



# **Xenophobia and Its Impact on Human Rights of Migrants: A Study of Nigerians in South Africa.**

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## **Abstract**

This paper examined xenophobia in South Africa as it impacts the human rights of immigrants specifically Nigerians. Xenophobia has become a persistent immorality in Africa and it is more rampant in South Africa. The vulnerability of Nigerians to the maltreatment abroad and the immediate need to protect their fundamental human rights in this case, as migrants has been a subject of major concern. Due to this, the violence against immigrants and the violations of their fundamental human rights as migrants in South Africa calls for attention. The relative deprivation theory as well as the frustration-aggression theory are embraced as the theoretical framework of this paper. How xenophobia continues to violate the fundamental human rights of Nigerian immigrants in South Africa with an attempt to understand the primary reason for the constant xenophobic attacks in South Africa. The observational research method is incorporated as a methodology in this paper in order to give detailed events of xenophobia in recent years. To understand the human rights of immigrants, various legal provisions put in place by the United Nations on migrant rights are also addressed in the paper. This paper provided occurrences of human rights violation by South Africans against immigrants using secondary data. Data reveal that the violations of immigrants' rights such as: right to life, right to freedom of association, right to security amongst others in South Africa over the years continue to increase mostly due to xenophobia. This paper strongly suggests the need for the South African government to be held accountable for these violations. As a show of good faith, the South African government should establish human rights protection institutions for migrants residing in their region with deliberate intent of protecting these immigrants.

**Keywords:** Xenophobia, Migrants, Human Rights, Nigeria., South Africa

## **Introduction**

International migration has continued to feature prominently in the 21<sup>st</sup> century global discussions on migration (Bauder, 2021). In the year 2000 alone, the United Nations highlighted a rise in international migrants globally at 173 million, an estimate that significantly increased to about 244 million in 2015 (Kaluba, 2016) and approximately 272 million towards the turn of 2019. Africans have without doubt contributed to the mainstream migration discourse because of their participation in the migration process. As of

2021, data from “facts and figures on African Migrants” showed that African migrants contributes less than 15% (14.5%) of the total migrant population in all the world regions (Facts and Figures on African Migrants, 2021). In spite the socio-economic and political factors such as forced migration leading to labor migration, hostility and resentment towards migrants have increased the competition for resources thereby generating concerns. These hostilities, which often degenerate into violence and destruction against the foreigner is termed xenophobia. South

Africa is a residence to a lot African migrants within the continent as a result of its stable working-class position, reliable political institutions, and similarly industrialized economy. Immigrants residing in South Africa are about 2.9 million which is a little less than 5% of the nation's 60 million indigenes, according to official figures (Nauman, 2018). As the mining industry in South Africa grew, the urgent need for labor became insatiable through national employment efforts, thus the nation had to recruit employees from other countries, with majority hailing from neighboring south region African countries. South Africa developed into a major country for migration in the southern region of Africa, according to the South African Development Community (S.A.D.C) since 1992 (Kaluba, 2016). Thus, a significant means to understand the current territorial and cyclical migration sequence is the vast development in migrants' labor system as it relates to South Africa's mining industry. The high rate of migration by immigrants into South Africa as a result of these economic opportunities continued to intensify the hostilities in South Africans leading to the outburst of xenophobia.

Xenophobia in Africa did not only begin in the 21st century. It dates back to the 1950s and 1960s where xenophobic attacks characterized the post-independence nation-building crises in Africa. From Ghana in 1969 to Nigeria in 1983 to Zambia and now South Africa, the xenophobic attacks have drawn attention of governments, non-governmental organizations, and policymakers. The constant increase of xenophobic violence by South Africans who see foreigners especially immigrants (precisely Nigerians), as threats and the repetition of these attacks is frightening. Xenophobia cuts across every kind of antagonistic behavior towards foreigners. These attacks began in 1994, in 1998 it reiterated, as well as August, 2000. In 2008, Nigerians were victims of the most inhumane attack of this social phenomenon in the country. The same gravity cruelty reoccurred in April and October, 2015. There were reoccurrences in the years: 2016, 2017, 2018 and the ambush in 2019 subsequently (Anthony, Nwokoma, Uzozie, 2020). South Africa's stable financial system, its somewhat impressive living conditions, its bureaucratic and

