

A JOURNAL ON AFRICAN WOMEN'S EXPERIENCES

Issue 6 / December 2015



About BUWA!

Guided by the feminist principle that 'the personal is political', BUWA! is a journal published by the OSISA Women's Rights Programme annually. BUWA! serves as a tool and platform to explore a variety of themes and topics that are pertinent to African women today. The journal receives both commissioned and unsolicited articles primarily from women on the African continent. An editorial team decides on the themes, topics and participates in the editorial processes. The publication seeks to promote open society ideals through providing a platform for women's voices, and amplifying these across the continent and beyond. BUWA! also explores African women's experiences through a policy lens, to shed light on international, regional, national and local debates and policies that shape women's choices and lived experience.



MOVING STORIES

Issue 6 / December 2015

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On behalf of the family



On behalf of the family was inspired by 3 things. The first was a piece of research carried out by a friend of mine among Zimbabwean migrants to South Africa. She found that while more young male migrants from Zimbabwe migrate with the hope of advancing their personal development, the young women are by-and-large sent by their families to earn money for the family. Increasingly young women carry the burden of their families' financial needs on their shoulders.

The second inspiration came from a Zimbabwean woman whose story is well known. When her family married her off very young to an older man who made her bear 3 kids before the age of 18, her dreams for her own life were thwarted. But she wrote them down on a piece of paper, put the paper in a tin and buried it. Long story... finally one day she escaped from the entrapment of that marriage, continued her schooling, returned home and dug up the dream box, now has a PhD, is a motivational speaker and mentor to young school girls.

The third source of inspiration was a young Zimbabwean woman named Nomatter, who came to one of my workshops. She grew up wanting passionately to be a nurse. When she was a teenager her father left his wife and 3 daughters and they were destitute. After Nomatter finished Form 4 her mother told her that as the eldest daughter she would have to go to Botswana in search of work. Nomatter had to bury her dreams of becoming a

nurse. Long story... she is now 27 and her dream is still buried, but alive. She sells cheap Chinese perfumes on the streets of Mutare and in her spare time she volunteers for no monetary compensation at a local hospital, doing minor tasks just so that she can be close to the profession she still hopes one day to be trained for. At one time she was offered an inhouse training opportunity by another hospital administrator in exchange for a bribe, but she turned it down. She told us "I know I can't reach my dream by dishonest means. If I engage in corruption I lose part of myself to the system".

I wanted to portray great strength of character in the young woman in this picture. She is strong enough to dream big dreams, strong enough to put her personal needs on hold in order to carry the full weight of her family responsibilities. strong enough to walk with determination right into the threats blocking her path, strong enough to know that only by maintaining her integrity will she get to where she wants to go in life. I think this is the story of many, many migrant Zimbabwean women.

Erika Frydenlund is a feminist researcher interested in forced migration and mobility. Her research focuses primarily on protracted refugee crises, particularly in Rwanda. She holds a Ph.D. in International Studies with concentrations in Political Economy and Modeling & Simulation.





Fred Bidandi is a PhD holder from the University of the Western Cape and has a Masters in Public Administration. He holds an Honours degree in International Political Economy and Public Administration and a B. Admin general as well as Advanced Diploma in Marketing and Sales. He has worked as a Refugee Policy, Self-Reliance and Advocacy program Manager at the Agency for Refugee Education, Skills Training and Advocacy. He has also worked as a tutor coordinator at the division for post graduate studies and currently working as a peer tutor at the UWC's Writing centre.

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RESOURCE ACCESS CHALLENGES FOR REFUGEES AND MIGRANTS

By Erika Frydenlund, Fred Bidandi, and Jennifer N. Fish

As throngs of refugees arrive in Europe from North Africa and Syria, the world can no longer deny the extent of global forced migration of those fleeing political, economic, and even climate instabilities. Europe is a high-profile destination for refugees, but it is not the only place of refuge. A large portion that has fled from other parts of Africa moves southward until there is nowhere else to go. South Africa serves as a stopping point for many in search of safety and a better life. Situated far from the media's attention, this country receives millions of refugees and economic migrants each year, pushing available assistance and social services well beyond their capacities. Yet, little public attention follows the persistent migratory waves to this country.

