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SOUTH AFRICA

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SOUTHERN AFRICAN MIGRATION PROGRAMME (SAMP)
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EXECUTIVE SUMMARY

In 2008, South African Brandon Huntley was given refugee status in Canada by the Canadian Immigration and Refugee Board (IRB). The unprecedented decision, based on Huntley's claim that as a white South African he was the victim of racial persecution in South Africa, caused a firestorm. Interest in the case was particularly intense in South Africa itself where the decision was derided in the media and the South African government lodged a formal protest with the Canadian government. Over 140 high-profile South African academics also filed a petition protesting the decision with the Canadian High Commission in Pretoria. Within weeks, the Canadian Minister of Citizenship and Immigration had lodged an appeal against the IRB decision with the Federal Court of Appeal. Some have claimed that the decision of the Canadian Government to seek to overturn the decision of the IRB was motivated by a desire to appease South Africa. This is highly unlikely. Rather, the Canadian government was concerned about the precedent-setting nature of the case and that it could set the stage for a flood of applications from similarly unskilled white South Africans seeking a route into Canada.

In late 2010, Justice James Russell of the Federal Court of Appeal issued an extended judgment upholding the Canadian government's appeal and sending the Huntley case back to the IRB for reconsideration. The Supreme Court of Canada declined to hear an appeal of this judgment in mid-2012, so the case will be got back to the IRB. Huntley's lawyers are confident of a second success at the IRB, indicating that the attention given to his case will make him a marked man if he is returned to South Africa. However, Justice Russell provided a systematic and painstaking demolition of virtually every element of the original IRB decision and it seems highly unlikely that Huntley will ever be able to prove that he qualifies for refugee protection status in Canada. The case may still drag on for several more years, however, as Huntley would be entitled to institute a second round of appeals in the courts if his claim is rejected this time.

In constructing a narrative to convince IRB judge William Davis that he qualified for protection under the UN Refugee Convention, Huntley and his lawyers attempted to show that he had been the victim of a series of racially-motivated personal assaults and that the state had failed in its duty to protect. None of these supposed attacks were ever reported to the police which proved rather awkward for his case. However, this was explained away with the circular argument that since the police did nothing when whites were attacked, there was no point in reporting the assaults. Huntley's recounting of his experiences make interesting reading but they were not, in fact, central to the Davis decision.

Here we focus on what Davis called the “lifeline” of the Huntley decision: that is, the case made by Huntley’s lawyer, Russell Kaplan and his sister Lara Kaplan, that all whites in South Africa are being systematically targeted because of the colour of their skin. Justice Russell rejected this argument, and the selective evidence presented by the Kaplans, in its entirety. He designated their portrayal of the situation in South Africa the “Kaplan view.” The core elements of the Kaplan view included assertions that all Black South Africans hated white South Africans; that the country was experiencing “reverse apartheid; that black South Africans have “no regard” for the lives of white South Africans; that most violent crimes are committed by black against white South Africans; that the police will do nothing about the crimes committed against white South Africans; that white South Africans are undergoing a form of racial genocide; and that there is systematic discrimination against whites in the workplace. Justice Russell concluded that the Kaplan view was rooted in the personal experience of violent crime by the Kaplan family itself in South Africa.

This paper argues that to attribute the Kaplan view purely to the negative personal experiences of the Kaplan family in South Africa is to take too narrow an interpretation. The central elements of the Kaplan view are not unique to the Kaplan family but are produced and reproduced by the white South African diaspora in Canada more generally. The evidence for this assertion comes from a survey of 1,485 South African immigrants in Canada conducted by SAMP in 2010, some 80% of whom had left South Africa after 1990.

Between 1991 and 2006, just over 19,000 South Africans moved to Canada, a migration that shows few signs of letting up. Most South African immigrants to Canada are white, highly skilled and educated with many professionals in their ranks. They enter Canada as permanent residents in the economic class. South Africans in Canada are high income earners. For example, 26% of the survey respondents earn more than \$200,000 a year and 43% earn more than \$100,000 (compared with only 6% of the overall Canadian population.)

The survey respondents reported visiting South Africa relatively often (only 18% had never been back since arriving in Canada) although only 20% return at least once a year. The rest make episodic visits and the vast majority of all visits are connected with family issues and events. Most have family in South Africa to visit. Half of the respondents (54%) have taken out Canadian citizenship and another 30% are permanent residents. South Africans in Canada are neither large nor frequent remitters. Forty-two percent had never remitted funds to South Africa and only 13% do so on a monthly basis. Patterns of asset holding in South Africa show systematic disinvestment over time. Allied to this pattern of disinvestment are low levels of interest in return migration to South Africa.

The survey also collected information about the attitudes and perceptions of this group towards their country of origin. The dystopian views advanced by the Kaplan view in the Huntley case fit comfortably within a broader narrative about South Africa by white South Africans in Canada. A considerable number of survey respondents portrayed South Africa as an extremely violent society in which whites live in a constant state of fear and anxiety. Many argued that whites were targeted not because they own a disproportionate share of the wealth in a highly unequal society, but simply because of their colour. The idea that the white population is under siege because of their skin colour extends well beyond personal knowledge of incidents of crime and violence. The theme of racial targeting was driven home by the frequent use of terms such as “apartheid in reverse” and “reverse discrimination.” Attacks on white farmers feature prominently in the narratives and are used as a platform for broader commentary on the supposed brutality of Africa and all Africans. Personal and hearsay stories of violent crime were laced with vituperative accounts of the callous and indifferent response of the police and the government.

