

South Africa's smugglers' borderland

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The construction of an imaginary borderland is key to smuggling along the South Africa/Zimbabwe border.

A research project¹ on the human smuggling industry and its effects on would-be asylum seekers revealed that of those asylum seekers who crossed a land border into South Africa, a substantial majority entered via Zimbabwe. Just over a fifth of these asylum seekers were smuggled, and the majority paid for the assistance they received. Asylum seekers were smuggled by – in order of prevalence – smugglers, transport operators, fellow immigrants, friends or relatives, and, alarmingly, state employees. Nearly a fifth of those who were smuggled were harmed in some way during their border crossing.

“I am the border”, a smuggler boasted, illustrating a key finding of the project. The demand for smuggling is manipulated by smugglers through deliberate deception of asylum seekers. The misinformation and deliberate omissions of smugglers create an imaginary border which, in the minds of prospective asylum seekers, is far more antagonistic and forbidding than the reality. As a result, undocumented entry via the services of a smuggler may appear to be the only means of entering South African territory. This encourages a trend toward undocumented border crossing even among those who would qualify for an asylum permit. The increased invisible population that results creates a problem for the state's management of migration, as well as rendering would-be asylum seekers more vulnerable to abuse.

Fertile ground for smugglers

A central reason why asylum seekers are vulnerable to deception about border conditions is the fact that more than two-thirds are not aware of the theoretical possibility of seeking asylum before they leave their countries of origin. On the other hand, there is a pervasive awareness

of ‘*amagumaguma*’ – an umbrella term for non-state actors responsible for various forms of abuse, exploitation and extortion along the border.

For some, *amagumaguma* are unscrupulous smugglers who turn on their clients and rob, beat or abandon them during the border crossing. For others, *amagumaguma* are independent gangsters that roam the border area, preying on smugglers and their clients alike. Still others believe that they are a fiction, a ploy by cunning smugglers to boost the market for their services by creating the impression that the assistance of a smuggler is crucial to safe passage.

A popular imagination preoccupied with the threat of *amagumaguma* and oblivious to the existence of refugee protection legislation in South Africa provides fertile ground for smugglers. Professional smugglers may simply bring refugee clients to immigration officials at the border post, who, as required by law, usually provide them with transit permits to temporarily legalise their stay until they enter the refugee reception system. Although this is an everyday task of the Department of Home Affairs (DHA), which provides the permits free of charge to those who

declare an intention to seek asylum, smugglers construct it as an irregular service secured only through connections or bribes. As a result, it seems that some asylum seekers pay for what the law freely provides.

Smugglers who transport clients across the border rather than through the official point of entry depend on



their clientele's ignorance of refugee protection processes. Thus, by action or omission, they often mislead clients about their eligibility for asylum. In order to make demands for additional payment during the cross-border journey, some smugglers use connections with corrupt officials to threaten migrants with arrest and deportation, which further entrenches the impression that the South African state is closed to people fleeing persecution, occupation, war or breakdowns in public order.²

A man with a small child crosses under a barbed wire fence on the Zimbabwe-South Africa border.

Abuses and corruption

A common practice among smugglers is to accept a low sum at the start of the border-crossing journey and to extort further payments during moments of heightened risk en route. Migrants reported a variety of abuses suffered during the border crossing. In addition to extortion, clients are sometimes abandoned if they cannot satisfy demands for additional payment. Smuggled migrants are often robbed either by smugglers or by criminal gangs lurking in the vicinity of the border. Some respondents were searched and robbed of all their belongings (including bags, documents, money and cellphones), while others were

forced to undress and exchange their good clothes for dirty and torn clothes or shoes. The apparently independent gangs may actually work in cahoots with smugglers to encourage clients to submit to demands for extra cash.

When migrants do not submit to the demands of their assailants, they are often violently assaulted. Respondents reported many cases of wanton violence and abuse, including rape and murder, and these reports were supported by officials and NGOs in the border area.

One rape victim was an 18-year-old from Bulawayo who was beaten and raped at knifepoint by two gang members, after she and another girl she had met were 'rescued' by a group of men from taking a path they claimed would lead the women towards *amagumaguma*. A recent fact-finding trip after the closure of a temporary shelter for asylum seekers revealed several women with babies born of sexual abuse. Many women were unaccompanied minors at the time that they were subjected to rape and sexual assault in the process of border crossing, and one told of her detention at a 'rape camp' where Zimbabwean soldiers had cooperated with smugglers.

The research found evidence of official corruption related to the smuggling industry, in both the police and immigration services. Officials are reportedly paid regular 'stipends', bribed on an ad hoc basis, and encouraged through the use of improper influence to make the smuggling possible in various

way and to protect the smugglers from arrest and prosecution.

Some police officers are also alleged to be actively engaged in providing their own smuggling services and conspiring to extort money from informal migrants. The involvement of state employees in the smuggling industry can only encourage perceptions of a hostile and predatory state and further entrench the imaginary borderland that smugglers rely on for their business. There is a need to fully investigate and root out corrupt practices within the border-control staff of the South African Police Service and the DHA.

Conclusion

Although current refugee protection mechanisms in South Africa seem to be afflicted by a preoccupation with immigration control, the DHA is beginning to advocate a 'migration management' approach to border control. This will require improved communication about the immigration options available to migrants in general and refugees in particular. The role played by misinformation and lack of knowledge of refugee protections in South Africa suggests the need for publicity about the process.

However, the research casts doubt on recent calls for a strengthened border-control policy. Indeed, the existing perception of a closed border appears to play a key role in encouraging undocumented migration. The invisible flow that results undermines not only the rights of asylum seekers but also the ability of the state to monitor and manage its immigrant population.

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1. Tesfalem Araia, 2009, 'Report on Human Smuggling Across the South Africa/Zimbabwe Border', Migrant Rights Monitoring Project, Forced Migration Studies Programme. Online at <http://www.refugeersearch.net/node/277>

2. The South African Refugees Act 1998 supplements the 1951 Convention definition of 'refugee' with that of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.



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