achieved. Yet in the same breath, the core values that are considered critical in addressing the causes and consequences of insecurity are the 'Triple Ps'. The first 'P', represents the people. In this case the *Defence Review* makes it crystal clear that the people are important in the execution or implementation of national security. According to this document, the people should at all times be protected and should live in the absence of any kind of fear. The second 'P' is concerned with the planet. The idea is to ensure that the planet is protected and cherished – position that falls outside the ambit of the traditional way of thinking about security. The final 'P' represents the prosperity of the country. The country should be in a position to strive towards development, especially economic development. The simple analogy here is that *Defence Review* articulates its position on national security as people-centred. Though the paper discusses the role of the armed forces in pursuing national security at length, it is evident that human security – as opposed to national security – is fast taking centre stage.

This report takes note of the fact that even though there is no tangible document titled *National Security of South Africa*, the author acknowledges that steps have been taken by the government to illuminate its national security objectives. Democracy in South Africa is highly valued and thus national policy documents derive their essence from the democratic ideals. It is, however, disappointing that in a time that is rigged with insecurities of all types, the government is still unable to put together a document that deals with both domestic and external threats that are drivers of security related matters. The next section describes Somalia refugee policy in South Africa.

2.7 Understanding Somali Refugees

According to Brons (2001), Somalia is a modern state that experienced a collapse in 1991, at the peak of a civil war. The factions, which represent different clans, overpowered President Siyad Barre and forced him and his family to flee the country. Many other Somali nationals also fled the country. Subsequently the different factions failed to maintain the state and all prospects of nation-building and nationhood were abandoned. Since then the state has been controlled by different military factions and many have argued that the country of Somalia is in fact inhabited by a number of self-organised groups living alongside each other without a recognised and legitimate government. The challenges that the country has faced include institutional collapse, economic meltdown, a decrease in the value of traditional structures and a deteriorating environment. Wisner (in Samatar, 1994) alludes to the fact that Somalia faces challenges that continue to hinder its upward development. In the book titled *The Somali challenge: from catastrophe to renewal*, the author makes reference to three assumptions about the country. First, it is assumed that in order for people to live in a country, peace and stability are a prerequisite; second, development of both the environment and all the sectors of the state is essential; and third, there is a need for continued economic growth and democracy. It appears that no lasting success has been achieved in any of these areas (Wisner in Samatar, 1994). In fact, Somalia is a failed state and poses a number of security challenges to its people, many of whom have been forced to seek refuge elsewhere.

Brons (2001) highlights the challenges that have long been associated with Somalia. Although the people of Somalia have tried to deal with the many challenges facing them, many still find that their presence is not welcomed by the different governments that rule the territories. In addition to the Somali citizens living in the country, there is also a large group of people from neighbouring countries seeking refuge and safety. Women and children from Ethiopia constitute the larger part of this group. The literature addresses how security has been provided for those within the borders of Somalia. However, questions arise as to whether the provision of security is enough. Literature on this topic also highlights how governments continue to struggle with implementing the concepts of sovereignty, managing security beyond the state borders and dealing with the legacy of

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colonialism. These are some issues that have earned Somalia the reputation of being a failed state.

The citizens of an unstable country or region will generally seek refuge in neighbouring countries. Although many Somalians have fled the country to seek refuge in other countries (Moret, Baglioni & Efionayi-Mäder, 2006), very little has so far been written about refugees from Somalia and how they have affected the economies and social development of their host countries.

Many reasons have been suggested for the position in which Somalia currently finds itself. Bond, Ngwane and Amisi (2010) describe how a strong militant group, Al-Shabaab, took over key government institutions in Somalia and caused the country to degenerate into a war zone. Their book on Al-Shabaab offers views on the effects of the rebel group's actions and how the national security of the country and the region was affected. It emphasises the way in which a predominantly Somali group has managed to spread its networks all over East Africa, other parts of the continent, including South Africa, and the world at large.

South Africa recently celebrated 20 years of democracy after having rid itself of the apartheid system, which came to a fall during the early 1990s. South Africa and South Africans have come a long way as a country and as a people. However, this does not imply that the country has not faced any challenges. Among the pressing challenges faced by the South African government are those related to providing quality education and housing, and dealing with the high unemployment among the youth. Compared to other African countries, South Africa experienced reasonable economic growth under the leadership of both Nelson Mandela and Thabo Mbeki. This took the country to new social and economic heights. South Africa was labelled and perceived by many as the land of milk and honey. It is against this background that many Africans saw this country as the ideal place to live in. As stated earlier, Africa is plagued by many intrastate wars, which is

one of the main factors contributing to the refugee phenomenon on the continent (Mogire, 2011). As a result of these wars, many people left their native countries to seek shelter and better economic opportunities elsewhere. After the fall of apartheid, South Africans moved from being apartheid refugees to acting as hosts to refugees, which has not been without serious consequences. The rapid increase in the number of refugees flocking into South Africa requires careful study. However, one cannot embark on this study without firstly giving a comprehensive definition of a refugee.

2.8 Refugee as a concept

The concept refugee has been commonly accepted as covering a wide range of people who cross the borders between countries. It also denotes people whose intention is to stay in the country into which they are crossing for an extended period. In 1951, the Convention on Refugees accepted the definition of a refugee as a person who is forced to leave his/her country of origin because of fear of persecution. The 1951 definition was reviewed as a result of subsequent events relating to wars and the displacement of people. Even though fundamentally the definition remained the same, the 1967 Protocol on Refugees expanded it to include people who were displaced in any geographic area. To further ensure its relevance to Africa, the definition was expanded by the Organization for African Unity (OAU) to include people who have been displaced due to liberation wars and internal mayhem. In an attempt to make the definition all-inclusive, the OAU also included factors such as the gratification of current and changing circumstances. These changes are primarily those concerned with human rights. This shows that there has been an evolution in the way the concept ought to be understood. The OAU's reviewed definition still encompasses the nature of refugees as defined in the United Nations (UN) legislative framework on refugees.

However, the abovementioned definitions make little if any mention of people who leave their countries due to economic reasons, or as a direct result of national security reasons. In fact, although the term economic refugee is commonly spoken of and used in literature, it is not often used in academic circles. People who leave their countries of origin in pursuit

of better living conditions might not qualify as refugees (Solomon, 2003), but we may not ignore the fact that reasons for leaving a country cannot be treated in isolation and that other factors, such as war, could contribute to people seeking better economic prospects elsewhere. While one may argue that wars constitute elements of national security, the shift from national security to human security after the CW has made it difficult to truly understand what refugees are and when a person should be considered eligible to apply for refugee status. The UN also considered and identified the underlying factors in its attempt to define the concept refugee. Ultimately, a refugee can be defined as a person who:

has a well-founded fear of persecution based on race, nationality or ethnic affiliation;

has been a victim violent crime or conflict;

has been a victim of external aggression; or

has been a victim of a serious violation of human rights (Mogire, 2011:16).

Weiner (1996) and Zolberg, Suhrke and Aguayo (1992) concur with Mogire that generally the most common cause of the refugee phenomenon is violent conflict. In the contemporary era having been demeaned and marginalised would be considered a contributing factor. It is against this background that the paper attempts to establish a link between how international bodies have defined a refugee and the way in which they are perceived. Could it be that on paper the status of refugees is understood and sympathised with, while in fact there is no real understanding of what refugees are and how they ought to be treated? Africa is home to half of the world's internally displaced people (IDPs), and authors such as Mangala (2010) have alluded to the fact that the accelerated number of IDPs can be viewed as a new security threat to African countries.

People across the world use the terms refugees, displaced people, asylum seekers, illegal immigrants and migrants synonymously. In legal terms, these terms all have different definitions and implications. For the purpose of this paper, the term refugee will be used. The term refugee is often used to denote a person who finds himself outside the country of his/her country origin and is unable or, owing to fear, is unwilling to avail himself of the

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protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of particular events, is unable or, owing to fear, is unwilling to return to it (Zimmermann, 2010).

Over the years, great strides have been made in an attempt to deal with the refugee issue. It is imperative to understand that more recently a need has arisen to understand the link between refugees and security threats. Various scholars, for example Campbell (1998), have adopted the notion that the presence of refugees can bring about a security threat. During the 1980s, this view was somewhat ignored based on the humanitarian paradigm that dominated international studies, and specifically refugee studies. The main focus was on protecting the rights of refugees, rather than on the threat that their presence pose to a host country. To further elaborate on this issue, Ferris (1994) highlights the fact that, viewed from a realist perspective, it is difficult to divorce the military perspective on security from the security threat posed by refugees. Baldwin (1997) points out that any issue outside the scope of military activity was not considered a security threat. However, since the 11 September 2001 (9/11) terrorist attacks on the United State of America (USA), the abovementioned perceptions have changed. Scholars were forced to review their opinions on refugees in host countries and the UNCHR (2006) emphasised the importance of the securitisation of asylum seekers. Scholars therefore needed to review their perceptions about refugees and shed the idea that all refugees are victims of crises in their countries of origin, and to consider the possibility that the presence of refugees in a host country might pose a national security threat to the host.

2.8.1 Refugees in South Africa

In the year 2000, the number of refugees living in South Africa was estimated at 30 201. Five years later, the number had increased to 169 809 (UNHCR, 2016), and 15 years later it had skyrocketed. To be more precise, the UNHCR reported that in 2015 there were 1,096 063, however, this number has been put under scrutiny because of lack of readily available data from the DHA. If one looks at the places where migrants going to South Africa come from it is clear that over 75% are from Africa, out of the number, 68% originate

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from SADC and the other regions of the continent make up just over 7%. South Africans in general are not at all happy with this state of affairs and their dissatisfaction became evident during what the media labelled the first wave of 'xenophobic attacks', which made headlines in 2008. Since then there has been sporadic xenophobic attacks all over the country. One may safely deduce that the refugee phenomenon can be regarded as one of the country's main challenges. South Africa only started recognising refugees in 1993 (prior to that, refugees were governed by the Aliens Control Act 96 of 1991), despite the fact that at the time it was already hosting just over 350 000 Mozambican refugees (Greyling, 2016). In a bid to address that challenge, the South African government adopted a new act, the South African Refugees Act, 130 of 1998, in 2000. This Act, which spells out the rights and obligations of refugees and provides guidelines on how refugees should be treated, includes four pillars that state the following:

... (t)he Government of South Africa is committed to the granting of asylum to refugees; to provide them protection; and to search for solutions in line with its obligations and responsibilities which it assumed under the International Law, as well as by incorporating a number of basic principles and standards in the Constitution.

Act 130 was not drafted with the 1951 UN Convention Relating to the Status of Refugees in mind. The mentioned Convention had been ratified by South Africa while it was still a member of the UN.

2.9 Conclusion

In the aftermath of WW II, most if not all states were forced to rethink their approach to how they engage with other states. This was further exacerbated by 911, when countries had to review their readiness to deal with national security threats. Since then, the involvement of states in international affairs has increased drastically, which has forced states to merge issues of foreign policy, security and economic interests. In Africa, and South Africa in particular, the same had to be done. States had to revisit international theories regarding their conceptualisation, understanding and implementation of national security.

What is evident is that the definition of national security has its own problems and limitations. It has been shown that national security as a concept and the provision thereof by the state has dramatically evolved over the years. While most scholars and analysts agree that the role of the state is fast diminishing, the state is still primarily dominant in such affairs. The state therefore continues to be a dominating actor. The state as a representative of civil society still continues, and will continue to enjoy the support of its citizens, and though it may be argued that not all states practise good governance, their fundamental role is to protect their people in a globalised system.

It has also been shown that the theories on international relations remain a tool that helps us understand the ever-changing security dynamics of the world. Also, while they may differ on a number of assumptions, it is evident in all the arguments that actors within the international realm need to achieve their own states' goals by taking into account the ever-changing environment. This environment should primarily be inclusive of the most basic element of a state, namely its citizens.