Another recurrent complaint was how affirmative action discriminated against whites. There is no sympathy for or understanding of the reasons for these policies nor of how they personally might have benefited educationally and economically from the racist policies of the apartheid government. Instead, they represent themselves, and whites in general, as victims. In many cases, the sense of outrage spills over into overtly racist diatribes about Africa and Africans.

To rationalise their departure, disengagement and decision never to return to South Africa, this post-apartheid diaspora draws on the same narrative reservoir of images as the lawyers in the Huntley case. It is therefore inadequate to conclude that the Huntley case was simply a rather egregious but exceptional miscarriage of justice. Huntley is, in many ways, emblematic of a more general and troubling discourse about South Africa that circulates amongst white South Africans in Canada.

INTRODUCTION

In mid-2004, South African Brandon Huntley entered Canada on a temporary residence permit in order to work as an amusement park attendant, having worked in Cape Town as a bartender, cleaner, parking lot attendant and lawn sprinkler salesman.¹ He returned to South Africa at the end of 2004 when his permit expired. In June 2005, he came to Canada for a second time and worked for another 18 months with the same company. After the expiry of this work permit at the end of 2007, he remained in Canada illegally. He married (and later divorced) a Canadian and unsuccessfully tried to enlist in the Canadian armed forces. Finally, in June 2008, more than a year after his work permit had expired, Huntley lodged an application for political asylum in Canada with the Immigration and Refugee Board (IRB). In August 2008, he appeared before IRB judge, retired lawyer William Davis, along with his South African-born Toronto lawyer Russell Kaplan. Kaplan's sister, Lara, appeared as a corroborating witness for Huntley.

Huntley, a former resident of the Cape Town suburb of Mowbray, claimed to have been physically attacked a number of times since 1991. He claimed all these attacks were racially motivated, because his attackers used derogatory racist epithets including "settler", "Boer" and "white fuck." Huntley had not reported any of the incidents to the police, arguing that the police were incompetent and racist and would do nothing when a white person was attacked. The state's supposed "failure to protect" meant that he had a legitimate claim to refugee status in Canada. William Davis concluded that "the evidence of the claimant and the witness and the documentary evidence shows a picture of indifference and inability or unwillingness of the government and the security forces to protect White South Africans from persecution by African South Africans."² Huntley was "a victim because of his race (white South African) rather than a victim of criminality" and his fear of persecution was real. Davis concluded, in a statement that was widely derided, that Huntley "would stand out like a 'sore thumb' due to his colour in any part of the country."³ Davis's extraordinary decision to grant Huntley refugee status in Canada unleashed a firestorm of media attention, political protest and commentary in the blogosphere.⁴

The Huntley decision was widely condemned and ridiculed in both Canada and South Africa (see Figure 1). In September 2009, 142 South African academics, including several university vice-chancellors and deputy vice-chancellors, petitioned the Canadian High Commissioner in South Africa.⁵ The petition criticised the "outrageously distorted representation" of contemporary South Africa and suggested "the sad truth is that this case demonstrates not the perilous condition of white South Africans,

but the kinds of things some people are still willing to believe about Africa and Africans, based on assumptions that continue to circulate in the white worlds they share.” The South African government initially accused the Canadian government of racism until it was informed that the IRB is an independent body and that the Federal Government is not accountable for IRB decisions about refugee protection. The South Africans then lodged an official complaint about the IRB decision through diplomatic channels.

Within weeks of the decision, Canadian Immigration Minister Jason Kenney applied to the Federal Court of Appeal for a review of the decision. South African Foreign Affairs Minister Nkosazana Dlamini-Zuma claimed that the Canadian government’s decision to appeal the IRB decision “bears testimony to the strong bilateral political relations between our two countries.”⁶ Conservative commentators sympathetic to Huntley saw this rather as evidence of Canada bowing to political correctness and appeasement of the South African government. However, it seems highly unlikely that the Canadian government’s action had anything to do with South African pressure as the Harper government has consistently shown little interest in courting South Africa on any issue at all. What seems more likely is that the government viewed the IRB decision as a dangerous precedent that needed to be contested. If allowed to stand, it would potentially have opened the door to an unwanted flood of refugee claims from white South Africans like Huntley.