The prosperity of South Africa, and its location near other troubled states, draws more refugees and asylum seekers than any other country in the world. For refugees fleeing conflicts within the continent, the southernmost country evokes notions of possibility, peace, and prosperity. UN data illustrates the appeal of the country's promise to other migrants. South Africa today is the world's largest recipient of asylum applications per year, accounting for one-tenth of the total asylum claims globally (UNHCR, 2012a). This amounted to more than 107 000 asylum claims in 2011 alone. By comparison, the next highest recipient, the United States, receives more asylum claims than any other industrialised country with just 76 000 applications in 2011 (UNHCR, 2012a; UNHCR, 2011). Unlike the United States, however, South Africa has limited resources to manage such an enormous influx of forcibly displaced persons. About 230 000 asylum seekers were still awaiting official decisions on their status as of the end of 2013 (UNHCR, 2015).

The citizenship of our fathers

In a patriarchal system of bureaucracy that privileges male identity (Wilson, 2014), citizenship most often passes to children patrilineally. This system of citizenship inheritance poses particular problems for refugees and migrants crossing international borders. In the last issue of BUWA, Onai Hara presents a particularly compelling personal account of the revelation that the country she called home did not consider her a citizen. Instead, her citizenship belonged to the land of her estranged father and his family with whom she could not and did not necessarily want to connect or identify (Hara, 2014). Unfortunately, her story is all too familiar among migrants and refugees in South Africa, as they too discover that they (and their children) do not have access to the rights and privileges of the only country they have ever known.

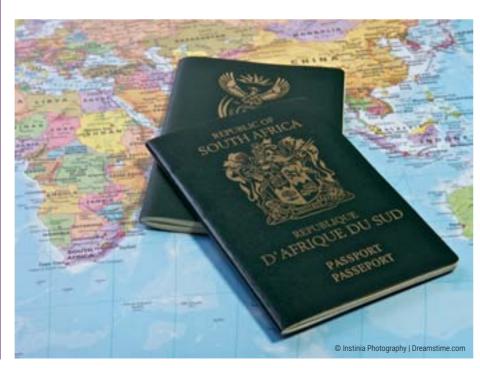
Given the large flow of refugees and asylum seekers combined with the modest resources of the South African government, proper education about legal citizenship rights and limitations is understandably difficult to administer. Current legal reforms of the process for determining refugee status are compounding the inability of government officials to fairly process requests (UNHCR, 2012b). Yet, even in the face of such structural obstacles that largely stem from South Africa's continued postapartheid transition, the country's allure as the most prosperous nation on the continent continues to draw forcibly uprooted migrants from all over Africa.

Do these migrants and asylum seekers arrive in South Africa with knowledge about their rights and privileges under South African law? Or does the dream of prosperity collide with the reality of an overburdened Department of Home Affairs (DHA) and a huge backlog of asylum requests? What happens in this point-of-entry moment where refugees' perceptions meet the realities of South Africa's capacity to receive and properly assure the rights of asylum seekers?

During our time conducting survey research at the Department of Home Affairs Cape Town Refugee Reception Office¹ and the Cape Town Refugee Centre² in 2011, we found the waiting rooms full of mostly women and children struggling to navigate the complex system of official paperwork.3 Many of those with whom we spoke assumed that their children born in South Africa would automatically gain citizenship. The waiting rooms of refugee processing and services centres illustrate the complex identity of migrant women across the world. Here, families are constructed and reconstructed across physical and administrative barriers. Asylum paperwork and citizenship statuses separate refugees from resources to sustain themselves and their families. Meanwhile, refugees' and migrants' foreignness draws regular threats of xenophobic violence and emphasises the fragility of their outsider status. At the former Cape Town Refugee Reception Office, refugees who were desperate to have a chance at submitting asylum paperwork would choose to sleep on the streets, sometimes with their children, to be admitted to the queues the next day.