This chapter also provided views on matters relating to national security. It was argued that both the state and its citizens should be a priority in decisions on national security. In the next chapter, the discussion turns to South Africa and its national security policy in respect of the management of refugees. It must be noted that in this chapter, focus was on whether the South African national security policy is based on a realist or liberalist perspective. The paper does not presuppose that Somalian refugees endanger South Africa's national security, but rather attempts to understand how South Africa manages those refugees without compromising the country's national security.

Even though South Africa still has no official national security document to guide its actions, it is clear that serious consideration is being given to matters relating to national security. In fact, it is admirable that the country draws its fundamental pillars of security on

its democracy. What is even more admirable in this regard is that from the *Defence Review* it is evident that the country sees a people-centred approach as very progressive and important. The reality is that South Africa has, to a large extent, conceded that the state alone cannot achieve security. Through the correct implementation of its view on security, South Africa will do a commendable task to ensure that security prevails. However, this does not mean that the threats as perceived by the government are relevant. In the following chapter, the report unpacks the South African Policy on Refugees weighing it against the theory that has been presented in this chapter.

CHAPTER 3 SOUTH AFRICA'S NATIONAL POLICY ON REFUGEES

3.1 Introduction

Following a number of terrorist attacks in several countries, many governments have heeded calls to tighten their security. Member countries of world bodies have agreed that terrorism of any sort should and will not be tolerated and have held discussions on how such attacks can be prevented. The irony is that there are those who believe that insecurity is caused by the very governments that are supposed to defend and provide security. The first step in ensuring that countries are safe is through the policies that they formulate in government. These policies are said to have one thing in common, which is that they ensure the territorial safety of a state and its people. However, with the increased influx of refugees into both Europe and many African countries, the policies of some government have been criticised by their own citizens. The disjuncture between what governments understand to be national security and what citizens consider it to be is not measured with the same yardstick.

Over the past few decades, South Africa has moved from being a refugee-producing to being a refugee-receiving country. This can be attributed, among other things, to the government's high tolerance and respect for human rights. However, South African citizens have not necessarily come to terms with the soft approach that the government has opted for when dealing with the management of refugees. In fact, they have, to a great extent, abandoned the script that informs them that refugees are vulnerable people looking for a new home. In agreement with this, the theory of securitisation in the previous chapter stated that refugees can be perceived as a national security threat given that the nature of security has evolved.

This chapter will focus on the South African policy on refugees in relation to its national security. The theory in this chapter will be guided by the previous chapter that helped unpack the international theories as well as other concepts that were defined. The chapter commits to measure South Africa's policy against what the literature has provided.

3.2 The evolution of refugee policy in South Africa

Over the years, countries in the Southern African region have experienced the phenomenon of forced migration, either as refugee hosts or as refugee-producing countries. Population displacement is not a new phenomenon, as is evident from the histories of mainly Europe and Africa during pre-colonial and colonial times. The more recent emergence of this phenomenon can be traced back to the early 1960s, when liberation wars in countries like South Africa, Angola, Mozambique and Zimbabwe forced thousands of people to flee to neighbouring countries or regions and beyond. Decades later, during the 1970s and 1980s, many others continued to fall victim to civil wars and were forcibly removed from their countries of origin. In the 1990s, the SADC region continued to experience the refugee problem. What made this era different from the previous decades was that SADC states were increasingly hosting refugees from within and outside the region (Rutinwa, 2002). As a result of the influx of refugees into the region (SADC), the member states decided to develop sound policies in an attempt to control and manage refugees while at the same time providing protection for them. As a member state of SADC, South Africa followed suit.

3.2.1 SADC refugee policy vis-à-vis South African policy on refugees

Refugee policies in the SADC region are said to have undergone three generational transformations. First-generation refugee policies were characterised by the absence of refugee-specific laws, which forced states to address refugee matters under general immigration laws. In South Africa, for example, matters dealing with refugees were governed by the Aliens Control Act of 1991 until 1998. The Aliens Control Act was fundamentally concerned with the control of foreigners entering South Africa. At the centre of this system, was the concept of 'a prohibited person'. Prohibited persons, according to this law, include persons who are not South African citizens and entered South Africa without valid documentation, i.e. a passport or visa (Section 11(1) of the Aliens Control Act), or without a valid residence permit. Under section 41, refugees were either granted temporary permits to enter the country, or were granted exemption from the entry and

residence requirements of the Act on the grounds of 'special circumstances' under section 29. It should be evident that this South African law had shortcomings.

3.2.1.1 First-generation refugee policies

Two main shortcomings are identified. First, the fact that refugee matters were addressed under immigration laws led to the assumption that the government was silent on crucial matters relating to the management of refugees. The Act contained no explicit definition of the concept refugee. Furthermore, it was also not clear whether refugees would be protected from victimisation and whether their basic human rights would be protected. This was further complicated by a lack of clear guidelines on how the government should attempt to resolve the plight of refugees. The second fundamental shortcoming was the reliance on ordinary immigration laws in dealing with the refugee problem. Referring to this shortcoming, Maluwa (1999) states: 'The problem of the refugee is totally unrelated to immigration law and to the law relating to ordinary aliens. [To] classify the refugee as an ordinary alien evades the problem. Immigration law is intended to cope with the admission of individuals and not a mass influx [of people]'. A consequence of applying ordinary immigration laws to refugees was the tendency to lean towards the thinking that some refugees were illegal immigrants. In 1993, South Africa and the UNHCR had to sign an agreement compelling the former to formulate a proper definition to be used for the identification of a refugee.

3.2.1.2 Second-generation refugee policies

Second-generation refugee policies introduced refugee-specific laws, which were aimed at controlling rather than protecting refugees. Though one may argue that the South African legislation made little provision for refugees during this generation, attempts were made by government to tailor the laws according to the challenges of the day. The first notable shortcoming of those policies was that they were not comprehensive, but addressed only a few of the challenges created by the refugee phenomenon. Furthermore, the selected aspects did not address the protection of refugees, but focused on the control of refugees,

specifically on how refugee status would be determined or awarded. In countries such as Swaziland, Tanzania and Zambia, the law made provision for the deportation of refugees back to their countries of origin. The laws of this generation also provided for the restriction of movement of refugees and the confiscation of goods belonging to refugees without any guarantee that they would be returned. During this period, the laws were not concerned with finding a solution to the plight of refugees. Despite the absence of a proper definition of the term refugee, most SADC countries (including South Africa) opened their borders to refugees. What is of particular interest is that liberation fighters who were coming from South Africa were accepted into other countries even though a significant segment of the international community was reluctant to do so. Refugees were also unlikely to be rejected in SADC countries, or returned to countries where they might face persecution, except when they were compelled to do so by military and economic pressure from apartheid South Africa (Maluwa, 1999). With the assistance of the international community, refugees are now receiving better treatment, even though much still needs to be done. Refugees should not only be controlled, but should be protected and should enjoy basic human rights (Rutinwa, 2002).

3.2.1.3 Third-generation refugee policies

Third-generation refugee policies, which gained prominence in the 1980s, were characterised by legislation that ensured the protection of refugees. This was a major step in the attempts of countries to understand the situation of refugees as victims in society. As it stands, most countries in the SADC region have comparable refugee protection policies, which mention the basic principles of a sound refugee regime and include definitions of the term refugee, explains how refugee status is determined, prescribes the treatment of refugees and states that they are to enjoy basic human rights. From the early 1980s, a new set of laws began to emerge in the region and also in South Africa. These laws followed the international refugee models, which emphasised the protection of refugees. Most of these emerging laws were based on the 1969 OAU Convention, expressly prohibited the victimisation of refugees and encourage the more sympathetic treatment of refugees (De la Hunt, 1996).

The abovementioned developments have resulted in countries in the SADC region having similar laws that compare well with those of the rest of the world. However, at the same time, the region tends to apply restrictive ideas that are aligned with the realist school of thought. For example, a country like Tanzania, which in the past was regarded as sympathetic towards refugees, has now taken a harsher stance by stating that refugees are the responsibility of their countries of origin. This was a result of fear that the refugees might be a threat to the national security. In some cases, measures have been put in place to avoid the refugee burden, which could lead to victimising refugees or burden-shifting. Since South Africa is a member of SADC, it stands to reason that it subscribes to the norms of the region, which unfortunately also places it as a proponent of restrictive laws regarding refugees. It must also not be forgotten that the apartheid government had little tolerance for refugees. The research report turns to South Africa and its national public policies on refugees. The discussion below provides the background to, and rationale behind South Africa's legislation or policy regarding refugees. The discussion also compares the way in which democratic South Africa deals with refugees with the approaches advocated by various schools of thought.

3.2.2 The South African policy context on refugees

In 1993, a memorandum of understanding, which allowed refugees to enter South Africa without any fear of persecution, was signed between the South African government and the UNHCR. The SA government also adopted the 1951 United Nations Convention on the Status of Refugees and the 1969 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa (Palmary, 2002). With this step South Africa joined the global village in pursuit of the noble idea of protecting refugees and was ready to uphold human rights. Immediately after the 1994 election, South Africa was regarded by many as the pioneers in the upholding of human rights and was seen as more sympathetic to the plight of refugees from other African states. The rapid influx into South Africa of young men and women from war-torn or famine-stricken African countries, such as Somalia, Angola, Zimbabwe, Rwanda and Ethiopia, was and remains an obvious consequence (De la Hunt, 1996). Currently large numbers of refugees are also arriving in SA from non-African countries like Pakistan, Bangladesh, etc.

Since 1994, the South African government has passed over 200 additions to legislation relating to refugees. However, it was only in 1998 that the Refugee Act was passed, and it was followed by the Immigration Act of 2002 (Crush & Williams, 2001). Prior to the 1998 Refugee Act being passed by parliament in November 1998, South Africa had no legislation on refugees and they were managed solely based on guidance derived from the 1993 UN and OAU Conventions, which were concerned only with the determination of asylum status (Republic of South Africa, 1997:16).

Though the focus of this research is on refugees and the laws pertaining to their treatment, the Immigration Act does have some bearing on the discussion (Maharaj, 2004). The Act has been widely criticised by experts for being too focused on the reduction of illegal immigration through repressive forms of law enforcement instead of seeking measures to accommodate them. The similarities between the Immigration Act and the Refugee Act are reflected in current government policy on the control of illegal immigration in South Africa. However, the implementation of said Act is being hampered by concerns tabled by policy makers.

The Refugee Act of 1998 is fairly progressive and has been revised a number of times since its inception. The Act states that no person should be denied the right to apply for asylum in South Africa. While their applications for asylum are being processed, applicants are not permitted to work or access basic social services, such as education. As a result of this clause, South Africa and its government have been at the centre of controversial debates relating to the treatment of asylum seekers (Palmary, 2002). According to the Act, neither UNHCR nor the South African government may provide social welfare to asylum seekers. However, if the status of an applicant is not determined within six months of application, he/she may apply for permission to work and receive education. Of concern to the international community is the loud silence on whether or not other social services such as housing or health care can be accessed during this time. In addition, the Act makes little mention of conditions that would apply to asylum seekers, compared to South African citizens. In 1999, the Department of Home Affairs (DHA) proposed that refugee

camps be built for those seeking asylum in South Africa. However, this was not feasible due to the mass influx of refugees and the fact that they would have to spend six months in the camps before they would be able to look after themselves. Whether the current refugees situation qualifies as a 'mass influx' or not, the fact is that South Africa has failed to cope with the increasing number of refugees (Palmary, 2002). The country's policy on refugees remains questionable, and it has been argued that the envisaged camps would have been nothing but detention centres. If one entertains that narrative, it could be assumed that South Africa has failed to uphold its obligations in respect of refugees, as prescribed by the international (UN and OAU) conventions. The *Guidelines* in the UN Convention state that 'as a general rule asylum seekers should not be detained'. Guideline 3 states that detention centres of this kind should normally be avoided unless prescribed by law. In such cases, the detention of asylum seekers may be resorted to only when it can be proved that national security or public order is under threat (Human Rights Watch, 1997). As it stands, refugees do not appear to be overwhelmingly responsible for South Africa's high crime rate, although some may have a different opinion. It is clear that South Africa's treatment of refugees does not adhere to the prescripts contained in the abovementioned international conventions.