On 24 November 2010, Justice James Russell of the Federal Court of Appeal issued a 130-page judgment on the Huntley appeal, noting that he had no evidence to support the proposition that the government of Canada was influenced in any way by the South African government in initiating a judicial review of the IRB decision.⁷ Justice Russell referred the Huntley case back to the IRB for reconsideration on the grounds that “the Decision cites and relies upon documentation for facts and information that have very little to do with the basis of (his) claim and very little to do with the kind of white South African that (he) claims to be.”⁸ In the opinion of Justice Russell, there were also numerous errors in the IRB decision that individually or collectively rendered it unreasonable.⁹ Huntley’s lawyer then applied to the Supreme Court of Canada for leave to appeal the decision of the Federal Court. In April 2012, the Supreme Court announced that it would not hear Huntley’s appeal. Huntley is now due to appear before the IRB again where his lawyer is expected to argue that Huntley will come to harm if he has to return to South Africa “because of fear of being attacked by black South Africans, and because he is now a well-known white South African.”¹⁰ Should his refugee claim be rejected this time, he will then be entitled to institute another round of appeals in the courts.¹¹

For some, the Huntley case confirms the “dysfunctional nature” of the refugee protection system in Canada.¹² Four years after first lodging what most legal commentators would probably see as a “manifestly unfounded” refugee claim and nine years after he first came to Canada on a temporary work permit, Huntley remains in the country. There seems little prospect of a speedy deportation, the kind of protracted outcome which partially explains, though hardly justifies, the single-minded determination of the Canadian government to impose draconian restrictions on would-be refugee claimants entering Canada.¹³ Ironically, the South African refugee protection system (modelled to some degree on the Canadian and similar examples) has the opposite problem: that is, a widespread failure to protect the rights of asylum seekers who are deported to other countries in their tens of thousands every year with a minimum of due process.¹⁴

Another important aspect of the case concerns the nature of the argument advanced in support of Huntley’s claim to be a “white refugee.” While the hearing took place in camera, there is sufficient documentation in the public domain (especially in the form of the IRB judge’s justification for his decision to grant refugee status and the court documents from the subsequent Federal Court appeal) to permit a fairly detailed reconstruction of the legal strategy adopted by Huntley’s lawyer Russell Kaplan and the arguments advanced in support of the claim. Here, we must distinguish between the actual details and merits of Huntley’s claim for refugee status (which are detailed in Justice Russell’s judgment and are therefore not discussed any further here) and the general narrative about South Africa constructed by Russell and Lara Kaplan, which Justice Russell at different times labelled “the Kaplan view”, “the Kaplan family view” and the “Kaplan family point of view.”

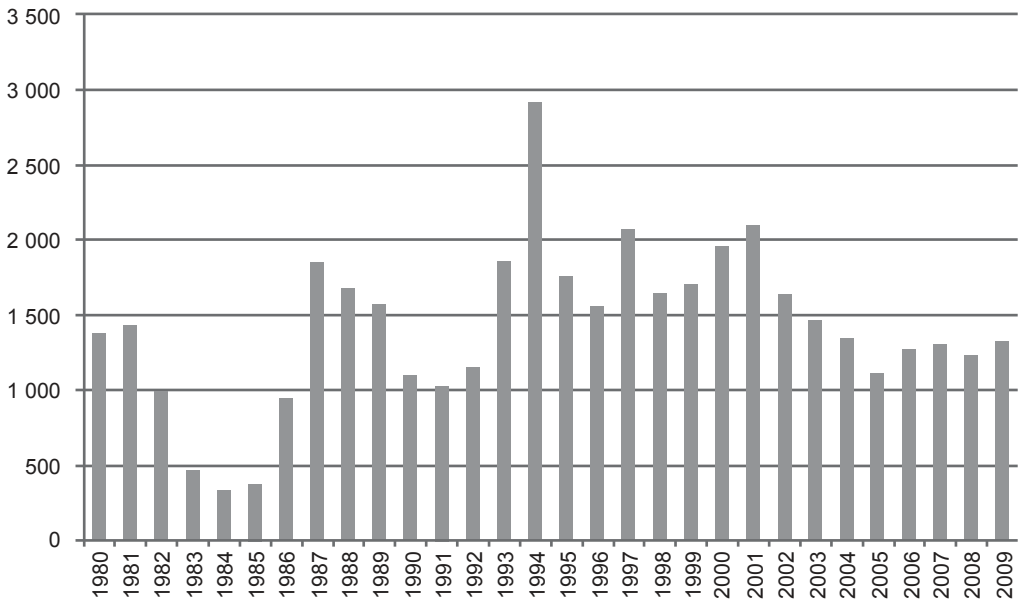
This report first examines the key elements of the “Kaplan view,” which Davis of the IRB had described as the “lifeline” of the Huntley case.¹⁵ Justice Russell saw the Kaplan view as emanating from the personal experiences and emotional involvement of Russell and Lara Kaplan including “the fate of his brother (in South Africa) and the close-knit, mutually-supportive nature of the Kaplan family.”¹⁶ Less charitably, he noted that Lara Kaplan’s testimony was “little more than a personal view propagated from within a prosperous and successful white South African family that, since the end of apartheid, finds the ‘good life’ they lived before 1994 not as good as it was.”¹⁷ However, the Kaplan view cannot be adequately understood if it is viewed purely through the lens of the Kaplan family’s own experiences. Rather, it is necessary to situate the Kaplan view within the context of the broader post-apartheid emigration movement of white South Africans to Canada. The key argument here is that the Kaplan representation of South Africa as dystopia is completely consistent with a broader narrative about the country that circulates within the post-apartheid South African

diaspora in Canada and beyond. The evidence for this assertion is to be found in a recent survey of the attitudes of ex-South Africans in Canada conducted by SAMP.