political climate were key mechanisms attracting migrant force from countries across the world and climes in search of greener pastures. Consequently, Akinnaso (2019) affirmed that majority of Nigerians who reside in South Africa are business owners whether in the professional or service sectors including: universities, companies and the rest were into drug trafficking. Hence, Nigerians were assumed to have gathered so much wealth through the projects and ventures they took upon. This led to South Africans feeling disrespected by their Nigerian counterparts (Adam, 2019). Following the growth in economic inequality and corruption amongst in South Africa, the ill narrative that immigrants stole jobs, committed crimes, caused tension on governmental services and amenities, operate illicit establishments and were to blame for all atrocities and injustice in South Africa was pushed by South Africans (Samanga, 2019). As a result, immigrants were seen as competitors and menaces to their country's limited and meagre resources (Samanga, 2019).

Given this context, the paper discusses the significance of xenophobia on the human rights of Nigerian migrants in South Africa. The paper is divided into five sections. Following the introduction is the background of study which is the second section. The third section gives a broad outlook on the theoretical framework and literature review of the study. The fourth section focuses on the impact xenophobia has on the human rights of Nigerian immigrants. The fifth section concludes the work while providing recommendations that will improve the treatment and human rights of migrants in South Africa, especially Nigerians.

### *The Concept of Xenophobia*

Greek terms "xenos" and "phobos," which translate as "foreign" and "phobia," respectively, make up the word "xenophobia" (Chinomona & Maziriri, 2015). The idea of xenophobia is defined as behaviors of hostility and assumptions that show prejudice against persons on the presumption that they are not natives, outsiders, or members of other groups wholly distinct from their own." Xenophobia, as stated by Akindès (2004), refers to the hatred of foreigners and

generally manifested through a wide range of wrongdoings, violations, and extreme forms of discrimination. A number of elements have been identified as the root causes of xenophobia in the literature. These include the dread of losing one's identity and social standing; the worry of economic success; the superiority complex among indigenous peoples; the anxiety about borderlines in time of national emergencies, as well as misleading information from the way of life.

Xenophobia, in the opinion of Crush and Ramachandran, is "extremely negative beliefs and behaviours that discriminate against non-citizen groups based on their foreign origin or nationality" (Crush & Ramachandran, 2017). According to Akindès (2009), xenophobia is caused by a group of people's thoughts and beliefs that people who are not native to a country are less deserving of rights and privileges due to their socioeconomic and political ties to that country.

#### *The Concept of International Migration*

In the increasingly interconnected world of today, international migration has become a reality, affecting practically every area of the globe and frequently eliminating differences between countries of origin, transit, and destination. Moving people is now easier, more inexpensive, and faster due to modern transportation. People leave their homes in an effort to improve their lives and those of their family because of a variety of circumstances, including conflict, poverty, inequality, and a lack of suitable employment. When supported by the appropriate policies, migration may promote fair and long-term economic growth and development in both the community of origin and the community of destination. Neoclassical economic theory claims that migration is mostly a reaction to remuneration disparities across nations (Todaro, 1969). Low-income nations should be expected to have the highest per capita transnational population if salary differences were the only factor influencing migration decisions. Instead, the current data shows that compared to middle-income nations, residents of both the most impoverish and wealthy states enjoy a higher per capita transnational population. The lack of a strong correlation between the relative size of the

diaspora and income levels at the national level insinuate that, besides environmental conditions and income differences, the choices of migration are influenced by variety of other elements, such as personal inclinations, opportunities, also aspirations (de Haas, 2011; Kureková, 2010). The figure of migrants from poverty-stricken countries is still relatively modest, although between 2000 and 2020, it increased significantly. Humanitarian disasters were a significant factor in this surge. Almost two thirds of 19 million migrants from poverty-stricken countries that entered the global population over the past two decades were people compelled to leave their home states due to insurgencies, one form of persecution or the other. Nearly 50% of all immigrants in 2020 came from poverty-stricken nations and happen to be either refugees or asylum seekers (Keith. 2019). People who were forcibly relocated across borders made up a substantially smaller portion of the total transnational populations for other income levels.