A number of calls have been made recommending the development of a refugee policy that is separate from the broader-ranging migration policy. In the light of the above, the formulation of a refugee policy would require recognition of all the international legal obligations. In order to achieve this, policy makers need to admit that refugees differ from immigrants in that they had no wish to leave their home countries, but were forced to do so in the face of discrimination and persecution. It will be in the best interests of South Africa to distinguish between refugees and immigrants when drafting policies to deal with them. This will allow for separate legislation to deal with refugees and immigrants (Hammerstad, 2012)

In the interim, however, discussions have been held and opinions have been given by policy makers within the DHA. The Department made it known that South Africa is part of an international community faced with a surge of migration and acknowledged that migration may be accompanied by potential risks. Against this background, the country's

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primary concern remains its vulnerability to global crime, mainly because of its strategic location and relatively good infrastructure, which includes telecommunications, banking and other financial services.

The influence on the migration policy is obvious since that affects the way in which the DHA refuses or allows foreigners entry into the country. According to Dr John Cameson, the DHA's Chief Director: Policy and Strategic Management, the migration policy is closely linked to the government's desired outcomes in respect of a skilled workforce. Responding to calls by government to attract skilled workers, the Department aims to manage migration effectively through a few key strategies.

First, it seeks to attract skilled immigrants in order to ensure economic growth. From a realist point of view, that may be seen as a selfish act, whereas liberals may view it as symptomatic of a state ready to work with or assist citizens from other countries while at the same time acknowledging that foreigners have a contribution to make towards ensuring human security development. The South African government is thus providing lucrative opportunities for those who seek employment and have the required expertise. This implies that the country does care for people in need. Second, the government argues that there is a need to strengthen national security by implementing risk-based immigration controls and contribute to the development of a prosperous Africa. This view proves that the realist approach may still be relevant. To prevent the impression of researcher bias, the goals of the government will be discussed in no particular order. Finally, South Africa also acknowledges that its future is tied to the economic development of Africa. This latter admission highlights the fact that the human security element is regarded as important. Although not clearly spelled out, there are indications that other forms of security, for example economic security, are fundamental to building a safe and sound Africa, which is in line with the thinking of a modern-day state. South Africa can thus be regarded as country that considers the theories of both realism and liberalism. While national security is still interpreted in the traditional sense, there is at the same time an awareness of the changed attitude with regard to human security. This is seen in the

vigorous economic policies that are often integrated with matters of security. The above assessment can be considered to be strategic in nature but, as highlighted, the providers and recipients have different opinions about securitisation. The following discussion will be based on opinions expressed at the grassroots level.

3.3 The two views on refugees in South Africa

Over the past 20 years, the influx of people from the rest of Africa into South Africa has been a highly contentious issue locally and has fuelled fear and hostility in the citizens of this country, as is evident from the attitudes of local communities, the police and immigration officials (Kabwe-Segatti; Landau; World Bank , 2011). The DHA defines refugees within a security paradigm and enforces more rigorous checks and balances. In the past decade, the issue of refugees and the treatment of refugees or migrants has received widespread media attention not just in South Africa, but around the world. However, in South Africa, there are two narratives that seem to encapsulate the theme on refugees. The discussion below makes reference to the two main theories on the international refugee phenomenon. It will show how the theories of realism and liberalism have shaped the South African attitude towards refugees

3.3.1 The negative outlook on refugees in South Africa

It is imperative to mention that the media plays a significant role in shaping perceptions within society. Exaggerated fear of and hostility towards foreigners in South Africa are related to the widespread negative perception that there is a huge uncontrolled influx of illegal immigrants into South Africa (Crush & Williams, 2001). The absence of a concrete database on refugees also helps to negatively strengthen the belief that the situation has spiralled out of control. To add to the growing concern expressed by the population, high-ranking officials involved in policy making have made unqualified statements to the effect that the number of refugees has increased over the years. In 2002, the National Commissioner of SAPS (Selebi, SABC 3 news, 2002), stated that there were eight million illegal immigrants in South Africa, and prior to that, in 1998, the then Minister of Home

Affairs, Alfred Nzo, had put this number at between 2.5 and 5 million (Minister of Home Affairs, 1998). Although these numbers have not been confirmed, high-ranking government officials and politicians have made the situation worse by portraying refugees as a burden on the state. A case in point is when in 1994, the Minister of Home Affairs stated that 'If South Africans are going to compete for scarce resources with the millions of immigrants that are pouring into South Africa, then we can bid goodbye to our Reconstruction and Development Programme' (RDP). The RDP initiative was viewed as a means to provide basic resources to those who had previously been disadvantaged by apartheid. Utterances such as the above strengthen the view that the immigrants or refugees are a burden to the country. Strangely, the same line of thinking is abandoned when reference is made to immigrants from other continents. Though difficult to prove, when the South African government recognises immigrants from other continents as legitimate and justifies their presence saying that it is an economic investment, for example, the researcher cannot help but view this argument as self-serving.

The perception of refugees as a threat has encouraged xenophobic attitudes, which recently led to violent attacks on foreigners. Only some of the serious attacks reported by the Cape Town Refugee Centre (CTRC) actually made newspaper headlines. In worst case scenarios, South African citizens were also held for deportation at the Lindela Deportation Centre because their skin colour appeared to be too dark or their features were not considered to be typically South African, according to a report by Human Rights Watch (1998). However, those who could provide evidence of their South African citizenship, for instance by producing a valid identity document, were usually allowed to leave the Centre. This demonstrates the extent to which immigration control can be driven by stereotypes and explains why it is largely unsuccessful in curbing illegal immigration. The continued harassment of refugees by the country's security agencies is an important factor in trying to establish how officials perceive and practise the policies that govern the treatment of refugees. The survey also indicated a lack of understanding of the different kinds of foreigners described in the South African legislation, e.g. migrant workers, refugees or undocumented immigrants.

There is a widespread belief that immigrants are the catalysts for South Africa's social ills, for example the high crime rate, an overloaded welfare system and unemployment. The belief is often affirmed by the actions of the police, who treat immigrants as criminals by swooping on their settlements in para-military style raids, using crude methods of racial profiling (relying on appearance to label people as immigrants), for stop-and-search practices in the streets, arresting those not in possession of their official documents, and so on (Hammerstad, 2012). The behaviour of police officers is very important as they are supposed to follow legal prescriptions when carrying out their duty. In the light of the above it can be deduced that refugees are usually viewed negatively. It is also obvious that there are official narratives and behaviour by the South African office bearers that serve to strengthen and uphold a negative perception of immigrants. This corresponds strongly with the realist viewpoint/perspective, which portrays refugees/immigrants as a threat to the country and its citizens.

3.3.2 The positive outlook on refugees in South Africa

The media also play a parts in convincing the local population to accept refugees by portraying them as being under threat in their home countries. It is against this background that South African citizens sympathise with the refugees as this narrative is usually told to generate empathy for foreigners. The influence of the liberal school of thought is visible because communities are encouraged to live peacefully alongside refugees (Smith, 2010). However, looking at refugees as victims may imply that they are automatically a burden to South Africa, which has a negative effect on efforts to make a constructive analysis of the contribution they could make to the development of the South African society and specifically the economy.

It is unfortunate that the perception that migration into South Africa is placing strain on already scarce social resources has remained largely unchallenged because of a lack of reliable empirical data. Little research has been done on the number of people entering South Africa, their purpose and how long they intend to remain in the country. There is also very little information on the skills they possess and their levels of education, and how

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they might be able to alleviate the skills shortage in South Africa. It is difficult to judge whether the above two views are a true reflection of what South Africans think about living alongside refugees, but in the chapters to follow, real-life evidence derived from the data collected during the interviews will be presented.

3.4 Strengths of South Africa's refugee policies

The South African Constitution has been hailed as one of the best constitutions in the world. It appears to be accommodative and inclusive of all people, and to represent both the state and its entities on equal footing. All other policies that are generated fundamentally stem from the Constitution. Through its foreign policy, South Africa is recognised as a country that advocates for basic human rights by committing to international treaties and laws, while the world continues to watch the people and the government on their response to the refugee crisis.

It is a fact that the influx of refugees was not the same ten or even five years ago. This phenomenon is being witnessed all over the world. South Africa's policies have, at best, tried to keep pace with the high influx of refugees, but a number of challenges remain. The most important commitment that the South African government has made is that no person seeking refugee status will be turned away if he/she meets the required standards. However, South Africa faces the challenge of dealing with a high number of refugees and asylum seekers entering the country. The issuing of permits, tracking of undocumented people and the insufficient state resources continue to hamper the process conducted by the DHA (Smith, 2010). Despite the negative opinions aired by a number of refugees, they do acknowledge that the government is doing some things right. It must be noted that although South Africa is a developing country and struggles to provide her citizens with all the resources they require, it is forced to accept a very high number of refugees in order to be recognised in the international arena as a key role player.

3.4.1 South Africa's role in the international community

South Africa is committed to complying with international and constitutional measures relating to refugee protection. Smith (2010) states that the South African government has considered it wise to engage in treaties because there is much to gain in terms of advancing the country's national interests (Soroka, Lawlor, Farnsworth & Young, 2013), and further argues that it engages in international treaties because of two main reasons. The first is because it has a political and economic agenda that seeks to increase its influence on the continent, for which a sound track record on human rights is a prerequisite. The way in which South Africa manages refugees/immigrants has a direct bearing on the agenda it adopted in dealing with the African continent and the international community; therefore the steps taken in important matters, such as the management of refugees and other human rights-based issues serve this point.

Second, South Africa needs to show its ability and willingness to respect international treaties. The South African government concludes bilateral agreements that are related to the management of refugees. It would therefore be safe to say that South Africa, like other countries, simply engages with international obligations because of its broader concern with its reputation as a reliable partner and, most importantly, its self-interest. While it could be argued that these actions are selfish in nature, it could also be argued that South Africa does genuinely care about the wellbeing of individuals. South Africa has never shunned away from its responsibilities to the international community.

After the first democratic election in South Africa, the protection of refugees and asylum seekers was prioritised as one of the most important human rights issues. In 1996, the new Constitution was ratified and the country committed itself to adhering to various international laws. Included in these laws were certain international human rights laws, namely the 1951 United Nations Refugee Convention and its protocol and the 1969 OAU Convention Governing the Specific Aspect of Refugee Problems in Africa. Other international conventions included the 1966 International Covenant on the Elimination of All Forms of Racial Discrimination, which spoke primarily to South Africa at that time, the

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1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, and the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Zimmermann, 2010). South Africa is currently being guided (either by choice or by force) by the very same conventions to develop laws and policies that are considered human rights friendly. Through compliance with international laws, South Africa has enhanced her reputation as an international role player, which can be considered an advantage to ensure the country's international stature. The challenge for the sceptics in the realist and liberal schools of thought will always be to understand the true intentions of such a move.

As stated in the previous paragraphs, South Africa has pledged to comply with international norms and standards regarding the management of refugees, which offers it certain benefits. Soroka *et al.* (2013) are quoted as stating that South Africa is a signatory to international conventions regarding refugee protection and is viewed in a favourable light by the international community. In terms of the compliance-based theory, any country that complies with international standards is likely to enhance its reputation in the international arena. South Africa is no exception. They further state that engaging in international commitments enables a country to constantly revisit and review its own national interest. However, engaging in international relations alone is not enough, since countries are required to pledge to be part of the international community and agree to comply with the laws and rules that govern the international realm.