MOVING TO CANADA

One of the major continuities in South Africa-Canada relations before and after the end of apartheid is the flow of human resources from one to the other. Before 1990, Canada was one (albeit comparatively minor) international refuge for opponents of the apartheid regime and white liberals who were deeply pessimistic about the country's future. The end of apartheid accelerated the flow of South Africans to Canada, and fundamentally changed the profile of the immigrants (Figure 2). Between 1991 and 2006, just over 19,000 South Africans moved to Canada, bringing the total number to 40,000. Since then, between 1,200 and 1,400 South Africans have immigrated to Canada each year, raising the overall total nearer to 50,000. This steady movement shows few signs of letting up. Russell and Lara Kaplan were born and raised in South Africa and immigrated legally to Canada as adults, though at different times. Brandon Huntley did not. He was one of a small number of South Africans (less than 2,000 in 2010) who migrate temporarily to Canada for work under the country's rapidly-growing Temporary Foreign Worker Program.¹⁸

Figure 2: Immigration to Canada from South Africa, 1980-2009



Most South African immigrants to Canada are highly skilled and educated with a disproportionate number of professionals in their ranks. They enter Canada as permanent residents in the economic class, filling skills gaps in the Canadian labour market. The post-apartheid migration of professionals and other skilled workers from South Africa to the United Kingdom, the United States, Australia, New Zealand and Canada is commonly viewed as a “brain drain” with negative impacts for South Africa.¹⁹ In 2009, South Africa’s High Commissioner to Canada, Dr Abraham Nkomo, complained publicly that South African doctors migrate “at a very high cost” to South Africa causing “a huge loss” of investment in education and training.²⁰ Repeated efforts by the South African government to get Canada to place a moratorium on the hiring (or poaching, in its words) of South African skills have met with little success.²¹

A more detailed economic and social profile of the South African diaspora in Canada emerges in an online survey conducted in 2010 by SAMP.²² The survey was completed by 1,485 respondents. Of these, 83% had emigrated to Canada after 1990. The survey provided an opportunity for respondents to elaborate in writing on issues such as why they left South Africa, why they came to Canada, what links they maintained with South Africa and whether they would ever return to South Africa. A total of 638 respondents chose to share their views on these issues, some at considerable length.

The majority (59%) of the respondents immigrated to Canada under the economic class of entry. Another 11% entered under the family sponsorship class, 4% to study and 4% in the provincial nominee class. None had been admitted as asylum seekers or refugees. Only 6% of those completing the survey were temporary workers (Huntley’s means of entry). The respondents are a highly educated group: 56% had obtained a tertiary education qualification in South Africa and another 21% a technical or vocational diploma or certificate. Some 28% also had a professional qualification. Forty-three percent had continued their education outside South Africa. South Africans in Canada are high income earners compared to the overall Canadian population (Table 1). For example, 26% of South African respondents who immigrated to Canada after 1990 earn more than \$200,000 a year (compared with only 1% of the overall population.) Or again, 43% earn more than \$100,000 compared with 6% of the overall population. At the other end of the spectrum, only 14% earn less than \$25,000 a year, compared with 44% of the local population.

	Canadian population	South Africans in Canada
Less than \$25,000	44.1	14.4
\$26,000 – \$50,000	29.2	19.6
\$51,000 – \$75,000	15.2	12.4
\$76,000 – \$100,000	5.7	10.8
\$101,000 – \$200,000	4.7	16.6
More than \$200,000	1.0	26.2

Source: Statistics Canada, SAMP Survey

A great deal of international attention is currently focused on the role and potential of African diasporas as agents of development in their countries of origin.²³ This phenomenon – known as diaspora engagement – rests upon close personal, professional and economic linkages with “home” and takes a variety of forms including remittances, investment, knowledge and technology transfer, educational exchanges, philanthropy, charitable donations and return migration. An obvious question, then, is whether South Africans in Canada are an engaged diaspora with attitudes and activities commensurate with that status. Certainly, the survey respondents reported visiting South Africa relatively often (only 18% had never been back since arriving in Canada) although only 20% return at least once a year. The rest make episodic visits and the vast majority of all visits are connected with family issues and events. Most have family in South Africa to visit (79% have brothers and sisters, 76% have parents and 52% have grandparents there).

On most measures, however, there is a clear pattern of disengagement from South Africa.²⁴ Half of the respondents (54%) have taken out Canadian citizenship and another 30% are permanent residents (all of whom are recent immigrants eligible for citizenship after a period of continuous residence in Canada). South Africans in Canada are neither large nor frequent remitters. Forty-two percent had never remitted funds to South Africa and only 13% do so on a monthly basis. Half have never remitted goods since arriving in Canada. Funds and goods are remitted almost exclusively to family members for their immediate use. There is no collective remitting and no broader pattern of remitting, for example to support community projects.

In the year prior to the survey, less than 3% of the respondents had bought a house or property in South Africa, exported or imported goods from either country, or invested in a business in South Africa. Looking ahead, 86% thought it unlikely that they would invest in the country. Only 25% said it was likely that they would make a charitable donation that would benefit South Africa and 14% that they would send money for a development project in South Africa. Less than 1% belonged to a dias-

pora association in Canada and less than one in ten belonged to a South African alumni association, a South African ethnic or cultural association, a professional association in Canada or an NGO or faith organization in Canada with links to South Africa.