#### *Causes of Migration*

*Social Factors:* People can feel frightened and move because of safety concerns. People who experience persecution and prejudice because to their nationality, skin color, religion, political beliefs, or participation in a particular social group may move far away in search of a safer neighborhood where they can have more control over their lives (Yakushko, 2018). Individuals might be put in danger by formal measures, like war, or through unofficial methods, like extensive gang activity.

*Economic Factors:* Economic migration, whether seasonal or permanent, is a frequent reason for departure. In general, economic migration is defined as the movement of individuals from developing nations with low salaries to wealthier ones with better incomes and more work opportunities. Rural residents are also more inclined to migrate to metropolitan regions with greater competition in quest of better opportunities.

*Environmental Factors:* Involuntary migration is being driven more and more by environmental

factors. Environmental factors can result in displacement, as can the forced transfer of people due to social or environmental pressures. Crop failure, for instance, usually results in food shortages and a decline in agricultural jobs, which motivates people to move to a place with better job prospects and weather. Residents in both urban and rural regions might face serious health risks due to contaminated water, air, and soil, which drives them to look for a better life for themselves and their children (Clark, 2015). The news routinely reports on deadly natural disasters including earthquakes, hurricanes, and tsunamis.

### *The Concept of Xenophobia, Human Rights and International Law*

Irrespective of nationality, race, ethnicity, sex, gender, religion, language, or any other status, every person have the privilege to established liberties known as human rights. The freedom of speech, from the freedom slavery and torture, the freedom of assembly and association, the right to a job and an education, the right to life and liberty, among many other things, are all examples of human rights. These rights are universal and unalienable for everyone. In order to advance and defend the fundamental freedoms of individuals or associations, international human rights law imposes duties on governments to operate in certain ways or to avoid specific actions. The 1966 International Covenant on Civil and Political Rights, have established certain fundamental rights to migrants by including the right to life, the freedom from torture and other cruel, inhuman, or degrading treatment or punishment, the liberty and security of one's person, the freedom to move around, the right to be protected from illegal intrusion with individual privacy rights. According to the 1951 UN Convention on the Status of Refugees (Article 1), a "refugee" means an individual who is away from his or her home country due to reasonable fright of maltreatment for nationality, political opinion, race, religion, or association with particular social groups, and incapable of seeking protection from government of the state; or anyone unable to or refuses to go back to their country of residence because of their lack nationality, are abroad as a result of such occurrences, or do so out of such fear. The right to work for a living is protected by the Refugee

Status Convention's Chapter 111, Article 17: "The Contracting States shall accord to refugees lawfully residing in their territory the most favorable treatment accorded to nationals of a foreign country in the same circumstances" (United Nations High Commissioner for Human Rights, 2015). Refugee legislation and the Office of the United Nations High Commissioner for Refugees' mandate both guarantee that refugees' rights be protected in this way (UNHCR). Humanitarian law at the international level also protects refugees. In accordance with the 4<sup>th</sup> Geneva Convention and Additional Protocol I, refugees also have special protection. This added defense recognizes refugees' defenselessness as non-natives at the mercy of antagonists including the lack of protection maintained by their home country (International Committee of the Red Cross 2015). Every person has the liberty to emigrate from one country to the other, inclusive of theirs, and to go back there. This is according to both Article 12 of the International Covenant on Civil and Political Rights and Article 13(2) of the Universal Declaration of Human Rights. Due to the concept of territorial superiority or sovereignty, governments are not required by international law per se to admit or prohibit foreigners. However, a state may be subject to such responsibilities under any treaty or conventional practice (Kapoor, 2000). In addition, the same territorial supremacy concept governs all responsibilities derived from treaties and customs. However, no alien has a legal claim to asylum; the state has the authority to grant or deny it. From the foregoing, it is obvious that the state has the discretion to choose who to admit and who not to, as well as how. And states have shown in practice that they can utilize their power to arbitrary decision-making in such matters; this is known as immigration policy. States have used bias and preferences based on racial, ethnic, linguistic, economic, skill, religious, and other factors in their immigration policy without being found to have violated international law.