Admission to the queue is only the first hurdle before filing the appropriate paperwork. In the queue, refugees were herded into outdoor sheltered areas flanked by overflowing toilets and sometimes filled with standing rainwater. Those lucky enough to get to the front of the gueue sat inside and attempted to fill out paperwork according to the strictest bureaucratic details.

- At the time the survey was conducted, this Home Affairs Office was located in the Maitland area of Cape Town. On 30 June 2012, the Department of Home Affairs officially closed this processing location, citing the property owner's intention to end the lease agreement for the Maitland building (Pillai, 2012).
- 2 http://www.ctrc.co.za The ability to conduct research at this site was coordinated through the personal connection
- Without official documentation of their status through the Department of Home Affairs, refugees cannot access many critical services or seek legal employment.



The daunting process of beginning the administrative paperwork to claim legal asylum in South Africa – as it is in most countries – is part of the journey refugees undertake to gain access to social and health services, as well as the right to legally pursue employment. This, however, is only the beginning. Future generations born to refugees and migrants face complicated and often misunderstood barriers to citizenship and full participatory rights in the land of their hirth

Citizenship and state sovereignty

Citizenship binds the state and its polity. As Sassen (1999) points out, the act of controlling migration and access to citizenship as if it were a crisis, as South Africa does, allows the nation-state to assert its sovereignty and relevancy in an ever-globalising world characterised by increasingly porous boundaries. In many ways, globalisation has exacerbated the disparity in equality and privilege, with refugees among those most marginalised in the context of migration (Dauvergne, 2009). This is particularly true of women migrants, who are often framed as "breeders" with the single purpose of securing their place in the host country through the citizenship rights of their children. This myth is perpetuated in various immigration contexts throughout the world, despite a child's true lack of ability to claim and use citizenship rights in practice (Bhaba, 2009). As agents and citizens of the state perpetuate misinformation, only "... a change in attitudes toward migration among civic and community leaders that lends credence and practical political support to broader calls for cohesion and tolerance ..." can assure the rights of immigrants in the country (Landau, et al., 2011, p. 97). In the waiting areas of the refugee reception centre and a local refugee services NGO in Cape Town, mothers we spoke with were distraught to find out that their children would not automatically gain South African citizenship simply from being born and raised in the country. However, South Africa, along with Ethiopia, has constitutional measures in place to protect children born within their respective borders from statelessness, or complete lack of legal citizenship (Manby, 2010).

At the officially sanctioned international borders and spaces where migrants seek legitimacy from the state, paperwork and processes become the state instrument to construct who belongs (insider) in stark contrast to who does not (outsider). Officials who adjudicate asylum claims derive power over national belonging through flexible interpretations of the state's intentions that are difficult, if not impossible, to regulate or scrutinise (Behdad, 2005, pp. 145-155). Policymakers in South Africa have failed to address immigration law in a way that promotes social cohesion at the community level, starting with its own administrators and DHA officials (Segatti, 2011). Ultimately, this reflects, at the very least, a tacit approval of the xenophobic sentiments and outbursts that persist in South Africa despite the government's public stance to the contrary (Segatti, 2011). In addition to DHA agents' beliefs that they are saving the country from economic immigrants who abuse the system of social services,5 police regularly target immigrants as threats to community safety despite little evidence of any danger (Landau, et al., 2011; Vigneswaran, 2011).

Xenophobic violence against refugees and migrants tears at the social fabric of the country.

Most notably, widespread xenophobic attacks in 2008 killed more than 60 people (Haffejee, 2015). While the South African government publicly denounces xenophobia and attacks against foreigners, it has essentially created a citizenry who enact the exclusionary ideals that reaffirm the state's sovereignty (Behdad, 2005). Despite ongoing threats of violence, refugees and migrants continue to pursue a better future for themselves and their families by navigating the South African system to secure access to scarce resources.