Patterns of asset holding in South Africa show a systematic trend of disinvestment over time. Only a minority of those who immigrated between 1990 and 2010 still hold assets in South Africa (in total, 28% have a bank account, 16% have investments, 11% have savings, 10% own a house, 6% own land and only 1% own a business in South Africa) (Table 2). If these assets are cross-tabulated with the year of entry to Canada, in every case almost 40% or more of the asset holders had immigrated in the previous five years. By contrast, less than 10% of those still holding these assets arrived in Canada between 1990 and 1994.

Allied to this pattern of disinvestment are low levels of interest in return migration to South Africa. Only 14% said they had given a great deal of thought to returning to live in South Africa. Even fewer (6%) said it was likely they would return to live and work in South Africa within two years. Slightly more (11%) said it was likely within the next five years. These findings are a sobering contrast with an earlier SAMP survey of health professionals in South Africa itself, which found that 47% had given a great deal of thought to leaving the country.²⁵

Table 2: Assets in South Africa by Year of Immigration to Canada

Assets		Year of Immigration			
	% holding asset	1990–1994	1995–1999	2000–2004	2005–2010
		% of asset holders	% of asset holders	% of asset holders	% of asset holders
Bank account	28.1	6.3	12.1	31.6	50.0
Business	1.5	3.7	7.4	37.0	51.9
House	10.0	6.1	11.1	31.1	51.7
Investments	15.7	9.5	14.1	37.4	39.0
Land	6.1	4.5	15.4	31.8	48.3
Savings	11.4	4.8	11.6	34.0	49.6

Source: SAMP Survey

South Africans who have emigrated to Canada since the end of apartheid therefore progressively disengage economically from their country of origin, confining their interactions to a narrowing circle of friends and relatives who still live there. At the same time, the survey suggests that they remain quite engaged psychologically and culturally with South Africa. The first marker of this is their sense of personal identity. Despite the fact that over half are now Canadian citizens, 88% agreed/strongly agreed with the statement “being from South Africa is an important part of how I view

myself” and 82% agreed/strongly agreed with the statement “I feel strong ties with people from South Africa.” This sense of a South African identity is expressed in and reinforced by various cultural practices including eating foods from South Africa (92%), listening to South African music (83%), wanting their children to know about South African culture (82%), reading newspapers from South Africa (77%) and so on (Table 3). On every measure, more than 50% of respondents responded in the affirmative.

Table 3: Cultural Practices of South African Canadians

Activity	% Yes
Eat traditional foods from South Africa	92
Listen to music from South Africa	83
Want your children to know about the culture of South Africa	82
Read an online or print newspaper from South Africa in the past year	77
Consulted a website relating to South Africa in the past year	76
Joined a social networking group that is associated with South Africa in the past year	61
Find that most of your best friends are from South Africa	60
Want your children to learn a South African language	56
Closely followed political events in South Africa in the past year	53

Source: SAMP Survey

Identification as South African and engagement in practices and activities consistent with that self-identity does not, however, translate into a positive set of ideas and images about the country. Asked to compare Canada and South Africa on a variety of social, economic and political indices, respondents consistently gave Canada higher scores (Table 4). On three key indicators that resonate with the Huntley case (personal and family safety; racial, ethnic and cultural tolerance; and prospects for job advancement), over three-quarters of the respondents rated Canada more strongly. Other indicators on which a large majority rated Canada higher included upkeep of public amenities, income and medical services and treatment. On only one indicator, social life, was South Africa rated higher.

Russell Kaplan has said that Brandon Huntley’s claim for refugee status in Canada was a test case for “informing the world what a sickly place South Africa is for many white South Africans.” In Kaplan’s view, the case “contributed towards placing the plight of many white South Africans in South Africa on the world stage.”²⁶ In other words, Kaplan’s objective was not simply to obtain refugee status for his client but to open the door for further claims by white South Africans by presenting the situation in South Africa in a certain light. The next section examines how the “Kaplan view” constructs South Africa and whether this view has any resonance amongst the South African diaspora in Canada.

	Better in Canada %	Better in South Africa %	No difference %	No opinion %
Personal and family safety	98	0	1	1
Upkeep of public amenities	92	2	2	4
Racial, ethnic and cultural tolerance	84	3	9	4
Prospects for job advancement	77	8	10	5
Level of income	69	12	11	7
Medical services and treatment	69	22	7	2
Level of taxation	31	28	26	15
Social life	33	47	17	3

Source: SAMP Survey

THE KAPLAN VIEW

In his judgment, Justice Russell spoke of the “excesses” of Lara’s testimony to the IRB and observed that she was not the most objective witness to call to bolster Huntley’s claim for refugee protection.²⁷ In his view, Russell Kaplan was also not the most objective counsel that Huntley could have chosen to represent him.²⁸ Justice Russell’s conclusion was based primarily on the Kaplans’ highly emotional account at the IRB hearing in which they both wept while Lara recounted the details of the torture of their brother, Robert, by three black assailants in his South African home in 1997. The Kaplan family clearly had a “heavy emotional investment in the outcome of this case” and “wanted to assert their view of ‘reverse apartheid’ before the world.” Justice Russell was careful not to criticise them for this, reserving his negative remarks for William Davis, who had taken a very different view of the testimony. As Davis had noted: “(Lara Kaplan) brought to the hearing from her own personal experience, a vivid and detailed account of what is taking place in South Africa today vis-à-vis the African South Africans and the white South Africans and the indifference of the mainly African police force to protect them. White South Africans, she alleges, are no longer welcome in South Africa.”²⁹