### *Nigeria-South Africa Relations*

Although integration may be interpreted differently, for the purposes of this study, integration is limited to promoting links between Nigeria and South Africa in order to combat

xenophobia. It focuses on the post-apartheid regime as a single instrument for development and is of relevance to academics, state actors, and non-state actors since it terrified the ties between the two governments. Almost all African nations have embraced collaboration since the end of colonialism (Maimela, 2013). Consequently, supporting this statement:

The Vision of the African Union is to become an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena. African Union Agenda 2063 Africans must seek growth that is primarily anchored on their priorities and that is capable of delivering structural transformation.

Nigeria's foreign policy has remained centered on Africa over the years. The principle of its foreign policy motivated Nigeria to devote herself to the freedom of the African continent from colonization including the abolition of racism and abuse of power since her independence. Liberation movements in Namibia, Mozambique, Angola and the fight for an anti-apartheid South Africa was strongly supported by Nigeria, earning itself the designation of "frontline nation." Onouha (2008) mentioned Nigeria's contribution to the liberation of South Africa after the event of Sharpeville Massacre on March 21, 1960. This episode, resulted in the deaths of 72 Black people and several injuries, which served as the catalyst for Nigeria's diplomatic disputes with South Africa. Nigeria helped to the independence movement by utilizing two key tactics, which are as follows:

- i. opposition to and rejection of the apartheid regime;
- ii. the use of and support for sanctions against the racist government;

Between 1960 and 1993 it is evident that the Nigerian policy regarding South Africa was driven by past contempt for apartheid policy. Nigeria, from independence until the early 1990s, kept an animus frame of mind regarding South Africa for over thirty years. The two countries began diplomatic relations on February 21, 1994,

after the end of apartheid and the acquittal of African National Congress (ANC) leader Nelson Mandela. More significantly, South Africa appears to be the continent's most developed economy. However, it is one of those nations that, maybe as a result of unhealthy rivalry for regional hegemony, has hesitated to accept Nigeria's leadership position in Africa. It is well recognized that racism, imperialism, colonialism, and slavery all lead to the emergence of pan-Africanism. This stood in contrast to the bigotry, dominance, and imperialism of Europe. However, there has been opposition and dissent within the continent itself to the extensive work done to advance Pan-Africanism and the political unification of the continent. The pan-African agenda has so far been a state-led initiative for African unification, progress, and restoration (Maimela, 2013).

### *Theoretical Framework*

Although, there is no particular theory that gives an adequate explanation on the constant assaults of xenophobia against African immigrants in South Africa. In this body of work, the Relative-Deprivation theory and the Frustration-Aggression theory will be adopted.

### *Relative Deprivation Theory*

Relative deprivation is a situation in which a class of people (or a person) perceives that they are less fortunate than other groups in terms of, access to basic necessities like housing, electricity, clean water, and roads. It is a behavioristic psychology theory that was created by Stouffer et al. (1949), Merton (1957), Runciman (1966), Gurr (1970), Crosby (1976), Walker, and Pettigrew (1984), as well and it "proposes that the feeling of denial and deprivation of rights felt by certain group of people such as their economic rights, political recognition or their social position, eventually result to them coming together to establish a resistance geared towards attaining the very thing(s) they feel unjustly deprived of" (Longley, 2018). It goes without saying that some of these social movements use violence to express their anger and unhappiness. The Relative Deprivation Theory helps us understand why South Africans constantly attack immigrants, particularly Africans in the view of the fact that, they (the

natives) are lacking in economic opportunities compared to black foreigners. Powerful South Africans who make agitated remarks often serve as catalysts for the ugly actions of the locals. The Frustration-Aggression Theory concisely describes the connection linking the locals' annoyance and their destructive actions at this point.