In international law as a learning process that occurs at various levels and in various ways. Countries start by mimicking successful states and observing the recognition and rewards received by complying states. They then comply out of fear of being ridiculed for non-compliance, or being subjected to diplomatic and economic sanctions for the same reason. Both complying and non-complying states exist. In both cases possible changes may include political leadership, a regime change, a change in ideology and the domestic political system, as was the case in South Africa after 1994. The change can be progressive, leaning towards compliance, or regressive, leaning towards non-compliance.

In the case of South Africa, the shift from apartheid policies to democratic principles yielded compliance. Though it took relatively long for South Africa to realise its full contribution to the protection of refugees in the country, it wanted to be recognised as an important role player within SADC and on the African continent. By upholding the international standards, South Africa creates the impression that it rejects repressive policies that do not cater for support to refugees.

Although the actions that can be taken against states that do not comply with international refugee conventions are limited, states are granted space to negotiate the content of the international law, their levels of commitment and obligations. It should therefore be understood that international law comes in various forms at varying degrees. According to Guzman (2017), 'states measure the costs and benefits of compliance and make a decision about its level of compliance given those costs and benefits'. He views the actions of the state as greatly influenced by the realist school of thought. The realist ideology was also adopted by Shafer-Landau (2005), who writes that 'refugees symbolize in so many ways the forces of good and evil in our global society'. The author makes this assertion in light of the problems of uncontrolled and disorganised migration. Of particular interest is that some individuals who enter a country pretending to be refugees actually have ulterior motives. The author states that because of the high number of insurgent groups sprouting all over the globe, states may find themselves harbouring such groups, which have the ability to destabilise and threaten the country and region. State compliance implies that governments and civil societies have an obligation to save lives and restore the dignity of refugees and asylum seekers. The obligation to protect refugees is inextricably linked to compliance with international conventions. Failure to comply with such obligations equals the violation of international conventions. Refugee protection could therefore be viewed by the state as a burden, although international conventions clearly state that it is the responsibility of all signatories to ensure that refugees are protected. South Africa's policies meet international expectations.

3.4.2 Refugee camps

Unlike other countries, South Africa has no refugee camps. Refugee camps are often perceived as platforms that encourage the violation of basic human rights (Long & Crisp, 2011). They are also seen as not conducive to the creation of humane conditions. As discussed in the previous chapter, different kinds of social ills are present in refugee camps. When the DHA proposed that its offices be moved to ports of entry to facilitate the management of refugees entering the country, certain NGOs were of the opinion that that would be a move backwards and might lead to the establishment of refugee camps.

The liberals would undoubtedly agree that such a move is likely to put strain on the basic survival of individuals given the negative track record of refugee camps. The most vehement criticism came from the Lawyers for Human Rights, based in Pretoria, who pointed out that South Africa was already struggling with managing refugees and the physical accommodation of those who were considered to be vulnerable. This particular proposal by the DHA will most likely receive continuous criticism from NGOs. It is not at all surprising that out of the five NGOs interviewed, only one felt that the abovementioned proposal had merit. The argument tabled is that many of the refugees entering the country have no valid identification documents, and that once they have been absorbed into the South African society it becomes virtually impossible to trace them. The DHA defended its proposal by explaining that if refugee offices were moved to the various ports of entry, it would be possible to assist refugees who enter the country without any delays and without contravening the Constitution. The Home for All Church in Atteridgeville indicated that they knew nothing about the proposal. They attributed this to the DHA's poor communication practices. The reality, according to this church, is that the refugees are not only in need of financial support, but also need social rehabilitation which, in their opinion, plays a more vital role in ensuring their survival in their new homes and environments. Although the Home for All Church welcomes all refugees and maintains that the desire for religious freedom is one of the main reasons for people fleeing their countries, its representatives were unable to provide information on the number of refugees arriving in South Africa from Somalia.

The author of this report is of the opinion that living conditions in refugee camps are generally inhumane. However, this is not necessarily a widely accepted view. It is interesting to note that Ms M (a South African citizen interviewed) wanted to know why South Africa does not have refugee camps. She stated that, given her background in security, it would be acceptable to keep refugees under check in a controlled environment. She mentioned that she did not know much about the Muslim religion, but felt that on the basis of what the media projects about Muslims, she could not help feeling concerned about the integration of Somali refugees with the South African society. When asked whether she would be able to distinguish between a Somali and a non-Somali, she pointed out that Somalis dress differently. She specifically mentioned that she found the wearing of the *hijab* (a veil worn by Muslim women in the presence of adult males outside their immediate family) to be foreign to her and rather intimidating. Whatever the reasons for leaving their country of origin, refugees are still entitled to basic human rights.

3.4.3 Equal rights under the Constitution

Refugees have equal rights to co-exist lawfully and move freely throughout South Africa, provided that they have valid documentation in their possession. The scope of protection for refugees in South Africa is the same as that for its citizens, as stipulated in the Constitution. This means that they are allowed to reside wherever they wish, to engage in economic activity and to become integrated socially and culturally in local communities. The only limitation placed on refugees while they stay in the country is that they will not be allowed to vote during elections and may not form political parties. The nature of the rights that they enjoy is another indication that South Africa acknowledges that all the people who live in the country should enjoy human rights, even if they are not South African citizens (Mokgoro, 1999).

3.5 Weaknesses of South Africa's refugee policies

Post-apartheid South Africa has remained a major migration destination and it is perhaps not surprising that some South Africans have received African immigrants and specifically

refugees with hostility and xenophobia. The continued legacy of apartheid of poverty, a poor education system, inequality and high unemployment is still troubling the country and some of the rules and regulations governing refugees in South Africa have exacerbated the challenges faced by its own citizens. Although much could have been learnt from global migration trends, the South African authorities have done relatively little to avoid the worst consequences. No country with an open economy and democratic polity is able to stop immigration, and this also applies to South Africa (Hammerstad, 2012). One wonders whether the government should not perhaps take lessons in the management of refugees from countries such as Germany. Unfortunately, red tape and other national policies in South Africa hamper the amendment of policies and their implementation.

3.5.1 Delayed policy reforms

In the early 2000s, immigration into South Africa increased dramatically as a consequence of the political and economic crises both in and outside the SADC region. While the bulk of refugees come from neighbouring countries, others come from as far as West, North and East Africa. Some are highly skilled workers. Those who do have skills are often granted residence permits. Those who have no particular skills apply for asylum and this has led to South Africa becoming the world's number one asylum destination. Many of the refugees who enter the country, often those from other African countries, remain here without any legal documents (Palmary, 2002). This trend is perpetuated by the fact that South Africa's immigration system offers few options for refugees to apply for residency or asylum status.

Some of the current challenges are due to government's slow response to the need for an effective refugee policy. However, it has to be conceded that over the years the refugee problem has become more critical. During the transition, South Africa was more concerned with domestic issues, such as the provision of housing, poverty alleviation and ridding itself of inequality. The apartheid regime did not officially recognise refugees and there was no legislation to ensure their protection. Individuals who qualified as refugees and asylum seekers in terms of international law were regulated and were regarded as illegal or

undocumented migrants under the Alien Control Act (ACA). The ACA defines an illegal alien as an individual who:

enters South Africa at a place other than a port of entry;

remains in the country without a valid residence permit;

acts in contravention of his/her residence permit;

remains in South Africa after the expiry of a residence permit;

is prohibited from entering the country; or

becomes a prohibited person while in South Africa (Alien Control Act 96 of 1991, Article 1-6)

Many individuals entered South Africa under the guise of being migrant workers, while others entered as illegal immigrants without any legal protection or rights in the country. It was only after the basic agreement with the UNHCR had been signed in 1993 that a Passport Control Instruction was issued by the DHA to receive and process applications by political asylum seekers (Solomon, 2003; Handmaker, De la Hunt, Klaaren, & Lawyers for Human Rights (South Africa) 2001). However, the provisions were still largely based on the provisions of the ACA 96 of 1991, and it was only after an outcry against the ACA that the provisions were amended in 1995. South Africa then opened up its borders and started collaborating with international bodies such as the UNHCR.

In 1991, the UNHCR started its work in South Africa after entering into basic agreements with the South African government concerning their role and presence. Following the UNHCR's entry into South Africa and the establishment of a solid relationship with the post-apartheid government, there was a drastic increase in the number of refugees and asylum seekers arriving in the country, especially from 1994 onwards (Crush & Williams, 2001).

The role of the UNHCR was, among other things, to create an environment that would facilitate the integration of refugees, provide support for the government of South Africa to ensure the effective management of refugees and assist in finding lasting solutions to personal and address collective problems shared by refugees from the surrounding countries (United States Commission on National Security/21st Century, 2002). Though this partnership yielded some positive results, some refugees were still excluded from benefits. For example, a Tripartite agreement between the UNHCR, the South African and Mozambican governments facilitated the integration of only Mozambican refugees, who were granted amnesty and identity documents in 1994. This happened after the apartheid government had failed to treat refugees with adequate dignity. During the apartheid era, immigrants from European countries were absorbed or assimilated into the South African society with relative ease, while black migrants were segregated and treated as undesirables without any rights. Although the amendments that were made as a result of the collaboration clashed with the democratic and human rights ideals contained in the South African Constitution, the After much delay, South African policy makers had no choice but to internalise the views of the critics by allowing for substantial legislative reforms and transformation.

3.5.2 Contrast between international laws South African laws

Another weakness presented by policy was the contrast between what international laws expected and what South Africa practised. According to international refugee law, no persons can be punished for illegally entering a country, provided that they report to the Refugee Reception Office to seek asylum within the prescribed period. The ACA was unable to meet the requirements of international human rights and refugee law. In fact, (Human Rights Watch, 1997) described the ACA as a 'draconian apartheid throwback' policy. The ACA of 1991 provided for the control and admission of persons to their residence and departure from South Africa, but did not provide for the protection of refugees. Furthermore, the UN's heavily emphasised principle of non-victimisation of refugees was not considered by Act. It allowed for the forceful return of persons to their countries of origin, where they might suffer persecution. This meant that the ACA failed to respect international prescripts since individuals were indiscriminately repatriated.

Until the implementation of South Africa's first ever Refugee Act (Act 103 of 1998) in April 2000, the country's policy on refugees was still governed by the ACA (Crush & Williams, 2001). Between 1998 and 2000 serious problems were experienced in respect of procedures for the granting of asylum and the recognition of refugees. The ACA had been repealed and the new Refugee Act had not yet been implemented. Meanwhile asylum determination continued to be administered in terms of the ACA, despite the fact that the Act had been repealed (Handmaker *et al.*, 2001). The gap created by the transition from the ACA and the new Refugee Act of 1998 resulted in challenges that culminated in a huge asylum backlog, which pointed to administrative incompetence in the DHA.

Against that background, one may deduce that the recognition and endorsement of national policies and legislation do not translate into a commitment by a government to implement human rights policies for the benefit of those whom they are meant to benefit (Handmaker *et al.*, 2001). Hathaway (1997) is of the opinion that governments' increasingly believe that a commitment to refugee protection is tantamount to relinquishing their control on migration. He further stipulates that governments see refugee protection as little more than an uncontrolled 'backdoor' route to permanent migration, which is used by refugees to disguise their intentions of pursuing economic opportunities. In essence, refugee protection should be seen within the context of enhancing the human rights that were not provided by the mother country. The assertions made by Hathaway are indicative of the idea that the world should maintain a more liberal approach when dealing with refugees. In other words, the author suggests that the state should consider human beings as agents of security. Notwithstanding the rhetoric of humanitarianism, refugee laws exist because they offer an alternative to politically acceptable means of maximising border control (Hathaway, 2001). This means that, in essence, refugee laws function as a means of immigration control.