Justice Russell concluded that Davis was “captivated” by the Kaplans’ interpretation of what was happening in South Africa to whites. He summarised the key elements of the Kaplan view of South Africa as follows:

- Black South Africans hate white South Africans for historical reasons and regard all whites as equally responsible for apartheid, believing that they “should be eradicated and stomped on like an ant” (in Lara Kaplan’s words);

- The present situation in South Africa is one of “reverse apartheid, which is in 200 percent of all the minds of white South Africans” (in Kaplan’s words);
- All whites in South Africa feel the hatred of black South Africans towards them;
- Black South Africans have “no regard” for the lives of white South Africans and South African society is “brutal”;
- Most crimes in South Africa are committed by black South Africans against white South Africans;
- The police will do nothing about the crimes committed against white South Africans;
- The mainly black South African police are “corrupt” and “in cahoots” with black criminals;
- The police will not help white South Africans because the whites deserve what is happening to them for historical reasons and it is “payback time for the blacks”;
- What is happening to whites in South Africa at the hands of black South Africans is “some kind of genocide”; and
- Since the end of apartheid the South African government has adopted and promoted policies aimed at replacing white South Africans with black South Africans in positions of power and influence.³⁰

Lara Kaplan’s statements to the Huntley hearing included the following on “reverse apartheid” in the police force:

(The police) never do anything. What police? There is no law and order there, there is no proper police force. It’s free reign in South Africa, kill who you want and get away with murder.... They are so poorly paid they get backhands, it’s full of fraudulence and corruption and there is no proper police force like there was prior to 1994. They could not handle it even if they wanted to and to be honest I don’t think they want to. They don’t care, if you are white South African and you report a case it’s like, you know, sorry, I’m busy. I’m on my teabreak. That’s the perception... They – everybody including the police force – seems to believe that if you are a white South African and you are attacked it’s because you deserve it. It’s coming to you, it’s due to you, it’s long overdue.³¹

Russell Kaplan deposited a selection of lurid South African newspaper articles detailing an array of violent crimes, attacks against white farmers in rural areas and affirmative action that had supposedly “stripped the country of 75 percent of its skilled population and is responsible for the deprivation of the constitutional and social rights of the white population.” Justice

Russell examined these and concluded that Davis had relied on material that was “strong on opinion but not on facts” and that, far from supporting the case, actually contradicted the allegations of criminality based on racial discrimination against white South Africans.³² Russell criticised Davis for ignoring the IRB’s own National Discrimination Package’s List of Documents on South Africa that provided an alternative perspective on crime and violence in South Africa and for not reviewing “more authoritative, objective and less emotionally partial sources.”

Justice Russell appears to have thought that the Kaplan view was a direct reflection of the Kaplan family’s personal experiences in South Africa. The question here, though, is whether the Kaplan’s construction of South Africa as a racial dystopia is not part of a broader discourse that circulates within the white South African diaspora abroad. Certainly, Kaplan’s representation of South Africa as a dystopia is echoed and reinforced by groups such as “We are White Refugees” that assiduously follow and comment on the Huntley case, organised an online petition against the Canadian government’s decision to appeal the IRB decision, continuously add to the reservoir of negative imagery about post-apartheid South Africa, and hearken back to the “good old days.”³³ But to what extent is the Kaplan view echoed more broadly within the South African diaspora in Canada? The argument here is that the dystopian views advanced by Russell and Lara Kaplan sit comfortably within a broader narrative about South Africa by white South Africans in Canada. The evidence is to be found in the responses of respondents to the SAMP diaspora survey.

A considerable number of survey respondents portrayed South Africa as an extremely violent society in which whites live in a constant state of fear and anxiety:

I was personally attacked and assaulted eight times in one year. My eldest daughter was robbed and held at gunpoint three times in one year. My house was robbed twice in one year, whilst I was in the house (Respondent No. 26).

Crime was a big factor in my decision to move away from South Africa. Myself and four other family members had been carjacked over the years. My immediate family and relatives had been victims of robbery and or burglary of some sort. It was just a matter of time before someone was murdered (Respondent No. 107).

I realised that sleeping with a gun under my pillow was not normal practice. The statistics at the time were that one out of three women would be raped, and if you were raped, you would contract HIV/AIDS. That equals a death sentence for me (Respondent No. 345).

I worked in a Security Armed Response Control Room, and we would receive the distress calls from homes that we monitor. The things I heard as we would dispatch armed guards to try and help, was unimaginable. There is no media out there, Canada included, that show the true occurrences that take place in South Africa. I promised myself I would not have children in South Africa and took my entire family (mom, dad, brother, sister-in-law, wife) to Canada. I have never returned, nor will I ever (Respondent No. 319).

Many of the respondents argued that whites were targeted not because they own a disproportionate share of the wealth in a highly unequal society, but simply because of their colour: “No one feels safe in South Africa anymore, especially the whites as they are targeted and attacked on a daily basis” (Respondent No. 473). South Africa, in the view of another, is riven by “crime, corruption, unfair discrimination, killing of white farmers and crime targeted towards whites” (Respondent No. 114). Canada was a country which offered “a safe life and opportunities for White people” (Respondent No. 77).