#### *The Frustration-Aggression Theory*

A foundational psychological theory that has been applied to numerous disciplines of study to explain violent human behaviour is the Frustration-Aggression (F-A) Hypothesis, also known as the Frustration-Aggression (F-A) Theory. The underlying principle of the Frustration-Aggression theory is a causal link connecting aggression and frustration. This happens when an individual's ability to achieve their goals is hindered. John Dollard, Leonard W. Doob, Neal E. Miller, Orval H. Mowrer, and Robert R. Sears (1939), a group of psychologists from Yale University, initially held this belief in the connection between dissatisfaction and violence in their monograph, *Frustration and Aggression*. Neal E. Miller (1941) and Leonard Berkowitz (1969) later refined the hypothesis (Ogunnubi & Adeyemi, 2019). Going by the Frustration-Aggression Theory, the persistent xenophobic violence in South Africa is the result of the frustration of the underprivileged natives. The locals have forcefully vented their dissatisfaction on immigrants particularly Africans, whom they blame for their lack of employment and see immigrants as the reason why their ability of being able to afford basic amenities have been curbed in recent years (Ogunnubi & Adeyemi, 2019). The relevant concerns at this point are: Why do locals target African immigrants but not the numerous ANC-led administrations that have repeatedly failed to expand their access to public services and create economic possibilities for them? Why don't the natives fight immigrants from Asia or Europe?

#### *Application of the Theories*

##### *Application of Theory of Relative Deprivation*

Relative deprivation theory, according to social theorists and political scientists, contends that individuals who feel that they are denied things that are regarded as indispensable in their society (such as money, rights, job opportunities, political voice, and social standing, among other things) will organize or join social movements aimed at obtaining those things (Curran, 2008). As a result, relative deprivation theory becomes relevant to the research under study. In this regard, the South Africans did not fall short, as they sorted through and destroyed the properties owned by Nigerians and other foreigners, as well as killed a small number of them in a series of planned xenophobic attacks because they felt they were being treated unfairly in comparison to the "out-in" (foreigners) in their country. They were living in extreme poverty and were not given access to fair employment possibilities. Since the beginning of xenophobic attacks against South African non-nationals, notably Nigerians, Nigerians have been denied required access to their money and prospects, which accurately defines the relative deprivation theory as employed in this study. Deepening diplomatic relations between Nigeria and South Africa necessitates a fair playing field in which citizens from both nations are crucial to the realization of the content of each relationship (Ogunubi & Amusan, 2018). The Southern African Migration Project (SAMP) identified South Africa as one of the world's most xenophobic countries. However, the conduct of international relations is always accompanied by responses from recipient nations, particularly when hostile activities are perpetrated on individuals or representatives. These behaviors are always carried out under the guise of reciprocity, whether for good or ill.

##### *Application of Frustration-Aggression Theory*

The idea is pertinent to this study because it suggests that xenophobic attacks on foreign nationals have the power to sour already amicable relations between African and Nigeria, for instance, protects its citizens' rights and property both within and outside the country through its