The 1945 United Nations' cardinal pillars were, and still are, applicable to refugees as human beings and members of the international community (United Nations Charter, 1945). In addition to the UN provisions, the African Charter on Human and People's Rights

(ACHPR) stipulates that human rights, freedom, equality, justice and dignity are fundamental in realising the aspirations of African people. In almost all cases, human rights and refugee protection are linked. Among the most common and fundamental rights are the right to life, protection from torture and ill treatment; the right to belong to a nationality; the right to freedom of movement; the right to leave any country and to return to one's own; and the right not to be forcibly returned (United Nations Charter). These rights are all guaranteed in both the Universal Declaration of Human Rights and the ACHPR. The latter (African Charter on Human and People's Rights, 1982) goes further by ensuring protection for refugees. Immediately after 1994 the South African perception of refugees and how they ought to be treated was characterised by controversies and contestations. Many government officials perceived refugees as being nothing but a burden to the country.

3.6 Conclusion

This chapter's intention was to describe the pathway that South Africa has taken in regulating, caring and managing refugees. From the above discussion, it is evident that South Africa has undergone various stages of understanding the refugee within the state. The chapter makes it clear that while the fundamental description of the refugee was derived from a couple of international bodies such as the UN and AU, the post-apartheid government has recognised the need to review their policies albeit many citizens were described and defined incorrectly.

Even though the country doesn't follow a prescribed way of thinking in relation to the two theories that were discussed at length in the previous chapter, the report is of the view that South Africa ascribes to both the core values of realism as well as liberalism. This attestation is seen in the evidence produced regarding the strengths and weakness of the policies. What is encouraging is that indeed the constitution which forms the bases of all policy documents in the country protects the individual within the state, regardless of their status in society.

In addition to the above, the discussion of the weaknesses and strengths of the policies pertaining to refugees, it is evident that while they still contained serious flaws, great strides had been made to ensure the protection of human rights through the amendment and implementation of policies that were congruent with international refugee law. It would have been easier for South Africa to implement those policies if they had been treated as a priority. The next chapter explains the research methodology that was used to compile this report.

CHAPTER 4 RESEARCH METHODOLOGY

4.1 Introduction

The main objective in social research is to explore, describe and explain a particular phenomenon that may affect a society. Babbie (2010) indicates that social research is a systematic process that allows researchers to collect data in order to understand common patterns and regularities. In this study, arguments presented by using Babbie's (2010) methods as the descriptive tool. One of the methods highlighted is descriptive research, which can be both qualitative and quantitative. For the purpose of this study, the qualitative research approach was used. Secondary sources were used in conjunction with primary sources for example, the conducting of interviews. The paper first introduced concepts that were used throughout the report to ensure that the reader follows a particular line of thought. The reason for providing in-depth definitions was to guide the reader as concepts in general are used differently by different disciplines. The researcher made use of the constructivist paradigm (school of thought), which assumes that the truth is relative and dependent on the individual's perspective. However, while the latter may be an underlying component, the constructivist school of thought also acknowledges that authors may be objective in the different studies that they conduct. The school's ideological point of view assists scholars and authors to better understand the participant's actions and perspectives. The paradigm enables the researcher to extensively explore what other scholars have previously written on the subject at hand. It is best suited for this study because the study concentrates mainly on policy matters and interrogates the impact of such official papers (Wagner, Kawulich & Garner, 2012) on those that are governed by the policies.

4.2 Methodology selection

The most appropriate method that was used for the report was a qualitative approach. The main reason for the choice of this method is because of the restrictions in terms of analysing policy decision. Unlike, quantitative methods which allow a researcher to conduct measurements and possibly experiments, qualitative is primarily based on interpreting by using various theoretical approaches (Nieuwenhuis & Smith, 2012). The

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report therefore interviewed participants that are affected on both matters of refugees as well as national security. The rationale behind this selection was based on the intention to extensively interrogate the literature that is available as well as seek to address the proposed research questions. However, even though this was the bases of the research it is equally important to explain that the choice of using constructivism was also deliberate. The main purpose here was also to give the reader the understanding that people's experiences and understanding of the world differ but should also be considered. It is also true that multiplicity of different realities also forms part of research. The latter is true in that during the process of the report other sub question had to be considered.

4.2.1 Research design

The objective of the study was to describe the national frameworks South Africa has put in place to manage refugees and to determine whether Somalian refugees have an impact on the country's national security. Using the constructivist paradigm, the report attest that realities are socially constructed and indeed given the different people from different social background, these realities are multiple. Through the interviews the researcher was able to make a determination that a lot of the views that were expressed both by the individuals representing themselves and the individuals speaking somewhat from an organisational perspective influenced by the value that they hold. Typically with the Somalian that were interviewed, there was a heavy emphasis on the norms and values of the society while the representatives' views from the different government departments were driven by what they considered important.

4.3 Collection and Sampling of Data

According to social research, there are three main basic methods of gathering data, these are accepted as observations, interviews and document analysis. For this research, interviews were conducted. They were done primarily for answering the research questions. In order to exhaust the questions the non-probability sampling method was considered to be the most convenient. The method is well suited to research of this nature

as some of the respondents were pre-selected (first group), while others were randomly selected (second group). The first group was selected by way of purposive sampling (also known as judgemental sampling), which enabled the researcher to select respondents who had either the skills or experience required for the research. The second group was selected according to the snowballing sampling method, which was chosen in order to make up for the challenges that may be encountered when trying to identify Somali respondents. This method gave the researcher the opportunity to request respondents to refer her to other Somali refugees who might be prepared to participate in the study.

4.3.1 Interviews

The first group had a minimum of ten members who were working/had worked in the security environment. These members included, but were not limited to senior policy makers. Respondents in this group were drawn from the DoD, SSA, SAPS and the DHA. Participants were also selected from five NGOs. The choice was motivated by the fact that the respondents dealt with security-related matters especially those concerned with national security. At the same time, the choice of approaching NGO's was considered given that such entities often provide for an alternative voice from that of government and its officials. The second group of respondents included at least 10 South African citizens and 10 Somali refugees. The respondents were selected based on their availability. All the respondents in this group (Somalis and South Africans) resided in townships in Gauteng.

4.4 Credibility and trustworthiness of the data

The credibility and trustworthiness of data remains an integral part of any research. This research project was declared worthy of scholarly enquiry after the researcher had successfully defended the research proposal. The report was heavily dependent on primary and secondary sources. Furthermore, the report used sources that were considered to be relatively old, as well as more recent sources, which allowed the researcher to trace and compare patterns or to discover how concepts and ideas that are

of value to the study had evolved. The researcher interviewed respondents from different backgrounds who had never interacted with each other.

4.5 Data analysis / interpretation of data

For the purpose of this study, interviews and document analysis were the most preferred methods of data gathering. As previously mentioned, experts, policy makers and professionals in the security cluster were interviewed. Data gathering is important since it ensures that different perspectives are presented by different role players in the same field. The interviews were arranged in a semi-structured format, which means that the researcher's questions were predetermined (Babbie, 2010). The respondents were informed about the nature and purpose of the study before the interviews took place. They were also informed that participation in the study was voluntary and that they were free to terminate the interview at any time, should they wish to do so (Ogletree & Kawulich, 2012). Most of the interviews were conducted inside *spaza* shops. The second but equally important method of data gathering that was used for this study was document analysis. The researcher conducted a primarily analysis of policy documents, government publications and academic work.

4.6 Limitations of research

The report does not claim that a one-sided conclusion will be reached. However, the researcher ensured that all evidence related to the research was be collected, analysed and interpreted in a scientific manner. The research focused on the relationship between Somalia and South Africa. It also examined the relationship between South African citizens and Somali refugees, and attempted to determine whether the presence of the said refugees compromises South Africa's national security. Only Somalis with refugee status were included in the study but none agreed to show their permits to the researcher.

The study also took note of the respondents' biographical data, although this did not have any bearing on the study. Four respondents chose to remain anonymous and requested that their interviews not be recorded. It is interesting to note all females were initially reluctant to talk to the researcher and sought the permission of males who were in the vicinity. In one case, the male was present during the interview and murmured things to the female respondent when certain questions were asked. Due to the nature of the security environment, some government officials asked not to be named in the study and for that reason, the officials were all given pseudo names. Although the researcher had obtained permission to interview key players in the security cluster, it proved to be rather difficult to secure interview dates and much persuasion was needed. Some interviews were conducted telephonically and only one respondent allowed the interview to be recorded.

The time frame will include only the period after the end of the CW. The reason for this is that it was at the end of the CW that the international community accepted the new world order with regard to security-related matters. While it may be true that the international community has endorsed the shift from a state-centred approach to an individual-based form of security, the paper will, in particular, assess developing countries and how they view this new form of security.

4.7 Ethical consideration

Even though the research was mainly qualitative in nature, special care was taken to ensure that there was no infringement on the basic rights of the individuals who were interviewed. The study also adhered to the rules of the WITS Ethics Committee. In addition, permission was obtained to interview members in the security cluster, taking into account that some information divulged might be considered classified. Members were encouraged to fill in a consent form which was accompanied by a verbal explanation of the research before they were interviewed. The following chapter presents the data collected and the analysis thereof.

CHAPTER 5 DATA COLLECTION AND ANALYSIS

5.1 Introduction

The primary purpose of this chapter is to analyse and interpret the findings made during the interviews as well as the findings from the literature. The data will be presented in a narrative format. The chapter will be divided in line with the processes associated with data collection. The analysis and interpretation of data will be discussed in the sections that follow. In this chapter the presentation of data will be divided into different sections. The first section speaks to the interviews done with Somalian refugees and then followed by the section which makes deductions from interviews conducted with South African citizens who reside alongside Somalian refugees. Finally the last part narrates the conversations held with the pre selected group that worked or works in the security cluster environment mentioned earlier in the report.

Towards the end of this chapter, the report will then turn its attention to the implications that refugees may have on the host country given what the literature has provided. These will be derived mainly from the interviews that were done in addition to some available literature that was used. The section will mainly discuss implication on the military, politics, social and economic implications. Finally the report will then describe the implications of refugees on national security.

5.2 Interviews with Somalian refugees

On being asked about their **living conditions**, all the respondents indicated that they lived with their families (which consisted of between four and seven members). Two of the respondents had *spaza* shops and slept in their shops at night. None of the respondents seemed unhappy about their living conditions and all described it as 'normal'. Most of the interviews were conducted inside *spaza* shops.

The respondents were then asked to explain how they **survived economically**. The majority indicated that they owned *spaza* shops in which they worked every day in order to

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survive. Only one respondent was employed as a teacher of religion at a school and said that it had not been difficult to get the job as he had the required qualifications.

The aspect that received the most attention and time was the **issuing of permits**. According to the respondents they were all in possession of asylum papers, but had only received them after paying bribes of between R300 and R5 600. The frustration of being turned back countless times by the DHA when it was time to collect their permits was also mentioned and they felt that the process was too costly as they had to go back every two months.

The next question that was asked related to access to **basic social services**. The respondents were asked whether they had ever used local government schools and clinics/hospitals. One female respondent stated that admission to schools was not a problem, even though a lot of documents are required for the application process. She also mentioned that since she wanted her children to attend a school that was fundamentally Muslim, she had opted to enrol them at a Muslim school in Laudium, Pretoria West. With regard to access to clinics and/or hospitals, one respondent indicated that she had used a hospital only once. She was hospitalised for a week and described the experience as unpleasant. She said:

The hospital nurses were yelling at me in a language I did not understand, I told them I don't understand, they said I must either go back where I come from or learn their language. They said all we foreigners do is come and make babies in South Africa'

After this experience she had decided to never make use of a public clinic again.

Finally, the respondents were asked whether they had ever experienced any **xenophobia** of any kind. They all reported different experiences. Seven had been targets of verbal abuse and one stated: 'I have been called a *kwerekwere* (a derogatory name used by

some South Africans to refer to a person from another country) so many times that I really don't care; other people call us Bin Laden or Osama'. A female respondent broke down when relating a xenophobic incident: 'I lost my husband in 2008, they stoned him to death. I watched and asked them to stop, I fear for my children every day, as a result I have never left Pretoria because here I feel safe and at least I know people and the people know me'.