The theme of racial targeting was driven home by the frequent use of terms such as “apartheid in reverse.” The idea that the white population is under siege because of their skin colour extends well beyond personal knowledge of incidents of crime and violence. Here there are clear echoes of Lara Kaplan’s claim that the violent attack on her brother is evidence of a genocide against whites of which the world is unaware:

After Nelson Mandela was elected president the situation instead of being resolved was flipped around in South Africa, and everyone who was white was now being racially discriminated against. This involved jobs, education, and all other aspects of life (Respondent No. 419).

The only links I maintain with Africa are with my family members. I would return only if the political regime were to change to one that is ‘white-friendly’ and doesn’t actively want to get rid of me. I view the current political climate in SA as genocide in the making, and believe the levels of so-called ‘crime’ are encouraged as a way to rid the country of white people (Respondent No. 217).

I think a lot of people are totally unaware of what is really happening in SA. I have to say that SA is one of the most beautiful countries in the world, however corruption, crime, affirmative action and reverse apartheid makes it very difficult to live there. There is very little or no future for white

South Africans. The crime is not petty crime, it's barbaric, senseless (Respondent No. 353).

Attacks on white farmers feature prominently in the narrative and are used as a platform for broader commentary on Africa and Africans:

The infamous Boer killings started, and what that means is basically if you are a white farmer you will be slaughtered for your land because the black majority feels that it's theirs to begin with, even with their lack of education and history sense (Respondent No. 419).

I emigrated because the Government took my farm and gave it to the Black people who now are not effectively and economically managing it. I emigrated because we had several farm attacks and murdering of farmers in our region without any help of anyone. The media does not inform Canada about the "quiet WAR" going on in Africa right at this moment (Respondent No. 222).

Every day we read about white people who get killed in their homes and are living in fear for their lives. Jobs are being taken away from the white population. Thank God for the white brain power for many years whom the black people hate in SA. If it was not for them, SA would have been the same as East, West and North Africa (Respondent No. 166).

Personal and hearsay stories of violent crime were laced with vituperative accounts of the callous and indifferent response of the police and the government: "Get rid of the criminal government," wrote one, "and get rid of the butchers and the police force that is absolutely useless as they work mainly on bribes" (Respondent No. 499).

Another persistent theme with clear echoes of the Kaplan view concerns what the respondents refer to as "reverse discrimination" (i.e. affirmative action and Black Economic Empowerment or BEE in the South African lexicon). None of the over 600 respondents showed any sympathy with or appreciation for the rationale behind these corrective policies or of the fact that they personally might have benefitted educationally and economically from the racist policies of the apartheid government. Instead, they generally represented themselves, and whites in general, as victims:

The government couldn't care less about the future of my children. The government couldn't care less about safety and security. As long as they achieve their political ambitions which basically consists of putting black women then black men (and make your way up through the different lighter

colour schemes and sexes until you get to white men) into any job whether they have the ability to do it or not (Respondent No. 67).

As a family physician in South Africa I was forced by the ANC government to take on a black previously disadvantaged partner as part of affirmative action. Now you have to ask yourself if such a partner is a family physician and qualified is he or she still disadvantaged? After the so-called watering down (drop in standards to accommodate him/her) mickey mouse qualification he or she left university with, I was expected to drop my standards to help this candidate. This would have resulted in me doing the work as a physician and guarding my own patients against my underqualified black partner. I refused to drop standards and saw emigration as the only option. My family members were murdered and the spineless South African Police Service failed them. It was and still is just a matter of time before the ongoing policy of genocide against my white South African countrymen and women will be completed (Respondent No. 66).

The white population of South Africa, argued one, has no future “because they are now at the bottom of the list for employment opportunities” (Respondent No. 578). Many recounted personal experiences of victimization, for example, “When my husband lost his job in SA we realised the future looked scary since we could not survive on my salary and he was unlikely to find employment because of BEE” (Respondent No. 610). The idea that Black Economic Empowerment (BEE) turns whites into victims is especially common:

A co-worker was promoted to a Management position despite not being able to operate a computer (I therefore had to do all her typing and e-mails) – yet she earned almost double my salary (Reason given: B.E.E)!! (Respondent No. 26).

I was laid off at Telkom on management level, because I’m white. They had to ‘correct’ the numbers by having less white managers. Crime levels reached a high of family being murdered and raped just because they are white people. I will never return. I am too afraid I will get a letter again spelling out that I lose my job because I’m white. We can send billions of dollars to Africa and the Black people will waste it with corruption like they have been doing for ages – don’t you read the news over there? (Respondent No. 57).

This final verbatim quotation draws attention to a recurrent motif that Canada and the West does not know or care about what is happening to whites in South Africa:

As a white person I was always very liberal when living in SA and had the highest hopes that everyone, especially the blacks, would have a better life after Mandela's release and the end of apartheid. However the ANC hopelessly failed its own people in my opinion, and the rise of characters like Malema, who will surely be the next president, will lead SA to the same fate as Zimbabwe. But oh to be politically correct in Canada is more important than anything else, so let the people be murdered in the hundreds of thousands without any Canadian press coverage, and continue to live in poverty and zero hope for the future and rather sing the praises of the great hero Mandela to make us feel good about ourselves here in North America. Never acknowledge the realities for fear of uttering what could be interpreted as racist.