foreign policy. Nigeria's relations with any nation may be impacted if there is an unjustified violation of their citizens' rights or property by that nation. While Nigerians are engaged in a variety of occupations abroad, citizens from other nations are also present in Nigeria for certain reasons. It therefore falls on the host nation to make sure that both its own citizens and foreigners who are legally residing there are safe, as well as their properties. The frustration-aggression hypothesis is nevertheless "alive and well," despite a decline in the overall number of studies that connect to or directly test it, according to recent applications in research on the effects of xenophobia on immigrants' economic development in South Africa. Frustration-aggression theory has affected psychology and other social science research in a wide range of domains ever since it was first proposed in the late 1930s. It has endured a period in psychology characterized by a fundamental conceptual conflict between extreme behaviorism advocated by Skinner and Freudian psychoanalysis, as well as conflict between behaviorism and cognitivism in later decades (McKenzie, 2017). Whether psychologists use cognitivist models to explain the connection between negative affect and aggressive tendencies or perspectives from motivational psychology to consider the link between frustration and aggression to concern the thwarting of basic needs, the frustration-aggression theory continues to be an important tool in the work of psychologists (Masenya, 2017). The frustration-aggression hypothesis has been often used in both academic and practical research throughout the years, despite several significant advancements in aggression theories, such as a focus on biological drive, learnt responses, and environment-behavior connections (Machobane, 2015). The strict behaviorist view was questioned during the so-called cognitive revolution, which led to the (re)discovery of cognitive antecedents of aggression and accompanying mental processes like aggressive intent, susceptibility to aggressive thinking, propensities for violence, hostile perception and attribution, and expectations regarding the outcome of aggressive behavior. The frustration-aggression hypotheses were not thrown out as being unreliable at this time

(Langlois, 2021). By fusing the cognitivist viewpoint with psychological theories of affect and emotion, Berkowitz's reformulation of the theory in 1990, particularly as it pertains to the xenophobic situation in South Africa, ushered in a new era of research on frustration and aggression while also furthering the theory's value and practical applications. Additionally, motivational psychologists have recently offered additional justifications for the mechanisms underpinning the causal connection between upsetting experiences and violent behavior (Hoang, 2019). The frustration-aggression hypothesis has been successful in explaining a wide range of behaviors in individuals, organizations, and systems, despite the constant modifications and enhancements to its theoretical boundaries that characterize its progress. It is safe to say that the empirical findings within the frustration-aggression framework have greatly advanced our understanding of South African xenophobic attacks on foreigners and will continue to do so, even though a future fundamental change in psychological science may cause another shift in its applications and possibly even the falsification of some of its earlier predictions (Clark, 2015).

### *Conclusion*

This paper particularly focused on the human rights of immigrants in South Africa over the years since the discovery of diamonds and gold in the territory, which was the architect of vast immigration into South Africa. The view elaborated upon by the relative deprivation and the frustration-aggression theories as means to understand why South Africans result to the violence of xenophobia against immigrants especially Nigerians in recent times is also established. Furthermore, instrumental human rights of migrants according to international organizations such as the United Nations was also expatiated upon. The paper uncovers the historical and recent diplomatic relations between Nigeria and South Africa dating back to the apartheid regime in South Africa and how relations have been affected recently as a result of xenophobia. This paper argues that the xenophobic actions of the South African locals is as a result of their lack of access to basic societal

infrastructures which the foreigners seem to have available to them in abundance at the detriment of the locals. It is these deprivations and frustration from this that result to the violence perpetrated against immigrants by South Africans. Despite international organizations such as the United Nations having established articles to protect migrants and refugees regardless of the country they may be, this have not stopped South Africans from making claims against immigrants and attacking them on several occasions. This is a proof that xenophobia is a phenomenon that a country must address internally before seeking assistance outside its territory. The paper identified the economic and political impacts of Nigeria and its nationals in South Africa including an immediate need to protect them from inhumane treatment.

### *Recommendations*

It is encouraged that local legislations be made within South Africa in order to protect immigrants from violent attacks such as xenophobia as well as the provision of agencies competent enough to execute these laws. It is important that the country in which these attacks are being perpetuated to be held accountable and made to establish line of actions that shows that they are indeed putting in the work to avoid further aggression of this violence against immigrants. This will imbibe a sense of duty in the South African government. The government of African nations should make attempts to improve the overall standard of living in their territories as the poverty, crimes and hostile environment are instrumental factors leading to vast migration of their citizens into South Africa since South Africa has a better living condition than most countries in the African continent. But this seem to be at the detriment of the safety of immigrants. Public awareness on anti-racism, equality and anti-xenophobic plans should be established by the South African government through government agencies. These mechanisms will improve access to justice and proper safety for the victims. An increase in an anti-discrimination movement in South Africa can bring about a just and equal society in the long run.

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