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**REPORT**

**OF**

**THE HOUSE OF REPRESENTATIVES ADHOC  
COMMITTEE ON THE ATTACKS ON NIGERIANS  
AND LOOTING OF THEIR PROPERTIES IN SOUTH  
AFRICA. (HR41/2017)**

*Laid on the 4<sup>th</sup> day of April, 2017*

## 1.0 INTRODUCTION

The House will recall that on Wednesday, 22<sup>nd</sup> February 2017, a Motion titled “The Killing of Nigerians and Looting of their Properties in South Africa was debated and the House resolved to:

- i. urge the Federal Government, the Ministry of Foreign Affairs and the National Assembly to send a high powered delegation to the Government of South Africa with a strongly worded message, reminding them of the consequences of these on-going xenophobic attacks against Nigerian citizens and the likely resultant repercussions;
- ii. also urge the Ministry of Foreign Affairs to independently investigate the immediate and remote cause of the attacks so as to bring it to an acceptable conclusion; and
- iii. further urge the delegation to make it explicitly clear to the South African Government that Nigeria undoubtedly has no intention of abandoning her citizens in South Africa to the mercy of nationalists, mobsters and radical militants taking the law into their hands in a sovereign and democratic country (HR41/2017).

## 2.0 MEMBERSHIP

Accordingly, the Hon. Speaker on Wednesday, 28 February, 2017 named the membership of the Ad-Hoc Committee as follows:

- |                                  |                                 |
|----------------------------------|---------------------------------|
| 1. Hon. Femi Gbajabiamila        | Chairman - Leader of Delegation |
| 2. Hon. Nnenna Elendu Ukeje      | Member                          |
| 3. Hon. Shehu Aliyu Musa         | “                               |
| 4. Hon. Nasiru Sani Zangon-Daura | “                               |
| 5. Hon Sadiq Ibrahim             | “                               |
| 6. Hon. Henry Nwawuba            | “                               |

## 3.0 METHODOLOGY

The Committee met on several occasions to discuss issues relating to the assignment and identified Institutions, organizations, relevant bodies and major stakeholders to interface with namely:

- The Speaker, South African Parliament,

- Nigerian High Commissioner in South Africa,
- Former South African President (representing the civil society),
- Nigerian Union, South Africa,
- Stakeholders and South African Leaders, and
- Nigerian South African Chambers of Commerce.

### 3.1 Arrival/Visit to the South African Parliament

The Delegation departed Nigeria for South Africa on Monday, 13<sup>th</sup> March 2017, arrived Cape Town safely the following day at about 9:20a.m. The delegation proceeded to the South African Parliament Building immediately for a meeting with the leadership of the South African Parliament. The Delegation was received and welcomed by the Deputy Speaker of the National Assembly of South Africa accompanied by his colleagues:

|                   |   |                                                                              |
|-------------------|---|------------------------------------------------------------------------------|
| Mr. A. Nyambi MP  | - | Chairperson, Committee on Oversight                                          |
| Mr. E. Makue MP   | - | Chairperson, Select Committee on Trade and International Relations           |
| Mr. M. Masango MP | - | Chairperson, Portfolio Committee on International Relations and Cooperation, |

and other Principal staff of Parliament.

In his brief welcome remarks, the Deputy Speaker acknowledged the responsibility of Parliamentarians to act proactively on behalf of their citizens at home and abroad. He pointed out that on their part they had before now agreed to deepen international relations especially at multilateral levels to address global issues of inequality, poverty, and unemployment affecting Nigeria and South Africa. He assured the Nigerian Delegation that both the Legislative and Executive Arms of the Government of South Africa were working simultaneously towards finding a lasting solution to the crisis. However, he believed that inter-parliamentary relations were necessary in addressing priority issues through creating mechanisms of communicating with each other. A position he said is viewed beyond meetings at international fora such as the African Union and other regional conferences. He added that the meeting between both Parliaments is premised on a background of brotherliness that both parliaments

owed each other. He was of the opinion that the crisis was exaggerated by the social media that paints more inciting pictures.