In many cases, the sense of outrage about Canadian attitudes spills over into overtly racist diatribes about Africa and Africans. The unreconstructed apartheid-era racist content of these narratives is not analysed further here because there is no evidence from the Huntley case that Huntley, or the Kaplans, are motivated by racism. If anything, the Kaplan view seems to find the supposed "genocidal war" against whites quite understandable given the history of the country and the "natural" human desire for revenge.

CONCLUSION

The merits of Brandon Huntley's claim for refugee status in Canada will shortly be re-assessed by the Immigration and Refugee Board following the finding of the Federal Court that the original judgment was unreasonable and strewn with errors and procedural irregularities. Media attention will no doubt escalate as the hearing draws closer and a new judgment is announced. As this paper has argued, the dystopian picture of South Africa painted by lawyer Russell Kaplan and witness Lara Kaplan at the original IRB hearing is not peculiar to these two individuals but circulates more broadly within the South African diaspora in Canada, in virtually every detail.

To what extent is this narrative of South Africa as dystopia the stuff of everyday interaction and conversation between South African Canadians? To what extent and through what channels is this narrative fed, sustained and amplified by new information, stories and anecdotes from South Afri-

ca? Is this narrative particular to South Africans in Canada or does it have looser spatial boundaries and broader connectivities? The first two questions can only be addressed through further research. However, some comments on the third question are in order. In September 2009, the “We Are White Refugees” website launched an online petition to the UNHCR and various governments on behalf of Huntley. In all, the group gathered 1,026 signatures. The petitioners were drawn from a wide variety of countries but the list was dominated by white South Africans in South Africa (53% of the signatories) followed by the United States (11%), Australia and New Zealand (9%), Europe (7%), the United Kingdom (6%) and Canada (5%). Many of those signing the petition also left comments that directly echo aspects of the Kaplan view about the situation and fate of whites in South Africa. In other words, the Kaplan view is certainly not constrained by Canada’s national boundaries. The narrative of South Africa as dystopia is likely to originate and be reinforced by sections of the white population in South Africa itself and is an example of what Steyn and Foster call “white talk” and “resistant whiteness.”³⁴

There is no question that post-apartheid South Africa has experienced unprecedented levels of violent crime. But, as Justice Russell observed, it is quite another thing to suggest that all crime against whites is racially motivated and part of a broader campaign of genocide. None of the respondents in the SAMP survey made any reference to the disproportionate impact of violent crime on the country’s black population.³⁵ In the Kaplan view, only whites are victims. A 2010 survey of a representative national sample of South Africans painted a very different picture.³⁶ The survey found that other racial groups were significantly more vulnerable to theft and physical attacks than whites: 11% of whites had experienced a physical attack on them or their family members in the previous year, compared to 18% of Black Africans and Indians and 17% of Coloureds. Or again, while 29% of whites reported a theft from their home in the previous year, the equivalent figure for other racial groups was 45% for Indians and Coloureds and 37% of Black Africans. Fear of crime was also more intense amongst other groups: for example, 11% of whites said they lived in constant fear of crime in their own homes compared with 19% of Coloureds, 20% of Black Africans and 54% of Indians. However, when asked which was the most important problem facing the country, 22% of whites said crime and security (a concern of only 5% of Black Africans). In contrast, 41% of Black Africans said that unemployment was the major problem compared with only 11% of whites. Given the Kaplan view that affirmative action and BEE are denying employment opportunities to whites this, too, is an important corrective finding.

The final issue concerns the pervasiveness of the Kaplan view of racial genocide within the white South African diaspora in Canada. On the one

hand, it might be objected, asking people their reasons for leaving South Africa will inevitably draw responses that focus on the threat to life and security. On the other, there was no compulsion and no additional probing involved in collecting the narratives. They were voluntarily offered and there were few contrary views. While some narratives were more extreme than others, they were all of a type and have resonance in the Kaplan view articulated at the Huntley hearing. We certainly cannot conclude that the view is held and internalised by all South Africans in Canada. For example, a small proportion of the respondents (around 20%) do engage in some of the activities more typical of an engaged diaspora and see a role for themselves in the development of South Africa. However, the dominant diaspora view of South Africa from Canada is that it is, at best, a racial dystopia and, more accurately, a site of systematic racial destruction of the white population.

ENDNOTES

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- 2 IRB Ruling: Brandon Carl Huntley RPD File/No. Dossier SPR: MA8-04910 at www.cbc.ca/news/pdf/huntley-decision.pdf (accessed 26 September 2012).
- 3 Ibid.
- 4 A Google search in 2009 found that the case had been the subject of 113,000 press stories and articles; see Federal Court of Appeal, File No IMM-4423-09, *Minister of Citizenship and Immigration v Brandon Carl Huntley*, Affidavit from Stephanie Gude, 2 November 2009, Para. 3.
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- 8 Federal Court of Appeal, File No IMM-4423-09, *Minister of Citizenship and Immigration v Brandon Carl Huntley*, 24 November 2010, Para. 220.
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- 28 *Ibid.*, Para. 180.
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