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## Xenophobia in South Africa

### by Salim Rashid

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In September 2019, looters and protestors targeted foreign-owned businesses in Johannesburg, killing and displacing several South African residents and immigrants.[1] These recent attacks are some of the many acts of anti-immigrant violence that have plagued business owners for the past few decades.[2] South African leaders have attempted to address these issues through a series of initiatives following South African independence in 1961. For example, the South African Human Rights Commission (SAHRC), the UN High Commissioner for Refugees (UNHCR), and the National Consortium on Refugee Affairs (NCRA) created the Roll Back Xenophobia Campaign (RBX), South Africa's first attempt at recognizing xenophobic rhetoric.[3] Unfortunately, the campaign lost funding in 2002 and never realized its goal, with xenophobic violence becoming more common in the years following.[4]

South Africa's improving economy invites unique opportunities that are imperative to the success of the continent as a whole. South Africa has the second

largest economy in Africa based on its gross domestic product.[5] Its economy attracts immigrants from around the continent who are seeking refuge from poverty and persecution in their home countries.[6] Many South Africans blame immigrants for hardships they face. A Wits University study on forced migration found that sixty-four percent of South Africans believed that immigrants were "generally untrustworthy," and a similar percentage thought that South Africa would be better off if immigrants left the country.[7] Unemployment in South Africa is between twenty and forty percent; however, foreign-born residents are only three to five percent of the total population.[8] Over time, this rhetoric has evolved into violence. The South African Human Rights Commission stated that attacks against immigrants in 2008, which claimed fifty-six lives, exposed the "vulnerability of [immigrants], particularly from other African countries." [9]

Harmful rhetoric starts at the top. Reputable Government officials perpetuate negative stereotypes about immigrants.[10] Violence against immigrants and negative stereotypes reinforced by South African leadership are clear violations of South Africa's international human rights obligations. Although President Cyril Ramaphosa has condemned South African citizens, this ideology is unique among South African leadership.[11] Former President Jacob Zuma stated that the South African government cannot ignore that immigrants commit the most violent crimes.[12] Gauteng Province Police Commissioner Lieutenant, General Deliwe De Lange, claimed that "illegal" immigrants are responsible for sixty percent of "violence" in his province.[13] De Lange prefaced this comment by ensuring he is "not xenophobic." Yet, the African Institute for Security Studies found that law enforcement does not release data on nationalities of persons they arrest.[14] Intentional distortion of facts by trusted government representatives fuels distrust towards immigrants and justifies the violence that they endure. This rhetoric constitutes the government inciting violent acts against a race or group of persons of another ethnic origin.

The International Bill of Rights — consisting of the Universal Declaration on Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social, and Cultural Rights (ICESCR) — is considered a hallmark declaration drafted in order to form inalienable standards amongst nations around the world.



ANTI-XENOPHOBIA SIGN FOUND AT HAROLD CRESSY HIGH SCHOOL, CAPE TOWN, SOUTH AFRICA VIA WIKIMEDIA COMMONS USER HELEN RIDING, INCLUDING CC BY-SA 4.0.

In 1948, South Africa was one of four African nations that initially abstained from signing the UDHR, partly due to the apartheid state.[15] But, on the 70th anniversary of the UDHR's creation, the Constitution of the Republic of South Africa was signed into law by former president Nelson Mandela.[16] Chapter 2 of the Constitution of the Republic of South Africa — also known as the “Bill of Rights” — contains similar principles found in the UDHR.[17] In fact, the South African Parliament considers the UDHR as a predecessor to its own Bill of Rights.[18] The history of apartheid in South Africa has shaped the strategies intended to protect South African residents from violence and discrimination; however, the application of domestic and international declarations aimed to protect human rights has gone astray.

South African officials have violated Article 2, paragraph 2 of the ICESCR by threatening the safety of people from different “national or social origin” by qualifying commonly held and inaccurate accusations. [19] Comments similar to Police Commissioner De Lange’s erroneous claims victimize foreigners without any consideration of how the rhetoric influences the

society at large. Additionally, Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) prohibits governments from inciting any violent acts against “any race or group of persons of another . . . ethnic origin.”[20] Lastly, Chapter 2, Article 9 of the Constitution of the Republic of South Africa states that the government may not unfairly discriminate against a number of protected classes.[21] However, subsection 5 of the same Article allows for “fair” discrimination, leaving room for injustices against migrants face.

Leaders of other African countries have become unsettled with South African leadership’s complacency in this matter. Following the September 2019 attacks in Johannesburg, Nigerian President Muhammadu Buhari met with President Ramaphosa to discuss their shared concerns about the administration’s commitment to a safe environment for immigrants.[22] Other leaders have taken a more abrasive approach. Nigeria’s former Minister of Foreign Affairs, Bolaji Akinyemi, requested that the Nigerian government to take South Africa to the International Criminal Court for alleged violations of international treaties. He also claimed that the South African government violated Article 2, paragraph 2 of the ICESCR for escalating violence between South African citizens and residents. As Nigeria urges the African Union to step in and enforce these various international obligations, immigrants look for ways to safely flee the country or defend their property. [23]

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## Vieques, Puerto Rico: U.S. Ecological Militarism and Climate Change

by María Alejandra Torres

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Before Hurricane Maria, a category four hurricane that hit Puerto Rico on September 20, 2017, Vieques, Puerto Rico was already dealing with over fifty years of ecological devastation.[1] The hurricane caused massive damage, increased poverty levels, and accelerated mass migration, particularly at the Superfund Site in Vieques.[2] The government designates the most hazardous waste sites as Superfund Sites.[3] The EPA labeled the site a Superfund Site because of the U.S. Navy’s activities, which hindered Viequeses’ right to the enjoyment of a safe and clean environment, a right considered at the Thirty-Seventh Session of the Human Rights Council.[4] Moreover, Vieques’ complex history with the U.S. Navy and the Environmental Protection Agency (EPA) reflects Puerto Rico’s colonial status and lack of self-determination according to the UN Special Committee on Decolonization. The EPA represents the U.S.’s dedication to the protection of internationally recognized rights, but it has unsuccessfully protected these rights; yet, Puerto Rico’s territorial status impedes the island’s ability to enforce internationally recognized environmental law.

From the 1940s until 2003, the United States Navy commandeered about three-quarters of Vieques, an insular Puerto Rican municipality.[5] During World War II, the federal government evicted thousands of residents from their homes and placed them in “re-settlement tracts” in razed sugar cane fields.[6] The government then used this land to create a U.S. naval base. The naval base used the eastern side of the island, called the “Atlantic Fleet Weapons Training Facility,” for ground warfare, maneuver training, and live impacts.[7] On the western side of the island, the base used an area named the “Naval Ammunition Support Detachment (NASD)” as storage for ammunition and