The delegation in its address expressed regret that it was the first time that the parliaments of both countries had engaged in such a manner; observing that it was even more regrettable the circumstance that had made such a meeting expedient. The delegation stressed that it was in South Africa with the mandate of the House of Representatives, Federal Republic of Nigeria, to confront the irritants in both countries relations and hopefully to stop the bleeding of whatever wound or wounds that threatened the cordial relationship that exists between the two largest economies in Africa. Furthermore, the delegation reiterated the strong diplomatic ties enjoyed by both countries which also manifested in the last visit of His Excellency, President Jacob Zuma to Nigeria in 2016 with a large contingent of Ministers, Cabinet Members and Businessmen in his entourage. The delegation recalled that President Zuma in his Address to a joint sitting of the Nigerian National Assembly highlighted the brotherliness that exists between the two countries and the selfless role Nigeria played in the history of South Africa.

Continuing, the delegation informed the meeting that the latest mindless, vicious and scurrilous attacks on Nigerians in South Africa was extensively debated in both chambers of the Nigerian Parliament culminating in a Resolution of the House of Representatives to send a delegation to engage with the South African Parliament in the hope that alternatives to conventional diplomacy might provide solutions to what was fast becoming a perennial problem.

Among other related issues discussed which bordered mainly on adopting parliamentary diplomacy in confronting the killing of Nigerians and looting of their properties in South Africa, the delegation expressed hope that as standard bearers of the collective will of the people it was its fervent wish that the engagement with the South African Parliament would:

- i. culminate in the drawing up of a Memorandum of Understanding that would include but not limited to the establishment of a Joint Parliamentary Friendship Group to energize the moribund Nigeria –South Africa Bi-national Commission of both countries.
- ii. ensure a commitment by the two parliaments to explore the political, security, economic and social areas of collaboration on the global scene,

as well as commit to presenting a unified front in the advancement of African interests.

In addition, the delegation reminded the South African team of the outstanding compensation to Nigerian businessmen in South Africa whose properties were destroyed in the 2015 Xenophobic attacks and challenged them to call on their government to bring the perpetrators to book and formally presented to the Deputy Speaker, such claims which were notarized by the South African Government and laid before the Bi-National Commission at its last meeting.

Concluding, the delegation expressed the belief of the Nigerian House of Representatives that building on the outcomes of the meeting would expand the frontiers of engagement to include citizen diplomacy to demonstrate that the perpetrators of these violent hate crimes were indeed in the minority and did not have the *imprimatur* of the generality of the otherwise, accommodating South African people.

It was agreed that in view of the fact that Parliaments were currently viewed as having played a less proactive role in foreign relations over the years, it would be expedient for both Parliaments to develop legislative mechanisms and other possible ways aimed at putting a stop to such attacks. Both parties also agreed to issue and sign a Communique in that regard.

### **3.2 Meeting with Former South African President, Mr. Thabo Mbeki**

On Friday the 17<sup>th</sup> of March, 2017, the delegation met with the former President of South Africa, Mr. Thabo Mbeki at his office in Johannesburg. The delegation thanked the former President for receiving them and the delegation added that it was in South Africa at the instance of the Nigerian House of Representatives on a fact finding mission concerning the persistent attacks on Africans particularly Nigerians. Consequently, a working visit to the former President and elder statesman was necessary with a view to sharing ideas towards reaching solutions to the perennial attacks giving his depth of understanding of our shared history, his close relationship between former President Obasanjo and himself, and therefore his understanding of Nigeria and Nigerians, and giving his commitment to a strong unified Africa. The delegation added that it had fruitful deliberations with the South African Parliament, during which it was agreed that there was need to develop legislative instruments and other possible ways to stop the attacks.