The conclusion that can be drawn from the interviews is that the DHA is unable to effectively implement the policy regarding the issuing of permits to people seeking asylum in South Africa, and that refugees are subjected to some level of verbal abuse and violence perpetrated by locals. This renders refugees vulnerable at all times. It is worth noting that Somali refugees are prepared to remain in the country despite those challenges. They indicated that they might consider returning to Somalia once the situation there has been stabilised. However, they did not seem very optimistic about that possibility. Should they decide to remain here permanently, a new minority group might be established in South Africa. It is encouraging to know that at least refugees are able to access social services and have freedom of movement. Because the study's intention is to describe the relations between South Africa's national security and the Somali refugee it is only fair to afford the South African locals a platform to express their own ideas and perceptions on Somali refugees living amongst them.

5.3 Interviews with South African citizens

The attention will now be turned to the interviews that were conducted with 15 South Africans in order to establish how locals are affected by the presence of Somali refugees and whether the latter have been accepted and integrated with the society or not.

Since this study focused primarily on the threat that the presence of Somali refugees may pose to national security, the first question that the South African respondents were

asked to answer required them to explain what **national security** meant to them. From the responses given, the following deductions were made: They understood it to mean the safeguarding of South Africa's borders in order to protect the country from external threats. It was interesting to note that all the respondents seemed to have based their responses on the traditional and liberalist views of national security. They displayed concern for the economy and for the safety of citizens. The researcher is of the opinion that the respondents placed a higher priority on the safety of the country than on that of its citizens. The next question related to interaction between locals and refugees.

The respondents were asked how often they **interacted** with Somali refugees, to which they replied that as they sometimes found it difficult to distinguish between Somali and refugees from other African countries, for example Ethiopia, it was difficult to give a definite answer. They normally assumed a refugee to be Somali on account of how they dressed and the way their *spaza* shops were painted blue with a white star, which they assumed represented the Somali national flag. All the respondents mentioned that the only time they interacted with them was during business transactions (buying at *spaza* shops). Beyond that, there was no interaction at all.

When asked whether they regarded Somali refugees as **dangerous**, locals stated that the Somalis appeared to be peaceful and that they never felt threatened by their presence in the country. However, they disapproved of the fact that so many of them had businesses. One of the respondents, Mr D, commented: *'Hai, they are too many spaza shops! They are also killing our businesses, do they even pay tax? Phela, they also are taking our jobs! It is dark in those spaza shops and I wonder what else is in those shops apart from the things they sell.'* ('Hai' means no and 'phela' can be equated to 'you must take note of the fact that' or 'you must remember that'.) Another respondent said: *'Neh,(meaning no) those people sell nyaope (a township drug made of various house ingredients) to our children. The other day I went to buy cigarettes, realised it was fake and I was so angry.'* Despite these sentiments, the respondents were quick to say that they certainly did not feel threatened by the Somalis. A group of locals who were interviewed

at a tavern commented that the Somalians *'are small in number, so we can take them on anytime! They stand no chance against us!'*, while another warned: *'Those people have these big bazukas, they will slaughter us in no time'*. (Bazuka is township slang for an assault rifle.) It was interesting to note that some of the respondents were suspicious of Somali refugees.

The final question posed sought the locals' opinions on the efforts made by **government** to ensure the social integration of Somali refugees. The respondents indicated that they had never heard of any such initiatives. They therefore believed that government had not yet done anything to facilitate such integration.

These interviews provided data proving that locals did not feel threatened by the presence of Somali refugees in the country; however, there were some concerns with the manner in which the government dealt with refugees. They sympathised with the refugees and acknowledged that they were poor people who had fled from a country where their lives had been endangered. Refugees needed to be treated as brothers and sisters and posed no significant real threat to social stability. However, some were suspicious of the Somali refugees and believed that they possessed dangerous weapons. As mentioned before, xenophobic attacks are symptomatic of the friction between refugees and the citizens of South Africa. The violence directed at refugees led to the deaths of several people. Many of the reasons given indicate that the security of South Africa as a country was perceived to be under no real threat; the following was noted. Of the sample tested, 32% respondent indicated that foreigners pose a threat to their jobs, 31% indicated that their main concern stemmed from the perception that foreigners were involved in criminal activities, and 4% believed that refugees were involved in a political plot to destabilise South Africa. From this it is evident that the refugee crisis in South Africa cannot be ignored. The results of interviews with government officials will be discussed in the next section.

5.4 Interviews with government officials

The rationale behind interviewing officials was that government officials are believed to be qualified to give expert views. Mr A, a senior official from the Department of Defence gave views aligned to the contemporary school of thought on **national security**. He indicated that the country needed to look beyond the traditional understanding of national security by including issues related to socio-economic dynamics. He mentioned issues such as crime, racism, xenophobia and service delivery requirements resulting from the presence of refugees. According to him, the South African government is being watched by the international community, especially in respect of how policies regarding human rights, or rather refugee rights, were being implemented. He conceded that refugees may pose a threat to national security and have the potential to compromise international relations. Against this background, Mr A warned that should South Africa introduce stricter policies in an attempt to minimise whatever threat is posed by refugees, the international community, including SADC countries, may not receive that well. He further expressed appreciation of the efforts made by government to draft policies to promote national security. He stated that national security in South Africa is also being addressed from a socio-economic perspective and mentioned the following documents that address the national security of South Africa: the Defence Review, the National Strategic Plan and the White Paper on Defence. According to him, the mere existence of those documents is a sign that the South African government is concerned about security issues.

Mr A also touched on the strengths and weakens of South African national security policies. The main weakness, he said, was the ineffective implementation of policies. He further mentioned that our porous borders are a catalyst for the ever-increasing number of refugees, which is practically impossible to manage. He also mentioned that financial constraints prevented the government from securing the borders. However, he was quick to mention that it was the DHA's responsibility to implement refugee policies. He stated that even if the borders are controlled to maximum capability, the DHA remains largely responsible for the issuing of permits and ensuring that refugees are integrated into the system. He felt that unless the government's failure to deal with the increasing number of

refugees was urgently addressed, South Africa could find itself in a compromising situation.

The next respondent, Mr B, was a deputy director in the State Security Agency.

Mr B maintained that South Africa, as a progressive country, accommodates African nationals who seek refuge in the country. He stated that the security of the country is related to economic growth and stability, and that regional stability depends on the same factors. He mentioned the example of the SANDF troops deployed in various peace-keeping missions on the continent. Stability will result in fewer people seeking refuge in other countries. According to him, refugees' choice of a host country, especially in the case of South Africa, is based on the security and economic stability offered by that country.

Mr B further stated that threats that refugees pose are mainly economic in nature. He felt that locals suffer from social insecurities and see refugees as competitors. Many locals feel that economic prospects are being 'stolen' from them. He further expressed the opinion that for national security to be achieved, a coherent and interdependent relationship between the relevant government departments is essential. In conclusion he pointed out that the DHA had not been sufficiently prepared to deal with the huge influx of refugees.

The SAPS is mandated to ensure the safety and security of citizens, but they are often called upon to investigate social disruptions that do not always result in criminal arrests. The community first calls upon the police to ensure that state laws are observed and implemented, which is certainly not always a simple task.

The interview conducted with a retired policeman revealed a different perspective. This respondent's opinion differed from the others as he was convinced that the national security of South Africa is indeed being threatened by the presence of large numbers of refugees. He related the following:

One night I received a call that there was a boy who had a drug overdose. I then called the ambulance as I made my way to the scene. Upon arrival, there was a big crowd standing at the crime scene. These were South African locals who said they were fed up with the foreigners selling drugs to their children. At this point I was with my one partner. The crowd started chanting and throwing insults at us saying we are useless and that it was time they took the laws into their own hands. In no time the suspected drug dealer was being beaten using all sorts of weapons. Mob justice by the community was unfolding before my eyes.

The policeman told the researcher this story because he wanted to emphasise the fact that in his opinion the government has inclusive policies for dealing with refugees, but citizens have their own views, which are ignored by government. He believed that locals were not necessarily interested in the theories surrounding national security as they had to focus on the challenges they face daily. He further indicated that police action is often greatly limited by the laws when they are carrying out their duties, and that the law tends to offer greater protection to perpetrators than to the police. Police action involving refugees is even more difficult as perpetrators usually assert that they are targeted by the police because they are refugees. This contributes to the high levels of crime in the country. Locals feel that they have been let down by a government that tolerates foreigners who they believe are the cause of many social ills. He stated that unless these problems are tackled aggressively, South Africa might find itself having to deal with a war between locals and foreign nationals. According to this respondent, locals find it difficult to distinguish between genuine refugees in need of assistance and foreigners who enter the country to cause mischief.

Mr C, an official at the DHA's offices in Marabastad, Pretoria, was interviewed next. He works in a department that deals primarily with matters related to the issuing of permits to asylum seekers and explained that there is so much work every day that he hardly gets time to do anything else. They simply do not have the necessary capability to deal with the large number of people who visit their offices daily. He wished that people would understand that the Department works tirelessly to address the existing backlog.

According to this respondent, South Africa's policies are liberal since they uphold the values of democracy. He believes that it would be difficult to impose stricter laws to prevent the entry of refugees because of constitutional provisions and international laws. One of the things that hamper their task is the inability of refugees to produce all documents required for their applications to be finalised. The documents required include passports, birth certificates and marriage certificates, but in some instances other documents may be used in the place those not in the refugees' possession. The most difficult people to deal with are those who are stateless, i.e. those who do not appear on the database of any country, as they cannot be easily vetted.

When asked about the daily challenges faced by officials, the official was quick to mention that in the absence of lucrative incentives, officials are prone to corruption, mainly the acceptance of bribes. Corrupt officials do not care to consider the fact that their conduct disadvantages other applicants. Their conduct delays those who follow the correct and prescribed policy. However, he indicated that a number of officials have been suspended from work on corruption charges and were being investigated.

The respondent then turned his attention to the issue of lack of interdepartmental cohesion. According to him, it is a fact there is a lack of cooperation between the different state departments. He felt that the Department of Social Development should be part of the process of integrating refugees with their communities. He added that with the assistance of the Department of Social Development issues affecting the children of

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refugees would be addressed much more effectively. In conclusion he did concede that refugees are people in need of humanitarian assistance.

5.5 Non-governmental organisations

NGOs play a very important role in the lives of refugees and provide services not always provided by the government. Representatives of different NGOs were interviewed. Those respondents agreed that refugees should always be dealt with from a humanitarian point of view. They stated that refugees who arrive in the country have often suffered physiological damage in their countries of origin; therefore they called on government to provide health care for refugees and other basic social services. They also agreed that language barriers, cultural differences and intolerance hamper the social integration of refugees with local populations. In addition to this, their knowledge on matters of national security seemed limited. The Home of Angels in Atteridgeville took a robust stand on how government was doing little to care for vulnerable refugees. The following was stated:

The government has little knowledge of the day to day challenges that refugees have, instead of providing assist by means of subsidies to homes likes us, they take you through a lengthy procedure of filling in forms that come back rejected. The Department of Social Development has so much red tape that we end up relying on donors. If the government knew what tthey were doing, we wouldn't have so many people in our homes.

The author also probed the NGO's on reasons why refugees come to South Africa. Two main reasons stood out during the answering of this question. According to the NGOs, there are two main reasons for Somali refugees leaving their country. First, the threat posed by al-Shabaab, and second, the strict religious laws imposed on them especially on the women. Many of the Somali men who relocate to South Africa do so to avoid recruitment by al-Shabaab. Many also leave their country because of the effect of al-Shabaab activities on their families. A number of Somali refugees told the NGOs that they had lost many of their family members during the conflict with al-Shabaab.