- The government of South Africa, in collaboration with UNHCR, has been working toward solutions to problems with
- Minutes from meeting between Cape Town DHA officials and ARESTA advocacy personnel, 27 July 2011

South Africa's citizenship policies contextualised

Survey respondents at the Maitland DHA centre articulated a variety of notions of citizenship to the authors. As mentioned, most believed that infants automatically attain citizenship if the proper paperwork was filed at birth, or that these children would be granted citizenship upon reaching a certain age. Globally, however, South Africa is not alone in maintaining legal policies that do not grant citizenship immediately upon birth in the country. At the extremely lenient end of the global spectrum, the 14th amendment of the United States constitution grants citizenship to anyone born in the country including the children of undocumented immigrants. Among the advanced economies of the world, the United States and Canada are unique in this way (Freere, 2010). By comparison, the majority of African countries do not allow citizenship jus soli, or simply by birth within physical national borders.

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From a continental perspective, South African citizenship law is quite progressive. 6 Manby's 2010 survey showed that while more than half of the African countries examined had some provision for jus soli citizenship, the majority did not have reliable mechanisms in place to grant citizenship in this way. Additionally, the citizenship laws of many African countries discriminate based on religion, race, ethnicity, or gender. In many cases, women cannot pass citizenship to a spouse or children if her husband is foreign, although this is slowly changing (Manby, 2010). South African law does not have any restrictions based on overtly discriminatory criteria - although qualifications for residency may be a disguised form of discrimination - and in this way leads the continent in citizenship legislation.

South Africa grants citizenship by birth based on several provisions. If a child is born to, or adopted by, at least one South African citizen, that child is granted South Africa citizenship by birth. Also, per international convention to decrease statelessness globally, citizenship is granted to those who have no nationality and were registered at birth in South Africa (Minister of Home Affairs, 1995). In 2010, the Citizenship Act was amended to clarify the terms of "citizenship by birth." The amended version of the 1995 legislation confers citizenship to children born within the country to non-South African citizens if three conditions are met: the parents have legal permanent resident permits; the child's birth was registered according to the Births and Deaths Registration Act of 1992; and the child has resided

For international comparison and timeline of ZA immigration law see Segatti and Landau 2011, Appendix A

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in South Africa from birth until the age of 18 (Minister of Home Affairs, 2010)

These policies represent a huge step for citizenship rights of immigrants' children, however many refugee children born in the country are unable to meet these criteria due to lack of official legal documentation or temporary migration before the age of 18. Parents also struggle to meet state criteria to attain permanent residency to secure their children's future in the country (Segatti, 2011). While the state-level immigration policies appear to be supportive of refugees, in practice, migrants often receive handwritten, unofficial birth and death records from local-level officials (Landau, 2006). During our study period, survey respondents reported that while DHA had helped them file for official, printed birth certificates to replace the handwritten versions they had been issued, none of them had received legitimate copies. Attaining legal documentation and assuring that migrants are properly registering newborn children with DHA is imperative to securing access to South African citizenship in the future.

This discussion of obstacles to local resources and state legitimisation

faced by migrants in South Africa brings us back to the personal experience Onai Hara shared in the last issue of BUWA. Her story in Zimbabwe, like those that we heard in the refugee waiting rooms in South Africa, is an instance of a larger, more complex phenomenon in our everglobalising world. Lives and experiences transcend international borders, and yet access to resources and future prosperity remain chained to bureaucratic processes rooted in traditional forms of citizenship and state sovereignty. While Hara overcame her citizenship challenges, the human potential of refugees and migrants throughout Africa and the world remain burdened by stereotypes, threats of violence, and bureaucratic processes that separate them from full participation in the places in which they live.

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Mbali Bloom Kgosidintsi graduated from the University of Cape Town in 2010 with a distinction in Drama. Her first lead role was Hero in Shakespeare's Much Ado About Nothing and she later went on to be a finalist for the Brett Goldin Award in Collaboration with The Royal Shakespeare Company in 2006. She was recruited as a writer on an adaptation of A Magic Flute directed by Mark Donford May and it won The Laurence Olivier Award for Best New Musical Revival in 2008. In 2008 she was awarded a writing fellowship to the prestigious Sylt Quelle Foundation. In 2009 Her one-woman show opened and was nominated for a Standard Bank Ovation Award. Mbali Bloom lives to laugh and love. She is currently co-producing a live literature series entitled Long Story Short.