Responding, the former President expressed pleasure in receiving the Nigerian delegation. He advised that in order to properly proffer solutions to this ugly incidents, we needed to properly diagnose the problem and alluded to multifaceted reasons behind the crimes. He was more inclined to believing that socio, political and economic lapses and crime management was more to blame than xenophobia. He drew inference from our shared history and that South Africa was a rainbow nation full of immigrants and therefore not people to target foreigners. He drew the dissimilarity between what had happened in South Africa and 'Paki bashing' in the United Kingdom where Pakistanis were targeted because of nationality. Issues bordering on migration, integration, crime and corporate social responsibility were highlighted.

He acknowledged the importance of engaging with different segments of the South African society. He expressed the opinion that the issue of South Africans killing and beating up other Africans was pathetic and advised the delegation to meet with the government to put an end to this persistent crisis in South Africa. The former South African leader also urged the governments of Nigeria and South Africa to consider domestication of the African Union Migration Agreement as it relates to relationship between both countries.

### **3.3 Meeting with the Nigeria-South Africa Chamber of Commerce**

The delegation proceeded to meet with some members of the Nigeria-South Africa Chamber of Commerce at the Michaelangelo Hotel in Johannesburg. The Chairperson, Mrs Diana Games welcomed the Nigeria delegation and expressed hope that its visit to South Africa would yield positive results. Some Nigerian businessmen and women who spoke at the meeting pointed out some factors behind the rationale for attacks on Nigerians and other nationals.

According to them, high illiteracy rates and expensive education (which makes most South Africans unemployed and unemployable) as well as difficult economic conditions were responsible for these acts of injustice perpetrated by some South Africans. The situation they said had made foreigners including Nigerians, who are employers of labour in South Africa vulnerable. They therefore called on the South African Government to address the issue of high cost of education and alleviate the sufferings of their people who transfer their aggressions against their government on innocent Nigerians and other nationals. They called on the delegation to prevail on the South African

government to bring the perpetrators of these ungodly acts to book to serve as deterrent and forestall future occurrences.

The delegation thanked members of the association and informed the association that it was aware of their efforts particularly in business and politics and encouraged them to continue to be good ambassadors of Nigeria. The delegation noted that there is a lot of human resource development companies in South Africa and it is desirable for these companies to venture into other lucrative areas like agriculture, banking, manufacturing etc. The delegation urged the South Africa Chambers of Commerce to allow more companies either in manufacturing or as service providers thrive in South Africa as they do in Nigeria in the hope that we may balance our trade relationship.

The delegation equally intimated them on the efforts of it so far made in South Africa including the meetings held at the Parliament and with former President, Mr. Thabo Mbeki. The delegation stressed the need to sustain periodic engagements amongst them on one side, and with the Parliament on the other; to better their lot and assured the association that the two Parliaments were poised to work assiduously to address the issue of xenophobic attacks in South Africa.

### **3.4 Meeting with the Nigerian Union, South Africa**

The delegation also met with the Nigerian Union in South Africa at the Nigeria High Commission Office, Pretoria, on Saturday 18<sup>th</sup> March 2017, where the President of the Union made a presentation on behalf of Nigerians living in South Africa summarised as follows:

#### **i. Image of Nigerians in South Africa**

The Nigerian Union acknowledged that a few Nigerians living in South Africa were involved in unlawful activities tarnishing the image of every other Nigerian. It maintained that the activities of these very few notorious Nigerians often led to the maltreatment of the majority of other law abiding and very hardworking Nigerians. It called on his compatriots to join hands with other law abiding residents to fish out criminals amongst them, regardless of their nationalities. In that regard, the Union informed the delegation that a campaign against drugs, prostitution and

human trafficking was launched last year and was being pursued by the Union.