Women from Somalia indicated to NGOs that they had fled religious oppression. According to the respondents, female Somali refugees find it easier to live in South Africa, where women enjoy the same rights as men. The respondents mentioned their frustration regarding the length of time it took the DHA to issue the required permits and the fact that officials always looked for excuses of not granting deserving individuals their permits. This was particularly frustrating to them because they somewhat felt obliged to help the refugees with steps that they need to follow to acquire refugee status. In terms of mention that they feared for their lives as they are sometimes perceived to be housing illegal immigrants. They also stated that they would continue their efforts to oppose unjust decisions and take care of vulnerable refugees.

5.6 The analysis on security implications of refugees in South Africa

In the following discussions below the report outlines and analyses the security implications that refugees have for South Africa and possibly its national security. In an attempt to clarify the impact of refugees on the security of the country, reference will be made to matters dealt with in previous chapters. The impact of the presence of refugees on the military, political, social and economic environment and how this could affect national security in general will be examined and analysed.

Refugees find themselves having to compete with locals for a range of social services, such as housing, health care and education. The lack or absence of skills on their part forces some of them to join the informal sector or accept casual work, while others resort to criminal activities. The competition that develops between the refugees and locals increases and gives rise to hostility. The competition between these two groups undoubtedly causes security-related problems.

The report has already acknowledged the links between the different spheres of government and society. It is interesting to note that while many people may proclaim that

refugees do not pose a serious security threat, many also avoid any discussion of the impact of the presence of large numbers of refugees on the security of a country. The first implication that is discussed is what may seem as linked to the traditional aspect of the military according to realist school of thought.

5.6.1 Military implications

Historically, whenever a country was threatened, the citizens relied on the defence force to protect them. While the South African Defence Force (*South African Defence Review* 2015, 2014) has acknowledged the absence of an immediate military threat against South Africa, there is no guarantee that such a threat does not exist. It is against this background that the paper recognises that even though threats no longer present themselves in the same way as in the past, threats against the military in South Africa are still very much alive. There are a number of ways in which refugees can threaten the military. Upon arrival in a host country, some refugees often set up structures aimed at liberating their mother countries from the persecution they fled in the first place. Refugees in South Africa are no different. There are many ways in which this could be done, for instance by establishing para-military structures in the host country in order to launch operations against their country of origin, which might then view the host country as hostile and as a threat to its sovereignty and stability. For example, the conflict that occurred between Rwanda Zaire in 1996 was fuelled from refugee camps that harboured military factions (Spearin, 2017). In support of the argument presented above, Salehyan and Gleditsch (2006) state that refugees may directly affect the security and stability of a host country by contributing to organised armed conflict. They further indicate that refugees may assist with the proliferation of arms and by joining armed groups as fighters.

South Africa is currently free from armed conflict, but may be at risk. In 2013, nineteen Democratic Republic of Congo nationals were arrested in Limpopo on suspicion that they were setting up an M23 (a rebel group) in that province. Out of the 19 nationals that were arrested one did indeed belong to the rebel group (Patel 2013). According to news24

reports, three military training camps were operated by Al Qaeda/Isis in South Africa. These camps were at Vlakplaas, in the Little Karoo and in the Eastern Cape. The abovementioned proves that refugees may bring with them a subtle threat of a military nature to the host country. Refugees may also try to convince the host country to take direct military action against their countries of origin, which could interpret such a move as an attempt to bring about a regime change.

The demand for services by refugees also increases the military risks. The budget for the South African Defence Force has been significantly decreased in recent years. The rationale behind this, according to the government, is that there are more pressing domestic challenges. (Devictor, 2017) argues that the military budget cut was necessitated by the never-ending demand for services by refugees. A poorly financed defence force runs the risk of failing in its mandate to protect a country.

5.6.2 Political implications

The interesting observation in this regard is that since all spheres of government are linked, and that when one arm of government is affected the entire population will inevitably be affected. The political implications of the presence of refugees in South Africa may be organisational, institutional and affect identity in nature, which can be explained in two ways. First, in the case of an internal threat, government may meet with resistance if it adopts policies that are not favoured by refugee groups or NGOs (Simich & Andermann, 2014). Second, political implications may also be external, which is usually the case when one government is threatened by the ideology of the other. The ideology may be nationalistic, Islamic, democratic, etc. If the host country has an ideology that appeals to refugees, chances are that they will take advantage of the opportunity and attack their mother country through propaganda. This could lead to tension between the refugees' homeland and the host country. For example, in 1996 Professor Wole Soyinka, a refugee from Nigeria, founded and operated a radio station in South Africa. It was, however, monitored by the Nigerian government in Lagos. Whenever the professor broadcasted a

message that did not please the Nigerian government, it was followed by friction between Nigeria and South Africa (Solomon, 2003).

5.6.3 Social implications

Social threats, which may be both internal and external in nature, are related to military and political threats and can be based on a variety of elements, such as language, religion, culture and ethnicity. It is a well-known fact that one of the main causes of violence in Somalia is clan based. Advocate Faith Munyati (from Lawyers for Human Rights) confirms that she has on numerous occasions been aware of clan-based tensions between different Somali refugees whom she had assisted. She wondered whether South Africa should not perhaps attempt to act as a mediator between the various opposing Somali clans seeking refuge in the country, rather than wait for her own citizens to adopt the clan hatred displayed by the Somalis towards each other. She also mentioned how Somali men continue to 'abuse' their partners in the name of religion, and how she had to tread very carefully when addressing the abuse without giving the impression that she disapproved of Islam. According to her, what is considered abuse in South Africa is considered normal in other societies and religions, including Islam. She stated that she feared both for herself as an individual and for South Africa, since this country might have to deal with challenges with which it is not familiar. The refugee phenomenon leads to the creation of ethnic minorities in a host country. The acceptance of refugees into a homogenous society (which is a rarity in South Africa) may have long-lasting consequences. Turning a relatively homogenous society into a multi-ethnic society is challenging as the minority groups thus created will want to preserve their identities and cultures. It is against this background that refugees (who are in the minority) in a new country may begin to voice their concerns regarding the preservation of their culture and identity. Refugee cultures may clash with local cultures, creating societal conflict. Such conflicts may restructure the relationship between the host country and the refugees' countries of origin and lead to instability in respect of international security (Long & Crisp, 2011).

Other schools of thought correctly classify environmental security as a separate dimension of security. This paper relates environmental security to social security. This can be justified by looking at where refugees settle upon their arrival in South Africa and how their presence affects their environments. It has been established that most refugees settle in the country's townships. As a Third World country, South Africa has a huge housing backlog. For refugees, townships, and in particular informal settlements, also referred to as ghettos or slums (Milner, 2009), are the most affordable places to live in. Many of them end up in these places, where they contribute to the degradation of the environment. In small, confined spaces diseases are bound to spread, water pollution increases and rubbish dumps cause numerous health hazards. The very nature of these settlements causes discomfort for both the refugees and the locals.

One of the most daunting topics related to refugees is the occurrence of xenophobic attacks (attacks carried out because of feelings of hatred towards foreigners). In recent years, South Africa has been in the spotlight because of this phenomenon. The respondents who participated in this study also included South Africans who reside alongside Somali refugees and who asserted that such hatred is fuelled mainly by locals' perception of how the Somalis conduct business. Locals feel that they lose business opportunities because the Somali refugees are also allowed to open businesses. When violence against Somali businessmen sporadically flares up, they also fall victim to crime as they are usually assaulted and robbed. Xenophobic sentiments may escalate if locals believe that their livelihood is being threatened (Hatton, 2011).

5.6.4 Economic implications

When refugees seek asylum in another country, they tend to reside in places that offer peace and stability. Generally they also choose a country with high levels of economic growth. Since South Africa has one of the strongest economies in Africa, it is not surprising that migrants choose to seek refuge here. According to Timothy (2011), refugees may threaten the host country by putting a financial strain on the national budget. Since they

generally flee from their countries of origin, most refugees arrive in the host country with practically nothing. They need to start a new life, find a home and be given access to education, health care and employment. Those needs are catered for by using revenue collected from the citizens of the host country, which places a substantial economic burden on the national resources. As a result of this, locals may see refugees as their burden and perceive them in a negative light. Citizens may start wondering why they are paying taxes that benefit non-citizens who make no contribution to the national revenue. They may also calculate the cost of hosting refugees and start seeing them as a social welfare burden borne by them.

The last thorny issue is employment. South Africa has a high unemployment rate and locals feel that refugees are given preference by employers because they are prepared to accept lower wages. This gives rise to a considerable degree of social hostility. It is therefore the view of the researcher that economic implications have an immediate effect on the host country. Both the country and the population are likely to feel this impact sooner, harder and more directly than any of the other impacts discussed in this chapter.

5.7 The impact of refugees on national security

As mentioned earlier, the scope of national security has widened. In the modern state, national security covers both the state and its citizens as integral role players. In this section the paper shows the impact that refugees have on national security, with reference to the relationship between the state (national security) and its citizens (human security).

Seen from a military perspective, the impact of the presence of large numbers of refugees on South Africa's national security can be described as subtle or hidden. As regards the military activities that take place in refugee camps, as discussed above, there is no doubt that behaviour of this kind could pose a national security threat. In the absence of refugee camps in South Africa the most relevant example of military activity by refugees in refugee camps is the case of the Dadaab Camp in Kenya. The choice of this example is motivated by the fact that a large component of refugees in this camp had fled from neighbouring

Somalia. The UNHCR reported that a large number of security incidents that had resulted in fatalities demonstrated the way in which militia and armed syndicates were trading and replacing clan leaders. Many of the members of the militia who surrendered their arms in turn for refugee status are in fact willing to forsake their militant behaviour and use refugee camps to organise, regroup and strengthen their movements (Montclos & Kagwanja, 2000). The militia at the base not only cause a high degree of chaos for the refugees at the base, but also cross-border conflict. Little can be done if militia stage attacks in a host country in an attempt to persuade that country to take a stand against the refugees' country of origin.

In a bid by the host country to get rid of armed groups in the country, any action by its defence force and police may be seen as an attempt by the host government to unsettle refugees. This will of course not be received well by refugees who feel that their efforts to bring about a regime change in their country are important. It is an open secret that refugees bring large amount of arms into the host countries where they hope to settle, and resist attempts by local law enforcement bodies to confiscate such arms. In light of the above, there has been no concrete evidence that suggests that Somali's living in South Africa are guilty of regrouping and mobilising society in pursuit of what they are fighting for in Somalia. To further attest to this point, in South Africa, Operation Fiela was launched in a bid to ensure stability and security by eradicating ills that contributed to crime in the country. Over 9 000 people were arrested and an undisclosed number of illegal weapons were seized. At that time more than 15 000 illegal immigrants were repatriated (Moromo, 2015). However, this controversial crime-fighting operation was criticised by civic society as state-sponsored xenophobia and caused friction between civil society and the security cluster. The two above impacts call upon the military as an instrument of the state to take a stand in security matters.

5.8 Conclusion

The interviews helped the researcher to understand the challenges facing different sectors of society and revealed that in some instances security as a concept is understood differently by different sectors. The interviews also proved the point that the state is still seen as the main provider of national security.

It has been shown that the main problem that Somali refugees have to deal with in South Africa is the delay in the issuing of permits. This affects their daily lives. The most prominent complaint that South African citizens voiced in this regard was the lack of initiatives by government to resolve this problem. If the government had a comprehensive plan for integrating refugees, a higher degree of tolerance between them and locals would already have been achieved. South Africans do not perceive refugees as a threat, but government officials do.

The DHA confirmed that the workload far outweighs its capabilities due to the increased number of asylum seekers entering the country. Almost all the DHA officials mentioned the need for a coherent interdepartmental approach to dealing with refugees when national security is an issue.