TSELENGTHE BAGGAGE OF BAGS

A play by Mbali Kgosidintsi

Migration is more than moving from one place to another. It is the stories that we leave behind and create along the way. The woman in migration has a story tell, it is our duty to capture it and not lose it on the journey. The tradition of ancient African story telling is one that has always inspired and fascinated me. The oral tradition of passing down stories in the African culture has historically been, " a way of passing on traditions, codes of behavior, as well as maintaining social order," as said by Octavia Utley of the Yale-New Haven Teachers Institute. Over time, as we migrated, so did our traditions and we cease to gather around fires to share stories. Gcina Mhlope has, in my opinion, successfully managed to retain the style and deliver her stories to modern audiences whilst retaining its traditional structure. Izinganekwane, as the folktales are termed by the acclaimed storyteller. have evolved from the traditional setting of her grandmothers time where people would gather from far and wide to hear her stories. The stories, like our identities morphed with the changing times and places yet each story carried a moral, a lesson that you could carry with you wherever you go thus enabling us to stay connected to the past. When I become a playwright, I was inspired by this idea of people gathering to share stories. I grew up in transit, migrating from place to place. A childhood that once gave me a source of identity issues and a need to belong soon began to fuel my storytelling and drive to travel the world. I began to form shape-shifting identities and could start conversations with people from all walks of life and languages. My notion of home broadened to encompass the world.

The struggle of a woman in migration is a constant negotiation of the complex cultural, social and economic dynamics that come with transition. I decided to capture these issues in my award-winning autobiographical play: Tseleng The Baggage of Bags.

The play and the playwright

Tseleng: The Baggage of Bags is based on living in transit and the transition into woman hood. This is a journey based on the nomadic life of Mbali Kgosidintsi the playwright. Mbali Bloom Kgosidintsi graduated from the University of Cape Town in 2010 with a distinction in Drama. She went on to be a finalist for the Brett Goldin Award in Collaboration with The Royal Shakespeare Company in 2006. She was recruited as a writer on an adaptation of A Magic Flute directed by Mark Dornford May and it won The Laurence Olivier Award for Best New Musical Revival in 2008. In 2008 she was awarded a writing fellowship to the prestigious Sylt Quelle Foundation, Germany. In 2009 Her one-woman show Tseleng: The Baggage of Bags opened and was nominated for a Standard Bank Ovation Award in the following year. It was then selected for the Women Playwrights International Conference in Stockholm in 2012. She redirected the play and wrote an original music score, which received great reviews. Her poetry was published and translated in Indonesia Germany and Beijing where she was invited to perform. In 2014, she played the lead role in an adaptation of Eugene O'Neill's Desire under The Elms in 2014, which will tour to America in 2016. She recently opened the Poetic Voices Africa festival in Koln, Germany where she read her poetry alongside Ben Okri. On her return from touring she wrote for Popular Safta awardwinning show Isibaya. She was then selected as one of ten writers for the NFVF womens slate to write and direct her first short film entitled Guns and Petals.

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Buwa! is published by Women's Rights programme of the Open Society Initiative for Southern Africa (OSISA). The title Buwa! is an adaptation of the SeSotho word 'bua' meaning 'speak'.

The views and opinions expressed in this journal are those of the individual authors and do not necessarily represent the views of the editor, OSISA or its board.