## **ii. Protecting the Lives of Nigerians**

The Nigerian Union in South Africa stated that in view of the fact that the overwhelming majority of Nigerians add value to the South African society via various important fields like the academics, medicine, legal, engineering, IT, business, artisans and so on, it was very paramount to protect the lives of Nigerians in the country. The Union observed that while the search for a lasting solution was on, Nigerian lawmakers must deliver a message to South Africa that the lives of Nigerians matter. It cited instances of South African tenants who lived in Houses owned by Nigerians but could not afford or refused to pay rent, and when evicted, hide under sentiments to associate the wealth of Nigerians to drug peddling and prostitution and as such, mobilised hate campaigns against Nigerians. In particular, Messrs. Nwabueze Duru and Paul Onyekwere made claims of South African tenants who connived with politicians and government authorities to confiscate their houses. This according to the Union was the new trend in Johannesburg South and Pretoria West. To this end, The Nigerian Union in South Africa advised that it was necessary for the South African government to instil in their citizens a sense of responsibility and called on Nigerian lawmakers to do everything within their reach to protect the lives and properties of Nigerians living in South Africa.

## **iii. Escalation of Afrophobia and Anti-Nigeria violence**

The delegation was informed by the Union that there were continuing attacks on Nigerians even as current efforts were being pursued towards addressing the issue. The Nigerian Union specifically mentioned the attacks on two Nigerians as well as the Secretary of the Union in Limpopo Province who returned home, after observing the meeting between the Nigerian Delegation and South African parliamentarians, only to be confronted with an attempted mobbing while trying to save a Nigerian victim from attack. He was chased on a 15km stretch to a police station where he finally got help but his car, parked outside the station was

vandalised. All of these happened within the week the delegation was in South Africa.

**iv. Systematic Xenophobia**

The Union informed the delegation that Nigerian travellers were mostly targeted and humiliated at ports of entry into South Africa as against the utmost respect and courtesy enjoyed by South Africans upon entry into Nigeria. The Union narrated the ordeal of Nigerians who faced indiscriminate deportation or forced separation from their South African wives and children, including those who got arrested upon their visits to the office of the Home Affairs to renew permits.

The Union lamented the attitude of the South African Police who deliberately undermined proper investigation of crimes involving suspected Nigerians and in most cases watched attacks on Nigerians without intervening. A scenario in mind was the early xenophobic attacks in February 2017, when hoodlums destroyed properties belonging to Nigerians and the South African Police only posed as onlookers without intervening.

**v. Nigeria Passport Crisis**

The Nigerian Union regretted the inability of the Nigerian Consulate-General in Johannesburg to promptly issue passports to Nigerians within reasonable periods. The Union observed that this was occasioned by the obsolete equipment used for capturing and producing passports.

**vi. Unresolved Murder Cases and Extra Judicial Killings Involving Nigerians**

The Union made claims of the killings of Nigerians by unknown persons and rogue officers of the South African Police Service that had not been resolved for so many years. According to the Union, even though majority of the cases had been reported with case numbers generated, nobody had been arrested and the case files had remained untouched. The Union acknowledged with dismay that this was happening in a society adjudged to have an effective Police Service with a high rate of prosecution.

**In the light of the above, the Union made the following requests:**

1. *Passport* – demand for a new and modern passport capturing and production equipment (static and mobile) to be sent to the Office of the Consulate General of Nigeria in Johannesburg and Consular and Immigration section at the Nigerian High Commission in Pretoria as a matter of urgency. In a similar vein, they are also demanding for a simplified process of approval of applications for passport or request for replacement of loss passports.
2. Timely issuance of Emergency Travelling Certificate (ETC) to Nigerians who wish to go home permanently.
3. The need to impress on South African authorities to treat Nigerians coming into South Africa with dignity and respect as well as consider the issuance of a Special Visa Dispensation. On the other hand, there is need to genuinely investigate crimes meted on Nigerians while also protecting Nigerian witnesses (under a witness protection programme). As an attitudinal problem, they claim, it is imperative for South African historians to highlight the role Nigeria played in their liberation struggle so as to gradually erase the hate campaign culture growing amongst South Africans.
4. *Database* - A database of every Nigerian living in South Africa is required, considering the fact that the Nigerian identity is often linked deliberately with other African nationals involved in criminal activities. Thus, the erstwhile Identity Card introduced by the Union in conjunction with Consulate ought to be adopted by the Nigerian government as a compulsory means of identification for Nigerians living in South Africa.
5. Compensation for loss of properties owned by Nigerians.