Host countries should take into account the possible military, political and economic impacts refugees may have on host countries. The armed forces are an integral part of the state and the state will in all likelihood continue to use them when security is deemed to be under threat. However, the decrease in the defence budget, mentioned earlier, means that capability of the armed forces has also been decreased. Money that should be used to empower the defence force has been reallocated to take care of, among other things, the support and wellbeing of refugees. Military threats are still very real and while militants are being harboured in countries that make provision for refugee camps, South Africa's is somewhat excluded from such a phenomenon. However, the smuggling of arms

continues and if uncontrolled this may pose a significant threat to the host country and in this case to South Africa.

The policies that guide decision making regarding refugees do not always consider the dangers to which host countries could be exposed to. These policies, which seek to satisfy the requirements set by the international community, dictate that refugees should not be turned away and should be protected. However, the situation becomes problematic when refugees threaten the politics of the host country. Refugees will attempt to influence politicians to buy into the idea of regime change or revolution, but in the process the relationship between the states involved will be compromised.

Societies that are forced to accept refugees have a difficult task if the state fails to provide to their basic needs. The competition that exist between refugees and the citizens of the host country often takes the form of a competition for jobs, which leads to feelings of resentment and even hostility, and ultimately to xenophobia. In essence, this can be explained as a competition for scarce resources. In a developing country like South Africa, the economy is bound to suffer when large numbers of refugees have to be cared for. If a government is seen to provide to the needs of its citizens while neglecting the needs of refugees, it will fail in its mandate to help all without discrimination. Issues like these will surely brew instability and insecurity.

CHAPTER 6. FINDINGS, RECOMMENDATIONS AND CONCLUSIONS

6.1 Introduction

The research involved an examination of various concepts and policy frameworks in an attempt to answer the two main questions: What are the policy frameworks that relate to national security and the management of refugees in South Africa? and Does the influx of Somali refugees threaten the national security of South Africa? This chapter contains a discussion of the researcher's findings, conclusions and recommendations.

6.2 Key findings

Somalia has been experiencing security instability for the past 20 years and as a result of this, many Somalis have fled the country in pursuit of safety and economic stability. The instability resulted in the collapse of the government and the weakening of its institutions, which meant that the wellbeing of citizens could no longer be guaranteed. The weak and fragile institutions have made it difficult for the country to guarantee the safety of its citizens and as alluded to earlier in the report, strong and functioning institutions form part of a modern day state. Some citizens fleeing from the hardships they faced in Somalia sought refuge in South Africa.

Since South Africa was seen by Somali refugees as a country of hope and opportunity, it is not surprising that the majority opted to settle in this country. After the collapse of apartheid and the advent of democracy in 1994 South Africa was accepted back into the international fold and opened its borders. The subsequent arrival of large numbers of refugees from Somalia changed the social dynamics of the country as the locals (South African) felt threatened by their presence. The threats perceived included economic threats (jobs, business opportunities, etc), social threats (health care, housing, etc.) and safety threats (crime). Foreign relations were also threatened since a problem with

refugees might result in strained relations between their country of origin and the host country.

It appeared that South Africa displays both traditional and liberal traits in its handling of refugees. While this country appears to be a staunch supporter of the liberalist definition of how security should be managed, the government departments that deal with refugees clearly demonstrate that traditional approaches are also applied.

6.2.1 National security

National security is a topic that continues to be hotly debated by scholars all over the world. The state, however, remains the central role player in security-related matters, even though liberals advocate the expansion of the application of state security to include human security.

The researcher agrees that the realist and liberalist approaches are both of value, but the observation made here is that whether by default or design, and possibly by the emergence of modern-day states, security as a concept encompasses matters that go beyond the traditional understanding of national security. The officials from the government security cluster agree that human security plays a significant role within the state, however, according to the officials' interviewed, the state remains the main component in formulation national security priorities, almost suggesting that the human as a referent object comes second.

The difficulty in analysing the South African policies applicable to national security is that there is no official document dealing with the country's national security policy, wither by default or design. South Africa takes into account that the world has moved towards making human beings a referent object in security-related matters. The documents that

inform the implementation of related policies are largely based on the assumption that human security is an integral part of national security.

It was evident that South African government officials are reluctant to move away from the traditional understanding of national security. Perhaps the wording describing the security of a state is in itself an impediment in thinking of state security in any other way different from state (national) security. It is against this background that the researcher preferred to approach national security from the perspective of the realists. It is noted that in the absence of a world government, states will always seek to place their own interests above those of other countries.

6.2.2 National policy and the management of refugees

It has been argued that the South African government responded too slowly to early warning signs that the influx of refugees was likely to get out of hand. Unfortunately the Aliens Control Act was still a point of reference as clear amendments had not yet been made regarding policies addressing refugee-related matters. The Refugee Act was passed in 1998, but only came into effect in 2000. This time gap was detrimental to the South African government.

If one chooses to thoroughly interrogate the theory of securitisation, the explanations given should be enough to convince any government that constant consultation with its own citizens is imperative in order to fully understand the threats it is facing. The theory of securitisation clearly states that any matter that the citizens and government agree with can in essence be classified as a national priority. It has been noted that South African citizens and their government have not yet reached that level of understanding. Furthermore, officials interviewed expressed the opinion that the government will continue to make decisions about national security without consulting with the citizens, even though threats change over time.

It was further determined that the backlog that the DHA experiences with regard to the issuing of permits for refugees and asylum seekers can be ascribed to the unexpected and unprecedented increase in the influx of refugees and a lack of the capacity required to handle the additional administration. It became evident that the DHA was not sufficiently equipped, both strategically and legally, to manage the refugee phenomenon. In a society that freely accepts the emergence of social movements and NGOs, the DHA will find itself having to answer to and contend laws with such organisations.

Another interesting observation made is that the South African government prides itself on the fact that refugees are not placed in refugee camps. The researcher concedes that this is positive, but is of the opinion that there are some shortcomings in the way refugees are managed, this in itself needs to be urgently addressed. Failure to implement the relevant policy negates the very liberal outlook held by South Africa. Finally, the inconsistency with which government applies its policy is evident in the socio-economic realities that locals and refugees witness daily.

6.2.3 The impact that Somali refugees have on security

The Constitution, the *Defence Review* of 2015 and the 2016 *White Paper on Defence* have been shown to be the guiding documents that help to determine the impact of Somali refugees on security in South Africa.

The absence of refugee camps in South Africa should be seen as progressive initiative since such camps have been shown to be breeding grounds for the emergence of militant groups. The absence of refugee camps therefore minimises the threat of deteriorating interstate relations.

This study found that the presence of Somali refugees does have an influence on the social and economic dimensions of the society, and that the impact is undoubtedly negative as noted by the attitude that was displayed during the interviewing of the South African locals. It was concluded that refugees are blamed for 'stealing' the jobs of South African citizens and that government has had to decrease the budgets from different sectors of the society in order to cater for the growing presence of refugees. Though, there is no direct evidence that suggests that sectors such as the defence are affected by the budget cuts due to the presence of refugee, one cannot help but wonder if there is no cause and effect relationship. Given the high unemployment rate in South Africa, the *spaza* operations that are primarily done by Somali does indeed cause concern amongst the South African locals, if not affecting national security then without a doubt such establishments do unsettle the human security of the ordinary South African.

6.3 Recommendations

The recommendations made here are directed primarily at the various stakeholders that play different roles within the South African security cluster.

First, the South African government needs to be very clear on which school of thought it supports. Although it purports to support the liberal school of thought, there are obvious contradictions, especially regarding the application of its policies on the management of refugees. The way in which those policies are applied leans towards the traditional school of thought, which treats refugees in a strict manner that may infringe on their rights. By adopting the liberal approach, the country will be better able to ensure that refugees are managed well without compromising their rights.

Second, the DHA has admitted that the Department's capabilities are challenged by the large numbers of refugees applying for permits. This creates the impression that South Africa is not ready to implement its own liberal policy when dealing with refugees. It is

therefore obvious that unless steps are taken to improve the DHA's ability to process the refugees' applications, South Africa's image will be tarnished and the country will be perceived as being anti-refugee. The obvious solution would be to increase the DHA's workforce.

Several respondents indicated that they believed that some DHA officials are corrupt and accept bribes. Respondents employed by the DHA confirmed that a number of officials suspected of corrupt activities, specifically bribery, have been suspended pending an investigation. Somali respondents confirmed that they had to pay bribes in order to receive their permits. The third recommendation is therefore that the salaries of officials in the employ of the DHA be increased to reduce the probability that they will resort to bribery. Such a step will benefit the refugees as there will be no discrimination against those who cannot afford to pay bribes. This will improve South Africa's image internationally.

The fourth recommendation is that the police must be properly trained to deal with refugees. A police officer admitted to not knowing when not to arrest a refugee. However, he stated that even though the international norm is that refugees who cannot produce the required documents should not be arrested, members of the police force are instructed to arrest any person without the proper documentation. The proper training of our police, especially in respect of how refugees should be handled, is therefore essential. The establishment of a dedicated unit trained to deal with refugees would be ideal.

It is also important that the citizens of the country be taken on board in order to make them understand the refugee phenomenon in its totality. South African citizens view refugees with suspicion and regard them as unwelcome strangers who rob them of employment and economic opportunities. The researcher is of the opinion that by educating citizens on the refugee phenomenon, the likelihood of xenophobic attacks on refugees could be decreased. The locals should understand that the international community expects their

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government to assist fellow citizens of the world on humanitarian grounds. Currently the government is responding pro-actively instead of reactively to this situation. The government of South Africa communicates with its citizens only when attempts are being made to end xenophobic attacks that are already happening.

6.4 Conclusion

The definition of national security has its own limitations and one can concede that indeed it is a loaded term. The report thus described the evolution of the concept from as early as after the end of the CW. It has been shown that national security as a concept and the provision of security by the state has dramatically evolved over the years. Indeed, other scholars allude to the fact that the role of the state is fast diminishing, however, evidence proves that the state still plays a crucial role in the affairs of providing leadership and security to its citizens.

By using different theories of international relations, there is a clear indication on the different standpoints that scholars ascribe to. However, these theories remain a tool that helps us understand the ever-changing security dynamics of the world. What seemed very conspicuous in the literature was that the actors within the international realm need to achieve their own states' goals by taking into account the ever-changing environment. The ever-changing environment includes the merger of the human and the state in considering priorities of national security. Both the state and its citizens should be a priority in decisions on national security. In South Africa, this element seems to be partly addressed in that its policies draw from both the liberal school of thought and realist school of thought.

Even though South Africa still has no official national security document, it draws largely from its constitution, the defence review and the bill of rights to guide its actions, even on matters as “soft” as the treatment of refugees. The people-centred approach is admirable

in time when the argument is tilting in favour of the person or human as a referent object of the state.

The report was also deliberate in discussing the circumstances that had led to the mass exodus of the Somalians from their mother country. The Somali respondents were given an opportunity to talk about how they experienced their treatment by the South African government and citizens. They approved of the South African government policy that allows them freedom of movement, but regretted the slow processing of their applications for asylum seeker/refugee permits and the fact that they could only speed up the process by paying bribes to police officers and DHA officials. They were particularly happy about the fact that they were not confined to refugee camps and that their freedom of movement was guaranteed.

South African citizens and government officials were also given a voice. The former indicated that although they understood that the refugees required assistance, they felt that the Somalians were robbing them of employment opportunities. The government officials who were interviewed were worried about corruption and being under-staffed, which hampered their ability to render an efficient service to refugees. The recommendations made are meant to sensitise various stakeholders about the roles they can play in efforts to improve the services rendered to refugees by the South African Government.

It must be said that the heavy workload prevents DHA officials from properly vetting refugees. It was argued that despite South Africa not being under any immediate military threat, the possibility of members of terror groups seeking refuge in the country does exist. The South African government should therefore ensure that proper vetting is conducted without abandoning its liberal position.

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