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- Comment to the Buwa! feature on the OSISA website www.osisa.org
- Comment on the OSISA facebook page https://www. facebook.com/Open-Society-Initiative-for-Southern-Africa

Alternatively, join the conversations about migration in the #BUWA6 Moving Stories Facebook group or on Twitter @osisa #Buwa!6

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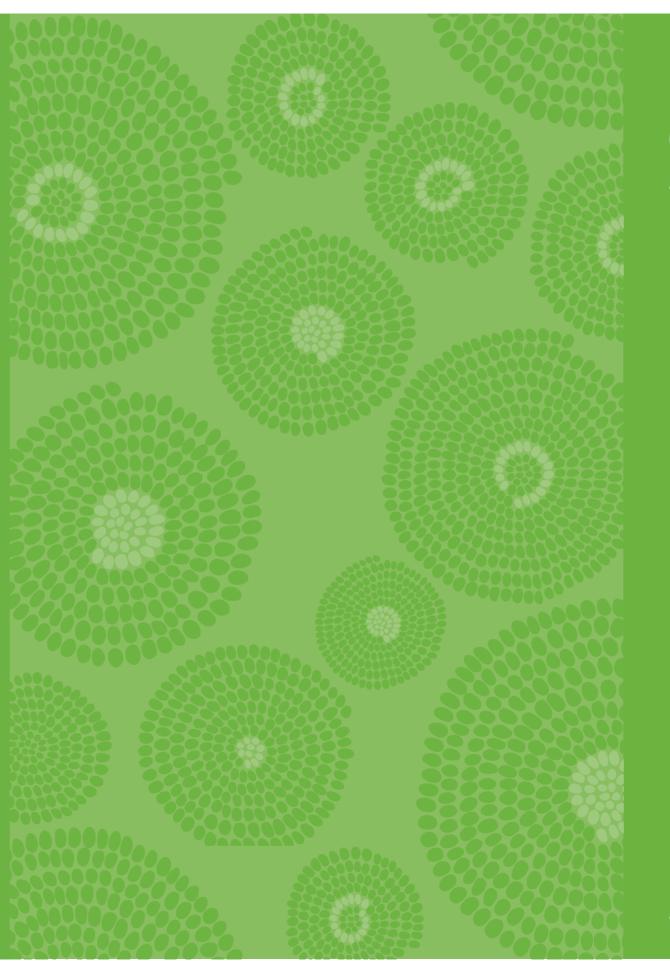


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Building vibrant and tolerant democracies.





About OSISA

Established in 1997, the Open Society Initiative for Southern Africa (OSISA) is a growing African institution committed to deepening democracy, protecting human rights and enhancing good governance in the region. OSISA seeks to promote and sustain the ideals, values, institutions and practices of open society, with the aim of establishing vibrant and tolerant southern African democracies.

OSISA is part of a network of autonomous Open Society Foundations. established by George Soros, located in Eastern and Central Europe, the former Soviet Union, Africa, Latin America, the Caribbean, the Middle East, Southeast Asia and the US. We work in 10 southern Africa countries, namely Angola, Botswana, DRC, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Zambia and Zimbabwe. We work differently in each of these countries, according to local conditions and

We envision a region in which the basic human rights of all its people and, in particular, those of marginalised communities are protected; where both states and the private sector are accountable; and where all can participate actively in the social, political and economic spheres of public life, and enjoy equitable access to its resources, free from discrimination, exclusion and inequality. In pursuance our vision, our mission is to initiate and support programmes working towards open society ideals and to advocate for these ideals in southern Africa. This approach involves looking beyond immediate symptoms, to address deeper structural problems - focusing on changing underlying policy, legislation and practice, rather than on short-term interventions.

About OSISA's Women's Rights Programme

Working with individuals, organisations and institutions, the OSISA Working with individuals, organisations and institutions, the osisial Women's Rights Programme works to enhance women's agency and ability articulate, promote, demand and defend their rights. We support their activism at national, regional and other levels so that they may bear pressure on governments and other institutions to develop and enact policies and interventions that respond to women's and girls' needs. We believe this will result in attitude change along with shifts in policy and power bases towards sustainable transformative change enabling better quality of life of women and girls in the region.

OSISA's women's rights programme objectives are to:

- Build and amplify the voices of the least heard women;
- · Curb Violence Against Women (VAW) and girls;
- · Capacity-building for women's organisations, networks and formations;
- Knowledge generation;
- Investing in women's leadership.