In its response, the delegation appreciated members of the Union for taking time out of their tight schedules to receive the Delegation. The delegation informed them of its mission which was basically to ascertain the real situation as it concerned xenophobic attacks on Nigerians. The delegation also intimated the Union that the issue of attacks on Nigerians was discussed in plenary sessions in both Chambers of the National Assembly and due to the gravity of the situation, the House of Representatives mandated a delegation on a fact

finding mission to South Africa. The delegation admonished the Nigerian community to be their brothers' keepers and stressed the need to desist from crime, since it was a factor on which most of them were attacked. The delegation strongly advised members of the Union, to identify the bad eggs in their midst who were involved in such activities tarnishing the image of Nigeria as a country towards mitigating the attacks on Nigerians. The delegation further informed the Union of the various meetings engaged in this regard and assured that the delegation would diligently aggregate every position and suggestions made during the visit and report to the House of Representatives, towards finding a legislative solution while bearing in mind that the executive arm was also working concurrently on the same issue.

The delegation concluded by requesting from Nigerians who had alleged that their houses were confiscated, to make available copies of documents to support their claims, for further discussions with relevant authorities in that regard.

#### **4.0 FINDINGS**

The Ad Hoc Committee found as follows:

- i. That Majority of Nigerians living in South Africa are law abiding and are involved in various facets of the South African society including professionals adding value to the country in meaningful sectors like health, engineering, Information Technology etc. There is no gainsaying the fact that foreigners particularly Nigerians are victims of constant xenophobic attacks which the Government of South Africa, particularly the Police has not taken adequate measures to curtail.
- ii. That there are a few Nigerians living illegally in South Africa and some involved in various crimes such as drugs peddling and prostitution which breed a negative perception of every Nigerian residing in the country.
- iii. That many South Africans are affected by difficult economic challenges and sometimes lash out at other foreigners who compete for limited resources.
- iv. That foreigners particularly Nigerians are victims of constant xenophobic attacks which government of South Africa and South African police have

not taken adequate measures as there have been no arrests, charges, or convictions to date.

- v. That the South African Government is yet to pay compensation to Nigerian businessmen whose properties were destroyed in the 2015 xenophobic attacks.
- vi. That there is no reliable database or means of identifying Nigerians from the huge number of Africans and other nationals in South Africa.
- vii. That the Nigerian High Commission and Consulate do not have adequate resources to cater for passports and other embassy needs of Nigerians.
- viii. Funding is a dire challenge to the Mission as it runs its operations on a string budget that is grossly inadequate.

## **5.0 RECOMMENDATIONS**

In view of the above findings, the Ad Hoc Committee recommends as follows:

1. The House evolves legislative instruments such as hate crime laws to promote tenets of solidarity, support and protection for Nigerians living in diaspora towards finding lasting solutions to the crisis in South Africa and other similar cases.
2. The House directs the Ministry of Foreign Affairs and the Nigerian Consulate in South Africa to work together with their South African counterparts, where expedient, in helping to quickly resolve matters regarding passports as well as regularizing migrant status of Nigerians, particularly those with South African spouses.
3. The House in its Communique with the South African Parliament (attached hereto) should insist on time line working deliverables, which suggests adequate oversight and follow up by respective members of the South Africa-Nigeria Parliamentary Friendship Group. Hence, the Nigeria-South Africa Friendship Group in Nigeria, is hereafter expected to lead a legislative campaign for the protection of the rights, lives and properties of Nigerians living in South Africa through relevant instruments.

