

Not Yet Uhuru for African Brotherhood

With the recent spate of xenophobic attacks in South Africa one cannot but look back at the relationship between South Africa and Nigeria in particular. Historically Nigeria always lent support to the fight against racial discrimination in South Africa. A letter from the Principal Private Secretary to then Prime Minister of Nigeria, Alhaji Sir Abubakar Tafawa Balewa as far back as 1961 shows obvious support and pledge of further assistance to the ANC.

So have successive Nigerian governments since 1966 given material and financial support to the freedom fighters struggling for political independence in Southern Africa. In the mid-1970s the oil boom had placed in the coffers of successive Nigerian governments apparently limitless financial resources. Cash donations from Nigerian governments to the freedom fighters flowed with seemingly effortless ease and they, in turn, looked to Nigeria for guidance and financial support. Even when ever increasing pressure was being brought to bear on Britain to levy economic sanctions against the South African apartheid regime and yet the Thatcher led government remained unyielding, as a protest against this implicit support of the Botha regime in South Africa, Nigeria led the 1986 boycott of the Commonwealth Games.

Yet all this and so much more has been forgotten as the goodwill traditionally held by South Africa for Nigeria dissipated so rapidly following the post-apartheid era in the 1990s as Nigerians emigrated to South Africa. The good, the bad and the ugly have all been lumped together as the activities of some Nigerians involved in organised crime grew in prominence in South Africa. Today the public perception of Nigerians in South Africa is at a remarkably low level, as crime and graft have become associated with the Nigerian identity and those who work hard for their living have not been spared either as they are equally detested for allegedly 'robbing South Africans of their jobs.' I recently read the story of a Nigerian girl raised in Queenstown in the Eastern Cape which exemplifies the struggle faced by most foreigners trying to make a living

in South Africa. Her father started off selling pillowcases, duvets and bed sheets door to door before moving on to own a little shop selling sewing machines, cotton etc and was able to send her and her brother to primary school, high school and university. Her parents had no tertiary education; it was only in their late 40s that both of them decided to register for part-time studies at Walter Sisulu University to get their diplomas. She observes that this is the story of most foreigners living in South Africa, that very few are professionally trained and she called on South Africans to be more open-minded and realise that the rest of black Africa helped South Africa so much to be where it is today.

It cannot be denied and neither can it be swept under the carpet that South Africa has a serious problem that needs to be addressed and urgently so. Its history of xenophobic attacks continues to build up year in year out. Attacks have been reported on Nigerians and other immigrants from Malawi, Mozambique, Senegal, Somali and Zimbabwe etc in most years since 1995. These attacks often occurred in major cities such as Alexandra, Durban, Johannesburg and Cape Town. For the past two weeks that there have been xenophobic attacks on foreigners in South Africa, Nigerians are reported to have lost or had destroyed property and assets worth about N84 million. This recent outbreak of attacks has been linked to the Zulu monarch, Goodwill Zwelithini, an influential figure among the Zulu ethnic group, when he reportedly said 'head lice should be squashed and foreigners should pack their belongings and leave the country.' The king has no official power in modern South Africa but he commands the loyalty of about 10 million Zulu people, the country's largest ethnic group. It took him almost a month after making his initial comments to call for an end to attacks on immigrants living in South Africa. Commenting on a previous such outbreak Dr. Jason Hickel, a lecturer at the London School of Economics in his article 'Xenophobia' in South Africa: order, chaos and the moral of witchcraft stated that 'news of the pogroms spread through the media under headlines that followed the general formula, "South Africa Descends into Chaos," often featuring the iconic photograph of the Mozambican immigrant Ernesto Nhamuave being "necklaced" with

a petrol-filled tyre and set alight by a mob, an image eerily reminiscent of the internecine battles that grabbed headlines in the years leading up to the collapse of apartheid.'

There is no doubt that the xenophobic attacks in South Africa have resulted in the violation of a good number of treaties and conventions and it is high time that we begin to enforce the tenets of these worthy documents and agreements, most especially at a time like the present. The International Covenant on Civil and Political Rights, 1966 is one such treaty that must be invoked. Article 2 provides that: 1. Each State Party to the present Covenant undertakes to to ensure to all individuals within its territory the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion. 3. Each State Party undertakes:(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State (c) To ensure that the competent authorities shall enforce such remedies when granted.

There are a host of other conventions which South Africa has ratified, including the Convention on the Elimination of All Forms of Racial Discrimination 1965 and the International Labour Organisation's Convention concerning Discrimination in Respect of Employment and Occupation 1958. South Africa has also committed itself to implementing the programme of action developed during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001.

Nigeria and South Africa furthermore are both party to the African Charter on Human and Peoples' Rights, with Nigeria having signed the treaty in 1982 and ratified a year later. South Africa in turn signed and ratified the treaty in 1996. With the recent xenophobic attacks, violations of these treaties with respect to Right to life, Dignity of the Human Person and Freedom from Discrimination abound.



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It is therefore time the governments of Malawi, Mozambique, Nigeria, Senegal, Somali and Zimbabwe etc whose citizens have been affected yet again by xenophobic attacks in South Africa rise up collectively in protest against the treatment of its citizens before the African Commission on Human and Peoples' Rights set up by the Charter. These countries should be seeking effective remedies, including adequate compensation for the victims of xenophobic attacks in South Africa as all the countries involved in these recent attacks have all ratified the African Charter on Human and Peoples Rights and therefore are all bound by the obligations of the treaty. This recurring malaise will only end if it is now addressed head on, once and for all, otherwise the knock on effect will be grave. For example there is genuine fear of reprisal actions if the attacks on Nigerians and their businesses are not stopped. There are a large number of unemployed people idly waiting for just such an opportunity to cause mayhem in the name of retaliation and retribution. In Nigeria alone South Africa has a massive investment in such blue chip corporations as DSTV, MTN, Protea Hotels, Stanbic Bank and the ubiquitous Shoprite Mall, to name only a handful of such that are beginning to dominate Nigeria's economic skyline. As such the Nigerian and South African governments of the day cannot afford to continue, as they have done past times immemorial, to fiddle while Rome burns.

