

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

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RESPONSE

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The sources consulted indicate that under the apartheid system, Indians and other groups defined as “coloured” enjoyed certain privileges (such as particular jobs that were reserved for them) which were not given to those defined as “blacks”. Some observers consider this to have been a deliberate strategy by the white authorities, designed to split any opposition to their rule.

When the apartheid system ended in 1994, these privileges also came to an end. Affirmative action programs have been introduced which favour black South Africans, and some Indians and coloureds feel they are now discriminated against, although others are flourishing in the business world. There have been reports of an increase in racial tension between the two groups, and of a few incidents of racial violence. However, no reports were found of any systematic ill-treatment of Indians by black South Africans.

A recent article by Liz MacGillivray, published by an international human resources company, provides a useful summary of the past and current situation in South Africa for coloureds and Indians:

The ten-year anniversary of the end of apartheid in South Africa provides an opportunity to reflect on the country's progress toward racial and ethnic integration over the last decade. While the country has experienced enormous amounts of positive change, it appears that big business continues to be challenged by diversity in the workplace, as well as other societal problems in the new democracy...

...Not Just a Black and White Issue: The Indian Community in Multicultural South Africa

South Africa's diversity not only includes black and white communities but also more than 1.2 million people of Indian descent living in the country. In the 19th and early 20th centuries, nearly a million Indians were transported to the British colonial outposts of Fiji, Mauritius, South Africa, Malaysia, and the West Indies to work on sugarcane plantations. Many South African Indians have now established themselves as successful businessmen, traders, and professionals. While there is a solid Indian middle class in South Africa, there are also thousands in the community living in poverty.

But the economic success, advancements in education, and strong cultural beliefs of South Africa's Indians at times bring them into conflict with the majority black Africans, some of whom believe the Indian progress happened at the expense of natives. According to Ashwin Desai, a sociologist, "Africans find Indians very exclusive, inward looking people. There is a general sense that Indians benefited from apartheid. So, the tensions, wounds, and divisions run deep even 10 years after the demise of apartheid." Over the past decade the tensions have surfaced numerous times, for example in 2002 when South African playwright and composer Mbongeni Ngema wrote a song called "Amandiya", which asked Africans to rise against the Indian community.

However, there are historians who point to the contribution of the Indian community in the anti-apartheid struggle. Even before the ANC was formed, Mahatma Gandhi was in the forefront opposing the unjust laws of the white regime between 1893 and 1914. After Gandhi, the Indian Congress parties formed an alliance with the African parties in fighting apartheid.

The advent of democracy followed by a policy of affirmative action for black Africans has increased the perception that Indian South Africans have been left out in the new South Africa. As a result of the belief that Indians are generally well-off economically, there is pressure for Indian businessman to collaborate more with fledgling African businessmen (MacGillivray, Liz 2006, 'South Africa Ten Years After Apartheid: Making Progress, But Still Struggling with Racial Integration', ORC Worldwide website, <http://www.orcinc.com/readroom/southafrica.html> – Accessed 9 March 2006 – Attachment 1).

Another news report written ten years after the end of apartheid also comments that as a result of "affirmative-action or black-empowerment programs...many Indians and 'coloureds' now feel discriminated against and rejected because they once received some privileges under apartheid's castelike racial policies" (Freedberg, Louis 2004, 'Ten years after apartheid/Is life better for all, as Mandela promised?', *The San Francisco Chronicle*, 18 April – Attachment 2).

A 2003 article by Henrard comments that the policies of apartheid were designed to stifle opposition, and that they have left Indians marginalised:

Apartheid and its labyrinth of regulations imposed a system of group membership based primarily on race but, for the black population, also ethnicity. (14) The entire classification process was legally imposed and ascribed, specifically on the basis of the 1950 Population Registration Act, and often arbitrarily implemented. (15) The act distinguished four major racial categories--white, black/African, colored, and Indian/Asian--which further subdivided the overwhelming black majority into three subgroups. To further its divide-and-rule policy and in an attempt to prevent the emergence of a unified resistance movement, the apartheid government deliberately created an

intermediate position for the coloreds and the Indians. (16) The preferential treatment of these two population groups in respect to the distribution of resources, (17) among other things, contributed to their internalizing a kind of white racism and a concomitant condescending attitude toward the African population. (18) **This apartheid strategy entailed for the colored and Indian population group an ambiguous but still marginalized position, which has ongoing implications and effects.** (19) (Henrard, Kristin 2003, 'Post-apartheid South Africa: transformation and reconciliation', *World Affairs*, Summer, http://www.findarticles.com/p/articles/mi_m2393/is_1_166/ai_106560181 – Accessed 9 March 2006 – Attachment 3).

Two RRT Research Responses are relevant as they examine the position of coloured South Africans after the end of apartheid:

- A 2003 response looks at employment, access to police protection, and the current law and order situation (RRT Country Research 2003, *Research Response ZAF16188*, 9 October – Attachment 4).
- A 1997 response is of interest as it includes material about affirmative action measures that were introduced when apartheid ended (RRT Country Research 1997, *Research Response ZAF12487*, 23 October – Attachment 5).

The section on “National/Racial/Ethnic Minorities” in the 2004 US Department of State Report on South Africa does not discuss the general situation of Indians, but does mention that “on April 13, the media reported that there was an outbreak of violence against Indian residents in Free State province” (US Department of State 2005, *Country Reports on Human Rights Practices: South Africa*, 28 February – Attachment 6).

A 2000 article by Hart and Padayachee is of interest as background information, particularly as one of the writers is an Indian South African academic. It looks at the emergence of Indian businessmen in Kwazulu Natal and comments that in spite of difficulties of the apartheid era, some Indian businessmen have made a valuable contribution to the country because, being part of a diaspora, they were already in a position to respond to a globalising economy (Hart, K. & Padayachee, V. 2000, 'Indian Business in South Africa After Apartheid: Old and New Trajectories', *Comparative Studies in Society and History*, http://www.thememorybank.co.uk/publications/indian_business#_edn1 – Accessed 9 March 2006 – Attachment 7).

List of Sources Consulted

Internet Sources:

Google search engine <http://www.google.com.au/>

Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

1. MacGillivray, Liz 2006, 'South Africa Ten Years After Apartheid: Making Progress, But Still Struggling with Racial Integration', ORC Worldwide website, <http://www.orcinc.com/readroom/southafrica.html> – Accessed 9 March 2006.
2. Freedberg, Louis 2004, 'Ten years after apartheid/Is life better for all, as Mandela promised?', *The San Francisco Chronicle*, 18 April. (FACTIVA)
3. Henrard, Kristin 2003, 'Post-apartheid South Africa: transformation and reconciliation', *World Affairs*, Summer, http://www.findarticles.com/p/articles/mi_m2393/is_1_166/ai_106560181 – Accessed 9 March 2006.
4. RRT Country Research 2003, *Research Response ZAF16188*, 9 October.
5. RRT Country Research 1997, *Research Response ZAF12487*, 23 October.
6. US Department of State 2005, *Country Reports on Human Rights Practices: South Africa*, 28 February.
7. Hart, K. & Padayachee, V. 2000, 'Indian Business in South Africa After Apartheid: Old and New Trajectories', *Comparative Studies in Society and History*, http://www.thememorybank.co.uk/publications/indian_business#_edn1 – Accessed 9 March 2006.