4. The House directs the Ministry of Foreign Affairs to do a reminder on the compensation claims of Nigerians involved in the 2015 attacks, while efforts are sustained in quantifying subsequent destructions.
5. The House through its various Committees, continues to pursue vigorously those legislative activities including oversight that enable Government and the private sector invest in massive infrastructure in the country as stimuli for creating employment opportunities to discourage Nigerians from going out in search of greener pastures.
6. The House directs that a Xenophobia Agenda should be set up by the Nigeria-South Africa Binational Commission
7. The House urges the Nigerian Union to be socially active in their host communities and further engage in social responsibilities that will enhance harmonious relationship with their South African counterpart.
8. The House further urge the Nigerian Union to ensure more visibility in their campaign against prostitution, drug peddling and other domestic crimes.
9. The House urges the government of Nigeria to domesticate the African Union Migration Agreement as it relates to relationship between Nigeria and South Africa on migration issues on labour, border management, irregular migration, forced displacement, human rights of migrants, internal migration, migration data, migration and development, and inter-state cooperation and partnerships.
10. Continued engagement but with a time line  
There should be continued engagement with the South African Government and Parliament. The engagements must be purposed to the eventual resolution of xenophobia as it affects Nigerians.

#### 11. Doctrine of Reciprocity

Reciprocity is a veritable tool/policy that is often used to force negotiation between two States. The doctrine is endorsed by the Vienna convention and an accepted form of international diplomacy.

For every action there is an equal and opposite reaction. For this reason and in a carrot and stick approach, it is recommended that the possibility of reciprocity should never be off the table.

Whilst Nigeria may have a lot more of its citizens resident in South Africa, it is believed that that South Africa may have a lot more at stake in terms of economic presence and investments in Nigeria though its large corporations and any form of reciprocity would be felt by it.

However this doctrine must only be employed as a last resort when all else fails.

## **6.0 CONCLUSION**

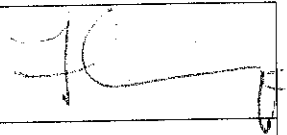
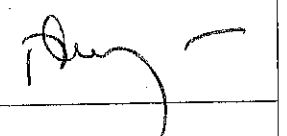
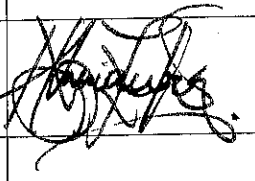
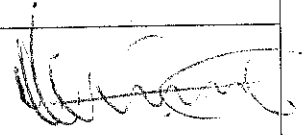
The Delegation wishes to express its appreciation to the House for reposing faith in its ability to find lasting solutions to the lingering crisis involving Nigerians living in South Africa.

The Ad-hoc Committee wishes to state that the issue of parliamentary diplomacy is one that has evolved to stay, since most countries of the world have adopted democratic governance. For this reason, inter-parliamentary relations must go beyond the confines of attending conferences and seminars of international and regional parliamentary associations. Our relevant committees must wake up to the realisation that issues of this nature evolve daily and therefore, ought to be addressed as they come. The Committees on Inter-Parliamentary Relations and Diaspora especially, must raise legislative awareness in this regard and institutionalise pragmatic ways of attending to these issues.

It is pertinent to reiterate that this is the first time; the Parliaments of both countries have made genuine efforts in fashioning out common legislative instruments to confront issues of xenophobic attacks concerning both countries which has lingered longer than necessary.

As earlier noted, building on this latest attempt can only expand the frontiers of engagement in the vast issues of parliamentary diplomacy. It will thus help to resolve the crisis in South Africa, serve as a reference in future; and this newly found working relationship is expected to further tighten the Union between the two nations and African as a whole.

## 7.0 SIGNATURE

|    |                               |          |                                                                                     |
|----|-------------------------------|----------|-------------------------------------------------------------------------------------|
| 1. | Hon. Femi Gbajabiamila        | Chairman |  |
| 2. | Hon. Nnenna Elendu Ukeje      | Member   |  |
| 3. | Hon. Shehu Aliyu Musa         | Member   |                                                                                     |
| 4. | Hon. Nasiru Sani Zangon-Daura | Member   |  |
| 5. | Hon Sadiq Ibrahim             | Member   |                                                                                     |
| 6. | Hon. Henry Nwawuba            | Member   |  |

